

Enrolled House Bill 4051

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.308 and section 4, chapter 18, Oregon Laws 2021, and section 8, chapter 448, Oregon Laws 2021; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) **The Task Force on Homelessness and Racial Disparities shall provide a report, to an appropriate committee or interim committee of the Legislative Assembly in the manner provided in ORS 192.245, specifically identifying implementation pathways for changes to the state’s funding structure, modifications for contracting processes and solutions regarding the eligibility and funding of services under section 7 (3)(b), (d) and (e), chapter 448, Oregon Laws 2021.**

(2) **The task force shall deliver an interim report by September 15, 2022, and a final report by March 31, 2023.**

(3) **The task force shall deliver a copy of the interim report and final report to the Oregon Housing Stability Council.**

(4) **This section and section 7, chapter 448, Oregon Laws 2021, do not prohibit the task force from developing additional reports or delivering those reports to the Legislative Assembly or council.**

SECTION 2. Section 8, chapter 448, Oregon Laws 2021, is amended to read:

Sec. 8. Section 7, chapter 448, Oregon Laws 2021, and section 1 of this 2022 Act are *[of this 2021 Act is]* repealed on *[July 1, 2022]* **January 2, 2026.**

SECTION 2a. **Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter 556, Oregon Laws 2021, for the biennium ending June 30, 2023, is increased by \$362,977 for professional services costs of the Task Force on Homelessness and Racial Disparities.**

SECTION 3. Section 4, chapter 18, Oregon Laws 2021, is amended to read:

Sec. 4. (1) Section 3, chapter 18, Oregon Laws 2021, *[of this 2021 Act]* is repealed on July 1, *[2022]* **2023.**

(2) The repeal of section 3, chapter 18, Oregon Laws 2021, *[of this 2021 Act]* by subsection (1) of this section does not affect an application for the development of land for an emergency shelter that was completed and submitted before the date of the repeal.

SECTION 4. ORS 197.308 is amended to read:

197.308. (1) As used in this section, “affordable housing” means residential property:

(a) In which:

(A) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or

(B) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

(b) Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

(2) A local government shall allow affordable housing, and may not require a zone change or conditional use permit for affordable housing, **if the proposed affordable housing is** on property [if] **that is:**

(a) [*The housing is*] Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) [*The property is*] Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) Subsection (2) of this section:

(a) Does not apply to the development of housing not within an urban growth boundary.

(b) Does not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(c) Applies on property zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(d) Does not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(4) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

(5)(a) Subsection (4) of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection (4) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use plan-

ning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

SECTION 5. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House February 28, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 2, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2022

Approved:

.....M,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2022

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Shemia Fagan, Secretary of State