

HB 3442 -2 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 3/16, 3/23

WHAT THE MEASURE DOES:

Restricts local governments from denying or limiting approval of affordable housing applications on property located within a 100-year flood plain, or that is subject to property development constraints under land use regulations relating to natural disasters and hazards, provided that more than a (to be determined) percent of lands within the urban growth boundary where the property is located are within a 100-year flood plain or are subject to the specified property development constraints. Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Allows local government to approve affordable housing applications on property located within a 100-year flood plain, or that is subject to property development constraints under land use regulations relating to natural disasters and hazards, if: more than 60 percent of lands within the urban growth boundary (UGB) in which the property is located are within a tsunami inundation zone; or if more than 30 percent of lands within the UGB. Specifies development must be: within a UGB located no more than 10 miles from the Pacific Ocean; in areas that require compliance with specified federal and local flood insurance and flood plain regulations. Prohibits development be sited in locations without floodways or in public parks. Allows local government to prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described by Act.

BACKGROUND:

Local governments may deny or condition the approval of affordable housing applications based on a variety of factors, including whether the application proposes to develop on land zoned for residential uses and the nature of the property ownership. A local government's denial of an affordable housing application may be challenged through the Land Use Board of Appeals (LUBA), a three-member board of lawyers who belong to the Oregon State Bar, appointed by the Governor and confirmed by the Oregon Senate to serve four-year terms.

In 2021, the Legislative Assembly enacted Senate Bill 8, which restricted local governments from denying or limiting the approval of affordable housing applications on lands within an urban growth boundary, subject to certain zoning and property ownership conditions. The measure specified the provisions did not apply on lands where the property is within a 100-year floodplain, or the development of the property is constrained by land use regulations based on statewide land use planning goals related to natural disasters and hazards.

House Bill 3442 restricts local governments from denying or limiting approval of affordable housing projects for properties that are located within a 100-year flood plain or are subject to development constraints based on land use regulations, provided that more than a (to be determined) percent of lands within the urban growth boundary where the property is located are within a 100-year flood plain or are subject to the specified property development constraints.