

House Bill 3569

Sponsored by Representative MORGAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes alternative process by which local government must approve application to develop housing on lands zoned to allow residential uses.

Sunsets January 2, 2033.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS**
5 **chapter 197.**

6 **SECTION 2. (1) The Legislative Assembly finds that:**

7 (a) **Having an adequate supply of housing is critical to the well-being and safety of the**
8 **people of this state and to the economic welfare of this state.**

9 (b) **A limited supply of housing causes the costs of housing to increase, which causes**
10 **adverse effects in those communities.**

11 (c) **Home and land ownership is essential to breaking cycles of poverty and increasing the**
12 **economic prosperity of this state.**

13 (d) **The people of this state have the right to an adequate supply of affordable housing**
14 **on lands zoned for residential use.**

15 (e) **Land use planning should limit opportunities for arbitrary delay, conflict or unneces-**
16 **sary costs to building needed housing.**

17 (f) **Housing development must be protected from regulation, zoning ordinances, policies**
18 **or legal actions limiting needed housing production.**

19 (2) **The Legislative Assembly declares that it is the policy of this state that:**

20 (a) **Housing development on lands zoned for residential use must be protected.**

21 (b) **The lack of a housing supply is a matter of public concern.**

22 (c) **Persons who reside in or near an area zoned for residential use must accept that**
23 **housing of all types and of all income levels will be built in their community.**

24 (d) **Section 3 of this 2023 Act is necessary to immediately increase the housing supply in**
25 **this state.**

26 **SECTION 3. (1) As used in this section, "housing" means all housing types, including**
27 **single-family, middle, multifamily and manufactured housing, sited on land zoned for resi-**
28 **dential use or mixed residential and commercial use.**

29 (2) **Notwithstanding ORS chapter 195, 197A, 215 or 227 or any other provision of this**
30 **chapter, any statewide land use planning goal, rule of the Land Conservation and Develop-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ment Commission or local land use regulation, zoning ordinance, regional framework plan,
 2 functional plan or comprehensive plan, a local government shall evaluate and approve an
 3 application for the development of housing, including land division, if the applicant requests
 4 review under this section and the housing:

5 (a) Is or can be readily serviced by all necessary urban services, as defined in ORS
 6 195.065, prior to the issuance of a building permit;

7 (b) Will comply with applicable building codes;

8 (c) Will not pose any unreasonable risk to public health or safety; and

9 (d) Will be located:

10 (A) Inside an urban growth boundary;

11 (B) On lands zoned to allow residential use, including mixed residential and commercial
 12 use; and

13 (C) Not within an area designated under a statewide planning goal relating to natural
 14 disasters and hazards, including flood plains or mapped environmental health hazards, unless
 15 the development complies with regulations directly related to the hazard.

16 (3) In evaluating an application for the development of housing under subsection (2) of
 17 this section, a local government shall approve the application if it finds substantial evidence
 18 for each of the criteria required under subsection (2)(a) to (d) of this section.

19 (4) Within 21 days after receiving an application for development under this section, a
 20 local government shall notify the applicant if the application is incomplete, and shall specify
 21 the missing information. For the purposes of this section, an application is considered com-
 22 plete when the local government determines that the application is complete or when the
 23 applicant refuses in writing to provide missing information identified under this subsection.

24 (5) Within 21 days of receiving a complete application for development under this section,
 25 the local government must notify each state agency, local government or special district that
 26 is responsible for providing urban services to the development.

27 (6) The local government:

28 (a) May not hold a hearing on the application; and

29 (b) Is not required to consider written comments from any person other than the appli-
 30 cant and those listed in subsection (5) of this section.

31 (7) Within 120 days after receiving a complete application for development under this
 32 section, the local government shall issue a final decision approving or denying the application
 33 for development. The final decision must be in writing in any form reasonably intended to
 34 communicate the local government's basis for the determination.

35 (8) A final decision made under this section is not a land use decision as defined in ORS
 36 197.015 (10), and may be appealed only by the applicant and only in the manner set forth in
 37 ORS 34.010 to 34.100.

38 **SECTION 4.** Sections 2 and 3 of this 2023 Act are repealed on January 2, 2033.

39 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
 41 on its passage.