

# Senate Bill 930

Sponsored by Senators SMITH DB, KNOPP

## 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**.

Expands attorney fee award for prevailing applicants to include any person developing needed housing whose approval is appealed to Land Use Board of Appeals.

## A BILL FOR AN ACT

1 Relating to attorney fees for land use appeals of housing developments; creating new provisions; and  
2 amending ORS 197.843.

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

4 **SECTION 1.** ORS 197.843 is amended to read:

5 197.843. (1) The Land Use Board of Appeals shall award attorney fees to *[an applicant]* **a person**  
6 whose application is only for the development of *[affordable housing, as defined in ORS 197.308, or*  
7 *publicly supported housing, as defined in ORS 456.250]* **needed housing, as defined in ORS**  
8 **197.303**, if the board affirms a quasi-judicial land use decision approving the application or reverses  
9 a quasi-judicial land use decision denying the application.

10 (2) A party who was awarded attorney fees under this section or ORS 197.850 shall repay the  
11 fees plus any interest from the time of the judgment if the property upon which the fees are based  
12 is developed for a use other than *[affordable]* **the proposed** housing.

13 (3) As used in this section,[:]

14 *[(a) "Applicant" includes:]*

15 *[(A) An applicant with a funding reservation agreement with a public funder for the purpose of*  
16 *developing publicly supported housing;]*

17 *[(B) A housing authority, as defined in ORS 456.005;]*

18 *[(C) A qualified housing sponsor, as defined in ORS 456.548;]*

19 *[(D) A religious nonprofit corporation;]*

20 *[(E) A public benefit nonprofit corporation whose primary purpose is the development of affordable*  
21 *housing; and]*

22 *[(F) A local government that approved the application of an applicant described in this*  
23 *paragraph.]*

24 *[(b)] "attorney fees" includes prelitigation legal expenses, including preparing the application*  
25 *and supporting the application in local land use hearings or proceedings.*

26 **SECTION 2. The amendments to ORS 197.843 by section 1 of this 2023 Act apply to deci-**  
27 **sions for which a notice of intent to appeal under ORS 197.830 is filed on or after January**  
28 **1, 2024.**

29  
30  

---

**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.