

Requested by Representative CATE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2984**

1 On page 1 of the printed bill, line 2, after “197.308” insert “and 197.843”.

2 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 197.308, as amended by section 4, chapter 47, Oregon
4 Laws 2022, is amended to read:

5 “197.308. *[(1) As used in this section, ‘affordable housing’ means residential*
6 *property:]*

7 “[*(a) In which:*]

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

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

14 “[*(b) Whose affordability is enforceable, including as described in ORS*
15 *456.270 to 456.295, for a duration of no less than 30 years.]*

16 “[*(2)*] **(1)** A local government shall allow [*affordable*] housing, and may
17 not require a zone change or conditional use permit for [*affordable housing,*
18 *if the proposed affordable*] housing **that** is on property [*that is*] **zoned:**

19 “[*(a) Owned by:*]

20 “[*(A) A public body, as defined in ORS 174.109; or]*

21 “[*(B) A nonprofit corporation that is organized as a religious corporation;*

1 or]

2 “[*(b)* Zoned:]

3 “[*(A)*] **(a)** For commercial uses;

4 “[*(B)*] **(b)** To allow religious assembly; or

5 “[*(C)*] **(c)** As public lands.

6 **“(2) A local government shall allow the conversion of a building**
7 **from a commercial use to a residential use. The local government may**
8 **not require a zone change or conditional use permit for the use.**

9 **“(3) [Subsection (2)] Subsections (1) and (2) of this section:**

10 **“(a) [Does not] Apply **only** [to the development of housing not] within an**
11 **urban growth boundary.**

12 **“(b) [Does] **Do** not trigger any requirement that a local government con-**
13 **sider or update an analysis as required by a statewide planning goal relating**
14 **to economic development.**

15 **“(c) [Applies] **Apply** on property zoned to allow for industrial uses only**
16 **if the property is:**

17 **“(A) Publicly owned **or vacant land**;**

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

19 **“(C) Not specifically designated for heavy industrial uses.**

20 **“(d) [Does] **Do** not apply on lands where the local government determines**
21 **that:**

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

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

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

27 **“(D) The development of the property is constrained by land use regu-**
28 **lations based on statewide land use planning goals relating to:**

29 **“(i) Natural disasters and hazards; or**

30 **“(ii) Natural resources, including air, water, land or natural areas, but**

1 not including open spaces or historic resources.

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

5 “[(a) Any local density bonus for affordable housing; or]

6 “[(b) Without consideration of any local density bonus for affordable hous-
7 ing:]

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

10 “[B) For property with existing maximum density of 17 or more units per
11 acre and 45 or fewer units per acre, 150 percent of the existing density and 24
12 additional feet; or]

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

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

18 “[(b) A local government may reduce the density or height of the density
19 bonus allowed under subsection (4) of this section as necessary to address a
20 health, safety or habitability issue, including fire safety, or to comply with a
21 protective measure adopted pursuant to a statewide land use planning goal.
22 Notwithstanding ORS 197.350, the local government must adopt findings sup-
23 ported by substantial evidence demonstrating the necessity of this reduction.]

24 “(4) **For the development of housing under subsection (2) of this**
25 **section, a local government:**

26 “(a) **May not enforce any land use regulation that establishes a**
27 **minimum number of parking spaces that is greater than the amount**
28 **allowed for the existing commercial use.**

29 “(b) **May require the payment of a system development charge as**
30 **defined in ORS 223.299, if:**

1 **“(A) The charge is calculated pursuant to a specific adopted policy**
2 **for commercial to residential conversions; or**

3 **“(B) The charge is offset by credits for system development charges**
4 **that were paid when the building was originally constructed.**

5 **“SECTION 2.** ORS 197.843 is amended to read:

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

12 “(2) A party who was awarded attorney fees under this section or ORS
13 197.850 shall repay the fees plus any interest from the time of the judgment
14 if the property upon which the fees are based is developed for a use other
15 than affordable housing.

16 “(3) As used in this section:

17 **“(a) ‘Affordable housing’ means publicly supported housing as pro-**
18 **vided in ORS 456.250 or residential property:**

19 **“(A) In which:**

20 **“(i) Each unit on the property is made available to own or rent to**
21 **families with incomes of 80 percent or less of the area median income**
22 **as determined by the Oregon Housing Stability Council based on in-**
23 **formation from the United States Department of Housing and Urban**
24 **Development; or**

25 **“(ii) The average of all units on the property is made available to**
26 **families with incomes of 60 percent or less of the area median income;**
27 **and**

28 **“(B) With affordability, including affordability under a covenant as**
29 **described in ORS 456.270 to 456.295, that is enforceable for a duration**
30 **of no less than 30 years.**

1 “[a] (b) ‘Applicant’ includes:

2 “(A) An applicant with a funding reservation agreement with a public
3 funder for the purpose of developing publicly supported housing;

4 “(B) A housing authority, as defined in ORS 456.005;

5 “(C) A qualified housing sponsor, as defined in ORS 456.548;

6 “(D) A religious nonprofit corporation;

7 “(E) A public benefit nonprofit corporation whose primary purpose is the
8 development of affordable housing; and

9 “(F) A local government that approved the application of an applicant
10 described in this paragraph.

11 “[b] (c) ‘Attorney fees’ includes prelitigation legal expenses, including
12 preparing the application and supporting the application in local land use
13 hearings or proceedings.”.

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