

Requested by Senator WEBER

**PROPOSED AMENDMENTS TO  
SENATE BILL 406**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and line 3 and insert “197.286, 197.758, section 3, chapter 639, Oregon  
3 Laws 2019, and sections 1, 4, 5 and 9, chapter \_\_\_, Oregon Laws 2023 (En-  
4 rolled House Bill 2001).”

5 Delete lines 5 through 31.

6 On page 2, delete lines 1 through 15 and insert:

7 **“SECTION 1.** If House Bill 2001 becomes law, ORS 197.286, as amended  
8 by section 5, chapter 54, Oregon Laws 2022, and section 12, chapter \_\_\_,  
9 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

10 “197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

11 “(1) ‘Allocated housing need’ means:

12 “(a) For a city outside Metro, the housing need allocated to a city under  
13 section 2 (2), **chapter \_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001),**  
14 *[of this 2023 Act]* as segmented by income level under section 2 (4), **chapter**  
15 **\_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001),** *[of this 2023 Act]*; or

16 “(b) For a city within Metro, the housing need allocated to the city by  
17 Metro under ORS 197.303 (3).

18 “(2) ‘Buildable lands’ means lands in urban and urbanizable areas that  
19 are suitable, available and necessary for the development of needed housing  
20 over a 20-year planning period, including both vacant land and developed  
21 land likely to be redeveloped.

1       “(3) ‘City’ and ‘city with a population of 10,000 or greater’ includes,  
2 regardless of size, any city within Tillamook County and the commu-  
3 nities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie,  
4 Neskowin, Netarts, Oceanside and Pacific City/Woods.

5       “[(3)] (4) ‘Government assisted housing’ means housing that is financed  
6 in whole or part by either a federal or state housing agency or a housing  
7 authority as defined in ORS 456.005, or housing that is occupied by a tenant  
8 or tenants who benefit from rent supplements or housing vouchers provided  
9 by either a federal or state housing agency or a local housing authority.

10       “[(4)] (5) ‘Housing capacity’ means the number of needed housing units  
11 that can be developed on buildable lands within the 20-year planning period  
12 based on the land’s comprehensive plan designation and capacity for housing  
13 development and redevelopment.

14       “[(5)] (6) ‘Housing production strategy’ means a strategy adopted by a  
15 local government to promote housing production under ORS 197.290.

16       “[(6)] (7) ‘Manufactured dwelling,’ ‘manufactured dwelling park,’ ‘manu-  
17 factured home’ and ‘mobile home park’ have the meanings given those terms  
18 in ORS 446.003.

19       “[(7)] (8) ‘Periodic review’ means the process and procedures as set forth  
20 in ORS 197.628 to 197.651.

21       “[(8)] (9) ‘Prefabricated structure’ means a prefabricated structure, as de-  
22 fined in ORS 455.010, that is relocatable, more than eight and one-half feet  
23 wide and designed for use as a single-family dwelling.

24       “**SECTION 2.** ORS 197.758 is amended to read:

25       “197.758. (1) As used in this section:

26       “(a) ‘City’ or ‘city with a population of 25,000 or greater’ includes,  
27 regardless of size, any city within Tillamook County and the commu-  
28 nities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie,  
29 Neskowin, Netarts, Oceanside and Pacific City/Woods.

30       “[(a)] (b) ‘Cottage clusters’ means groupings of no fewer than four de-

1 tached housing units per acre with a footprint of less than 900 square feet  
2 each and that include a common courtyard.

3 “[*b*] (c) ‘Middle housing’ means:

4 “(A) Duplexes;

5 “(B) Triplexes;

6 “(C) Quadplexes;

7 “(D) Cottage clusters; and

8 “(E) Townhouses.

9 “[*c*] (d) ‘Townhouses’ means a dwelling unit constructed in a row of two  
10 or more attached units, where each dwelling unit is located on an individual  
11 lot or parcel and shares at least one common wall with an adjacent unit.

12 “(2) Except as provided in subsection (4) of this section, each city with  
13 a population of 25,000 or [*more*] **greater** and each county or city within a  
14 metropolitan service district shall allow the development of:

15 “(a) All middle housing types in areas zoned for residential use that allow  
16 for the development of detached single-family dwellings; and

17 “(b) A duplex on each lot or parcel zoned for residential use that allows  
18 for the development of detached single-family dwellings.

19 “(3) Except as provided in subsection (4) of this section, each city not  
20 within a metropolitan service district with a population of more than 10,000  
21 and less than 25,000 shall allow the development of a duplex on each lot or  
22 parcel zoned for residential use that allows for the development of detached  
23 single-family dwellings. Nothing in this subsection prohibits a local govern-  
24 ment from allowing middle housing types in addition to duplexes.

25 “(4)(a) **Except within Tillamook County**, this section does not apply to:

26 “[*a*] (A) Cities with a population of 1,000 or fewer, **except inside of**  
27 **Tillamook County**;

28 “[*b*] (B) Lands not within an urban growth boundary;

29 “[*c*] (C) Lands that are not incorporated and also lack sufficient urban  
30 services, as defined in ORS 195.065; **or**

1       “[(d) Lands that are not zoned for residential use, including lands zoned  
2 primarily for commercial, industrial, agricultural or public uses; or]

3       “[(e)] (D) Lands that are not incorporated and are zoned under an interim  
4 zoning designation that maintains the land’s potential for planned urban  
5 development.

6       “(b) This section does not apply to lands that are not zoned for  
7 residential use, including lands zoned primarily for commercial, in-  
8 dustrial, agricultural or public uses.

9       “(5) Local governments may regulate siting and design of middle housing  
10 required to be permitted under this section, provided that the regulations do  
11 not, individually or cumulatively, discourage the development of all middle  
12 housing types permitted in the area through unreasonable costs or delay.  
13 Local governments may regulate middle housing to comply with protective  
14 measures adopted pursuant to statewide land use planning goals.

15       “(6) This section does not prohibit local governments from permitting:

16       “(a) Single-family dwellings in areas zoned to allow for single-family  
17 dwellings; or

18       “(b) Middle housing in areas not required under this section.”.

19       In line 16, delete “2” and insert “3”.

20       Delete line 22 and insert:

21       “(c) July 1, 2025, for each city, as defined in ORS 197.758, in Tillamook  
22 County.”.

23       Delete lines 41 through 45 and delete pages 3 through 7 and insert:

24       “**SECTION 4.** If House Bill 2001 becomes law, section 1, chapter \_\_\_\_,  
25 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

26       “**Sec. 1.** (1) There is established within the Oregon Department of Ad-  
27 ministrative Services the Oregon Housing Needs Analysis. The purposes of  
28 the Oregon Housing Needs Analysis are to further the:

29       “(a) Production of housing to meet the need of Oregonians at all levels  
30 of affordability; and

1 “(b) Production of housing in a way that creates more housing choice by  
2 affirmatively furthering fair housing, as defined in ORS 197.290.

3 “(2) The Oregon Housing Needs Analysis consists of three components as  
4 follows:

5 “(a) The annual statewide housing analysis under section 2 (1), **chapter**  
6 **\_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*;

7 “(b) The allocated housing need under section 2 (2), **chapter \_\_\_,**  
8 **Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*; and

9 “(c) The housing production targets under section 3, **chapter \_\_, Oregon**  
10 **Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*.

11 “(3) Actions taken by the department under sections 1 to 3, **chapter \_\_\_,**  
12 **Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*, are not  
13 subject to ORS 197.180 and are not land use decisions.

14 “(4) The Department of Land Conservation and Development and the  
15 Housing and Community Services Department:

16 “(a) Shall assist the Oregon Department of Administrative Services with  
17 its duties under sections 1 to 3, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
18 **House Bill 2001)** *[of this 2023 Act]*.

19 “(b) May study and recommend methodological changes to the Oregon  
20 Department of Administrative Services to improve the Oregon Housing Needs  
21 Analysis’ functions and suitability for its purposes under subsection (1) of  
22 this section. The departments may solicit written and oral public testimony  
23 to inform their recommendations.

24 “(5) As used in sections 1 to 3, **chapter \_\_, Oregon Laws 2023 (En-**  
25 **rolled House Bill 2001), ‘city’ or ‘city with a population of 10,000 or**  
26 **greater’ has the meaning given the term in ORS 197.286.**

27 “**SECTION 5.** If House Bill 2001 becomes law, section 4, chapter \_\_,  
28 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

29 “**Sec. 4.** (1) The Housing and Community Services Department may adopt  
30 rules to implement this section and section 5, **chapter \_\_, Oregon Laws**

1 **2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

2 “(2) On an annual basis the Housing and Community Services Department  
3 shall update a publicly available statewide housing production dashboard.

4 “(3) The dashboard shall include, for each city with a population of 10,000  
5 or greater, **as defined in ORS 197.286**:

6 “(a) Progress toward housing production by affordability levels, as de-  
7 scribed in section 2 (4), **chapter \_\_, Oregon Laws 2023 (Enrolled House**  
8 **Bill 2001)**, [*of this 2023 Act*] and total housing targets; and

9 “(b) A comparative analysis of progress in comparison to the region and  
10 other local governments with similar market types.

11 “(4) Information in the dashboard must be based on:

12 “(a) Inventory of publicly supported housing, as defined in ORS 456.250,  
13 that is maintained by the department; and

14 “(b) Information submitted to the department under section 37 (3), **chap-**  
15 **ter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

16 “**SECTION 6.** If House Bill 2001 becomes law, section 5, chapter \_\_,  
17 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

18 “**Sec. 5.** (1) On an annual basis the Housing and Community Services  
19 Department shall update publicly available statewide housing equity indica-  
20 tors.

21 “(2) The indicators shall include, for each city **under section 4, chapter**  
22 **\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)**, quantifiable data, to  
23 the extent that the department can determine, define or estimate it, display-  
24 ing:

25 “(a) Housing outcomes, such as cost burden and availability of housing  
26 units to own or to rent, and housing condition for various demographics,  
27 including race or ethnicity, disability status, English proficiency and age;

28 “(b) Housing types produced and overall land efficiency of housing pro-  
29 duction;

30 “(c) New housing units built to standards, as defined by the Department

1 of Consumer and Business Services by rule, relating to accessibility and  
2 visitability;

3 “(d) Risk of gentrification and displacement;

4 “(e) Housing segregation by race and income;

5 “(f) Environmentally just housing outcomes, informed by the environ-  
6 mental justice mapping tool, developed by the Environmental Justice Council  
7 under section 12, chapter 58, Oregon Laws 2022;

8 “(g) Residential tenants who spend more than 50 percent of their house-  
9 hold income on gross rent for housing; and

10 “(h) Other measurable factors or indicators identified by the department.

11 **“SECTION 7.** If House Bill 2001 becomes law, section 9, chapter \_\_\_\_,  
12 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

13 **“Sec. 9.** (1) The Land Conservation and Development Commission shall  
14 adopt rules and amendments to rules related to urbanization as follows:

15 **“(a) On or before June 30, 2024, adopt a schedule by which cities,**  
16 **as defined in ORS 197.286, in Tillamook County shall demonstrate suf-**  
17 **ficient buildable lands.**

18 **“[(a)] (b)** On or before January 1, 2025, to implement ORS 197.290, 197.291,  
19 197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and

20 **“[(b)] (c)** On or before January 1, 2026, to implement ORS 197.286 to  
21 197.314, except as provided in paragraph **[(a)] (b)** of this subsection.

22 **“(2)** In adopting rules under this section, the commission shall prioritize:

23 **“(a)** Facilitating and encouraging housing production, affordability and  
24 housing choice on buildable lands within an urban growth boundary;

25 **“(b)** Providing greater clarity and certainty in the adoption and ac-  
26 knowledgement of housing capacity analyses, urban growth boundary  
27 amendments, urban growth boundary exchanges or urban reserves to accom-  
28 modate an identified housing need;

29 **“(c)** Reducing analytical burden, minimizing procedural redundancy and  
30 increasing legal certainty for local governments pursuing urban growth

1 boundary amendments, urban growth boundary exchanges or urban reserves  
2 where a housing need is identified, especially for smaller cities, consistent  
3 with the appropriate protection of resource lands; and

4 “(d) Supporting coordinated public facilities planning, annexation, and  
5 comprehensive plan amendments to facilitate the development of lands  
6 brought into an urban growth boundary.

7 “(3) In adopting rules under subsection [(1)(a)] **(1)(b)** of this section, the  
8 commission shall:

9 “(a) Consult with the Housing and Community Services Department, De-  
10 partment of Transportation, Department of Environmental Quality, Depart-  
11 ment of State Lands, Oregon Business Development Department and  
12 Department of Consumer and Business Services;

13 “(b) Provide clear parameters on the types and extent of actions needed  
14 or allowed under ORS 197.290 (3) that are consistent with the technical and  
15 resource capacities of varying sizes of local governments; and

16 “(c) Recognize actions already taken by local governments.

17 “(4) To avoid interference with current planning activities or to avoid  
18 unjust or surprising results, the Land Conservation and Development Com-  
19 mission may postpone, for cities specified by the commission, the applicabil-  
20 ity of sections 13, 21, 22 or 23, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
21 **House Bill 2001)**, [*of this 2023 Act*] and the amendments to ORS 197.286,  
22 197.290, 197.296, 197.297 and 197.303, by sections 12 and 25 to 28, **chapter \_\_,**  
23 **Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], until a  
24 date that is not later than January 1, 2026.

25 “(5) **To provide for flexibility and coordination of county resources,**  
26 **the commission may adopt any policies or rules necessary to allow**  
27 **cities, as defined in ORS 197.286, in Tillamook County to cooperate**  
28 **with the county in fulfilling any of the cities’ duties under ORS 197.286**  
29 **to 197.314 or coordinating the distribution of any funds to the cities for**  
30 **such purposes.”.**



