



May 11, 2023

House Committee on Rules

Re: concerns about HB 3414 and HB 3414-6

Chair Fahey, Vice-Chairs Breese-Iverson and Kropf, members of the House Committee on Rules:

AOC supports the goals behind HB 3414 of clearing away barriers to needed housing construction, but county leaders have voiced a number of serious concerns about the bill as introduced. We appreciate proponents' willingness to try to address many of concerns we raised, many of which are partially addressed in the -6 amendments. However, many of our core concerns aren't addressed by the -6 amendments, and we fear that the bill's impact may well be the opposite of what's intended. We ask that you carefully think through how this bill will actually work in practice before moving it forward.

The -5 amendments do address most of the concerns county leaders have noted and would seem to eliminate many of the adverse unintended consequences that we worry could result from the introduced version or HB 3414 -6. Chiefly, we fear HB 3414 and HB 3414-6 would redirect the efforts of local government staff away from doing the work of approving needed housing construction toward instead dealing with proliferating variance requests. We also fear that local governments would be buried in paperwork and litigation, and that developers could abuse the variance process to boost their own profit margins without building any needed housing.

One of the most serious concerns we have about HB 3414 and HB 3414-6 is how they put the onus on local governments to defend any and all local housing regulations any time a developer finds one inconvenient. Many local governments across Oregon are severely under-resourced, face serious capacity challenges, and cannot take on an additional unfunded mandate of justifying why every rule should apply to every case. Even though HB 3414 and HB 3414-6 intend to protect certain kinds of local government regulations from being violated by variances, in practice, many local governments will lack the capacity to defend these regulations. In practice, we fear local governments will have no choice but to allow developers to violate regulations that are critical for protecting health, safety, and other public priorities, potentially leading to unsafe construction that endangers life and safety. HB 3414-5 eliminates this problem by making it clear which types of regulations are vulnerable to being violated through the variance process, so developers can't overwhelm local governments by "flooding the zone" with variance requests.

Local control is a principle that AOC holds dear, and HB 3414, at its core, is about limiting local control due to the housing emergency. We acknowledge the housing emergency justifies bold action, and limited violations of the principle of local control may be warranted. However, HB 3414 and HB3414-6 violate local control in a way that is far broader than necessary to address

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the housing emergency. We appreciate the sunset provision in the -6 amendment, but a sooner sunset should be considered, along with other simple and obvious sideboards such as limiting the variance process such that only developers of affordable/workforce housing can use it.

We appreciate your consideration of this testimony, and hope to continue working with proponents to craft workable solutions to the housing affordability crisis Oregon is facing.

Best,

Michael Burdick

Legislative Affairs Manager

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Regards,

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