

**Enrolled**  
**House Bill 4063**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Housing and Homelessness for Representative Maxine Dexter)

CHAPTER .....

AN ACT

Relating to housing; creating new provisions; amending ORS 92.031, 92.305, 92.325, 92.425, 184.451, 184.453, 184.455, 197.320, 197.480, 197.492, 197.522, 197A.015, 197A.018, 197A.025, 197A.210, 197A.215, 197A.300, 197A.302, 197A.325, 197A.335, 197A.348, 197A.362, 215.427, 227.178, 307.674, 307.681 and 696.805; and prescribing an effective date.

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

**NEEDED HOUSING PLANNING IN UNINCORPORATED METRO**

**SECTION 1.** ORS 197A.015 is amended to read:

197A.015. As used in [ORS 197.475 to 197.493 and ORS chapter 197A] **this chapter:**

(1) "Allocated housing need" means the housing need allocated to a city under ORS 184.453 (2) as segmented by income level under ORS 184.453 (4).

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

(3) "City" and "city with a population of 10,000 or greater" includes, regardless of size[.];

(a) Any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods[.]; **and**

(b) **A county with respect to its jurisdiction over Metro urban unincorporated lands.**

(4) "Development-ready lands" means buildable lands that are likely to support the production of housing during the period of their housing production target under ORS 184.455 (1) because the lands are:

(a) Currently annexed and zoned to allow housing through clear and objective standards and procedures;

(b) Readily served through adjacent public facilities or identified for the near-term provision of public facilities through an adopted capital improvement plan; and

(c) Not encumbered by any applicable local, state or federal protective regulations or have appropriate entitlements to prepare the land for development.

(5) "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

(6) “Housing capacity” means the number of needed housing units that can be developed on buildable lands within the 20-year planning period based on the land’s comprehensive plan designation and capacity for housing development and redevelopment.

(7) “Housing production strategy” means a strategy adopted by a local government to promote housing production under ORS 197A.100.

(8) “Manufactured dwelling,” “manufactured dwelling park,” “manufactured home” and “mobile home park” have the meanings given those terms in ORS 446.003.

**(9) “Metro urban unincorporated lands” means lands within the Metro urban growth boundary that are identified by the county as:**

**(a) Not within a city;**

**(b) Zoned for urban development;**

**(c) Within the boundaries of a sanitary district or sanitary authority formed under ORS chapter 450 or a district formed for the purposes of sewage works under ORS chapter 451;**

**(d) Within the service boundaries of a water provider with a water system subject to regulation as described in ORS 448.119; and**

**(e) Not zoned with a designation that maintains the land’s potential for future urbanization.**

[9] (10) “Periodic review” means the process and procedures as set forth in ORS 197.628 to 197.651.

[(10)] (11) “Prefabricated structure” means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

**SECTION 2. Sections 3 and 4 of this 2024 Act are added to and made a part of ORS chapter 197A.**

**SECTION 3. (1) As used in this section, “Metro urbanizable lands” means lands within the Metro urban growth boundary that is not within a city and is not Metro urban unincorporated land.**

**(2) In fulfilling a requirement to comply with this chapter, a local government may plan for the appropriate urbanization of Metro urbanizable lands, by using methods including adjacent urbanizable lands:**

**(a) In an intergovernmental agreement;**

**(b) In a housing production strategy, housing coordination strategy or corrective action plan under ORS 197A.100, 197A.365 or 197A.372; or**

**(c) To accommodate needed housing identified in an analysis of housing capacity under ORS 197A.335 or 197A.350.**

**(3) Except as may be explicitly delegated in an intergovernmental agreement, counties are solely responsible for complying with this chapter with respect to Metro urban unincorporated lands that are within their jurisdiction.**

**SECTION 4. As part of its agency request budget, as described in ORS 291.206, for the biennium beginning July 1, 2025, the Department of Land Conservation and Development shall include one or more requests for appropriations to the department to implement this chapter and statewide land use planning goals related to housing and urbanization within Metro urban unincorporated lands by providing technical and financial support to:**

**(1) Counties to amend their comprehensive plans, land use regulations and procedures and to implement land use planning; and**

**(2) Local governments and special districts to plan for adequate infrastructure and to support development-readiness for housing.**

**SECTION 5. ORS 184.451 is amended to read:**

184.451. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

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

(b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197A.100.

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

(a) The annual statewide housing analysis under ORS 184.453 (1);

(b) The allocated housing need under ORS 184.453 (2); and

(c) The housing production targets under ORS 184.455.

(3) Actions taken by the department under ORS 184.451 to 184.455 are not subject to ORS 197.180 and are not land use decisions.

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

(a) Shall assist the Oregon Department of Administrative Services with its duties under ORS 184.451 to 184.455.

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

(5) As used in ORS 184.451 to 184.455, "city" [or] **and** "city with a population of 10,000 or greater" [includes cities, as defined in ORS 197A.015, and urban unincorporated communities in Metro, as defined in ORS 197.015] **have the meanings given those terms in ORS 197A.015.**

**SECTION 6.** ORS 184.453 is amended to read:

184.453. (1) On an annual basis the Oregon Department of Administrative Services shall conduct a statewide housing analysis. The analysis must be conducted statewide and segmented into regions as determined by the department. The analysis shall estimate factors including, but not limited to:

(a) Projected needed housing units over the next 20 years;

(b) Current housing underproduction;

(c) Housing units needed for people experiencing homelessness; and

(d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.

(2) At the time the department performs the housing analysis under subsection (1) of this section, the department shall allocate a housing need for each city. **For Metro urban unincorporated lands, as defined in ORS 197A.015, the department shall make one allocation for each county in Metro.**

(3) In making an allocation under subsection (2) of this section, the department shall consider:

(a) The forecasted population growth under ORS 195.033 or 195.036;

(b) The forecasted regional job growth;

(c) An equitable statewide distribution of housing for income levels described in subsection (4) of this section;

(d) The estimates made under subsection (1) of this section;

(e) For cities within Metro, the needed housing projected under ORS 197A.348 (2); and

(f) The purpose of the Oregon Housing Needs Analysis under ORS 184.451 (1).

(4) In estimating and allocating housing need under this section, the department shall segment need by the following income levels:

(a) Housing affordable to households making less than 30 percent of median family income;

(b) Housing affordable to households making 30 percent or more and less than 60 percent of median family income;

(c) Housing affordable to households making 60 percent or more and less than 80 percent of median family income;

(d) Housing affordable to households making 80 percent or more and less than 120 percent of median family income; and

(e) Housing affordable to households making 120 percent or more of median family income.

## OPTING IN TO AMENDED HOUSING

## DEVELOPMENT REGULATIONS

**SECTION 7.** ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information[, *as described in subsection (2) of this section,*] within 180 days of the date the application was first submitted [*and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall be based*] **must be based:**

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]; or

**(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.**

(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:

**(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;**

**(B) For the purposes of this section and ORS 197A.470 the application is not deemed complete until:**

**(i) The county determines that additional information is not required under subsection (2) of this section; or**

**(ii) The applicant makes a submission under subsection (2) of this section in response to a county's request;**

**(C) A county may deny a request under paragraph (a)(B) of this subsection if:**

**(i) The county has issued a public notice of the application; or**

**(ii) A request under paragraph (a)(B) of this subsection was previously made; and**

**(D) The county may not require that the applicant:**

**(i) Pay a fee, except to cover additional costs incurred by the county to accommodate the request;**

**(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or**

**(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.**

*(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable*

*at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.]*

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a county involving an application for the development of residential structures within an urban growth boundary, where the county has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

**SECTION 8.** ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing

information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;  
(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted [*and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], approval or denial of the application [*shall*] **must** be based:

(A) Upon the standards and criteria that were applicable at the time the application was first submitted[.]; or

**(B) For an application relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.**

**(b) If an applicant requests review under different standards as provided in paragraph (a)(B) of this subsection:**

**(A) For the purposes of this section, any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request;**

**(B) For the purposes of this section and ORS 197A.470 the application is not deemed complete until:**

**(i) The city determines that additional information is not required under subsection (2) of this section; or**

**(ii) The applicant makes a submission under subsection (2) of this section in response to a city's request;**

**(C) A city may deny a request under paragraph (a)(B) of this subsection if:**

**(i) The city has issued a public notice of the application; or**

**(ii) A request under paragraph (a)(B) of this subsection was previously made; and**

**(D) The city may not require that the applicant:**

**(i) Pay a fee, except to cover additional costs incurred by the city to accommodate the request;**

**(ii) Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or**

**(iii) Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.**

*[(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.]*

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS 197A.470 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

(a) A decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610; or

(b) A decision of a city involving an application for the development of residential structures within an urban growth boundary, where the city has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee; or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 227.179 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

## **REALTOR REJECTION OF DOCUMENTS**

**SECTION 9.** ORS 696.805 is amended to read:

696.805. (1) A real estate licensee who acts under a listing agreement with the seller acts as the seller's agent only.

(2) A seller's agent owes the seller, other principals and the principals' agents involved in a real estate transaction the following affirmative duties:

(a) To deal honestly and in good faith;

(b) To present all written offers, written notices and other written communications to and from the parties in a timely manner without regard to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase; and

(c) To disclose material facts known by the seller's agent and not apparent or readily ascertainable to a party.

(3) A seller's agent owes the seller involved in a real estate transaction the following affirmative duties:

(a) To exercise reasonable care and diligence;

(b) To account in a timely manner for money and property received from or on behalf of the seller;

(c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction;

(d) To disclose in a timely manner to the seller any conflict of interest, existing or contemplated;

(e) To advise the seller to seek expert advice on matters related to the transaction that are beyond the agent's expertise;

(f) To maintain confidential information from or about the seller except under subpoena or court order, even after termination of the agency relationship; and

(g) Unless agreed otherwise in writing, to make a continuous, good faith effort to find a buyer for the property, except that a seller's agent is not required to seek additional offers to purchase the property while the property is subject to a contract for sale.

(4) A seller's agent may show properties owned by another seller to a prospective buyer and may list competing properties for sale without breaching any affirmative duty to the seller.

(5) Except as provided in subsection (3)(g) of this section, an affirmative duty may not be waived.

(6) Nothing in this section implies a duty to investigate matters that are outside the scope of the real estate licensee's expertise, including but not limited to investigation of the condition of property, the legal status of the title or the owner's past conformance with law, unless the licensee or the licensee's agent agrees in writing to investigate a matter.

*[(7) In order to help a seller avoid selecting a buyer based on the buyer's race, color, religion, sex, sexual orientation, national origin, marital status or familial status as prohibited by the Fair Housing Act (42 U.S.C. 3601 et seq.), a seller's agent shall reject any communication other than customary documents in a real estate transaction, including photographs, provided by a buyer.]*

## MIDDLE HOUSING PARTITIONS

**SECTION 10.** ORS 92.031 is amended to read:

92.031. (1) As used in this section, "middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420 (5);

(b) Separate utilities for each dwelling unit;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

- (D) Any dedicated driveways or parking; and
  - (E) Any dedicated common area;
  - (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and
  - (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.
- (3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:
- (a) Prohibit the further division of the resulting lots or parcels.
  - (b) Require that a notation appear on the final plat indicating that the approval was given under this section.
  - (4) In reviewing an application for a middle housing land division, a city or county:
    - (a) Shall apply the procedures under ORS 197.360 to 197.380.
    - (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197A.420.
    - (c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.
    - (d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
    - (e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.
    - (f) May require the dedication of right of way if the original parcel did not previously provide a dedication.
  - (5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.
  - (6) Notwithstanding ORS 197A.425 (1), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.
  - (7) Notwithstanding any other provision of ORS 92.010 to 92.192, within the same calendar year as an original partition, a city or county may allow one of the resulting vacant parcels to be further divided into not more than three parcels through a middle housing land division, provided that:**
    - (a) The original partition was not a middle housing land division; and**
    - (b) The original parcel or parcels not divided will not be part of the resulting partition plat for the middle housing land division.**
- [ (7) ] (8) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.
- SECTION 11.** ORS 92.325 is amended to read:
- 92.325. [(1) *Except as provided in subsection (2) of this section, no person shall*] **A person may not** sell or lease any subdivided lands or series partitioned lands without having complied with all the applicable provisions of ORS 92.305 to 92.495[.]
- [(2) *With respect to a developer, chapter 643, Oregon Laws 1975, applies only to a developer who acquires a lot, parcel or interest in a subdivision or series partition for which a public report has been issued after September 13, 1975, and a developer who acquires a lot or parcel in a subdivision for which a revised public report has been issued under ORS 92.410.*]
- [(3) *Except as otherwise provided in paragraph (g) of this subsection,*] **except that:**
- (1) ORS 92.305 to 92.495 do not apply to the sale or leasing of:
    - (a) Apartments or similar space within an apartment building;

- (b) Cemetery lots, parcels or units in Oregon;
- (c) Subdivided lands and series partitioned lands in Oregon that are not in unit ownership or being developed as unit ownerships created under ORS chapter 100, to be used for residential purposes and that qualify under ORS 92.337;
- (d) Property submitted to the provisions of ORS chapter 100;
- (e) Subdivided lands and series partitioned lands in Oregon expressly zoned for and limited in use to nonresidential industrial or nonresidential commercial purposes;
- (f) Lands in this state sold by lots or parcels of not less than 160 acres each;
- (g) Timeshares regulated or otherwise exempt under ORS 94.803 and 94.807 to 94.945;
- (h) *Subdivided and series partitioned lands in a city or county which, at the time tentative approval of a subdivision plat and each partition map for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046, has a comprehensive plan and implementing ordinances that have been acknowledged under ORS 197.251. The subdivider or series partitioner of such lands shall comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands; or]*

[(i)] (h) Mobile home or manufactured dwelling parks, as defined in ORS 446.003, located in Oregon[.];

(i) **Planned community subdivision of manufactured dwellings or mobile homes created under ORS 92.830 to 92.845;**

(j) **Lots or parcels created from an expedited land division under ORS 197.360; or**

(k) **Lots or parcels created from a middle housing land division under ORS 92.031.**

**(2) The subdivider or series partitioner of subdivided and series partitioned lands in a city or county which, at the time tentative approval of a subdivision plat and each partition map for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046, has a comprehensive plan and implementing ordinances that have been acknowledged under ORS 197.251 must only comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands.**

**SECTION 12.** ORS 92.305 is amended to read:

92.305. As used in ORS 92.305 to 92.495:

(1) “Blanket encumbrance” means a trust deed or mortgage or any other lien or encumbrance, mechanic’s lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

(2) “Commissioner” means the Real Estate Commissioner.

(3)(a) [Except as otherwise provided in ORS 92.325 (2),] “Developer” means a person who purchases a lot, parcel or interest in a subdivision or series partition that does not have a single family residential dwelling or duplex thereon to construct a single family residential dwelling or duplex on the lot, parcel or interest and to resell the lot, parcel or interest and the dwelling or duplex for eventual residential use purposes. “Developer” also includes a person who purchases a lot, parcel or other interest in a subdivision or series partition that does not have a single family residential dwelling or duplex thereon for resale to another person.

(b) “Developer” does not mean a “developer” as that term is defined in ORS 100.005.

(4)(a) “Interest” includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, and lessee’s interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years.

(b) “Interest” does not include any interest in a condominium as that term is defined in ORS 100.005 or any security interest under a land sales contract, trust deed or mortgage. “Interest” does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

(5) "Negotiate" means any activity preliminary to the execution of a binding agreement for the sale or lease of land in a subdivision or series partition, including but not limited to advertising, solicitation and promotion of the sale or lease of such land.

(6) "Lot," "parcel" and "partition" have the meaning given those terms in ORS 92.010.

(7) "Person" includes a natural person, a domestic or foreign corporation, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used in [ORS 92.305 to 92.495] **this subsection**, the term "trust" includes a common law or business trust, but does not include a private trust or a trust created or appointed under or by virtue of any last will and testament, or by a court.

(8) "Real property sales contract" means an agreement wherein one party agrees to lease or to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract.

(9) "Sale" or "lease" includes every disposition or transfer of land in a subdivision or a series partition, or an interest or estate therein, by a subdivider or series partitioner or a developer, or their agents, including the offering of such property as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, series partitioner or developer or their agents.

(10) "Series partitioned lands" and "series partition" mean a series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.

(11) "Series partitioner" means any person who causes land to be series partitioned into a series partition, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

(12)(a) "Subdivided lands" and "subdivision" mean improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more other interests. "Subdivided lands" and "subdivision" include but are not limited to a subdivision of land located within this state subject to an ordinance adopted under ORS 92.044 and do not include series partitioned lands.

(b) "Subdivided lands" and "subdivision" do not mean property submitted to ORS 100.005 to 100.910 or property located outside this state which has been committed to the condominium form of ownership in accordance with the laws of the jurisdiction within which the property is located.

(13) "Subdivider" means any person who causes land to be subdivided into a subdivision, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

**SECTION 13.** ORS 92.425 is amended to read:

92.425. (1) No lot, parcel or interest in a subdivision or series partition shall be sold by a subdivider, series partitioner or developer by means of a land sale contract unless a collection escrow is established within this state with a person or firm authorized to receive escrows under the laws of this state and all of the following are deposited in the escrow:

(a) A copy of the title report or abstract, as it relates to the property being sold.

(b) The original sales document or an executed copy thereof relating to the purchase of real property in the subdivision or series partition clearly setting forth the legal description of the property being purchased, the principal amount of the encumbrance outstanding at the date of the sales document and the terms of the document.

(c) A commitment to give a partial release for the lot, parcel or other interest being sold from the terms and provisions of any blanket encumbrance as described in ORS 92.305 (1). Except as otherwise provided in subsection (4) of this section, the commitment shall be in a form satisfactory to the Real Estate Commissioner.

(d) A commitment to give a release of any other lien or encumbrance existing against such lot, parcel or other interest being sold as revealed by such title report. Except as otherwise provided in subsection (4) of this section, the commitment shall be in a form satisfactory to the commissioner.

(e) A warranty or bargain and sale deed in good and sufficient form conveying merchantable and marketable title to the purchaser of such lot, parcel or other interest.

(2) The subdivider, series partitioner or developer shall submit written authorization allowing the commissioner to inspect all escrow deposits established pursuant to subsection (1) of this section.

(3) In lieu of the procedures provided in subsection (1) of this section, the subdivider, series partitioner or developer shall conform to such alternative requirement or method which the commissioner may deem acceptable to carry into effect the intent and provisions of this section.

(4) The requirements of subsection (1)(c) and (d) of this section relating to use of a commitment form acceptable to the commissioner and the provisions of subsection (2) of this section shall not apply to subdivided or series partitioned lands described by ORS 92.325 [(3)(h)] (2).

**NOTE:** Sections 14 through 24 were deleted by amendment. Subsequent sections were not re-numbered.

## **SINGLE-UNIT HOUSING PROPERTY TAX EXCEPTION APPROVAL**

**SECTION 25.** ORS 307.674 is amended to read:

307.674. (1) The city shall approve or deny an application filed under ORS 307.667 within 180 days after receipt of the application. An application not acted upon within 180 days shall be deemed approved.

[(2)] *Final action upon an application by the city shall be in the form of an ordinance or resolution that shall contain the owner's name and address, a description of the structure that is the subject of the application that includes either the legal description of the property or the assessor's property account number and the specific conditions upon which the approval of the application is based.*

[(3)] **(2)(a)** Following approval and on or before the deadline set forth in ORS 307.512, the city shall [*file with the county assessor and*] send a **notice of approval** to the owner [*at the last-known address of the owner a copy of the ordinance or resolution approving the application*]. The [*copy shall contain or be accompanied by a notice explaining*] **notice shall explain** the grounds for possible termination of the exemption prior to the end of the exemption period or thereafter, and the effects of termination.

**(b)** In addition, **on or before the deadline set forth in ORS 307.512**, the city shall file with the county assessor a document listing [*the same information otherwise required to be in an ordinance or resolution under subsection (2) of this section, as to each application deemed approved under subsection (1) of this section*] **the owner's name and address, a description of the structure that is the subject of the application that includes either the legal description of the property or the assessor's property account number and the specific conditions upon which the approval of the application is based.**

[(4)] **(3)** If the application is denied, the city shall state in writing the reasons for denial and send notice of denial to the applicant at the last-known address of the applicant within 10 days after the denial. The notice shall inform the applicant of the right to appeal under ORS 307.687.

[(5)] **(4)(a)** The city, after consultation with the county assessor, shall establish an application fee in an amount sufficient to cover the cost to be incurred by the city and the assessor in administering ORS 307.651 to 307.687.

**(b)** The application fee shall be paid to the city at the time the application for exemption is filed.

**(c)** If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county general fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application.

**(d)** If the application is denied, the city shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.

**SECTION 26. The amendments to ORS 307.674 by section 25 of this 2024 Act apply to applications approved on or after the effective date of this 2024 Act.**

**SECTION 27.** ORS 307.681 is amended to read:

307.681. (1)(a) Except as provided in ORS 307.684, if, after an application has been approved under ORS 307.674, the city finds that any provision of ORS 307.651 to 307.687 is not being complied with, or any provision required by the city pursuant to ORS 307.651 to 307.687 is not being complied with, the city shall give notice to the owner, mailed to the owner's last-known address, of the proposed termination of the exemption.

(b) The notice shall state the reasons for the proposed termination and shall require the owner to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

(2)(a) If the owner fails to show cause why the exemption should not be terminated, **within 10 days following such failure**, the city shall [*adopt an ordinance or resolution stating its findings and terminating the exemption. A copy of the ordinance or resolution*] **give notice to the owner stating its findings terminating the exemption.**

(b) **A copy of the notice** shall be filed with the county assessor [*and a copy sent to the owner at the owner's last-known address within 10 days after its adoption*].

**SECTION 28. The amendments to ORS 307.681 by section 27 of this 2024 Act apply to notices to owners given under ORS 307.681 (1) on or after the effective date of this 2024 Act.**

### HOUSE BILL 2001 (2023) TECHNICAL FIXES

**SECTION 29.** ORS 184.455 is amended to read:

184.455. (1) The Oregon Department of Administrative Services shall allocate housing production targets to each city with a population of 10,000 or greater and to each unincorporated urbanized area within the Metro urban growth boundary. Housing production targets shall describe the proportion of the allocated housing need that the department determines should be produced by for-profit, nonprofit and public builders in each city within six years for a city or urbanized area inside Metro and within eight years for a city or urbanized area outside Metro.

(2) The housing production targets must be separated into:

(a) A total target; and

(b) A target segmented by each income level in ORS 184.453 (4).

(3) In establishing housing production targets under this section, the department:

(a) May include a proportion of the allocated housing need to accommodate people experiencing homelessness and housing underproduction within a city greater than the proportion of the 20-year period; **and**

*[(b) Is not required to consider allocation of needed housing by Metro under ORS 197A.348 or 197A.350; and]*

*[(c)]* (b) Shall coordinate the allocation of the targets with a schedule developed by the Department of Land Conservation and Development for requiring housing production strategies under ORS 197A.100.

**SECTION 30.** ORS 197.320, as amended by section 16, chapter 13, Oregon Laws 2023, and section 11, chapter 326, Oregon Laws 2023, is amended to read:

197.320. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions or actions into compliance with the goals, acknowledged comprehensive plan provisions, land use regulations, housing production strategy or housing acceleration agreements if the commission has good cause to believe:

(1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance.

(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance.

(3) A local government is not making satisfactory progress toward performance of its compliance schedule.

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180.

(5) A local government has no comprehensive plan or land use regulation and is not on a compliance schedule directed to developing the plan or regulation.

(6) A local government has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or land use regulation. In making its determination under this subsection, the commission shall determine whether there is evidence in the record to support the decisions made. The commission shall not judge the issue solely upon adequacy of the findings in support of the decisions.

(7) A local government has failed to comply with a commission order entered under ORS 197.644.

(8) A special district has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020.

(9) A special district is not making satisfactory progress toward performance of its obligations under ORS chapters 195, 197 and 197A.

(10) A local government's approval standards, special conditions on approval of specific development proposals or procedures for approval do not comply with ORS 197A.400 (1) or (3).

(11) A local government is not making satisfactory progress toward meeting its obligations under ORS 195.065.

(12) A local government within the jurisdiction of a metropolitan service district has failed to make changes to the comprehensive plan or land use regulations to comply with the regional framework plan of the district or has engaged in a pattern or practice of decision-making that violates a requirement of the regional framework plan.

(13) A city with a population of 10,000 or greater, **as defined in ORS 197A.015**, that:

(a) Has a pattern or practice of violating housing-related statutes or implementing policies that create unreasonable cost or delay to the production of housing as described in ORS 197A.400 (1);

(b) Has a pattern or practice of creating adverse disparate impacts to state or federal protected classes or inhibiting equitable access to housing choice, as described in ORS 197A.100 (2)(b) to (d);

(c) Has failed to enter into a housing acceleration agreement as required under ORS 197A.130 (6); or

(d) Has materially breached a term of a housing acceleration agreement under ORS 197A.130 (8), including a failure to meet the timeline for performance under ORS 197A.130 (8)(a)(A).

**SECTION 31.** ORS 197.522 is amended to read:

197.522. (1) As used in this section:

(a) "Needed housing" has the meaning given that term in ORS [197A.015] **197A.018**.

(b) "Partition" has the meaning given that term in ORS 92.010.

(c) "Permit" means a permit as defined in ORS 215.402 and a permit as defined in ORS 227.160.

(d) "Subdivision" has the meaning given that term in ORS 92.010.

(2) A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the comprehensive plan and applicable land use regulations.

(3) If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations. If an applicant seeks to amend the application or propose conditions of approval:

(a) A county may extend the time limitation under ORS 215.427 for final action by the governing body of a county on an application for needed housing and may set forth a new time limitation for final action on the consideration of future amendments or proposals.

(b) A city may extend the time limitation under ORS 227.178 for final action by the governing body of a city on an application for needed housing and may set forth a new time limitation for final action on the consideration of future amendments or proposals.

(4) A local government shall deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through amendments to the application or the imposition of reasonable conditions of approval.

**SECTION 32. ORS 197.186, 197.200, 197.475, 197.478, 197.480, 197.485, 197.488, 197.490, 197.746, 197.748, 197.752, 197.754 and 197.756 are added to and made a part of ORS chapter 197A.**

**SECTION 33.** ORS 197.480 is amended to read:

197.480. (1) Each city and county governing body shall provide for mobile home or manufactured dwelling parks as an allowed use:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within Metro, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection may be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.475 to [197.493] **197.490**.

**SECTION 34.** ORS 197A.348 is amended to read:

197A.348. (1) As used in ORS 197A.350 and this section, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing, middle housing types as described in ORS 197A.420 and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493] **197.490;**

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;

(e) Agriculture workforce housing; and

(f) Single room occupancies as defined in ORS 197A.430.

(2) For the purpose of estimating housing needs, as described in ORS 197A.350 (3)(b), Metro shall adopt findings and perform an analysis that estimates each of the following factors:

(a) Projected needed housing units over the next 20 years;

(b) Current housing underproduction;

(c) Housing units needed for people experiencing homelessness; and

(d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.

(3) Metro shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197A.350 (2)(a)(B) if Metro finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) Metro shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

(5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than 2,500.

(6) Metro may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 35.** ORS 197.492 is amended to read:

197.492. As used in this section and ORS 197.493:

(1) **“Manufactured dwelling park” and “mobile home park” have the meanings given those terms in ORS 446.003.**

[1] (2) “Recreational vehicle” has the meaning given that term in ORS 174.101.

[2] (3) “Recreational vehicle park”:

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

(A) The renting of space and related facilities for a charge or fee; or

(B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

(A) An area designated only for picnicking or overnight camping; or

(B) A manufactured dwelling park or mobile home park.

**SECTION 36.** ORS 197A.018 is amended to read:

197A.018. (1) As used in ORS chapter 197A, and except as provided in subsection (2) of this section:

(a) “Needed housing” means housing by affordability level, as described in ORS 184.453 (4), type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period in effect when the city’s housing capacity is determined.

(b) “Needed housing” includes the following housing types:

(A) Detached single-family housing, middle housing types as described in ORS 197A.420 and multifamily housing that is owned or rented;

(B) Government assisted housing;

(C) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493] **197.490;**

(D) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;

(E) Housing for agricultural workers;

(F) Housing for individuals with a variety of disabilities, related to mobility or communications, that require accessibility features;

(G) Housing for older persons, as defined in ORS 659A.421;

(H) Housing for college or university students, if relevant to the region; and

(I) Single room occupancies as defined in ORS 197A.430.

(2) Subsection (1)(b)(A) and (D) of this section does not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) At the time that a city is required to inventory its buildable lands under ORS 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall determine its needed housing under this section.

(4) In determining needed housing the city must demonstrate that the projected housing types, characteristics and locations are:

(a) Attainable for the allocated housing need by income, including consideration of publicly supported housing;

(b) Appropriately responsive to current and projected market trends; and

(c) Responsive to the factors in ORS 197A.100 (2)(b) to (d).

**SECTION 37.** ORS 197A.210 is amended to read:

197A.210. (1) At the time that a city is required to inventory its buildable lands under ORS 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall inventory its development-ready lands.

(2) If the total housing production target is greater than the housing capacity of development-ready lands, the local government shall take any actions in ORS 197A.100 (3) that demonstrably prepare lands for development or redevelopment or increase the housing capacity of existing development-ready lands.

**SECTION 38.** ORS 197A.025 is amended to read:

197A.025. (1) In adopting rules under ORS chapter 197A and statewide planning goals relating to housing or urbanization, or administering the rules or statutes, the Land Conservation and Development Commission and Department of Land Conservation and Development shall be guided by the following principles:

(a) Housing that is safe, accessible and affordable in the community of their choice should be available to every Oregonian.

(b) Building enough equitable housing must be a top priority.

(c) The development and implementation of the housing production strategy should be the focal point by which the department collaborates with local governments to address and eliminate local barriers to housing production.

(d) Expertise, technical assistance, model ordinances and other tools and resources to address housing production should be provided to local governments, using cooperative planning tools embodied in ORS 197A.103 and 197A.130, but not to the exclusion of the expedient use of enforcement authority, including compliance orders under ORS 197.319 to 197.335.

(e) Housing production should support fair and equitable housing outcomes, environmental justice, climate resilience and access to opportunity.

(f) Housing production should not be undermined by litigation, regulatory uncertainty or repetitive or unnecessary procedures.

(g) Local governments, to the greatest extent possible, should take actions within their control to facilitate the production of housing to meet housing production targets under ORS 184.455.

(2) Each public body, as defined in ORS 174.109, shall use its authority to remove barriers to, and to create pathways for, the development of needed housing and shall collaborate with the department and local governments to identify and implement strategies to support housing production where there is insufficient housing production and choice.

(3) In adopting rules implementing ORS chapter 197A and statewide land use goals relating to housing and urbanization, the commission may approve a range of methodologies, policy options or assumptions that a local government may adopt in determining:

- (a) Needed housing;
- (b) Housing production strategies or housing coordination strategies;
- (c) Buildable lands or housing capacity;
- (d) Amendments to urban growth boundaries, including under ORS 197A.215, 197A.270 (5)(a), 197A.285, **197A.300** to 197A.325, 197A.350 (6)(a) and 197A.362; or
- (e) Adoption or amendments to urban reserves or rural reserves under ORS 197A.230 to 197A.250.

**SECTION 39.** ORS 197A.215 is amended to read:

197A.215. (1) A local government may make a land use decision to approve an application to remove a lot or parcel from within an urban growth boundary if:

- (a) The application is submitted by the owner of the lot or parcel;
  - (b)(A) The lot or parcel is adjacent to the edge of the urban growth boundary; or
  - (B) The lot or parcel is adjacent to another lot or parcel that is removed under this section;
  - (c) The lot or parcel is assessed under ORS 308A.050 to 308A.128 for its value for farm use;
  - (d) The lot or parcel is not within the boundaries of a city; and
  - (e) The lot or parcel is not included in an area identified for urban services under ORS 197.754.
- (2) A local government, in deciding whether to approve an application under subsection (1) of this section, shall consider:

- (a) The projected costs and other consequences of extending urban services to the affected lot or parcel;
- (b) The potential value in the investment of providing urban services to the affected lot or parcel;
- (c) Any requirement for expanding the urban growth boundary in other areas to compensate for any loss in buildable lands; and
- (d) The projected costs and other consequences of providing urban services to other areas brought in under an expanded urban growth boundary.

(3)(a) Land that is removed from within an urban growth boundary pursuant to an application approved under this section shall be removed from any inventory of buildable lands maintained by the local government.

(b) A local government that approves an application under this section shall either expand the urban growth boundary to compensate for any resulting reduction in available buildable lands or increase the development capacity of the remaining supply of buildable lands consistent with ORS 197A.270, 197A.280, 197A.285, **197A.300** to 197A.325 or 197A.350 (6).

**SECTION 40.** ORS 197A.300 is amended to read:

197A.300. As used in ORS [197A.285] **197A.300** to 197A.325, “serviceable” means, with respect to land, that:

- (1) Adequate sewer, water and transportation capacity for planned urban development is available or can be either provided or made subject to committed financing; or
- (2) Committed financing can be in place to provide adequate sewer, water and transportation capacity for planned urban development.

**SECTION 41.** ORS 197A.302 is amended to read:

197A.302. The purpose of ORS [197A.285] **197A.300** to 197A.325 is to direct the Land Conservation and Development Commission to develop and adopt simplified methods for a city that is outside Metro to evaluate or amend the urban growth boundary of the city. The commission should design the methods to:

- (1) Become, as a result of reduced costs, complexity and time, the methods that are used by most cities with growing populations to manage the urban growth boundaries of the cities;

(2) Encourage, to the extent practicable given market conditions, the development of urban areas in which individuals desire to live and work and that are increasingly efficient in terms of land uses and in terms of public facilities and services;

(3) Encourage the conservation of important farm and forest lands, particularly lands that are needed to sustain agricultural and forest products industries;

(4) Encourage cities to increase the development capacity within the urban growth boundaries of the cities;

(5) Encourage the provision of an adequate supply of serviceable land that is planned for needed urban residential and industrial development; and

(6) Assist residents in understanding the major local government decisions that are likely to determine the form of a city's growth.

**SECTION 42.** ORS 197A.325 is amended to read:

197A.325. (1) Notwithstanding ORS 197.626, when a city evaluates or amends the urban growth boundary of the city pursuant to ORS 197A.310 or 197A.312, the Land Use Board of Appeals has jurisdiction for review of a final decision of the city.

(2) The board shall review the final decision of the city under ORS 197A.285 **and 197A.300** to 197A.325 as provided in ORS 197.805 to 197.855, except that:

(a) In circumstances in which the Land Conservation and Development Commission has specified by rule a number or a range of numbers that the city may use:

(A) The city is not required to adopt findings to support the use of the number or a number within the range of numbers; and

(B) The board's review of the number may determine only that the city has used a number that is allowed by the rule.

(b) The board shall affirm an interpretation by a local government of its comprehensive plan or land use regulations unless that interpretation is clearly erroneous.

(3) Notwithstanding ORS 197.628 and 197.629, when a city evaluates or amends the urban growth boundary of the city pursuant to ORS 197A.310 or 197A.312, the city is not required to commence or complete periodic review. The commission shall, by rule, specify alternate means to ensure that the comprehensive plan and land use regulations of the city comply with the statewide land use planning goals and are updated over time to reflect changing conditions and needs.

**SECTION 43.** ORS 197A.335 is amended to read:

197A.335. (1) At least once every six years, by a date scheduled by the Land Conservation and Development Commission, a city that is within Metro and has a population of 10,000 or greater shall[.]

*[(a)] determine its needed housing under ORS 197A.018 and inventory the supply of buildable lands within the city and determine the housing capacity of the buildable lands.[] and]*

*[(b) Conduct an analysis of the city's existing and projected needed housing under statewide planning goals and rules related to housing by type, mix, affordability and density range to determine the number of units and amount of land needed for each needed housing type under ORS 197A.018 for the next 20 years.]*

(2) The housing capacity determination and the needed housing analysis conducted under this section must be adopted as part of the city's comprehensive plan no later than one year after completion of the needed housing analysis.

(3) If the housing capacity and needed housing analysis conducted under this section demonstrates a housing need, the city shall amend its comprehensive plan or land use regulations or take actions to update or implement its housing production strategy to include new measures that demonstrably increase the likelihood that development of needed housing will occur for the type, mix, affordability and densities sufficient to accommodate needed housing for the next 20 years.

**SECTION 44.** ORS 197A.362 is amended to read:

197A.362. (1) Metro shall complete the inventory, determination and analysis required under ORS 197A.350 (3) not later than six years after completion of the previous inventory, determination and analysis.

(2)(a) Metro shall take such action as necessary under ORS 197A.350 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197A.350 (3) within one year of completing the analysis.

(b) Metro shall take all final action under ORS 197A.350 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197A.350 (3) within two years of completing the analysis.

(c) [*The metropolitan service district*] **Metro** shall take action under ORS 197A.350 (6)(b), within one year after the analysis required under ORS 197A.350 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed.

(d) [*The metropolitan service district*] **Metro** shall consider and adopt new measures that the governing body deems appropriate under ORS 197A.350 (6)(b).

(3) The commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that [*the metropolitan service district*] **Metro** has provided good cause for failing to meet the time limits.

(4)(a) Metro shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. Metro shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, Metro shall assist the district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197A.355 (3).

(5) At least three years after completing its most recent demonstration of sufficient buildable lands under ORS 197A.350, Metro may, on a single occasion, revise the determination and analysis required as part of the demonstration for the purpose of considering an amendment to [*the*] Metro's urban growth boundary, provided:

(a) One or more cities within Metro have proposed a development that would require expansion of the urban growth boundary;

(b) The city or cities proposing the development have provided evidence to Metro that the proposed development would provide additional needed housing to the needed housing included in the most recent determination and analysis;

(c) The location chosen for the proposed development is adjacent to the city proposing the development; and

(d) The location chosen for the proposed development is located within an area designated and acknowledged as an urban reserve.

(6)(a) If Metro, after revising its most recent determination and analysis pursuant to subsection (5) of this section, concludes that an expansion of its urban growth boundary is warranted, Metro may take action to expand its urban growth boundary in one or more locations to accommodate the proposed development, provided the urban growth boundary expansion does not exceed a total of 1,000 acres.

(b) If Metro expands its urban growth boundary under this subsection, Metro:

(A) Must adopt the urban growth boundary expansion not more than four years after completing its most recent demonstration of sufficient buildable lands under ORS 197A.350; and

(B) Is exempt from the boundary location requirements described in the statewide land use planning goals relating to urbanization.

## CAPTIONS

**SECTION 45.** The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

**EFFECTIVE DATE**

**SECTION 46.** This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.

**Passed by House February 20, 2024**

**Received by Governor:**

**Repassed by House March 6, 2024**

.....M.,....., 2024

**Approved:**

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2024

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

**Passed by Senate March 5, 2024**

**Filed in Office of Secretary of State:**

.....M.,....., 2024

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Rob Wagner, President of Senate

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LaVonne Griffin-Valade, Secretary of State