



Co-Chairs Helm and Owens and members of the House Committee on Agriculture, Land Use, Natural Resources, and Water,

Thank you for the opportunity to provide testimony in opposition to HB 3013 as introduced and as modified by the -1 amendments. Oregon REALTORS® represents more than 17,000 real estate professionals across Oregon, who in turn represent hundreds of thousands of Oregon home buyers, sellers, landlords, and tenants.

The unintended consequences of HB 3013, while minimized by its proponents, should not be understated. The bill would hinder housing production, alter Oregon's land use system by circumventing established requirements to demonstrate legal standing, and expose property owners, permit applicants, and local governments to liability.

HB 3013 and the -1 amendments will have substantial negative impacts on Oregon's ability to address its housing crisis. It is well known that planning-related litigation is a significant barrier to housing production, as it both adds time to the process of completing an individual development project and discourages development generally due to associated legal and financial risks. It is for this reason that HB 2001 (2023), which established the Oregon Housing Needs Analysis, specifically notes that “[h]ousing production should not be undermined by litigation, regulatory uncertainty or repetitive or unnecessary procedures (HB 2001 §8(1)(f)).”

Further, the -1 amendments' language proposes a broad modification to Oregon's land use system. This is because the -1 amendments provide a third-party standing to bring a claim in court, regardless of whether the decision was a land use decision and regardless of whether the third-party appealed the decision or authorization, sought a stay against the decision or authorization, or was injured by the decision or authorization. Again, this flies in the face of HB 2001 (2023), which directs public bodies—including the legislature—to remove barriers to the development of needed housing (HB 2001 §8(2)). Exacerbating a barrier to housing production by increasing opportunities for related litigation is out of alignment with the intent of HB 2001.

Additionally, §2(4)(b) of the proposed -1 amendments would expose property owners, permit applicants, and local governments to substantial liability. This is because the provision provides that an “allegation that a respondent is violating a board order or land use decision is sufficient to state a claim for which relief can be granted ... without regard to whether the respondent is a property owner, applicant or a party to the board order or land use decision.”

HB 3013 and the -1 amendments allow more litigation in Oregon's already litigious land use system. Oregon REALTORS® urges you to vote NO on HB 3013 and the -1 amendments.