



## Oregon Department of Land Conservation and Development

### HB 2316 – Ensuring Cities Take Steps to Provide Needed Housing

#### What the measure does:

HB 2316 clarifies that at periodic review or any other legislative review of a comprehensive plan applying the statewide planning goal for housing, a city with a population under 25,000 must determine 20-year estimated housing needs, inventory the supply of buildable lands within its urban growth boundary to meet those needs, and adopt measures to accommodate those needs.

#### Background:

In *GMK v. Madras* (2008), the Oregon Court of Appeals held that cities with a population less than 25,000 are not required to implement measures to increase buildable land supply to meet needs identified in a completed Housing Needs Analysis. ORS 197.296, adopted in 1995, requires cities with a population of 25,000 or more to expand an urban growth boundary or take other measures to satisfy a shortage of 20-year residential land; the court held that the absence of a similar statutory requirement for smaller cities indicated that such cities were not required to concurrently identify and meet needs in a Housing Needs Analysis. The court decision means that if a city with a population less than 25,000 chooses to study its housing needs and identifies a shortage of residential development capacity to meet those needs, the city is not required to take steps to make more sites available for housing development.

#### Solution:

Explicitly state in statute that when conducting a legislative review of a comprehensive plan applying the statewide planning goal for housing (Goal 10), small cities must, as specified in LCDC rules: 1) determine their housing needs, 2) inventory their residential development capacity, and 3) take steps to address the housing needs identified (similar to the explicit statutory requirement for larger cities).

**Contact:** Ellen Miller, DLCD Legislative Coordinator/Urban Policy Analyst  
Cell: (503) 269-2040, [ellen.l.miller@state.or.us](mailto:ellen.l.miller@state.or.us)  
Judith Callens, DLCD Interim Rural Policy Analyst  
Cell: (503) 428-0510, [judith.callens@state.or.us](mailto:judith.callens@state.or.us)