

SB 8 A STAFF MEASURE SUMMARY

Carrier: Rep. Sanchez

House Committee On Human Services and Housing

Action Date: 05/06/19

Action: Do Pass the A-Eng bill.

Vote: 7-0-2-0

Yeas: 7 - Helt, Keny-Guyer, Meek, Mitchell, Sanchez, Schouten, Williams

Exc: 2 - Noble, Zika

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Amie FenderSosa, LPRO Analyst

Meeting Dates: 4/29, 5/6

WHAT THE MEASURE DOES:

Directs Land Use Board of Appeals to award reasonable attorney fees and expenses to prevailing respondent, who is the applicant or the local government, only upon affirming approval of an application to develop publicly supported housing.

ISSUES DISCUSSED:

- Neighborhood associations and planning boards involvement in building processes on the local level
- Applicability to a master planned community when only a portion of the homes are affordable housing
- Impact on public input
- Judges' discretion to award fees for frivolous lawsuits
- Types of projects effected by the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Projects approved at the local level may be appealed to a specialized tribunal called the Land Use Board of Appeals (LUBA). Anyone who appears during proceedings at the local level, when project approval is being sought, may intervene and become a party on appeal, and LUBA may award attorney fees in some circumstances.

Publicly supported housing is defined as the development of five or more units of multi-family rental housing that receives or benefits from specified government assistance, with a number of exceptions for developments receiving local fee waivers or tax abatement; or that are part of a local inclusionary housing program; or that receive certain tenant-based or project-based rent subsidies or assistance.

Senate Bill 8-A requires LUBA to order challengers who appeal locally approved applications to develop publicly supported housing, to pay reasonable attorney fees and expenses to prevailing respondents who are the applicant or the local government.