HOUSE AMENDMENTS TO
HOUSE BILL 2003

By COMMITTEE ON AGRICULTURE AND LAND USE

April 11

On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 through 5 and insert “197.296, 197.299, 197.303, 197.319, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062; and declaring an emergency.”.

Delete lines 7 through 15 and delete pages 2 through 7.

On page 8, delete lines 1 through 30 and insert:

“SECTION 1. (1) As used in this section:

“(a) ‘Area median income’ means the median income for households established by the United States Department of Housing and Urban Development.

“(b) ‘Existing housing stock’ means housing, by affordability level and type, actually constructed in a city or Metro.

“(c) ‘High income’ means above 120 percent of the area median income.

“(d) ‘Housing shortage’ means the difference between the estimated housing units of different affordability levels and housing types needed to accommodate population changes over the next 20 years, and the existing housing stock, measured in dwelling units.

“(e) ‘Low income’ means income above 50 percent and at or below 80 percent of the area median income.

“(f) ‘Metro’ means a metropolitan service district organized under ORS chapter 268.

“(g) ‘Moderate income’ means income above 80 percent and at or below 120 percent of the area median income.

“(h) ‘Region’ has the meaning given that term in ORS 284.752.

“(i) ‘Very low income’ means income at or below 50 percent of the area median income.

“(2) The Oregon Department of Administrative Services, in coordination with the Department of Land Conservation and Development and the Housing and Community Services Department, shall develop a methodology for calculating:

“(a) A regional housing needs analysis that identifies the total number of housing units necessary to accommodate anticipated populations in a region over the next 20 years based on:

“(A) Trends in density and in the average mix of housing types of urban residential development;

“(B) Demographic and population trends; and

“(C) Economic trends and cycles.

“(b) An inventory of existing housing stock of each city and Metro.

“(c) A housing shortage analysis for each city and Metro.

“(3) The methodologies for calculating the regional housing needs analysis, the inventory of existing housing stock and the housing shortage analysis developed under subsection (2)
of this section must classify housing by:

“(a) Housing type, including attached and detached single-family housing, multifamily housing and manufactured dwellings or mobile homes; and

“(b) Affordability, by housing that is affordable to households with:

“(A) Very low income;

“(B) Low income;

“(C) Moderate income; or

“(D) High income.

“(4) On or before July 1, 2020, the Oregon Department of Administrative Services, in coordination with the Department of Land Conservation and Development and the Housing and Community Services Department, shall conduct for each region a regional housing needs analysis and, for each city and Metro, shall inventory existing housing stock and establish a housing shortage analysis.

“(5) In developing the methodologies and conducting the analyses under this section, the Oregon Department of Administrative Services may:

“(a) Consult or contract with subject matter experts, cities and Metro, regional solutions centers described in ORS 284.754 (2) and other jurisdictions that have created or conducted regional housing needs analyses;

“(b) Consider the most recent consolidated population forecast produced by the Portland State University Population Research Center in making any relevant calculation or forecast; and

“(c) Consider any other relevant existing analyses, data and other information collected or produced by state agencies or public entities.

“SECTION 1a. (1) No later than July 1, 2020, the Oregon Department of Administrative Services and the Department of Land Conservation and Development shall submit a report, in the manner provided in ORS 192.245 to an appropriate interim committee of the Legislative Assembly, that summarizes the findings of the regional housing needs analysis, inventory of housing stock and housing shortage analysis conducted under section 1 (4) of this 2019 Act.

“(2) No later than January 31, 2021, the Department of Land Conservation and Development, in consultation with Oregon Department of Administrative Services and the Housing and Community Services Department, shall submit a report, in the manner provided in ORS 192.245, to the Legislative Assembly that evaluates:

“(a) Whether a regional housing needs analysis and housing shortage analysis described in section 1 of this 2019 Act could appropriately allocate the housing shortage described among the cities or local governments in a region;

“(b) How a regional housing needs analysis and housing shortage analysis may compare to existing assessments of housing need and capacity conducted by local governments under ORS 197.296 (3) and (10) in terms of:

“(A) Cost and cost effectiveness;

“(B) Reliability and accuracy;

“(C) Repeatability; and

“(D) Predictability;

“(c) How a regional housing needs analysis and housing shortage analysis may relate to statewide planning goals related to housing and any rules and policies adopted pursuant to
these goals and ORS 197.295 to 197.314;
“(d) Whether different boundaries would be more appropriate for defining regions within
the regional housing needs analysis based on:
“(A) Relevance of data in appropriately defining a commuting, employment or housing
market; or
“(B) Ease or cost of collecting or analyzing data;
“(e) Other ways in which the regional housing needs analysis or housing shortage anal-
ysis could be improved; and
“(f) Whether the regional housing needs analysis, or an improved version, could serve
as an acceptable methodology statewide for land use planning relating to housing.
“(3) In preparing the report required under subsection (2) of this section, the Department
of Land Conservation and Development may consult or contract with other state agencies,
subject matter experts, private firms, local governments, regional solutions centers de-
scribed in ORS 284.754 (2) and other jurisdictions that have created or conducted regional
housing needs analyses.
“SECTION 2. Sections 3 to 5 of this 2019 Act are added to and made a part of ORS 197.295
to 197.314.
“SECTION 3. (1) A city with a population greater than 10,000 shall develop and adopt a
housing production strategy under this section no later than one year after:
“(a) The city's deadline for completing a housing capacity analysis under ORS 197.296
(2)(a);
“(b) The city's deadline for completing a housing capacity analysis under ORS 197.296
(10)(b); or
“(c) The date that housing capacity was allocated to the city by a metropolitan service
district under ORS 197.299 (2)(d).
“(2) A housing production strategy must include a list of specific actions, including the
adoption of measures and policies, that the city shall undertake to promote development
within the city to address a housing shortage identified under ORS 197.296 (6) for the most
recent 20-year period described in ORS 197.296 (2)(b). Actions under this subsection may in-
clude:
“(a) The reduction of financial and regulatory impediments to developing needed housing,
including removing or easing approval standards or procedures for needed housing at higher
densities or that is affordable; and
“(b) The creation of financial and regulatory incentives for development of needed hous-
ing, including creating incentives for needed housing at higher densities or that is affordable.
“(3) In creating a housing production strategy, a city shall review and consider:
“(a) Socioeconomic and demographic characteristics of households living in existing
needed housing;
“(b) Market conditions affecting the provision of needed housing;
“(c) Measures already adopted by the city to promote the development of needed housing;
“(d) Existing and expected barriers to the development of needed housing; and
“(e) For each action the city includes in its housing production strategy:
“(A) The schedule for its adoption;
“(B) The schedule for its implementation;
“(C) Its expected magnitude of impact on the development of needed housing; and
“(D) The time frame over which it is expected to impact needed housing.

“(4) A housing production strategy may not contain proposed changes to a comprehensive plan or land use regulation. The adoption of a housing production strategy is not a land use decision and is not subject to appeal or review except as provided in section 4 of this 2019 Act.

SECTION 4. (1) No later than 20 days after a city's adoption or amendment of a housing production strategy under section 3 of this 2019 Act, a city shall submit the adopted strategy or amended strategy to the Department of Land Conservation and Development.

“(2) The submission under subsection (1) of this section must include copies of:

“(a) The signed decision adopting the housing production strategy or amended strategy;

“(b) The text of the housing production strategy clearly indicating any amendments to the most recent strategy submitted under this section;

“(c) A brief narrative summary of the housing production strategy; and

“(d) The information reviewed and considered under section 5 (2) of this 2019 Act.

“(3) On the same day the city submits notice of the housing production strategy or amended strategy, the city shall provide a notice to persons that participated in the proceedings that led to the adoption of the strategy and requested notice in writing.

“(4) Within five days of receipt of the submission under subsection (1) of this section, the department shall provide notice to persons described under ORS 197.615 (3).

“(5) The notices given under subsections (3) and (4) of this section must state:

“(a) How and where materials described in subsection (2) of this section may be freely obtained;

“(b) That comments on the strategy may be submitted to the department within 90 days after the department has received the submission; and

“(c) That there is no further right of appeal.

“(6) Based upon criteria adopted by the Land Conservation and Development Commission, including any criteria adopted under section 5 (2) of this 2019 Act, the department shall, within 120 days after receiving the submission under subsection (1) of this section:

“(a) Approve the housing production strategy;

“(b) Approve the housing production strategy, subject to further review and actions under section 5 (2) of this 2019 Act; or

“(c) Remand the housing production strategy for further modification as identified by the department.

“(7) A determination by the department under subsection (6) of this section is not a land use decision and is final and not subject to appeal.

SECTION 5. (1) The Land Conservation and Development Commission shall adopt criteria for reviewing and identifying cities with a population greater than 10,000 that have not sufficiently:

“(a) Achieved production of needed housing within their jurisdiction; or

“(b) Implemented a housing production strategy adopted under section 3 of this 2019 Act.

“(2) The criteria adopted by the commission under subsection (1) of this section may include the city's:

“(a) Total unmet housing need as described in ORS 197.296 (6);

“(b) Unmet housing need in proportion to the city's population;

“(c) Percentage of households identified as severely rent burdened as described in section
“(d) Recent housing development;
“(e) Recent adoption of a housing production strategy under section 3 of this 2019 Act or adoption of actions pursuant to a housing production strategy;
“(f) Recent or frequent previous identification by the Department of Land Conservation and Development under this section; or
“(g) Other attributes that the commission considers relevant.
“(3) The department may periodically review cities under the criteria adopted under subsection (2) of this section for the purposes of prioritizing actions by the department, including:
“(a) Awarding available technical or financial resources;
“(b) Providing enhanced review and oversight of the city’s housing production strategy;
“(c) Entering into agreements with the city relating to the city’s modification or implementation of its housing production strategy; or
“(d) Petitioning the commission to act under ORS 197.319 to 197.335 to require the city to comply with ORS 197.295 to 197.314 or statewide land use planning goals related to housing or urbanization.

SECTION 6. ORS 197.296 is amended to read:
“197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.
“(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.
“(2)(a) [At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use,]
A local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years:
“(A) At periodic review under ORS 197.628 to 197.651;
“(B) As scheduled by the commission:
“(i) At least once each eight years for local governments that are not within a metropolitan service district; or
“(ii) At least once each six years for a metropolitan service district; or
“(C) At any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use.
“(b) The 20-year period shall commence on the date initially scheduled for completion of the [periodic or legislative] review under paragraph (a) of this subsection.
“(3) In performing the duties under subsection (2) of this section, a local government shall:
“(a) Inventory the supply of buildable lands within the urban growth boundary and determine
the housing capacity of the buildable lands; and

“(b) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

“(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, ‘buildable lands’ includes:

“(A) Vacant lands planned or zoned for residential use;
“(B) Partially vacant lands planned or zoned for residential use;
“(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
“(D) Lands that may be used for residential infill or redevelopment.

“(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

“(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;
“(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and
“(C) The presence of a single family dwelling or other structure on a lot or parcel.

“(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

“(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity and need pursuant to subsection (3) of this section must be based on data relating to land within the urban growth boundary that has been collected since the last [periodic] review or [five years, whichever is greater]. The data shall include:

“(A) The number, density and average mix of housing types of urban residential development that have actually occurred;
“(B) Trends in density and average mix of housing types of urban residential development;
“(C) Demographic and population trends;
“(D) Economic trends and cycles; and
“(E) The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

“(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity and need. The shorter time period may not be less than three years.

“(c) A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection 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 paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

“(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than
the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
shall take one or more of the following actions to accommodate the additional housing need:

“(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate
housing needs for the next 20 years. As part of this process, the local government shall consider the
effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include
sufficient land reasonably necessary to accommodate the siting of new public school facilities. The
need and inclusion of lands for new public school facilities shall be a coordinated process between
the affected public school districts and the local government that has the authority to approve the
urban growth boundary;

“(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
lations to include new measures that demonstrably increase the likelihood that residential develop-
ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
expansion of the urban growth boundary. A local government or metropolitan service district that
takes this action shall monitor and record the level of development activity and development density
by housing type following the date of the adoption of the new measures; or

“(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

“(7) Using the analysis conducted under subsection (3)(b) of this section, the local government
shall determine the overall average density and overall mix of housing types at which residential
development of needed housing types must occur in order to meet housing needs over the next 20
years. If that density is greater than the actual density of development determined under subsection
(5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined
under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall
adopt measures that demonstrably increase the likelihood that residential development will occur
at the housing types and density and at the mix of housing types required to meet housing needs
over the next 20 years.

“(8)(a) A local government outside a metropolitan service district that takes any actions under
subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to
197.314.

“(b) The local government shall determine the density and mix of housing types anticipated as
a result of actions taken under subsections (6) and (7) of this section and monitor and record the
actual density and mix of housing types achieved. The local government shall compare actual and
anticipated density and mix. The local government shall submit its comparison to the commission
at the next [periodic review or at the next legislative] review of its urban growth boundary[, whichever
comes first] under subsection (2)(a) of this section.

“(9) In establishing that actions and measures adopted under subsections (6) and (7) of this sec-
tion demonstrably increase the likelihood of higher density residential development, the local gov-
ernment shall at a minimum ensure that land zoned for needed housing is in locations appropriate
for the housing types identified under subsection (3) of this section and is zoned at density ranges
that are likely to be achieved by the housing market using the analysis in subsection (3) of this
section. Actions or measures, or both, may include but are not limited to:

“(a) Increases in the permitted density on existing residential land;

“(b) Financial incentives for higher density housing;

“(c) Provisions permitting additional density beyond that generally allowed in the zoning district
in exchange for amenities and features provided by the developer;]
“(d) Removal or easing of approval standards or procedures;
“(e) Minimum density ranges;
“(f) Redevelopment and infill strategies;
“(g) Authorization of housing types not previously allowed by the plan or regulations;
“(h) Adoption of an average residential density standard; and
“(i) Rezoning or redesignation of nonresidential land.
“(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.
“(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, as required under paragraph (c) of this subsection, a city shall, according to rules of the commission:
“(A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
“(B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
“(C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.
“(c) The actions required under paragraph (b) of this subsection shall be undertaken:
“(A) At periodic review pursuant to ORS 197.628 to 197.651;
“(B) On a schedule established by the commission for cities with a population greater than 10,000, not to exceed once each eight years; or
“(C) At any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use.
“(d) For the purpose of the inventory described in this subsection, ‘buildable lands’ includes those lands described in subsection (4)(a) of this section.

SECTION 7. On or before December 31, 2019, the Land Conservation and Development Commission shall adopt a schedule by which metropolitan service districts and local governments described in ORS 197.296 (2)(a)(B) and (10)(c)(B) shall demonstrate sufficient buildable lands.

SECTION 8. ORS 197.299 is amended to read:
“197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than six years after completion of the previous inventory, determination and analysis.
“(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.
“(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.
“(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (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 shall consider and adopt new measures that the governing
body deems appropriate under ORS 197.296 (6)(b) and shall allocate any housing capacity that is not accommodated under this section to be accommodated by the application of ORS 197.296 (6)(b) by cities within the metropolitan service district with a population greater than 10,000.

“(e) Cities to which housing capacity is allocated under paragraph (d) of this subsection shall take steps described in ORS 197.296 (6)(b) to demonstrate sufficient residential development as required by ORS 197.296 (6)(b) within two years after the date of allocation.

“(3) The Land Conservation and Development 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 has provided good cause for failing to meet the time limits.

“(4)(a) The metropolitan service district 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. The metropolitan service district 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, the metropolitan service district shall assist the large school 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 197.298 (3).

“(5) Three years after completing its most recent demonstration of sufficient buildable lands under ORS 197.296, a metropolitan service district 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 metropolitan service district’s urban growth boundary, provided:

“(a) The metropolitan service district has entered into an intergovernmental agreement and has designated rural reserves and urban reserves under ORS 195.141 and 195.145 with each county located within the district;

“(b) The commission has acknowledged the rural reserve and urban reserve designations described in paragraph (a) of this subsection;

“(c) One or more cities within the metropolitan service district have proposed a development that would require expansion of the urban growth boundary;

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

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

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

“(6)(a) If a metropolitan service district, 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, the metropolitan service district 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) A metropolitan service district that expands its urban growth boundary under this sub-
section:

“(A) Must adopt the urban growth boundary expansion not more than four years after complet-
ing its most recent demonstration of sufficient buildable lands under ORS 197.296; and

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

SECTION 9. ORS 197.303 is amended to read:

“197.303. (1) As used in ORS [197.307] 197.295 to 197.314, ‘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 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 197.490;

“(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; and

“(e) Housing for farmworkers.

“(2) Subsection (1)(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) A local government 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 10. ORS 197.319 is amended to read:

“197.319. (1) Before a person may request adoption of an enforcement order under ORS 197.320,
the person shall:

“(a) Present the reasons, in writing, for such an order to the affected local government; and

“(b) Request:

“(A) Revisions to the local comprehensive plan, land use regulations, special district cooperative
or urban service agreement or decision-making process which is the basis for the order; or

“(B) That an action be taken regarding the local comprehensive plan, land use regulations,
special district agreement, housing production strategy or decision-making process that is the
basis for the order.

“(2)(a) The local government or special district shall issue a written response to the request
within 60 days of the date the request is mailed to the local government or special district.

“(b) The requestor and the local government or special district may enter into mediation to re-
solve issues in the request. The Department of Land Conservation and Development shall provide
mediation services when jointly requested by the local government or special district and the
requestor.
“(c) If the local government or special district does not act in a manner which the requestor believes is adequate to address the issues raised in the request within the time period provided in paragraph (a) of this subsection, a petition may be presented to the Land Conservation and Development Commission under ORS 197.324.

“(3) A metropolitan service district may request an enforcement order under ORS 197.320 (12) without first complying with subsections (1) and (2) of this section.

“SECTION 11. ORS 197.320 is amended to read:

“ORS 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, or land use regulations or housing production strategy 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 and 197;

“(10) A local government's approval standards, special conditions on approval of specific development proposals or procedures for approval do not comply with ORS 197.307 (4) or (6);

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

“(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[;] or

“(13) A city is not making satisfactory progress in taking actions listed in its housing production strategy under section 3 of this 2019 Act.”.
On page 9, delete lines 12 through 45.

On page 10, delete lines 1 through 4 and insert:

“NOTE: Sections 14 through 17 were deleted by amendment. Subsequent sections were not re-numbered.”.

On page 21, delete lines 11 through 45 and delete pages 22 through 30 and insert:

“SECTION 23. ORS 455.062 is amended to read:

“455.062. (1) A Department of Consumer and Business Services employee acting within the scope of that employment may provide typical plans and specifications:

“(a) For structures of a type for which the provision of plans or specifications is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from the application of ORS 672.002 to 672.325; and

“(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal or wood frame Use and Occupancy Classification Group U structures under the structural specialty code.

“(2) A Department of Consumer and Business Services employee, who is licensed or registered under ORS 671.010 to 671.220 or 672.002 to 672.325, who is acting within the scope of that employment and who is providing typical plans and specifications under subsection (1) of this section, is not required to seal or sign the typical plans and specifications and is not subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to 672.325 based on providing those typical plans and specifications.

“[(2)] (3) A building official or inspector, as those terms are defined in ORS 455.715, when acting within the scope of direct employment by a municipality, may provide typical plans and specifications for structures of a type for which the provision of plans or specifications is exempted under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from the application of ORS 672.002 to 672.325.

“[(3)] This [section] subsection does not alter any applicable requirement under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

“SECTION 24. In addition to and not in lieu of any other appropriation, there is appropriated to the Land Conservation and Development Commission, for the biennium beginning July 1, 2019, out of the General Fund, the amount of $________, to make rules or take any other actions necessary to implement sections 1a, 3 to 5 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175 and 227.500 by sections 6, 8 to 11 and 18 to 22 of this 2019 Act.

“SECTION 25. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of $1,500,000, to provide technical assistance to local governments to implement sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175 and 227.500 by sections 6, 8 to 11 and 18 to 22 of this 2019 Act.

“SECTION 26. (1) Sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062 by sections 6, 8 to 11 and 18 to 23 of this 2019 Act become operative on January 1, 2020.

“(2) The Oregon Department of Administrative Services, the Land Conservation and Development Commission, the Department of Land Conservation and Development and the Housing and Community Services Department may take any action before the operative date.
specified in subsection (1) of this section that is necessary for the departments and the
commission to exercise, on or after the operative date specified in subsection (1) of this
section, all of the duties, functions and powers conferred on the departments and the com-
mission by sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS 197.296,
197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062 by
sections 6, 8 to 11 and 18 to 23 this 2019 Act.

“SECTION 27. This 2019 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
on its passage.”.

____________