

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2001**

1 On page 1 of the printed bill, line 2, delete “197.312” and insert “197.296,  
2 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018,”.

3 Delete lines 5 through 24.

4 On page 2, delete lines 1 through 19 and insert:

5 **“SECTION 2. (1) As used in this section:**

6 **“(a) ‘Cottage clusters’ means groupings of no fewer than four de-**  
7 **tached housing units per acre with a footprint of less than 900 square**  
8 **feet each and that include a common courtyard.**

9 **“(b) ‘Middle housing’ means:**

10 **“(A) Duplexes;**

11 **“(B) Triplexes;**

12 **“(C) Quadplexes;**

13 **“(D) Cottage clusters; and**

14 **“(E) Townhouses.**

15 **“(c) ‘Townhouses’ means a dwelling unit constructed in a row of**  
16 **two or more attached units, where each dwelling unit is located on an**  
17 **individual lot or parcel and shares at least one common wall with an**  
18 **adjacent unit.**

19 **“(2) Except as provided in subsection (4) of this section, each city**  
20 **with a population greater than or equal to 25,000 and each county or**  
21 **city within a metropolitan service district shall permit the develop-**

1 **ment of all middle housing types in areas that are zoned for residential**  
2 **use and allow for detached single-family dwellings.**

3 **“(3) Except as provided in subsection (4) of this section, each city**  
4 **with a population greater than 10,000 and less than 25,000 outside of a**  
5 **metropolitan service district shall permit the development of a duplex**  
6 **on each lot, in an area zoned for residential use, that allows for the**  
7 **development of a detached single-family dwelling. Nothing in this**  
8 **subsection prohibits a local government from allowing middle housing**  
9 **types in addition to duplexes.**

10 **“(4) This section does not apply to:**

11 **“(a) Cities with a population of 1,000 or fewer;**

12 **“(b) Lands not within an urban growth boundary;**

13 **“(c) Lands that are not incorporated and also lack sufficient urban**  
14 **services, as defined in ORS 195.065;**

15 **“(d) Lands that are not zoned for residential use, including lands**  
16 **zoned primarily for commercial, industrial, agricultural or public uses;**  
17 **or**

18 **“(e) Lands that are not incorporated and are zoned under an in-**  
19 **terim zoning designation that maintains the land’s potential for**  
20 **planned urban development.**

21 **“(5) Local governments may regulate siting and design of middle**  
22 **housing required to be permitted under this section, provided that, for**  
23 **each lot or parcel that allows for the development of a detached**  
24 **single-family home, the regulations allow for at least one middle**  
25 **housing type and do not, individually or cumulatively, discourage the**  
26 **development of all middle housing types permitted in the area through**  
27 **unreasonable costs or delay. Local governments may regulate middle**  
28 **housing to comply with protective measures adopted pursuant to**  
29 **statewide land use planning goals.**

30 **“(6) This section does not prohibit local governments from permit-**

1 **ting:**

2 **“(a) Single-family dwellings in areas zoned to allow for single-family**  
3 **dwellings; or**

4 **“(b) Middle housing in areas not required under this section.**

5 **“SECTION 3. (1) Notwithstanding ORS 197.646, a local government**  
6 **shall adopt land use regulations or amend its comprehensive plan to**  
7 **implement section 2 of this 2019 Act no later than:**

8 **“(a) June 30, 2021, for each local government subject to section 2 (3)**  
9 **of this 2019 Act; or**

10 **“(b) June 30, 2022, for each local government subject to section 2 (2)**  
11 **of this 2019 Act.**

12 **“(2) The Land Conservation and Development Commission, with the**  
13 **assistance of the Building Codes Division of the Department of Con-**  
14 **sumer and Business Services, shall develop a model middle housing**  
15 **ordinance no later than December 31, 2020.**

16 **“(3) A local government that has not acted within the time provided**  
17 **under subsection (1) of this section shall directly apply the model or-**  
18 **dinance developed by the commission under subsection (2) of this sec-**  
19 **tion under ORS 197.646 (3) until the local government acts as described**  
20 **in subsection (1) of this section.**

21 **“(4) In adopting regulations or amending a comprehensive plan**  
22 **under this section, a local government shall consider ways to increase**  
23 **the affordability of middle housing by considering ordinances and pol-**  
24 **icies that include but are not limited to:**

25 **“(a) Waiving or deferring system development charges;**

26 **“(b) Adopting or amending criteria for property tax exemptions**  
27 **under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or**  
28 **property tax freezes under ORS 308.450 to 308.481; and**

29 **“(c) Assessing a construction tax under ORS 320.192 and 320.195.**

30 **“(5) A final action adopted by a local government to allow middle**

1 housing does not constitute a comprehensive plan amendment or land  
2 use regulation that must comply with a statewide planning goal re-  
3 lated to transportation or any implementing administrative rules for  
4 a statewide planning goal related to transportation.

5 **“SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019**  
6 **Act, the Department of Land Conservation and Development may**  
7 **grant to a local government that is subject to section 2 of this 2019**  
8 **Act an extension of the time allowed to adopt land use regulations or**  
9 **amend its comprehensive plan under section 3 of this 2019 Act.**

10 **“(2) An extension under this section may be applied only to specific**  
11 **areas where the local government has identified water, sewer, storm**  
12 **drainage or transportation services that are either significantly defi-**  
13 **cient or are expected to be significantly deficient before December 31,**  
14 **2023, and for which the local government has established a plan of**  
15 **actions that will remedy the deficiency in those services that is ap-**  
16 **proved by the department. The extension may not extend beyond the**  
17 **date that the local government intends to correct the deficiency under**  
18 **the plan.**

19 **“(3) In areas where the extension under this section does not apply,**  
20 **the local government shall apply its own land use regulations con-**  
21 **sistent with section 3 (1) of this 2019 Act or the model ordinance de-**  
22 **veloped under section 3 (2) of this 2019 Act.**

23 **“(4) A request for an extension under this section must be filed with**  
24 **the department no later than December 31, 2020.**

25 **“(5) The department shall grant or deny a request for an extension**  
26 **under this section within 90 days of receipt.**

27 **“(6) The department shall adopt rules regarding the form and sub-**  
28 **stance of a local government’s application for an extension under this**  
29 **section. The department may include rules regarding:**

30 **“(a) Defining the affected areas;**

1       **“(b) Calculating deficiencies of water, sewer, storm drainage or**  
2 **transportation services;**

3       **“(c) Service deficiency levels required to qualify for the extension;**

4       **“(d) The components and timing of a remediation plan necessary**  
5 **to qualify for an extension; and**

6       **“(e) Standards for evaluating applications.**

7       **“SECTION 5.** ORS 197.296 is amended to read:

8       “197.296. (1)(a) The provisions of subsections (2) to (9) of this section ap-  
9 ply to metropolitan service district regional framework plans and local gov-  
10 ernment comprehensive plans for lands within the urban growth boundary  
11 of a city that is located outside of a metropolitan service district and has a  
12 population of 25,000 or more.

13       “(b) The Land Conservation and Development Commission may establish  
14 a set of factors under which additional cities are subject to the provisions  
15 of this section. In establishing the set of factors required under this para-  
16 graph, the commission shall consider the size of the city, the rate of popu-  
17 lation growth of the city or the proximity of the city to another city with  
18 a population of 25,000 or more or to a metropolitan service district.

19       “(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other  
20 legislative review of the comprehensive plan or regional framework plan that  
21 concerns the urban growth boundary and requires the application of a  
22 statewide planning goal relating to buildable lands for residential use, a lo-  
23 cal government shall demonstrate that its comprehensive plan or regional  
24 framework plan provides sufficient buildable lands within the urban growth  
25 boundary established pursuant to statewide planning goals to accommodate  
26 estimated housing needs for 20 years. The 20-year period shall commence on  
27 the date initially scheduled for completion of the periodic or legislative re-  
28 view.

29       “(3) In performing the duties under subsection (2) of this section, a local  
30 government shall:

1       “(a) Inventory the supply of buildable lands within the urban growth  
2 boundary and determine the housing capacity of the buildable lands; and

3       “(b) Conduct an analysis of **existing and projected** housing need by type  
4 and density range, in accordance with **all factors under** ORS 197.303 and  
5 statewide planning goals and rules relating to housing, to determine the  
6 number of units and amount of land needed for each needed housing type for  
7 the next 20 years.

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

10       “(A) Vacant lands planned or zoned for residential use;

11       “(B) Partially vacant lands planned or zoned for residential use;

12       “(C) Lands that may be used for a mix of residential and employment uses  
13 under the existing planning or zoning; and

14       “(D) Lands that may be used for residential infill or redevelopment.

15       “(b) For the purpose of the inventory and determination of housing ca-  
16 pacity described in subsection (3)(a) of this section, the local government  
17 must demonstrate consideration of:

18       “(A) The extent that residential development is prohibited or restricted  
19 by local regulation and ordinance, state law and rule or federal statute and  
20 regulation;

21       “(B) A written long term contract or easement for radio, telecommuni-  
22 cations or electrical facilities, if the written contract or easement is provided  
23 to the local government; and

24       “(C) The presence of a single family dwelling or other structure on a lot  
25 or parcel.

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

30       “(5)(a) Except as provided in [*paragraphs (b) and (c)*] **paragraph (b)** of

1 this subsection, the determination of housing capacity [*and need*] pursuant  
2 to subsection [(3)] **(3)(a)** of this section must be based on data relating to  
3 land within the urban growth boundary that has been collected since the last  
4 [*periodic*] review or [*five*] **six** years, whichever is greater. The data shall in-  
5 clude:

6 “(A) The number, density and average mix of housing types of urban resi-  
7 dential development that have actually occurred;

8 “(B) Trends in density and average mix of housing types of urban resi-  
9 dential development; **and**

10 “[*(C) Demographic and population trends;*]

11 “[*(D) Economic trends and cycles; and*]

12 “[*(E)*] **(C)** The number, density and average mix of housing types that  
13 have occurred on the buildable lands described in subsection (4)(a) of this  
14 section.

15 “(b) A local government shall make the determination described in para-  
16 graph (a) of this subsection using a shorter time period than the time period  
17 described in paragraph (a) of this subsection if the local government finds  
18 that the shorter time period will provide more accurate and reliable data  
19 related to housing capacity [*and need*]. The shorter time period may not be  
20 less than three years.

21 “[*(c) A local government shall use data from a wider geographic area or*  
22 *use a time period for economic cycles and trends longer than the time period*  
23 *described in paragraph (a) of this subsection if the analysis of a wider ge-*  
24 *ographic area or the use of a longer time period will provide more accurate,*  
25 *complete and reliable data relating to trends affecting housing need than an*  
26 *analysis performed pursuant to paragraph (a) of this subsection. The local*  
27 *government must clearly describe the geographic area, time frame and source*  
28 *of data used in a determination performed under this paragraph.]*

29 “(6) If the housing need determined pursuant to subsection (3)(b) of this  
30 section is greater than the housing capacity determined pursuant to sub-

1 section (3)(a) of this section, the local government shall take one or [more]  
2 **both** of the following actions to accommodate the additional housing need:

3 “(a) Amend its urban growth boundary to include sufficient buildable  
4 lands to accommodate housing needs for the next 20 years. As part of this  
5 process, the local government shall consider the effects of measures taken  
6 pursuant to paragraph (b) of this subsection. The amendment shall include  
7 sufficient land reasonably necessary to accommodate the siting of new public  
8 school facilities. The need and inclusion of lands for new public school fa-  
9 cilities shall be a coordinated process between the affected public school  
10 districts and the local government that has the authority to approve the ur-  
11 ban growth boundary[;].

12 “(b) Amend its comprehensive plan, regional framework plan, functional  
13 plan or land use regulations to include new measures that demonstrably in-  
14 crease the likelihood that residential development will occur at densities  
15 sufficient to accommodate housing needs for the next 20 years without ex-  
16 pansion of the urban growth boundary. A local government or metropolitan  
17 service district that takes this action shall [*monitor and record the level of*  
18 *development activity and development density by housing type following the*  
19 *date of the adoption of the new measures; or*] **adopt findings regarding the**  
20 **density expectations assumed to result from measures adopted under**  
21 **this paragraph based upon the factors listed in ORS 197.303 (2) and**  
22 **subsection (5)(a) of this section. The density expectations may not**  
23 **project an increase in residential capacity above achieved density by**  
24 **more than three percent without quantifiable validation of such de-**  
25 **partures. For a local government located outside of a metropolitan**  
26 **service district, a quantifiable validation must demonstrate that the**  
27 **assumed housing capacity has been achieved in areas that are zoned**  
28 **to allow the same authorized density level within the local jurisdiction**  
29 **or a jurisdiction in the same region. For a metropolitan service dis-**  
30 **trict, a quantifiable validation must demonstrate that the assumed**



1 **housing capacity has been achieved in areas that are zoned to allow**  
2 **the same authorized density level within the metropolitan service dis-**  
3 **trict.**

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

6 **“(c) As used in this subsection, ‘authorized density level’ has the**  
7 **meaning given that term in ORS 215.416 and 227.175.**

8 **“(7) Using the housing need analysis conducted under subsection (3)(b)**  
9 **of this section, the local government shall determine the overall average**  
10 **density and overall mix of housing types at which residential development**  
11 **of needed housing types must occur in order to meet housing needs over the**  
12 **next 20 years. If that density is greater than the actual density of develop-**  
13 **ment determined under subsection (5)(a)(A) of this section, or if that mix is**  
14 **different from the actual mix of housing types determined under subsection**  
15 **(5)(a)(A) of this section, the local government, as part of its periodic review,**  
16 **shall adopt measures that demonstrably increase the likelihood that resi-**  
17 **dential development will occur at the housing types and density and at the**  
18 **mix of housing types required to meet housing needs over the next 20 years.**

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

23 **“(b) [The] A local government shall determine the density and mix of**  
24 **housing types anticipated as a result of actions taken under subsections (6)**  
25 **and (7) of this section and monitor and record the actual density and mix**  
26 **of housing types achieved following the adoption of these actions. The**  
27 **local government shall compare actual and anticipated density and mix. The**  
28 **local government shall submit its comparison to the commission at the next**  
29 **periodic review or at the next legislative review of its urban growth bound-**  
30 **ary, whichever comes first.**

1 “(9) In establishing that actions and measures adopted under subsections  
2 (6) and (7) of this section demonstrably increase the likelihood of higher  
3 density residential development, the local government shall at a minimum  
4 ensure that land zoned for needed housing is in locations appropriate for the  
5 housing types identified under subsection (3) of this section, [and] is zoned  
6 at density ranges that are likely to be achieved by the housing market using  
7 the analysis in subsection (3) of this section **and is in areas where suffi-**  
8 **cient urban services are planned to enable the higher density devel-**  
9 **opment to occur over the 20-year period.** Actions or measures, or both,  
10 may include but are not limited to:

- 11 “(a) Increases in the permitted density on existing residential land;
- 12 “(b) Financial incentives for higher density housing;
- 13 “(c) Provisions permitting additional density beyond that generally al-  
14 lowed in the zoning district in exchange for amenities and features provided  
15 by the developer;
- 16 “(d) Removal or easing of approval standards or procedures;
- 17 “(e) Minimum density ranges;
- 18 “(f) Redevelopment and infill strategies;
- 19 “(g) Authorization of housing types not previously allowed by the plan  
20 or regulations;
- 21 “(h) Adoption of an average residential density standard; and
- 22 “(i) Rezoning or redesignation of nonresidential land.

23 “(10)(a) The provisions of this subsection apply to local government com-  
24 prehensive plans for lands within the urban growth boundary of a city that  
25 is located outside of a metropolitan service district and has a population of  
26 less than 25,000.

27 “(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other  
28 legislative review of the comprehensive plan that requires the application  
29 of a statewide planning goal relating to buildable lands for residential use,  
30 a city shall, according to rules of the commission:

1 “(A) Determine the estimated housing needs within the jurisdiction for  
2 the next 20 years;

3 “(B) Inventory the supply of buildable lands available within the urban  
4 growth boundary to accommodate the estimated housing needs determined  
5 under this subsection; and

6 “(C) Adopt measures necessary to accommodate the estimated housing  
7 needs determined under this subsection.

8 “(c) For the purpose of the inventory described in this subsection,  
9 ‘buildable lands’ includes those lands described in subsection (4)(a) of this  
10 section.

11 **“SECTION 6.** ORS 197.303 is amended to read:

12 “197.303. (1) As used in ORS 197.307, ‘needed housing’ means all housing  
13 on land zoned for residential use or mixed residential and commercial use  
14 that is determined to meet the need shown for housing within an urban  
15 growth boundary at price ranges and rent levels that are affordable to  
16 households within the county with a variety of incomes, including but not  
17 limited to households with low incomes, very low incomes and extremely low  
18 incomes, as those terms are defined by the United States Department of  
19 Housing and Urban Development under 42 U.S.C. 1437a. ‘Needed housing’  
20 includes the following housing types:

21 “(a) Attached and detached single-family housing and multiple family  
22 housing for both owner and renter occupancy;

23 “(b) Government assisted housing;

24 “(c) Mobile home or manufactured dwelling parks as provided in ORS  
25 197.475 to 197.490;

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

29 “(e) Housing for farmworkers.

30 **“(2) For the purpose of estimating housing needs, a local govern-**

1 **ment shall use the population projections prescribed by ORS 195.033**  
2 **or 195.036 and shall consider and adopt findings related to the following**  
3 **factors and the projected changes in these factors:**

4 **“(a) Household sizes;**

5 **“(b) Household demographics in terms of age, gender, race or other**  
6 **established demographic category;**

7 **“(c) Household incomes;**

8 **“(d) Vacancy rates; and**

9 **“(e) Employment types and income.**

10 “[2)] (3) Subsection (1)(a) and (d) of this section does not apply to:

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

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

13 “(3) A local government may take an exception under ORS 197.732 to the  
14 definition of ‘needed housing’ in subsection (1) of this section in the same  
15 manner that an exception may be taken under the goals.”.

16 On page 3, delete lines 12 through 36 and insert:

17 **“SECTION 8.** Section 1, chapter 47, Oregon Laws 2018, is amended to  
18 read:

19 **“Sec. 1.** (1) For purposes of this section:

20 “(a) A household is severely rent burdened if the household spends more  
21 than 50 percent of the income of the household on gross rent for housing.

22 “(b) A regulated affordable unit is a residential unit subject to a regula-  
23 tory agreement that runs with the land and that requires affordability for  
24 an established income level for a defined period of time.

25 “[*(c) A single-family unit may be rented or owned by a household and in-*  
26 *cludes single-family homes, duplexes, townhomes, row homes and mobile*  
27 *homes.*]

28 “(2)(a) The Housing and Community Services Department shall annually  
29 provide to the governing body of each city in this state with a population  
30 greater than 10,000 the most current data available from the United States

1 Census Bureau, or any other source the department considers at least as  
2 reliable, showing the percentage of renter households in the city that are  
3 severely rent burdened.

4 “(b) The Housing and Community Services Department, in collaboration  
5 with the Department of Land Conservation and Development, shall develop  
6 a survey form on which the governing body of a city may provide specific  
7 information related to the affordability of housing within the city, including,  
8 but not limited to:

9 “(A) The actions relating to land use and other related matters that the  
10 governing body has taken to increase the affordability of housing and reduce  
11 rent burdens for severely rent burdened households; and

12 “(B) The additional actions the governing body intends to take to reduce  
13 rent burdens for severely rent burdened households.

14 “(c) If the Housing and Community Services Department determines that  
15 at least 25 percent of the renter households in a city are severely rent bur-  
16 dened, the department shall provide the governing body of the city with the  
17 survey form developed pursuant to paragraph (b) of this subsection.

18 “(d) The governing body of the city shall return the completed survey  
19 form to the Housing and Community Services Department and the Depart-  
20 ment of Land Conservation and Development within 60 days of receipt.

21 “(3)(a) In any year in which the governing body of a city is informed  
22 under this section that at least 25 percent of the renter households in the  
23 city are severely rent burdened, the governing body shall hold at least one  
24 public meeting to discuss the causes and consequences of severe rent burdens  
25 within the city, the barriers to reducing rent burdens and possible solutions.

26 “(b) The Housing and Community Services Department may adopt rules  
27 governing the conduct of the public meeting required under this subsection.

28 “(4) No later than February 1 of each year, the governing body of each  
29 city in this state with a population greater than 10,000 shall submit to the  
30 Department of Land Conservation and Development a report for the imme-

1 diately preceding calendar year setting forth separately for each of the fol-  
2 lowing categories the total number of units that were permitted and the total  
3 number that were produced:

4 “(a) Residential units.

5 “(b) Regulated affordable residential units.

6 “(c) Multifamily residential units.

7 “(d) Regulated affordable multifamily residential units.

8 “(e) Single-family [*units*] **homes**.

9 “(f) Regulated affordable single-family [*units*] **homes**.

10 “(g) **Accessory dwelling units**.

11 “(h) **Regulated affordable accessory dwelling units**.

12 “(i) **Units of middle housing, as defined in section 2 of this 2019 Act.**

13 “(j) **Regulated affordable units of middle housing.**

14 “**SECTION 9.** ORS 455.610 is amended to read:

15 “455.610. (1) The Director of the Department of Consumer and Business  
16 Services shall adopt, and amend as necessary, a Low-Rise Residential  
17 Dwelling Code that contains all requirements, including structural design  
18 provisions, related to the construction of residential dwellings three stories  
19 or less above grade. The code provisions for plumbing and electrical re-  
20 quirements must be compatible with other specialty codes adopted by the  
21 director. The Electrical and Elevator Board, the Mechanical Board and the  
22 State Plumbing Board shall review, respectively, amendments to the elec-  
23 trical, mechanical or plumbing provisions of the code.

24 “(2) Changes or amendments to the code adopted under subsection (1) of  
25 this section may be made when:

26 “(a) Required by geographic or climatic conditions unique to Oregon;

27 “(b) Necessary to be compatible with other statutory provisions;

28 “(c) Changes to the national codes are adopted in Oregon; or

29 “(d) Necessary to authorize the use of building materials and techniques  
30 that are consistent with nationally recognized standards and building prac-

1 tices.

2 “(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the direc-  
3 tor may, at any time following appropriate consultation with the Mechanical  
4 Board or Building Codes Structures Board, amend the mechanical specialty  
5 code or structural specialty code to ensure compatibility with the Low-Rise  
6 Residential Dwelling Code.

7 “(4) The water conservation provisions for toilets, urinals, shower heads  
8 and interior faucets adopted in the Low-Rise Residential Dwelling Code shall  
9 be the same as those adopted under ORS 447.020 to meet the requirements  
10 of ORS 447.145.

11 “(5) The Low-Rise Residential Dwelling Code shall be adopted and  
12 amended as provided by ORS 455.030 and 455.110.

13 “(6) The director, by rule, shall establish uniform standards for a  
14 municipality to allow an alternate method of construction to the require-  
15 ments for one and two family dwellings built to the Low-Rise Residential  
16 Dwelling Code in areas where the local jurisdiction determines that the fire  
17 apparatus means of approach to a property or water supply serving a prop-  
18 erty does not meet applicable fire code or state building code requirements.  
19 The alternate method of construction, which may include but is not limited  
20 to the installation of automatic fire sprinkler systems, must be approved in  
21 conjunction with the approval of an application under ORS 197.522.

22 “(7) For lots of record existing before July 2, 2001, or property that re-  
23 ceives any approval for partition, subdivision or construction under ORS  
24 197.522 before July 2, 2001, a municipality allowing an alternate method of  
25 construction to the requirements for one and two family dwellings built to  
26 the Low-Rise Residential Dwelling Code may apply the uniform standards  
27 established by the director pursuant to subsection (6) of this section. For  
28 property that receives all approvals for partition, subdivision or construction  
29 under ORS 197.522 on or after July 2, 2001, a municipality allowing an al-  
30 ternate method of construction to the requirements for one and two family

1 dwellings built to the Low-Rise Residential Dwelling Code must apply the  
2 uniform standards established by the director pursuant to subsection (6) of  
3 this section.

4 **“(8) The director, by rule, shall establish uniform standards for a  
5 municipality to allow alternate approval of construction related to  
6 conversions of low-rise residential dwellings to no more than four  
7 residential dwelling units built to the Low-Rise Residential Dwelling  
8 Code that received occupancy approval prior to January 1, 2020. The  
9 standards adopted under this subsection shall include standards de-  
10 scribing the information that must be submitted before an application  
11 for alternate approval will be deemed complete.**

12 **“(9)(a) A building official described in ORS 455.148 or 455.150 must  
13 approve or deny an application for alternate approval under subsection  
14 (8) of this section within 15 days of receiving a complete application.**

15 **“(b) A building official who denies an application for alternate ap-  
16 proval under this subsection shall provide to the applicant:**

17 **“(A) A written explanation of the basis for the denial; and**

18 **“(B) A statement that describes the applicant’s appeal rights under  
19 subsection (10) of this section.**

20 **“(10) An appeal from a denial under subsection (9) of this section  
21 shall be made to the Residential and Manufactured Structures Board.  
22 The board shall issue a decision no later than 30 days after the appeal  
23 is first made. The decision of the board may not be appealed.**

24 **“SECTION 10. (1) It is the policy of the State of Oregon to reduce  
25 to the extent practicable administrative and permitting costs and  
26 barriers to the construction of middle housing, as defined in section 2  
27 of this 2019 Act, while maintaining safety, public health and the gen-  
28 eral welfare with respect to construction and occupancy.**

29 **“(2) The Department of Consumer and Business Services shall sub-  
30 mit a report describing rules and standards relating to low-rise resi-**



1 **dential dwellings adopted under section 9 of this 2019 Act, in the**  
2 **manner provided in ORS 192.245, to an interim committee of the Leg-**  
3 **islative Assembly related to housing no later than January 1, 2020.**

4 **“SECTION 11. Section 12 of this 2019 Act is added to and made a**  
5 **part of ORS 94.550 to 94.783.**

6 **“SECTION 12. A provision in a governing document that is adopted**  
7 **or amended on or after the effective date of this 2019 Act, is void and**  
8 **unenforceable to the extent that the provision would prohibit or have**  
9 **the effect of unreasonably restricting the development of housing that**  
10 **is otherwise allowable under the maximum density of the zoning for**  
11 **the land.**

12 **“SECTION 13. A provision in an instrument conveying, or con-**  
13 **tracting to convey, title to real property is not enforceable if:**

14 **“(1) The provision would prohibit the development of middle hous-**  
15 **ing, as defined in section 2 of this 2019 Act, on the property but would**  
16 **allow the development of a single-family dwelling; and**

17 **“(2) The instrument was executed on or after the effective date of**  
18 **this 2019 Act.**

19 **“SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the**  
20 **amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1,**  
21 **chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become**  
22 **operative on January 1, 2020.**

23 **“(2) The Land Conservation and Development Commission, the De-**  
24 **partment of Consumer and Business Services and the Residential and**  
25 **Manufactured Structures Board may take any actions before the op-**  
26 **erative date specified in subsection (1) of this section necessary to**  
27 **enable the commission, department or board to exercise, on or after**  
28 **the operative date specified in subsection (1) of this section, the duties**  
29 **required under sections 2, 3 and 10 of this 2019 Act and the amend-**  
30 **ments to ORS 455.610 by section 9 of this 2019 Act.”.**

1 In line 37, delete “10” and insert “15”.

2 After line 43, insert:

3 **“SECTION 16. In addition to and not in lieu of any other appropri-**  
4 **ation, there is appropriated to the Department of Land Conservation**  
5 **and Development, for the biennium beginning July 1, 2019, out of the**  
6 **General Fund, the amount of \$3,000,000 for the purpose of providing**  
7 **technical assistance to local governments in implementing section 3**  
8 **(1) of this 2019 Act and to develop plans to improve water, sewer, storm**  
9 **drainage and transportation services as described in section 4 (2) of**  
10 **this 2019 Act. The department shall prioritize technical assistance to**  
11 **cities or counties with limited planning staff or that commit to im-**  
12 **plementation earlier than the date required under section 3 (1) of this**  
13 **2019 Act.”.**

14 In line 44, delete “11” and insert “17”.

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