

HB 2003-6
(LC 3214)
4/2/19 (RLM/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representative Tina Kotek)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2003**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and lines 3 through 5 and insert “197.296, 197.299, 197.303, 197.319,
3 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062; and declaring
4 an emergency.”.

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

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

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

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

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

13 **“(c) ‘High income’ means above 120 percent of the area median in-**
14 **come.**

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

19 **“(e) ‘Low income’ means income above 50 percent and at or below**
20 **80 percent of the area median income.**

21 **“(f) ‘Metro’ means a metropolitan service district organized under**

1 **ORS chapter 268.**

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

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

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

7 **“(2) The Oregon Department of Administrative Services, in coordi-**
8 **nation with the Department of Land Conservation and Development**
9 **and the Housing and Community Services Department, shall develop**
10 **a methodology for calculating:**

11 **“(a) A regional housing needs analysis that identifies the total**
12 **number of housing units necessary to accommodate anticipated popu-**
13 **lations in a region over the next 20 years based on:**

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

16 **“(B) Demographic and population trends; and**

17 **“(C) Economic trends and cycles.**

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

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

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

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

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

28 **“(A) Very low income;**

29 **“(B) Low income;**

30 **“(C) Moderate income; or**

1 **“(D) High income.**

2 **“(4) On or before July 1, 2020, the Oregon Department of Adminis-**
3 **trative Services, in coordination with the Department of Land Con-**
4 **servation and Development and the Housing and Community Services**
5 **Department, shall conduct for each region a regional housing needs**
6 **analysis and, for each city and Metro, shall inventory existing housing**
7 **stock and establish a housing shortage analysis.**

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

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

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

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

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

27 **“(2) No later than January 31, 2021, the Department of Land Con-**
28 **servation and Development, in consultation with Oregon Department**
29 **of Administrative Services and the Housing and Community Services**
30 **Department, shall submit a report, in the manner provided in ORS**

1 **192.245, to the Legislative Assembly that evaluates:**

2 **“(a) Whether a regional housing needs analysis and housing short-**
3 **age analysis described in section 1 of this 2019 Act could appropriately**
4 **allocate the housing shortage described among the cities or local gov-**
5 **ernments in a region;**

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

10 **“(A) Cost and cost effectiveness;**

11 **“(B) Reliability and accuracy;**

12 **“(C) Repeatability; and**

13 **“(D) Predictability;**

14 **“(c) How a regional housing needs analysis and housing shortage**
15 **analysis may relate to statewide planning goals related to housing and**
16 **any rules and policies adopted pursuant to these goals and ORS 197.295**
17 **to 197.314;**

18 **“(d) Whether different boundaries would be more appropriate for**
19 **defining regions within the regional housing needs analysis based on:**

20 **“(A) Relevance of data in appropriately defining a commuting, em-**
21 **ployment or housing market; or**

22 **“(B) Ease or cost of collecting or analyzing data;**

23 **“(e) Other ways in which the regional housing needs analysis or**
24 **housing shortage analysis could be improved; and**

25 **“(f) Whether the regional housing needs analysis, or an improved**
26 **version, could serve as an acceptable methodology statewide for land**
27 **use planning relating to housing.**

28 **“(3) In preparing the report required under subsection (2) of this**
29 **section, the Department of Land Conservation and Development may**
30 **consult or contract with other state agencies, subject matter experts,**

1 private firms, local governments, regional solutions centers described
2 in ORS 284.754 (2) and other jurisdictions that have created or con-
3 ducted regional housing needs analyses.

4 **“SECTION 2.** Sections 3 to 5 of this 2019 Act are added to and made
5 a part of ORS 197.295 to 197.314.

6 **“SECTION 3.** (1) A city with a population greater than 10,000 shall
7 develop and adopt a housing production strategy under this section
8 no later than one year after:

9 **“(a)** The city’s deadline for completing a housing capacity analysis
10 under ORS 197.296 (2)(a);

11 **“(b)** The city’s deadline for completing a housing capacity analysis
12 under ORS 197.296 (10)(b); or

13 **“(c)** The date that housing capacity was allocated to the city by a
14 metropolitan service district under ORS 197.299 (2)(d).

15 **“(2)** A housing production strategy must include a list of specific
16 actions, including the adoption of measures and policies, that the city
17 shall undertake to promote development within the city to address a
18 housing shortage identified under ORS 197.296 (6) for the most recent
19 20-year period described in ORS 197.296 (2)(b). Actions under this sub-
20 section may include:

21 **“(a)** The reduction of financial and regulatory impediments to de-
22 veloping needed housing, including removing or easing approval stan-
23 dards or procedures for needed housing at higher densities or that is
24 affordable; and

25 **“(b)** The creation of financial and regulatory incentives for devel-
26 opment of needed housing, including creating incentives for needed
27 housing at higher densities or that is affordable.

28 **“(3)** In creating a housing production strategy, a city shall review
29 and consider:

30 **“(a)** Socioeconomic and demographic characteristics of households

1 **living in existing needed housing;**

2 **“(b) Market conditions affecting the provision of needed housing;**

3 **“(c) Measures already adopted by the city to promote the develop-**
4 **ment of needed housing;**

5 **“(d) Existing and expected barriers to the development of needed**
6 **housing; and**

7 **“(e) For each action the city includes in its housing production**
8 **strategy:**

9 **“(A) The schedule for its adoption;**

10 **“(B) The schedule for its implementation;**

11 **“(C) Its expected magnitude of impact on the development of needed**
12 **housing; and**

13 **“(D) The time frame over which it is expected to impact needed**
14 **housing.**

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

20 **“SECTION 4. (1) No later than 20 days after a city’s adoption or**
21 **amendment of a housing production strategy under section 3 of this**
22 **2019 Act, a city shall submit the adopted strategy or amended strategy**
23 **to the Department of Land Conservation and Development.**

24 **“(2) The submission under subsection (1) of this section must in-**
25 **clude copies of:**

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

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

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

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

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

9 “(4) Within five days of receipt of the submission under subsection
10 (1) of this section, the department shall provide notice to persons de-
11 scribed under ORS 197.615 (3).

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

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

16 “(b) That comments on the strategy may be submitted to the de-
17 partment within 90 days after the department has received the sub-
18 mission; and

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

20 “(6) Based upon criteria adopted by the Land Conservation and De-
21 velopment Commission, including any criteria adopted under section
22 5 (2) of this 2019 Act, the department shall, within 120 days after re-
23 ceiving the submission under subsection (1) of this section:

24 “(a) Approve the housing production strategy;

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

27 “(c) Remand the housing production strategy for further modifica-
28 tion as identified by the department.

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

1 **“SECTION 5. (1) The Land Conservation and Development Com-**
2 **mission shall adopt criteria for reviewing and identifying cities with**
3 **a population greater than 10,000 that have not sufficiently:**

4 **“(a) Achieved production of needed housing within their jurisdic-**
5 **tion; or**

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

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

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

11 **“(b) Unmet housing need in proportion to the city’s population;**

12 **“(c) Percentage of households identified as severely rent burdened**
13 **as described in section 1, chapter 47, Oregon Laws 2018;**

14 **“(d) Recent housing development;**

15 **“(e) Recent adoption of a housing production strategy under section**
16 **3 of this 2019 Act or adoption of actions pursuant to a housing pro-**
17 **duction strategy;**

18 **“(f) Recent or frequent previous identification by the Department**
19 **of Land Conservation and Development under this section; or**

20 **“(g) Other attributes that the commission considers relevant.**

21 **“(3) The department may periodically review cities under the crite-**
22 **ria adopted under subsection (2) of this section for the purposes of**
23 **prioritizing actions by the department, including:**

24 **“(a) Awarding available technical or financial resources;**

25 **“(b) Providing enhanced review and oversight of the city’s housing**
26 **production strategy;**

27 **“(c) Entering into agreements with the city relating to the city’s**
28 **modification or implementation of its housing production strategy; or**

29 **“(d) Petitioning the commission to act under ORS 197.319 to 197.335**
30 **to require the city to comply with ORS 197.295 to 197.314 or statewide**

1 **land use planning goals related to housing or urbanization.**

2 **“SECTION 6.** ORS 197.296 is amended to read:

3 “197.296. (1)(a) The provisions of subsections (2) to (9) of this section ap-
4 ply to metropolitan service district regional framework plans and local gov-
5 ernment comprehensive plans for lands within the urban growth boundary
6 of a city that is located outside of a metropolitan service district and has a
7 population of 25,000 or more.

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

14 “(2)(a) [*At periodic review pursuant to ORS 197.628 to 197.651 or at any*
15 *other legislative review of the comprehensive plan or regional framework plan*
16 *that concerns the urban growth boundary and requires the application of a*
17 *statewide planning goal relating to buildable lands for residential use,] A lo-
18 cal government shall demonstrate that its comprehensive plan or regional
19 framework plan provides sufficient buildable lands within the urban growth
20 boundary established pursuant to statewide planning goals to accommodate
21 estimated housing needs for 20 years:*

22 **“(A) At periodic review under ORS 197.628 to 197.651;**

23 **“(B) As scheduled by the commission:**

24 **“(i) At least once each eight years for local governments that are**
25 **not within a metropolitan service district; or**

26 **“(ii) At least once each six years for a metropolitan service district;**
27 **or**

28 **“(C) At any other legislative review of the comprehensive plan or**
29 **regional framework plan that concerns the urban growth boundary**
30 **and requires the application of a statewide planning goal relating to**

1 **buildable lands for residential use.**

2 “(b) The 20-year period shall commence on the date initially scheduled for
3 completion of the [*periodic or legislative*] review **under paragraph (a) of**
4 **this subsection.**

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
6 determination of housing capacity and need pursuant to subsection (3) of this
7 section must be based on data relating to land within the urban growth
8 boundary that has been collected since the last [*periodic*] review [*or*] **under**
9 **subsection (2)(a)(B) of this section** [*five years, whichever is greater*]. The
10 data shall include:

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

13 “(B) Trends in density and average mix of housing types of urban resi-
14 dential development;

15 “(C) Demographic and population trends;

16 “(D) Economic trends and cycles; and

17 “(E) The number, density and average mix of housing types that have
18 occurred on the buildable lands described in subsection (4)(a) of this section.

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

25 “(c) A local government shall use data from a wider geographic area or
26 use a time period for economic cycles and trends longer than the time period
27 described in paragraph (a) of this subsection if the analysis of a wider ge-
28 ographic area or the use of a longer time period will provide more accurate,
29 complete and reliable data relating to trends affecting housing need than an
30 analysis performed pursuant to paragraph (a) of this subsection. The local

1 government must clearly describe the geographic area, time frame and source
2 of data used in a determination performed under this paragraph.

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

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

16 “(b) Amend its comprehensive plan, regional framework plan, functional
17 plan or land use regulations to include new measures that demonstrably in-
18 crease the likelihood that residential development will occur at densities
19 sufficient to accommodate housing needs for the next 20 years without ex-
20 pansion of the urban growth boundary. A local government or metropolitan
21 service district that takes this action shall monitor and record the level of
22 development activity and development density by housing type following the
23 date of the adoption of the new measures; or

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

26 “(7) Using the analysis conducted under subsection (3)(b) of this section,
27 the local government shall determine the overall average density and overall
28 mix of housing types at which residential development of needed housing
29 types must occur in order to meet housing needs over the next 20 years. If
30 that density is greater than the actual density of development determined

1 under subsection (5)(a)(A) of this section, or if that mix is different from the
2 actual mix of housing types determined under subsection (5)(a)(A) of this
3 section, the local government, as part of its periodic review, shall adopt
4 measures that demonstrably increase the likelihood that residential develop-
5 ment will occur at the housing types and density and at the mix of housing
6 types required to meet housing needs over the next 20 years.

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

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

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

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

28 “[*(b) Financial incentives for higher density housing;*]

29 “[*(c) Provisions permitting additional density beyond that generally allowed*
30 *in the zoning district in exchange for amenities and features provided by the*”

1 *developer;*

2 “[*d*] *Removal or easing of approval standards or procedures;*]

3 “[*e*] **(b)** Minimum density ranges;

4 “[*f*] **(c)** Redevelopment and infill strategies;

5 “[*g*] **(d)** Authorization of housing types not previously allowed by the
6 plan or regulations;

7 “[*h*] **(e)** Adoption of an average residential density standard; and

8 “[*i*] **(f)** Rezoning or redesignation of nonresidential land.

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

13 “(b) [*At periodic review pursuant to ORS 197.628 to 197.651 or at any other*
14 *legislative review of the comprehensive plan that requires the application of a*
15 *statewide planning goal relating to buildable lands for residential use,*] **As**
16 **required under paragraph (c) of this subsection,** a city shall, according
17 to rules of the commission:

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

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

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

25 “**(c) The actions required under paragraph (b) of this subsection**
26 **shall be undertaken:**

27 “**(A) At periodic review pursuant to ORS 197.628 to 197.651;**

28 “**(B) On a schedule established by the commission for cities with a**
29 **population greater than 10,000, not to exceed once each eight years;**

30 **or**

1 **“(C) At any other legislative review of the comprehensive plan that**
2 **requires the application of a statewide planning goal relating to**
3 **buildable lands for residential use.**

4 “[(c)] (d) For the purpose of the inventory described in this subsection,
5 ‘buildable lands’ includes those lands described in subsection (4)(a) of this
6 section.

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

12 **“SECTION 8.** ORS 197.299 is amended to read:

13 “197.299. (1) A metropolitan service district organized under ORS chapter
14 268 shall complete the inventory, determination and analysis required under
15 ORS 197.296 (3) not later than six years after completion of the previous in-
16 ventory, determination and analysis.

17 “(2)(a) The metropolitan service district shall take such action as neces-
18 sary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable
19 land supply determined under ORS 197.296 (3) within one year of completing
20 the analysis.

21 “(b) The metropolitan service district shall take all final action under
22 ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply
23 determined under ORS 197.296 (3) within two years of completing the analy-
24 sis.

25 “(c) The metropolitan service district shall take action under ORS 197.296
26 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b)
27 is completed, to provide sufficient buildable land within the urban growth
28 boundary to accommodate the estimated housing needs for 20 years from the
29 time the actions are completed.

30 “(d) The metropolitan service district shall consider and adopt new

1 measures that the governing body deems appropriate under ORS 197.296 (6)(b)
2 **and shall allocate any housing capacity that is not accommodated**
3 **under this section to be accommodated by the application of ORS**
4 **197.296 (6)(b) by cities within the metropolitan service district with a**
5 **population greater than 10,000.**

6 “(e) **Cities to which housing capacity is allocated under paragraph**
7 **(d) of this subsection shall take steps described in ORS 197.296 (6)(b)**
8 **to demonstrate sufficient residential development as required by ORS**
9 **197.296 (6)(b) within two years after the date of allocation.**

10 “(3) The Land Conservation and Development Commission may grant an
11 extension to the time limits of subsection (2) of this section if the Director
12 of the Department of Land Conservation and Development determines that
13 the metropolitan service district has provided good cause for failing to meet
14 the time limits.

15 “(4)(a) The metropolitan service district shall establish a process to ex-
16 pand the urban growth boundary to accommodate a need for land for a public
17 school that cannot reasonably be accommodated within the existing urban
18 growth boundary. The metropolitan service district shall design the process
19 to:

20 “(A) Accommodate a need that must be accommodated between periodic
21 analyses of urban growth boundary capacity required by subsection (1) of
22 this section; and

23 “(B) Provide for a final decision on a proposal to expand the urban
24 growth boundary within four months after submission of a complete appli-
25 cation by a large school district as defined in ORS 195.110.

26 “(b) At the request of a large school district, the metropolitan service
27 district shall assist the large school district to identify school sites required
28 by the school facility planning process described in ORS 195.110. A need for
29 a public school is a specific type of identified land need under ORS 197.298
30 (3).

1 “(5) Three years after completing its most recent demonstration of suffi-
2 cient buildable lands under ORS 197.296, a metropolitan service district may,
3 on a single occasion, revise the determination and analysis required as part
4 of the demonstration for the purpose of considering an amendment to the
5 metropolitan service district’s urban growth boundary, provided:

6 “(a) The metropolitan service district has entered into an intergovern-
7 mental agreement and has designated rural reserves and urban reserves un-
8 der ORS 195.141 and 195.145 with each county located within the district;

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

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

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

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

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

22 “(6)(a) If a metropolitan service district, after revising its most recent
23 determination and analysis pursuant to subsection (5) of this section, con-
24 cludes that an expansion of its urban growth boundary is warranted, the
25 metropolitan service district may take action to expand its urban growth
26 boundary in one or more locations to accommodate the proposed develop-
27 ment, provided the urban growth boundary expansion does not exceed a total
28 of 1,000 acres.

29 “(b) A metropolitan service district that expands its urban growth
30 boundary under this subsection:

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

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

6 **“SECTION 9.** ORS 197.303 is amended to read:

7 “197.303. (1) As used in ORS [~~197.307~~] **197.295 to 197.314**, ‘needed
8 housing’ means all housing on land zoned for residential use or mixed resi-
9 dential and commercial use that is determined to meet the need shown for
10 housing within an urban growth boundary at price ranges and rent levels
11 that are affordable to households within the county with a variety of in-
12 comes, including but not limited to households with low incomes, very low
13 incomes and extremely low incomes, as those terms are defined by the United
14 States Department of Housing and Urban Development under 42 U.S.C.
15 1437a. ‘Needed housing’ includes the following housing types:

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

18 “(b) Government assisted housing;

19 “(c) Mobile home or manufactured dwelling parks as provided in ORS
20 197.475 to 197.490;

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

24 “(e) Housing for farmworkers.

25 “(2) Subsection (1)(a) and (d) of this section does not apply to:

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

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

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

1 **“SECTION 10.** ORS 197.319 is amended to read:

2 “197.319. (1) Before a person may request adoption of an enforcement or-
3 der under ORS 197.320, the person shall:

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

6 “(b) Request:

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

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

13 “(2)(a) The local government or special district shall issue a written re-
14 sponse to the request within 60 days of the date the request is mailed to the
15 local government or special district.

16 “(b) The requestor and the local government or special district may enter
17 into mediation to resolve issues in the request. The Department of Land
18 Conservation and Development shall provide mediation services when jointly
19 requested by the local government or special district and the requestor.

20 “(c) If the local government or special district does not act in a manner
21 which the requestor believes is adequate to address the issues raised in the
22 request within the time period provided in paragraph (a) of this subsection,
23 a petition may be presented to the Land Conservation and Development
24 Commission under ORS 197.324.

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

28 **“SECTION 11.** ORS 197.320 is amended to read:

29 “197.320. The Land Conservation and Development Commission shall issue
30 an order requiring a local government, state agency or special district to

1 take action necessary to bring its comprehensive plan, land use regulation,
2 limited land use decisions or other land use decisions **or actions** into com-
3 pliance with the goals, acknowledged comprehensive plan provisions, [or]
4 land use regulations **or housing production strategy** if the commission has
5 good cause to believe:

6 “(1) A comprehensive plan or land use regulation adopted by a local
7 government not on a compliance schedule is not in compliance with the goals
8 by the date set in ORS 197.245 or 197.250 for such compliance;

9 “(2) A plan, program, rule or regulation affecting land use adopted by a
10 state agency or special district is not in compliance with the goals by the
11 date set in ORS 197.245 or 197.250 for such compliance;

12 “(3) A local government is not making satisfactory progress toward per-
13 formance of its compliance schedule;

14 “(4) A state agency is not making satisfactory progress in carrying out
15 its coordination agreement or the requirements of ORS 197.180;

16 “(5) A local government has no comprehensive plan or land use regulation
17 and is not on a compliance schedule directed to developing the plan or reg-
18 ulation;

19 “(6) A local government has engaged in a pattern or practice of decision
20 making that violates an acknowledged comprehensive plan or land use reg-
21 ulation. In making its determination under this subsection, the commission
22 shall determine whether there is evidence in the record to support the deci-
23 sions made. The commission shall not judge the issue solely upon adequacy
24 of the findings in support of the decisions;

25 “(7) A local government has failed to comply with a commission order
26 entered under ORS 197.644;

27 “(8) A special district has engaged in a pattern or practice of decision-
28 making that violates an acknowledged comprehensive plan or cooperative
29 agreement adopted pursuant to ORS 197.020;

30 “(9) A special district is not making satisfactory progress toward per-

1 formance of its obligations under ORS chapters 195 and 197;

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

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

7 “(12) A local government within the jurisdiction of a metropolitan service
8 district has failed to make changes to the comprehensive plan or land use
9 regulations to comply with the regional framework plan of the district or
10 has engaged in a pattern or practice of decision-making that violates a re-
11 quirement of the regional framework plan[.]; **or**

12 **“(13) A city is not making satisfactory progress in taking actions**
13 **listed in its housing production strategy under section 3 of this 2019**
14 **Act.”.**

15 On page 9, delete lines 12 through 45.

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

17 **“NOTE:** Sections 14 through 17 were deleted by amendment. Subsequent
18 sections were not renumbered.”.

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

21 **“SECTION 23.** ORS 455.062 is amended to read:

22 “455.062. (1) A Department of Consumer and Business Services employee
23 acting within the scope of that employment may provide typical plans and
24 specifications:

25 “(a) For structures of a type for which the provision of plans or specifi-
26 cations is exempted under ORS 671.030 from the application of ORS 671.010
27 to 671.220 and exempted under ORS 672.060 from the application of ORS
28 672.002 to 672.325; and

29 “(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for
30 structures that are metal or wood frame Use and Occupancy Classification

1 Group U structures under the structural specialty code.

2 “(2) A Department of Consumer and Business Services employee,
3 who is licensed or registered under ORS 671.010 to 671.220 or 672.002 to
4 672.325, who is acting within the scope of that employment and who
5 is providing typical plans and specifications under subsection (1) of
6 this section, is not required to seal or sign the typical plans and
7 specifications and is not subject to disciplinary action under ORS
8 671.010 to 671.220 or 672.002 to 672.325 based on providing those typical
9 plans and specifications.

10 “[2] (3) A building official or inspector, as those terms are defined in
11 ORS 455.715, when acting within the scope of direct employment by a
12 municipality, may provide typical plans and specifications for structures of
13 a type for which the provision of plans or specifications is exempted under
14 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted
15 under ORS 672.060 from the application of ORS 672.002 to 672.325.

16 “[3] This [section] **subsection** does not alter any applicable requirement
17 under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and seals
18 for a set of plans for a structure.

19 “**SECTION 24. In addition to and not in lieu of any other appropri-**
20 **ation, there is appropriated to the Land Conservation and Develop-**
21 **ment Commission, for the biennium beginning July 1, 2019, out of the**
22 **General Fund, the amount of \$_____, to make rules or take any other**
23 **actions necessary to implement sections 1a, 3 to 5 and 13 of this 2019**
24 **Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319,**
25 **197.320, 197.830, 215.416, 215.441, 227.175 and 227.500 by sections 6, 8 to**
26 **11 and 18 to 22 of this 2019 Act.**

27 “**SECTION 25. In addition to and not in lieu of any other appropri-**
28 **ation, there is appropriated to the Department of Land Conservation**
29 **and Development, for the biennium beginning July 1, 2019, out of the**
30 **General Fund, the amount of \$1,500,000, to provide technical assistance**

1 to local governments to implement sections 3 to 5 and 13 of this 2019
2 Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319,
3 197.320, 197.830, 215.416, 215.441, 227.175 and 227.500 by sections 6, 8 to
4 11 and 18 to 22 of this 2019 Act.

5 **“SECTION 26. (1) Sections 3 to 5 and 13 of this 2019 Act and the**
6 **amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830,**
7 **215.416, 215.441, 227.175, 227.500 and 455.062 by sections 6, 8 to 11 and 18**
8 **to 23 of this 2019 Act become operative on January 1, 2020.**

9 **“(2) The Oregon Department of Administrative Services, the Land**
10 **Conservation and Development Commission, the Department of Land**
11 **Conservation and Development and the Housing and Community Ser-**
12 **vices Department may take any action before the operative date**
13 **specified in subsection (1) of this section that is necessary for the de-**
14 **partments and the commission to exercise, on or after the operative**
15 **date specified in subsection (1) of this section, all of the duties, func-**
16 **tions and powers conferred on the departments and the commission**
17 **by sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS**
18 **197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175,**
19 **227.500 and 455.062 by sections 6, 8 to 11 and 18 to 23 this 2019 Act.**

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

23