

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2001**

1 On page 1 of the printed bill, line 11, delete “and”.

2 In line 12, delete the period and insert “; and

3 “(E) Townhouses.

4 “(c) ‘Townhouses’ means a row of two or more attached dwelling units
5 located on one or more lots or parcels that share at least one common wall
6 with each adjacent unit in the row.

7 “(2) Except as provided in subsection (4) of this section, each city with
8 a population greater than 25,000 and each county or city within a metropol-
9 itan service district shall permit the development of all middle housing types
10 in areas zoned to allow detached single-family dwellings.

11 “(3) Except as provided in subsection (4) of this section, each city with
12 a population greater than 10,000 shall permit the development of a duplex
13 on each lot that allows for the development of a detached single-family
14 dwelling.

15 “(4) This section does not apply to:

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

17 “(b) Lands not within an urban growth boundary; or

18 “(c) Lands that are not incorporated and also lack sufficient urban ser-
19 vices, as defined in ORS 195.065.

20 “(5) Local governments may regulate siting and design of middle housing
21 required to be permitted under this section, provided the regulations allow

1 at least one middle housing type on each lot or parcel and the regulations
2 do not, individually or cumulatively, discourage the development of middle
3 housing through unreasonable costs or delay.

4 “(6) Nothing in this section prohibits local governments from permitting
5 the development of single-family dwellings in areas zoned to allow for
6 single-family dwellings.

7 “(7) An applicant proposing to develop middle housing, along with a local
8 government that approves an application to develop middle housing, are each
9 entitled to an award of attorney fees as the prevailing party, including as
10 an intervening party, upon an appeal of the application to the Land Use
11 Board of Appeals.

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

15 **“(a) December 31, 2020, for each local government subject to section**
16 **2 (3) of this 2019 Act; or**

17 **“(b) December 31, 2021.**

18 **“(2) The Land Conservation and Development Commission, with the**
19 **assistance of the Building Codes Division of the Department of Con-**
20 **sumer and Business Services, shall develop a model middle housing**
21 **code no later than December 31, 2020.**

22 **“(3) A local government that has not acted within the time provided**
23 **under subsection (1) of this section shall directly apply the model code**
24 **developed by the commission under subsection (2) of this section under**
25 **ORS 197.646 (3) until the local government acts as described in sub-**
26 **section (1) of this section.**

27 **“SECTION 3a. (1) Notwithstanding section 3 (1) or (3) of this 2019**
28 **Act, the Department of Land Conservation and Development may**
29 **grant an extension to a local government that is subject to section 2**
30 **of this 2019 Act of the time allowed to adopt land use regulations or**

1 update or amend its comprehensive plan under section 3 of this 2019
2 Act. This extension may not extend six months beyond the deadlines
3 established in section 3 (1) of this 2019 Act.

4 “(2) The extension under this section only applies to specific areas
5 where the local government has identified water, sewer or storm
6 drainage services that are either significantly deficient or are expected
7 to be significantly deficient before December 31, 2023, and for which
8 the local government has established a plan to remedy the deficiency
9 in those services. On lands where this extension does not apply, the
10 local government shall apply its own land use regulations consistent
11 with section 3 (1) of this 2019 Act or the model code developed under
12 section 3 (2) of this 2019 Act.

13 “(3) The Department of Land Conservation and Development shall
14 adopt rules regarding the form and substance of a local government’s
15 application for an extension under this section. The department may
16 include rules regarding:

17 “(a) Defining the affected area;

18 “(b) Calculating deficiencies of water, sewer or storm drainage ser-
19 vices;

20 “(c) Services deficiency levels required to qualify for the extension;

21 “(d) The components and timing of a remediation plan necessary
22 to qualify for an extension; and

23 “(e) Standards for evaluating applications.

24 “SECTION 3b. Notwithstanding ORS 197.296 (5), a local government,
25 in determining its housing capacity under ORS 197.296 (3), may not,
26 within five years of adopting land use regulations or updating or
27 amending its comprehensive plan under sections 3 and 3a of this sec-
28 tion, increase its estimate of capacity based solely upon the enactment
29 or implementation of sections 2 and 3 of this 2019 Act by more than
30 five percent.

1 **“SECTION 3c. Section 3b of this 2019 Act is repealed on January 2,**
2 **2028.”.**

3 Delete lines 13 through 24.

4 On page 2, delete lines 1 and 2.

5 Delete lines 15 through 19 and insert:

6 **“SECTION 6. A local government shall require that a system de-**
7 **velopment charge for middle housing, as defined in section 2 of this**
8 **2019 Act, be paid as a condition of the issuance of an occupancy permit**
9 **for each dwelling, but may not require any payment prior to com-**
10 **pletion of construction. The local government may enforce the system**
11 **development charge by an encumbrance against the property but may**
12 **not charge any interest.”.**

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

14 **“SECTION 8. Section 9 of this 2019 Act is added to and made a part**
15 **of ORS 94.550 to 94.783.**

16 **“SECTION 9. A provision in a governing document that is adopted**
17 **or amended on or after the effective date of this 2019 Act, is void and**
18 **unenforceable to the extent that the provision would prohibit or have**
19 **the effect of unreasonably restricting the development of housing that**
20 **is otherwise allowable under the maximum density of the zoning for**
21 **the land.**

22 **“SECTION 9a. (1) Sections 2, 3, 3b, 4 and 6 of this 2019 Act and the**
23 **amendments to ORS 197.312 by section 7 of this 2019 Act become op-**
24 **erative on January 1, 2020.**

25 **“(2) The Land Conservation and Development Commission, the De-**
26 **partment of Consumer and Business Services and the Residential and**
27 **Manufactured Structures Board may take any actions before the op-**
28 **erative date specified in subsection (1) of this section necessary to**
29 **enable the commission to exercise, on or after the operative date**
30 **specified in subsection (1) of this section, the duties required under**

1 **section 3 of this 2019 Act.”.**

2 In line 41, delete “and”.

3 In line 43, delete the period and insert “; and

4 “(3) The amount of \$_____ for the purpose of providing technical assist-
5 ance to local governments in implementing section 3 (1) of this 2019 Act. The
6 commission shall prioritize technical assistance to cities or counties with
7 limited planning staff or that commit to implementation earlier than the date
8 required under section 3 (1) of this 2019 Act.”.

9 _____