

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2003**

1 On page 1 of the printed A-engrossed bill, line 3, delete “197.830,” and
2 after “455.062” insert “and section 1, chapter 47, Oregon Laws 2018”.

3 Delete pages 2 and 3 and insert:

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

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

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

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

12 **“(d) ‘Housing shortage’ means the difference between the estimated**
13 **housing units of different affordability levels and housing types needed**
14 **to accommodate the existing population and the existing housing**
15 **stock, measured in dwelling units.**

16 **“(e) ‘Low income’ means income above 50 percent and at or below**
17 **80 percent of the area median income.**

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

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

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

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

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

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

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

13 “(B) Demographic and population trends;

14 “(C) Economic trends and cycles; and

15 “(D) Equitable distribution of publicly supported housing within a
16 region.

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

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

19 “(d) An estimate of the number of housing units necessary to ac-
20 commodate anticipated population growth over the next 20 years for
21 each city and Metro.

22 “(3) The methodologies for calculating the regional housing needs
23 analysis, the estimate of existing housing stock, the housing shortage
24 analysis and the estimate of housing necessary to accommodate
25 growth that are developed under subsection (2) of this section must
26 classify housing by:

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

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

- 1 **“(A) Very low income;**
2 **“(B) Low income;**
3 **“(C) Moderate income; or**
4 **“(D) High income.**

5 **“(4) No later than September 1, 2020, the Housing and Community**
6 **Services Department, in coordination with the Department of Land**
7 **Conservation and Development and the Oregon Department of Ad-**
8 **ministrative Services, shall conduct for each region a regional housing**
9 **needs analysis and, for each city and Metro, shall estimate existing**
10 **housing stock, conduct a housing shortage analysis and estimate the**
11 **housing necessary to accommodate growth.**

12 **“(5) In developing the methodologies and conducting the analyses**
13 **under this section, the Housing and Community Services Department**
14 **may:**

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

19 **“(b) Consider the most recent consolidated population forecast**
20 **produced by the Portland State University Population Research Center**
21 **in making any relevant calculation or forecast.**

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

24 **“(d) Make changes to the regional boundaries in order to make re-**
25 **gions more accurately align with shared employment, transportation**
26 **or housing market dynamics.**

27 **“SECTION 2. (1) No later than March 1, 2021, the Housing and**
28 **Community Services Department, in consultation with the Depart-**
29 **ment of Land Conservation and Development and the Oregon Depart-**
30 **ment of Administrative Services, shall submit a report, in the manner**

1 provided in ORS 192.245 to an appropriate committee of the Legislative
2 Assembly, that summarizes the findings of the regional housing needs
3 analysis, estimate of housing stock, housing shortage analysis and
4 estimate of housing necessary to accommodate growth conducted un-
5 der section 1 (4) of this 2019 Act.

6 “(2) No later than March 1, 2021, the Department of Land Conser-
7 vation and Development, in consultation with the Oregon Department
8 of Administrative Services and the Housing and Community Services
9 Department, shall submit a report, in the manner provided in ORS
10 192.245, to an appropriate committee of the Legislative Assembly that
11 evaluates:

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

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

20 “(A) Cost and cost effectiveness;

21 “(B) Reliability and accuracy;

22 “(C) Repeatability; and

23 “(D) Predictability;

24 “(c) How a regional housing needs analysis and housing shortage
25 analysis may relate to statewide planning goals related to housing and
26 any rules and policies adopted pursuant to these goals and ORS 197.295
27 to 197.314;

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

30 “(A) Relevance of data in appropriately defining a commuting, em-

1 **ployment or housing market; or**

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

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

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

8 **“(3) In preparing the report required under subsection (2) of this**
9 **section, the Department of Land Conservation and Development may**
10 **consult or contract with other state agencies, subject matter experts,**
11 **private firms, local governments, regional solutions centers described**
12 **in ORS 284.754 (2) and other jurisdictions that have created or con-**
13 **ducted regional housing needs analyses.”.**

14 On page 4, line 1, delete “2” and insert “3” and delete “3 to 5” and insert
15 “4 to 6”.

16 In line 3, delete “3” and insert “4”.

17 Delete lines 9 and 10 and insert:

18 **“(c) A date scheduled by the Land Conservation and Development Com-**
19 **mission following the allocation of housing capacity to the city by a metro-**
20 **politan service district under ORS 197.299 (2)(d).”.**

21 In line 13, delete “shortage” and insert “need”.

22 In line 18, delete “and”.

23 In line 20, delete the period and insert “; and

24 **“(c) The development of a plan to access resources available at local, re-**
25 **gional, state and national levels to increase the availability and affordability**
26 **of needed housing.”.**

27 Delete lines 32 through 35 and insert:

28 **“(4) The housing production strategy must include within its index a copy**
29 **of the city’s most recently completed survey under section 1 (2), chapter 47,**
30 **Oregon Laws 2018.**

1 “(5) The adoption of a housing production strategy is not a land use de-
2 cision and is not subject to appeal or review except as provided in section
3 5 of this 2019 Act.”.

4 In line 36, delete “4” and insert “5”.

5 In line 37, delete “3” and insert “4”.

6 In line 44, delete “5” and insert “6”.

7 On page 5, line 3, delete “five” and insert “10”.

8 In line 8, delete “90” and insert “45”.

9 In line 12, delete “5” and insert “6”.

10 In line 16, delete “5” and insert “6”.

11 In line 21, delete “5” and insert “6” and after “Commission” insert “, in
12 consultation with the Housing and Community Services Department,”.

13 In line 25, delete “3” and insert “4”.

14 In line 28, delete “Total”.

15 In line 33, delete “3” and insert “4”.

16 In line 38, after “department” insert “of Land Conservation and Develop-
17 ment” and delete “periodically”.

18 After line 42, insert:

19 “(c) Requiring a report and explanation if a city does not implement an
20 action within the approximate time frame scheduled within a housing pro-
21 duction strategy;”.

22 In line 43, delete “(c)” and insert “(d)”.

23 In line 45, delete “(d)” and insert “(e)”.

24 On page 6, after line 2, insert:

25 **“SECTION 7. No later than December 31, 2019, the Land Conserva-
26 tion and Development Commission shall adopt a schedule by which
27 metropolitan service districts and cities described in ORS 197.296
28 (2)(a)(B) and (10)(c)(B) shall demonstrate sufficient buildable lands.
29 Dates in the schedule may not be earlier than two years following the
30 commission’s creation of rules implementing sections 4 to 6 of this**

1 **2019 Act and the amendments to ORS 197.296 and 197.299 by sections 8**
2 **and 9 of this 2019 Act.”.**

3 In line 3, delete “6” and insert “8”.

4 On page 8, lines 28 through 36, restore the bracketed material and delete
5 the boldfaced material.

6 On page 9, delete lines 12 through 15.

7 In line 16, delete “8” and insert “9”.

8 Delete lines 35 through 37 and insert:

9 “(e) Cities to which housing capacity is allocated under paragraph (d) of
10 this subsection shall take steps, at least once every six years as scheduled
11 by the Land Conservation and Development Commission, to demonstrably
12 increase the likelihood that residential development will occur at densities
13 sufficient to accommodate housing needs for the next 20 years as required
14 by ORS 197.296 (6)(b).”.

15 In line 38, delete “Land Conservation and Development”.

16 On page 10, line 39, delete “9” and insert “10”.

17 On page 11, line 15, delete “10” and insert “11”.

18 In line 37, delete “11” and insert “12”.

19 On page 12, line 29, delete “3” and insert “4”.

20 After line 29, insert:

21 **“SECTION 13.** Section 1, chapter 47, Oregon Laws 2018, is amended to
22 read:

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

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

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

29 “(c) A single-family unit may be rented or owned by a household and in-
30 cludes single-family homes, duplexes, townhomes, row homes and mobile

1 homes.

2 “(2)(a) The Housing and Community Services Department shall annually
3 provide to the governing body of each city in this state with a population
4 greater than 10,000 the most current data available from the United States
5 Census Bureau, or any other source the department considers at least as
6 reliable, showing the percentage of renter households in the city that are
7 severely rent burdened.

8 “(b) [*The Housing and Community Services Department, in collaboration*
9 *with*] The Department of Land Conservation and Development, **in consul-**
10 **tation with the Housing and Community Services Department**, shall
11 develop a survey form on which the governing body of a city may provide
12 specific information related to the affordability of housing within the city,
13 including[, *but not limited to:*]

14 “[*(A)*] the actions relating to land use and other related matters that the
15 [*governing body*] **city** has taken to **encourage the development of needed**
16 **housing**, increase the affordability of housing and reduce rent burdens for
17 severely rent burdened households[; *and*].

18 “[*(B)* *The additional actions the governing body intends to take to reduce*
19 *rent burdens for severely rent burdened households.*]

20 “(c) [*If the Housing and Community Services Department determines that*
21 *at least 25 percent of the renter households in a city are severely rent*
22 *burdened,*] The Department **of Land Conservation and Development** shall
23 provide the governing body of the city with the survey form developed pur-
24 suant to paragraph (b) of this subsection.

25 “(d) The governing body of the city shall return the completed survey
26 form to the [*Housing and Community Services Department and the*] Depart-
27 ment of Land Conservation and Development [*within 60 days of receipt*] **at**
28 **least 24 months prior to a deadline for completing a housing pro-**
29 **duction strategy under section 4 of this 2019 Act.**

30 “(3)(a) In any year in which the governing body of a city is informed

1 under this section that at least 25 percent of the renter households in the
2 city are severely rent burdened, the governing body shall hold at least one
3 public meeting to discuss the causes and consequences of severe rent burdens
4 within the city, the barriers to reducing rent burdens and possible solutions.

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

7 “(4) No later than February 1 of each year, the governing body of each
8 city in this state with a population greater than 10,000 shall submit to the
9 Department of Land Conservation and Development a report for the imme-
10 diately preceding calendar year setting forth separately for each of the fol-
11 lowing categories the total number of units that were permitted and the total
12 number that were produced:

13 “(a) Residential units.

14 “(b) Regulated affordable residential units.

15 “(c) Multifamily residential units.

16 “(d) Regulated affordable multifamily residential units.

17 “(e) Single-family units.

18 “(f) Regulated affordable single-family units.”

19 In line 30, delete “12” and insert “14” and delete “13” and insert “15”.

20 In line 31, delete “13” and insert “15”.

21 In line 37, delete “shall” and insert “may”.

22 Delete line 39 and insert:

23 “(a) The real property is not inventoried as a park or open space as a
24 protective measure pursuant to a statewide land use planning goal;”

25 In line 41, delete “surrounded by” and insert “adjacent to”.

26 In line 44, delete “sur-”.

27 In line 45, delete “rounding” and insert “adjacent”.

28 On page 13, delete lines 11 through 45 and delete pages 14 and 15.

29 On page 16, delete lines 1 through 21 and insert:

30 **SECTION 16. Notwithstanding ORS 197.646, a local government**

1 required to comply with the amendments to ORS 197.312 by section 6,
2 chapter 745, Oregon Laws 2017, shall adopt land use regulations, or
3 adopt amendments to its comprehensive plan, to comply with the
4 amendments to ORS 197.312 by section 6, chapter 745, Oregon Laws
5 2017, no later than the effective date of this 2019 Act.”.

6 In line 22, delete “19” and insert “17”.

7 On page 17, line 18, delete “has the burden of proving” and insert “must
8 adopt findings supported by substantial evidence demonstrating”.

9 On page 19, line 32, delete “20” and insert “18”.

10 On page 20, line 28, delete “has the burden of proving” and insert “must
11 adopt findings supported by substantial evidence demonstrating”.

12 On page 22, line 33, delete “21” and insert “19”.

13 On page 23, line 26, delete “22” and insert “20”.

14 On page 24, line 19, delete “23” and insert “21”.

15 Delete lines 41 through 45.

16 On page 25, delete lines 1 through 19 and insert:

17 **“SECTION 22. In addition to and not in lieu of any other appropri-**
18 **ation, there is appropriated to the Department of Land Conservation**
19 **and Development, for the biennium beginning July 1, 2019, out of the**
20 **General Fund, the amount of \$____, to take any actions necessary to**
21 **implement sections 2, 4 to 7 and 15 of this 2019 Act and the amend-**
22 **ments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 215.416, 215.441,**
23 **227.175 and 227.500 and section 1, chapter 47, Oregon Laws 2018, by**
24 **sections 8 to 13 and 17 to 20 of this 2019 Act.**

25 **“SECTION 23. In addition to and not in lieu of any other appropri-**
26 **ation, there is appropriated to the Department of Land Conservation**
27 **and Development, for the biennium beginning July 1, 2019, out of the**
28 **General Fund, the amount of \$1,000,000, to provide technical assistance**
29 **to local governments to implement sections 4 to 6 and 15 of this 2019**
30 **Act and the amendments to ORS 197.296, 197.299, 197.303, 197.319,**

1 197.320, 215.416, 215.441, 227.175 and 227.500 and section 1, chapter 47,
2 Oregon Laws 2018, by sections 8 to 13 and 17 to 20 of this 2019 Act.

3 **“SECTION 24.** In addition to and not in lieu of any other appropri-
4 ation, there is appropriated to the Housing and Community Services
5 Department, for the biennium beginning July 1, 2019, out of the Gen-
6 eral Fund, the amount of \$____, to perform the actions required of the
7 department under sections 1 and 2 of this 2019 Act.

8 **“SECTION 25.** (1) Sections 4 to 6 of this 2019 Act and the amend-
9 ments to ORS 197.296, 197.299, 197.303, 197.319 and 197.320 and section
10 1, chapter 47, Oregon Laws 2018, by sections 8 to 13 of this 2019 Act
11 become operative on January 1, 2020.

12 **“(2) The Land Conservation and Development Commission, the De-**
13 **partment of Land Conservation and Development and the Housing and**
14 **Community Services Department may take any action before the op-**
15 **erative date specified in subsection (1) of this section that is necessary**
16 **for the departments and the commission to exercise, on or after the**
17 **operative date specified in subsection (1) of this section, all of the du-**
18 **ties, functions and powers conferred on the departments and the**
19 **commission by sections 4 to 6 of this 2019 Act and the amendments to**
20 **ORS 197.296, 197.299, 197.303, 197.319, 197.320 and section 1, chapter 47,**
21 **Oregon Laws 2018, by sections 8 to 13 of this 2019 Act.”.**

22 In line 20, delete “27” and insert “26”.

23