

## **SB 8 -3 STAFF MEASURE SUMMARY**

### **Senate Committee On Housing and Development**

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**Meeting Dates:** 3/16, 4/8

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#### **WHAT THE MEASURE DOES:**

Restricts local governments from denying or limiting approval of affordable housing, subject to certain zoning and property ownership conditions. Establishes density standards and conditions under which local governments must approve affordable housing applications. Allows applicants developing affordable housing to obtain attorney fees in prevailing appeals before Land Use Board of Appeals.

#### **ISSUES DISCUSSED:**

- Local government authority over land use changes
- Definition of affordable housing
- Relationship of property ownership and zoning to affordable housing development
- Affordable housing development and process for land use changes
- Affordable housing residents
- Waiting lists for affordable housing development projects

#### **EFFECT OF AMENDMENT:**

-3 Reduces duration of enforceable affordability in affordable housing definition from 60 to 40 years. Raises existing maximum unit density of properties local governments must approve for affordable housing development. Allows local governments to reduce density or height based on health concerns or statewide land use planning goal compliance.

#### **BACKGROUND:**

Local governments may deny or condition the approval of affordable housing applications based on a variety of factors, including whether the application proposes to develop on land zoned for residential uses and the nature of the property ownership. Affordable housing application appeals are heard by the Land Use Board of Appeals, a three-member board of lawyers accredited by the Oregon State Bar, appointed by the governor and confirmed by the Oregon Senate to serve four-year terms.

Residential properties are considered affordable housing when three conditions are met: each unit is affordable to families earning 80% of the area median income, the average of all the units is affordable to families earning 60% of the area median income, and the units remain affordable for no less than 60 years.

Senate Bill 8 restricts local governments from denying or limiting the approval of affordable housing applications, subject to certain zoning and property ownership conditions. The measure establishes density standards and conditions under which local governments must approve affordable housing applications. In addition, Senate Bill 8 allows applicants developing affordable housing to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals.