

SB 8 A STAFF MEASURE SUMMARY
Senate Committee On Housing and Development

Carrier: Sen. Courtney

Action Date: 04/08/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-1-0-0
Yeas: 4 - Anderson, Golden, Jama, Patterson
Nays: 1 - Linthicum
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Devin Edwards, LPRO Analyst
Meeting Dates: 3/16, 4/8

WHAT THE MEASURE DOES:

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

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:

Reduces length of time an affordable housing development must remain affordable from 60 to 40 years by modifying definition. 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 compliance with statewide land use planning goal.

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. A local government's denial of an affordable housing application may be challenged through the Land Use Board of Appeals (LUBA), a three-member board of lawyers who belong to 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 percent of the area median income, the average of all the units is affordable to families earning 60 percent of the area median income, and the units remain affordable for no less than 60 years.

Senate Bill 8 A 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 A allows applicants developing affordable housing to obtain attorney fees in prevailing appeals before LUBA.