

House Bill 2008

Sponsored by Representative KOTEK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides tax exemption for property of religious organization held or used solely to provide affordable housing to low income households.

Restricts conditions that local governments may place on development of affordable housing provided by religious nonprofit corporations and expands zoning where such housing must be allowed.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to affordable housing provided by religious organizations; creating new provisions; amend-
3 ing ORS 197.311, 215.441, 227.500 and 307.140; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 307.140 is amended to read:

6 307.140. Upon compliance with ORS 307.162, the following property owned or being purchased
7 by religious organizations shall be exempt from taxation:

8 (1) All houses of public worship and other additional buildings and property used solely for ad-
9 ministration, education, literary, benevolent, charitable, entertainment and recreational purposes by
10 religious organizations, the lots on which they are situated, and the pews, slips and furniture
11 therein. However, any part of any house of public worship or other additional buildings or property
12 which is kept or used as a store or shop or for any purpose other than those stated in this section
13 shall be assessed and taxed the same as other taxable property.

14 (2) Parking lots used for parking or any other use as long as that parking or other use is per-
15 mitted without charge for no fewer than 355 days during the tax year.

16 (3) Land and the buildings thereon held or used solely for cemetery or crematory purposes, in-
17 cluding any buildings solely used to store machinery or equipment used exclusively for maintenance
18 of such lands.

19 (4) **Land and buildings on the land held or used solely to provide housing at rental rates**
20 **that are affordable to individuals with a combined household income at or below 60 percent**
21 **of the area median income, adjusted for the size of a household, as determined by the Oregon**
22 **Housing Stability Council based on information from the United States Department of**
23 **Housing and Urban Development. In addition to all other circumstances that meet the re-**
24 **quirements for exemption under this subsection, property shall be considered to be used**
25 **solely to provide housing as described in this subsection when it is occupied by individuals**
26 **described in this subsection.**

27 **SECTION 2.** The amendments to ORS 307.140 by section 1 of this 2021 Act apply to
28 property tax years beginning on or after July 1, 2021.

29 **SECTION 3.** ORS 197.311 is amended to read:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 197.311. (1) As used in this section:

2 (a) “Affordable housing” means housing that is affordable to households with incomes equal to
 3 or less than 60 percent of the median family income for the county in which the development is built
 4 or for the state, whichever is greater, **that is subject to an affordable housing covenant, as**
 5 **provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less**
 6 **than 60 years from the date of the certificate of occupancy.**

7 (b) “Multifamily residential building” means a building in which three or more residential units
 8 each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

9 (2) Notwithstanding ORS 215.427 (1) or 227.178 (1), a city with a population greater than 5,000
 10 or a county with a population greater than 25,000 shall take final action on an application qualifying
 11 under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or
 12 227.180, within 100 days after the application is deemed complete.

13 (3) An application qualifies for final action within the timeline described in subsection (2) of this
 14 section if:

15 (a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

16 (b) The application is for development of a multifamily residential building containing five or
 17 more residential units within the urban growth boundary; **and**

18 (c) At least 50 percent of the residential units included in the development will be sold or rented
 19 as affordable housing. [*and*]

20 [*(d) The development is subject to a covenant appurtenant that restricts the owner and each suc-*
 21 *cessive owner of the development or a residential unit within the development from selling or renting*
 22 *any residential unit described in paragraph (c) of this subsection as housing that is not affordable*
 23 *housing for a period of 60 years from the date of the certificate of occupancy.]*

24 (4) A city or a county shall take final action within the time allowed under ORS 215.427 or
 25 227.178 on any application for a permit, limited land use decision or zone change that does not
 26 qualify for review and decision under subsection (3) of this section, including resolution of all ap-
 27 peals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and
 28 227.181.

29 **(5) Notwithstanding any statewide land use planning goal or land use regulation, with**
 30 **respect to a property within an urban growth boundary and owned by a nonprofit corporation**
 31 **organized as a religious corporation, a local government:**

32 (a) **May not apply any standards or conditions of approval under ORS 197.307 (4) to the**
 33 **development of affordable housing or unless those conditions are related to health, safety,**
 34 **habitability and infrastructure.**

35 (b) **Shall approve an application for the use of property to allow the development of af-**
 36 **fordable housing on the property notwithstanding the uses allowed by the zoning of the**
 37 **property, if the lot or parcel is zoned for uses other than for industrial uses or is contiguous**
 38 **to property zoned to allow or used for residential uses. A local government may not require**
 39 **that the property:**

40 (A) **Be rezoned for residential uses; or**

41 (B) **Comply with conditions except as provided under paragraph (a) of this subsection.**

42 **SECTION 4.** ORS 215.441 is amended to read:

43 215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresiden-
 44 tial place of worship is allowed on real property under state law and rules and local zoning ordi-
 45 nances and regulations, a county shall allow the reasonable use of the real property for activities

1 customarily associated with the practices of the religious activity, including:

2 (a) Worship services.

3 (b) Religion classes.

4 (c) Weddings.

5 (d) Funerals.

6 (e) Meal programs.

7 (f) Child care, but not including private or parochial school education for prekindergarten
8 through grade 12 or higher education.

9 *[(g) Providing housing or space for housing in a building or buildings that are detached from the
10 place of worship, provided:]*

11 *[(A) At least 50 percent of the residential units provided under this paragraph are affordable to
12 households with incomes equal to or less than 60 percent of the median family income for the county
13 in which the real property is located;]*

14 *[(B) The real property is in an area zoned for residential use that is located within the urban
15 growth boundary; and]*

16 *[(C) The housing or space for housing complies with applicable land use regulations and meets the
17 standards and criteria for residential development for the underlying zone.]*

18 (2) A county may:

19 (a) Subject real property described in subsection (1) of this section to reasonable regulations,
20 including site review or design review, concerning the physical characteristics of the uses author-
21 ized under subsection (1) of this section; or

22 (b) Prohibit or restrict the use of real property by a place of worship described in subsection (1)
23 of this section if the county finds that the level of service of public facilities, including transporta-
24 tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship
25 described in subsection (1) of this section.

26 (3) Notwithstanding any other provision of this section, a county may allow a private or paro-
27 chial school for prekindergarten through grade 12 or higher education to be sited under applicable
28 state law and rules and local zoning ordinances and regulations.

29 *[(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject
30 to a covenant appurtenant that restricts the owner and each successive owner of a building or any
31 residential unit contained in a building from selling or renting any residential unit described in sub-
32 section (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to
33 or less than 60 percent of the median family income for the county in which the real property is located
34 for a period of 60 years from the date of the certificate of occupancy.]*

35 **SECTION 5.** ORS 227.500 is amended to read:

36 227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresiden-
37 tial place of worship is allowed on real property under state law and rules and local zoning ordi-
38 nances and regulations, a city shall allow the reasonable use of the real property for activities
39 customarily associated with the practices of the religious activity, including:

40 (a) Worship services.

41 (b) Religion classes.

42 (c) Weddings.

43 (d) Funerals.

44 (e) Meal programs.

45 (f) Child care, but not including private or parochial school education for prekindergarten

1 through grade 12 or higher education.

2 [(g) *Providing housing or space for housing in a building or buildings that are detached from the*
3 *place of worship, provided:*]

4 [(A) *At least 50 percent of the residential units provided under this paragraph are affordable to*
5 *households with incomes equal to or less than 60 percent of the median family income for the county*
6 *in which the real property is located;*]

7 [(B) *The real property is in an area zoned for residential use that is located within the urban*
8 *growth boundary; and*]

9 [(C) *The housing or space for housing complies with applicable land use regulations and meets the*
10 *standards and criteria for residential development for the underlying zone.*]

11 (2) A city may:

12 (a) Subject real property described in subsection (1) of this section to reasonable regulations,
13 including site review and design review, concerning the physical characteristics of the uses au-
14 thorized under subsection (1) of this section; or

15 (b) Prohibit or regulate the use of real property by a place of worship described in subsection
16 (1) of this section if the city finds that the level of service of public facilities, including transporta-
17 tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship
18 described in subsection (1) of this section.

19 (3) Notwithstanding any other provision of this section, a city may allow a private or parochial
20 school for prekindergarten through grade 12 or higher education to be sited under applicable state
21 law and rules and local zoning ordinances and regulations.

22 [(4) *Housing and space for housing provided under subsection (1)(g) of this section must be subject*
23 *to a covenant appurtenant that restricts the owner and each successive owner of a building or any*
24 *residential unit contained in a building from selling or renting any residential unit described in sub-*
25 *section (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to*
26 *or less than 60 percent of the median family income for the county in which the real property is located*
27 *for a period of 60 years from the date of the certificate of occupancy.*]

28 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**
29 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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