

A-Engrossed
House Bill 4051

Ordered by the House February 15
Including House Amendments dated February 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

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.

[Directs Housing and Community Services Department to study issues relating to housing and to report to appropriate committee or interim committee of Legislative Assembly on or before September 15, 2023.]

[Sunsets December 31, 2023.]

Extends sunset of Task Force on Homelessness and Racial Disparities until January 2, 2026. Requires task force to provide interim report by September 15, 2022, and final report by March 31, 2023, on specific pathways for policy changes.

Extends sunset for special siting provisions for emergency shelters until July 1, 2023.

Amends special siting of affordable housing qualifications to be based on ownership of property rather than ownership of housing.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 197.308 and section 4, chapter 18,
3 Oregon Laws 2021, and section 8, chapter 448, Oregon Laws 2021; and prescribing an effective
4 date.

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

6 **SECTION 1. (1) The Task Force on Homelessness and Racial Disparities shall provide a**
7 **report, to an appropriate committee or interim committee of the Legislative Assembly in the**
8 **manner provided in ORS 192.245, specifically identifying implementation pathways for**
9 **changes to the state's funding structure, modifications for contracting processes and sol-**
10 **utions regarding the eligibility and funding of services under section 7 (3)(b), (d) and (e),**
11 **chapter 448, Oregon Laws 2021.**

12 **(2) The task force shall deliver an interim report by September 15, 2022, and a final report**
13 **by March 31, 2023.**

14 **(3) The task force shall deliver a copy of the interim report and final report to the**
15 **Oregon Housing Stability Council.**

16 **(4) This section and section 7, chapter 448, Oregon Laws 2021, do not prohibit the task**
17 **force from developing additional reports or delivering those reports to the Legislative As-**
18 **sembly or council.**

19 **SECTION 2. Section 8, chapter 448, Oregon Laws 2021, is amended to read:**

20 **Sec. 8. Section 7, chapter 448, Oregon Laws 2021, and section 1 of this 2022 Act are** *[of this*
21 *2021 Act is]* **repealed on** *[July 1, 2022]* **January 2, 2026.**

22 **SECTION 3. Section 4, chapter 18, Oregon Laws 2021, 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 **Sec. 4.** (1) Section 3, **chapter 18, Oregon Laws 2021**, [of this 2021 Act] is repealed on July 1,
2 [2022] **2023**.

3 (2) The repeal of section 3, **chapter 18, Oregon Laws 2021**, [of this 2021 Act] by subsection (1)
4 of this section does not affect an application for the development of land for an emergency shelter
5 that was completed and submitted before the date of the repeal.

6 **SECTION 4.** ORS 197.308 is amended to read:

7 197.308. (1) As used in this section, “affordable housing” means residential property:

8 (a) In which:

9 (A) Each unit on the property is made available to own or rent to families with incomes of 80
10 percent or less of the area median income as determined by the Oregon Housing Stability Council
11 based on information from the United States Department of Housing and Urban Development; or

12 (B) The average of all units on the property is made available to families with incomes of 60
13 percent or less of the area median income; and

14 (b) Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a
15 duration of no less than 30 years.

16 (2) A local government shall allow affordable housing, and may not require a zone change or
17 conditional use permit for affordable housing, **if the proposed affordable housing is** on property
18 **that is:**

19 (a) [The housing is] Owned by:

20 (A) A public body, as defined in ORS 174.109; or

21 (B) A nonprofit corporation that is organized as a religious corporation; or

22 (b) [The property is] Zoned:

23 (A) For commercial uses;

24 (B) To allow religious assembly; or

25 (C) As public lands.

26 (3) Subsection (2) of this section:

27 (a) Does not apply to the development of housing not within an urban growth boundary.

28 (b) Does not trigger any requirement that a local government consider or update an analysis
29 as required by a statewide planning goal relating to economic development.

30 (c) Applies on property zoned to allow for industrial uses only if the property is:

31 (A) Publicly owned;

32 (B) Adjacent to lands zoned for residential uses or schools; and

33 (C) Not specifically designated for heavy industrial uses.

34 (d) Does not apply on lands where the local government determines that:

35 (A) The development on the property cannot be adequately served by water, sewer, storm water
36 drainage or streets, or will not be adequately served at the time that development on the lot is
37 complete;

38 (B) The property contains a slope of 25 percent or greater;

39 (C) The property is within a 100-year floodplain; or

40 (D) The development of the property is constrained by land use regulations based on statewide
41 land use planning goals relating to:

42 (i) Natural disasters and hazards; or

43 (ii) Natural resources, including air, water, land or natural areas, but not including open spaces
44 or historic resources.

45 (4) A local government shall approve an application at an authorized density level and author-

1 ized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the
2 greater of:

3 (a) Any local density bonus for affordable housing; or

4 (b) Without consideration of any local density bonus for affordable housing:

5 (A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of
6 the existing density and 12 additional feet;

7 (B) For property with existing maximum density of 17 or more units per acre and 45 or fewer
8 units per acre, 150 percent of the existing density and 24 additional feet; or

9 (C) For property with existing maximum density of 46 or more units per acre, 125 percent of the
10 existing density and 36 additional feet.

11 (5)(a) Subsection (4) of this section does not apply to housing allowed under subsection (2) of this
12 section in areas that are not zoned for residential uses.

13 (b) A local government may reduce the density or height of the density bonus allowed under
14 subsection (4) of this section as necessary to address a health, safety or habitability issue, including
15 fire safety, or to comply with a protective measure adopted pursuant to a statewide land use plan-
16 ning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by
17 substantial evidence demonstrating the necessity of this reduction.

18 **SECTION 5. This 2022 Act takes effect on the 91st day after the date on which the 2022**
19 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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