

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4051**

1 In line 2 of the printed bill, after “housing” insert “; creating new pro-
2 visions; amending ORS 197.308 and section 4, chapter 18, Oregon Laws 2021,
3 and section 8, chapter 448, Oregon Laws 2021; and prescribing an effective
4 date.”.

5 Delete lines 4 through 8 and insert:

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

13 **“(2) The task force shall deliver an interim report by September 15,**
14 **2022, and a final report by March 31, 2023.**

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

17 **“(4) This section and section 7, chapter 448, Oregon Laws 2021, do**
18 **not prohibit the task force from developing additional reports or de-**
19 **livering those reports to the Legislative Assembly or council.**

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

1 “**Sec. 8.** Section 7, **chapter 448, Oregon Laws 2021, and section 1 of**
2 **this 2022 Act are** [*of this 2021 Act is*] repealed on [*July 1, 2022*] **January**
3 **2, 2026.**

4 “**SECTION 3.** Section 4, chapter 18, Oregon Laws 2021, is amended to
5 read:

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7 is repealed on July 1, [*2022*] **2023.**

8 “(2) The repeal of section 3, **chapter 18, Oregon Laws 2021,** [*of this 2021*
9 *Act*] by subsection (1) of this section does not affect an application for the
10 development of land for an emergency shelter that was completed and sub-
11 mitted before the date of the repeal.

12 “**SECTION 4.** ORS 197.308 is amended to read:

13 “197.308. (1) As used in this section, ‘affordable housing’ means residential
14 property:

15 “(a) In which:

16 “(A) Each unit on the property is made available to own or rent to fam-
17 ilies with incomes of 80 percent or less of the area median income as deter-
18 mined by the Oregon Housing Stability Council based on information from
19 the United States Department of Housing and Urban Development; or

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

22 “(b) Whose affordability is enforceable, including as described in ORS
23 456.270 to 456.295, for a duration of no less than 30 years.

24 “(2) A local government shall allow affordable housing, and may not re-
25 quire a zone change or conditional use permit for affordable housing, **if the**
26 **proposed affordable housing is** on property [*if*] **that is:**

27 “(a) [*The housing is*] Owned by:

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

29 “(B) A nonprofit corporation that is organized as a religious corporation;

30 or

1 “(b) [*The property is*] Zoned:
2 “(A) For commercial uses;
3 “(B) To allow religious assembly; or
4 “(C) As public lands.
5 “(3) Subsection (2) of this section:
6 “(a) Does not apply to the development of housing not within an urban
7 growth boundary.
8 “(b) Does not trigger any requirement that a local government consider
9 or update an analysis as required by a statewide planning goal relating to
10 economic development.
11 “(c) Applies on property zoned to allow for industrial uses only if the
12 property is:
13 “(A) Publicly owned;
14 “(B) Adjacent to lands zoned for residential uses or schools; and
15 “(C) Not specifically designated for heavy industrial uses.
16 “(d) Does not apply on lands where the local government determines that:
17 “(A) The development on the property cannot be adequately served by
18 water, sewer, storm water drainage or streets, or will not be adequately
19 served at the time that development on the lot is complete;
20 “(B) The property contains a slope of 25 percent or greater;
21 “(C) The property is within a 100-year floodplain; or
22 “(D) The development of the property is constrained by land use regu-
23 lations based on statewide land use planning goals relating to:
24 “(i) Natural disasters and hazards; or
25 “(ii) Natural resources, including air, water, land or natural areas, but
26 not including open spaces or historic resources.
27 “(4) A local government shall approve an application at an authorized
28 density level and authorized height level, as defined in ORS 227.175 (4), for
29 the development of affordable housing, at the greater of:
30 “(a) Any local density bonus for affordable housing; or

1 “(b) Without consideration of any local density bonus for affordable
2 housing:

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

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

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

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

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

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

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