

HB 4063-1  
(LC 185)  
2/11/22 (TSB/ps)

Requested by HOUSE COMMITTEE ON HOUSING (at the request of Oregon Home Builders Association)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4063**

1 On page 1 of the printed bill, line 2, delete “declaring an emergency” and  
2 insert “prescribing an effective date”.

3 Delete lines 4 through 25 and delete pages 2 through 4 and insert:

4 **“SECTION 1. (1)(a) The Department of Consumer and Business**  
5 **Services shall enter into a public contract with a person that has suf-**  
6 **ficient skill and expertise to research and analyze administrative pro-**  
7 **cedures for approving residential construction projects in this state**  
8 **and to develop recommendations, including recommendations for best**  
9 **practices, for reducing the amount of time necessary for approval.**

10 **“(b) In conducting the research and analysis, the contractor shall**  
11 **review state and local administrative procedures, applications, permits**  
12 **and approvals required for land use, engineering, building and public**  
13 **works, and evaluate the efficiency and responsiveness of the overall**  
14 **administrative process and the interactions among state and local**  
15 **agencies, developers and builders within this state.**

16 **“(c) The contractor shall seek information from and consult with**  
17 **residential construction companies and at least 10 different local gov-**  
18 **ernments, but the contractor may work with as many local govern-**  
19 **ments of varying sizes and different locations within this state**  
20 **necessary to gain a comprehensive overview of the administrative**  
21 **procedures for approving residential construction throughout this**

1 state.

2 “(2) The contractor’s analysis, evaluation and recommendations  
3 must, at a minimum:

4 “(a) Calculate the average length of time, in days, necessary to ob-  
5 tain all necessary approvals for a small- to medium-sized housing de-  
6 velopment in each local government jurisdiction the contractor  
7 examines;

8 “(b) Determine whether and how substantial completion, as defined  
9 in ORS 455.175, or concurrent work practices reduce the time needed  
10 for approval and increase construction, and identify whether other  
11 adjustments to administrative procedures could speed approval and  
12 increase construction;

13 “(c) Develop best practices that local governments, developers and  
14 builders can use to improve interactions and reduce the amount of  
15 time necessary for required approvals;

16 “(d) Identify practices for setting application review priorities, in-  
17 cluding but not limited to using special navigators for projects for  
18 middle housing, as defined in ORS 197.758, and for projects designed  
19 for individuals who earn 80 to 150 percent of the median family income  
20 in the local region;

21 “(e) Identify programs, training opportunities or resources that lo-  
22 cal governments need in order to increase residential construction,  
23 along with the costs involved in providing the programs, training op-  
24 portunities or resources;

25 “(f) Explore other potential causes of and remedies for reduced  
26 residential construction, delays in approvals or inefficiencies in ad-  
27 ministrative processes, including suggestions from local governments,  
28 developers and builders; and

29 “(g) Recommend procedural changes, legislation or other remedies  
30 based on the results of the contractor’s research and analysis that will

1 **increase residential construction while maintaining critical**  
2 **infrastructure.**

3 **“(3) The department shall direct the contractor to continue the re-**  
4 **search and analysis to the extent necessary to obtain the results and**  
5 **develop the recommendations described in section 1 of this 2022 Act,**  
6 **and to the extent that funds are available for the public contract from**  
7 **legislative appropriations.**

8 **“(4) The department shall report each calendar quarter on the**  
9 **contractor’s work under the public contract, with an initial report due**  
10 **to an interim committee of the Legislative Assembly related to hous-**  
11 **ing not later than December 1, 2022. The department shall continue to**  
12 **submit reports to the interim committee until the later of the date on**  
13 **which the contract expires or December 1, 2023.**

14 **“SECTION 2.** ORS 455.175 is amended to read:

15 **“455.175. (1) As used in this section:**

16 **“(a) ‘Conditions of development’ means requirements that, as part of a**  
17 **residential subdivision, a developer, declarant or owner must construct pub-**  
18 **lic improvements that are contained in:**

19 **“(A) A development agreement under ORS 94.504 to 94.528;**

20 **“(B) Conditions of approval under ORS 92.040, 215.416 or 227.175; or**

21 **“(C) Any other agreement with, or conditional approval by, a local gov-**  
22 **ernment.**

23 **“(b) ‘Residential subdivision’ means a residential development requiring**  
24 **a developer, declarant or owner to subdivide land, as defined in ORS 92.010,**  
25 **and to obtain a permit under ORS 215.416 or 227.175.**

26 **“(c) ‘Substantial completion’ means [*the city, county or other appropriate***  
27 ***public body has inspected, tested and found acceptable under applicable code***  
28 ***requirements, unless the parties agree to a lower standard*] a state of com-**  
29 **pletion under which a city, county or other appropriate public body**  
30 **has inspected, tested and found acceptably constructed, to a standard**

1 **established by the city, county or other appropriate public body or**  
2 **specified by agreement with a developer, declarant or owner, the fol-**  
3 **lowing public improvements under the applicable conditions of devel-**  
4 **opment:**

5 “(A) The water supply system;

6 “(B) The fire hydrant system;

7 “(C) The sewage disposal system;

8 “(D) The storm water drainage system, excepting any landscaping re-  
9 quirements that are part of the system;

10 “(E) The curbs;

11 “(F) The demarcating of street signs acceptable for emergency responders;

12 [*and*]

13 “(G) The roads, [*necessary for access by emergency vehicles.*] **designed,**  
14 **engineered and constructed to support all-weather access by emer-**  
15 **gency response vehicles or heavy construction vehicles at loads ex-**  
16 **pected until construction is complete, even if the roads are not fully**  
17 **paved or completed, unless full paving or completion is necessary for**  
18 **compliance with water quality permitting; and**

19 “(H) **Off-site improvements that are necessary for emergency ser-**  
20 **vices, water and storm water and sewage disposal at a capacity that**  
21 **is sufficient to serve the residential subdivision.**

22 “(2) **A city or county shall consult with the public service districts**  
23 **that are responsible for overseeing the conditions of development that**  
24 **constitute substantial completion to ensure that the conditions of de-**  
25 **velopment comply with applicable federal, state and local laws, regu-**  
26 **lations, rules and ordinances and any permits the city or county holds.**

27 “[2] (3)(a) A city or county may not deny a building permit allowing the  
28 construction of residential dwellings under a residential subdivision on the  
29 basis that the conditions of development have not been met, if:

30 “[a] (A) Substantial completion of conditions of development for the

1 residential subdivision occurs; and

2 “[*b*] (B) The developer, declarant or owner, to secure the completion of  
3 the remaining public improvements included as conditions of development for  
4 the residential subdivision:

5 “[*A*] (i) Obtains and maintains a bond; or

6 “[*B*] (ii) Undertakes an alternative form of financial guarantee, if any,  
7 that is acceptable to, but may not be required by, the city or county.

8 **“(b) A city or county shall allow applications for building permits  
9 to be submitted and reviewed without regard to whether a final plat  
10 is recorded.**

11 “[*3*] (4) Subsection [*2*] (3) of this section does not prevent a city or  
12 county from declining to issue certificates of occupancy for any residential  
13 dwellings if all conditions of development are not fully completed or the  
14 conditions for the release of the bond are not fulfilled.

15 **“(5) A city or county shall assign temporary addresses to lots in a  
16 residential subdivision. In assigning temporary addresses, the city or  
17 county may:**

18 **“(a) Use preliminary, tentative or proposed plats or some other ap-  
19 proved plan that describes all lots with accurate lot numbering; and**

20 **“(b) Require applicants to notify the city or county whenever lot  
21 numbering or subdivision names change during development.**

22 **“SECTION 3. This 2022 Act takes effect on the 91st day after the  
23 date on which the 2022 regular session of the Eighty-first Legislative  
24 Assembly adjourns sine die.”.**

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