

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2001**

1 In line 2 of the printed bill, after “housing” insert “; creating new pro-
2 visions; amending ORS 90.394, 94.536, 105.115, 105.124, 105.135, 105.137,
3 195.033, 195.036, 195.060, 195.141, 195.143, 195.145, 195.300, 197.015, 197.286,
4 197.290, 197.291, 197.293, 197.296, 197.297, 197.298, 197.299, 197.302, 197.303,
5 197.304, 197.307, 197.313, 197.319, 197.320, 197.335, 197.480, 197.522, 197.637,
6 197.764, 197.831, 197A.300, 197A.305, 197A.310, 197A.312, 197A.320, 215.457,
7 215.501, 270.005, 456.586, 458.650, 466.055 and 527.755 and section 8, chapter
8 420, Oregon Laws 2021, sections 1, 2 and 6, chapter 531, Oregon Laws 2021,
9 and sections 6 and 9, chapter 552, Oregon Laws 2021; repealing ORS 197.178,
10 197.766, 197A.405, 197A.407, 197A.409, 197A.411 and 197A.413; and declaring
11 an emergency”.

12 Delete lines 4 through 8 and insert:

13

14 **“OREGON HOUSING NEEDS ANALYSIS**

15

16 **“SECTION 1. (1) There is established within the Oregon Department**
17 **of Administrative Services the Oregon Housing Needs Analysis. The**
18 **purposes of the Oregon Housing Needs Analysis are to further the:**

19 **“(a) Production of housing to meet the need of Oregonians at all**
20 **levels of affordability; and**

21 **“(b) Production of housing in a way that creates more housing**

1 choice by affirmatively furthering fair housing, as defined in ORS
2 197.290.

3 “(2) The Oregon Housing Needs Analysis consists of three compo-
4 nents as follows:

5 “(a) The annual statewide housing analysis under section 2 (1) of
6 this 2023 Act;

7 “(b) The allocated housing need under section 2 (2) of this 2023 Act;
8 and

9 “(c) The housing production targets under section 3 of this 2023 Act.

10 “(3) Actions taken by the department under sections 1 to 3 of this
11 2023 Act are not subject to ORS 197.180 and are not land use decisions.

12 “(4) The Department of Land Conservation and Development and
13 the Housing and Community Services Department:

14 “(a) Shall assist the Oregon Department of Administrative Services
15 with its duties under sections 1 to 3 of this 2023 Act.

16 “(b) May study and recommend methodological changes to the
17 Oregon Department of Administrative Services to improve the Oregon
18 Housing Needs Analysis’ functions and suitability for its purposes un-
19 der subsection (1) of this section. The departments may solicit written
20 and oral public testimony to inform their recommendations.

21 **“SECTION 2. (1) On an annual basis the Oregon Department of**
22 **Administrative Services shall conduct a statewide housing analysis.**
23 **The analysis must be conducted statewide and segmented into regions**
24 **as determined by the department. The analysis shall estimate factors**
25 **including, but not limited to:**

26 “(a) Projected needed housing units over the next 20 years;

27 “(b) Current housing underproduction;

28 “(c) Housing units needed for people experiencing homelessness;
29 and

30 “(d) Housing units projected to be converted into vacation homes

1 or second homes during the next 20 years.

2 “(2) At the time the department performs the housing analysis un-
3 der subsection (1) of this section, the department shall allocate a
4 housing need for each city.

5 “(3) In making an allocation under subsection (2) of this section,
6 the department shall consider:

7 “(a) The forecasted population growth under ORS 195.033 or 195.036;

8 “(b) The forecasted regional job growth;

9 “(c) An equitable statewide distribution of housing for income levels
10 described in subsection (4) of this section;

11 “(d) The estimates made under subsection (1) of this section; and

12 “(e) The purpose of the Oregon Housing Needs Analysis under sec-
13 tion 1 (1) of this 2023 Act.

14 “(4) In estimating and allocating housing need under this section,
15 the department shall segment need by the following income levels:

16 “(a) Housing affordable to households making less than 30 percent
17 of median family income;

18 “(b) Housing affordable to households making 30 percent or more
19 and less than 60 percent of median family income;

20 “(c) Housing affordable to households making 60 percent or more
21 and less than 80 percent of median family income;

22 “(d) Housing affordable to households making 80 percent or more
23 and less than 120 percent of median family income; and

24 “(e) Housing affordable to households making 120 percent or more
25 of median family income.

26 “SECTION 3. (1) The Oregon Department of Administrative Services
27 shall allocate housing production targets to each city with a popu-
28 lation of 10,000 or greater and to each unincorporated urbanized area
29 within the Metro urban growth boundary. Housing production targets
30 shall describe the proportion of the allocated housing need that the

1 department determines should be produced in each city within six
2 years for a city or urbanized area inside Metro and within eight years
3 for a city or urbanized area outside Metro.

4 “(2) The housing production targets must be separated into:

5 “(a) A total target; and

6 “(b) A target for publicly supported housing affordable to house-
7 holds making less than 80 percent of the median family income.

8 “(3) In establishing housing production targets under this section,
9 the department:

10 “(a) May include a greater proportion of the allocated housing need
11 to accommodate people experiencing homelessness and housing
12 underproduction within a city;

13 “(b) Is not required to consider allocation of needed housing by
14 Metro under ORS 197.296 or 197.303; and

15 “(c) Shall coordinate the allocation of the targets with a schedule
16 developed by the Department of Land Conservation and Development
17 for requiring housing production strategies under ORS 197.290.

18 **“SECTION 4. (1) The Housing and Community Services Department**
19 **may adopt rules to implement this section and section 5 of this 2023**
20 **Act.**

21 “(2) On an annual basis the Housing and Community Services De-
22 partment shall update a publicly available statewide housing pro-
23 duction dashboard.

24 “(3) The dashboard shall include, for each city with a population
25 of 10,000 or greater:

26 “(a) Progress toward housing production by affordability levels, as
27 described in section 2 (4) of this 2023 Act and total housing targets;
28 and

29 “(b) A comparative analysis of progress in comparison to the region
30 and other local governments with similar market types.

1 “(4) Information in the dashboard must be based on:

2 “(a) Inventory of publicly supported housing, as defined in ORS
3 456.250, that is maintained by the department; and

4 “(b) Information submitted to the department under section 37 (3)
5 of this 2023 Act.

6 “SECTION 5. (1) On an annual basis the Housing and Community
7 Services Department shall update publicly available statewide housing
8 equity indicators.

9 “(2) The indicators shall include, for each city, quantifiable data,
10 to the extent that the department can determine, define or estimate
11 it, displaying:

12 “(a) Housing outcomes, such as cost burden and availability of
13 housing units to own or to rent, and housing condition for various
14 demographics, including race or ethnicity, disability status, English
15 proficiency and age;

16 “(b) Housing types produced and overall land efficiency of housing
17 production;

18 “(c) New housing units built to standards, as defined by the De-
19 partment of Consumer and Business Services by rule, relating to ac-
20 cessibility and visitability;

21 “(d) Risk of gentrification and displacement;

22 “(e) Housing segregation by race and income;

23 “(f) Environmentally just housing outcomes, informed by the envi-
24 ronmental justice mapping tool, developed by the Environmental Jus-
25 tice Council under section 12, chapter 58, Oregon Laws 2022;

26 “(g) Residential tenants who spend more than 50 percent of their
27 household income on gross rent for housing; and

28 “(h) Other measurable factors or indicators identified by the de-
29 partment.

30 “SECTION 6. (1) No later than March 1, 2024, the Department of

1 Land Conservation and Development shall adopt a housing production
2 target schedule under section 3 (3)(c) of this 2023 Act.

3 “(2) No later than January 1, 2025, the Oregon Department of Ad-
4 ministrative Services shall:

5 “(a) Conduct the initial statewide housing analysis and the initial
6 estimate and allocation of housing need under section 2 of this 2023
7 Act.

8 “(b) Establish the initial housing production targets under section
9 3 of this 2023 Act.

10 “(3) No later than January 1, 2025, the Housing and Community
11 Services Department shall:

12 “(a) Publish the statewide housing production dashboard under
13 section 4 of this 2023 Act; and

14 “(b) Publish statewide housing equity indicators under section 5 of
15 this 2023 Act.

16 “(4) The schedule adopted by the Department of Land Conservation
17 and Development under subsection (1) of this section is not a land use
18 decisions and is not subject to appeal.

19 “SECTION 7. In addition to and not in lieu of any other appropri-
20 ation, there is appropriated for the biennium beginning July 1, 2023,
21 out of the General Fund:

22 “(1) To the Housing and Community Services Department, the
23 amount of \$___, to perform the duties of the department under
24 sections 1 to 5 of this 2023 Act.

25 “(2) To the Oregon Department of Administrative Services, the
26 amount of \$___, to perform the duties of the department under
27 sections 1 to 5 of this 2023 Act.

28

29

“URBANIZATION GENERALLY

30

1 **“SECTION 8. (1) In adopting rules under ORS 197.286 to 197.314 and**
2 **statewide planning goals relating to housing or urbanization, or ad-**
3 **ministering the rules or statutes, the Land Conservation and Devel-**
4 **opment Commission and Department of Land Conservation and**
5 **Development shall be guided by the following principles:**

6 **“(a) Housing that is safe, accessible and affordable in the commu-**
7 **nity of their choice should be available to every Oregonian.**

8 **“(b) Building enough equitable housing must be a top priority.**

9 **“(c) The development and implementation of the housing pro-**
10 **duction strategy should be the focal point by which the department**
11 **collaborates with local governments to address and eliminate local**
12 **barriers to housing production.**

13 **“(d) Expertise, technical assistance, model ordinances and other**
14 **tools and resources to address housing production should be provided**
15 **to local governments, using cooperative planning tools embodied in**
16 **ORS 197.291 and 197.293, but not to the exclusion of the expedient use**
17 **of enforcement authority, including compliance orders under ORS**
18 **197.319 to 197.335.**

19 **“(e) Housing production should support fair and equitable housing**
20 **outcomes, environmental justice, climate resilience and access to op-**
21 **portunity.**

22 **“(f) Housing production should not be undermined by litigation,**
23 **regulatory uncertainty or repetitive or unnecessary procedures.**

24 **“(g) Local governments, to the greatest extent possible, should take**
25 **actions within their control to facilitate the production of housing to**
26 **meet housing production targets under section 3 of this 2023 Act.**

27 **“(2) Each public body, as defined in ORS 174.109, shall use its au-**
28 **thority to remove barriers to, and to create pathways for, the devel-**
29 **opment of needed housing and shall collaborate with the department**
30 **and local governments to identify and implement strategies to support**

1 **housing production where there is insufficient housing production and**
2 **choice.**

3 **“(3) In adopting rules implementing ORS 197.286 to 197.314 and**
4 **statewide land use goals relating to housing and urbanization, the**
5 **commission may approve a range of methodologies, policy options or**
6 **assumptions that a local government may adopt in determining:**

7 **“(a) Needed housing;**

8 **“(b) Housing production strategies or housing coordination strate-**
9 **gies;**

10 **“(c) Buildable lands or housing capacity;**

11 **“(d) Amendments to urban growth boundaries, including under ORS**
12 **197.296 (6)(a), 197.299, 197.764 and 197A.300 to 197A.325 and section 22**
13 **(5)(a) of this 2023 Act; or**

14 **“(e) Adoption or amendments to urban reserves or rural reserves**
15 **under ORS 195.137 to 195.145.**

16 **“SECTION 9. (1) The Land Conservation and Development Com-**
17 **mission shall adopt rules and amendments to rules related to**
18 **urbanization as follows:**

19 **“(a) On or before January 1, 2025, to implement ORS 197.290, 197.291,**
20 **197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and**

21 **“(b) On or before January 1, 2026, to implement ORS 197.286 to**
22 **197.314, except as provided in paragraph (a) of this subsection.**

23 **“(2) In adopting rules under this section, the commission shall pri-**
24 **oritize:**

25 **“(a) Facilitating and encouraging housing production, affordability**
26 **and housing choice on buildable lands within an urban growth bound-**
27 **ary;**

28 **“(b) Providing greater clarity and certainty in the adoption and**
29 **acknowledgement of housing capacity analyses, urban growth bound-**
30 **ary amendments, urban growth boundary exchanges or urban reserves**

1 to accommodate an identified housing need;

2 “(c) Reducing analytical burden, minimizing procedural redundancy
3 and increasing legal certainty for local governments pursuing urban
4 growth boundary amendments, urban growth boundary exchanges or
5 urban reserves where a housing need is identified, especially for
6 smaller cities, consistent with the appropriate protection of resource
7 lands; and

8 “(d) Supporting coordinated public facilities planning, annexation,
9 and comprehensive plan amendments to facilitate the development of
10 lands brought into an urban growth boundary.

11 “(3) In adopting rules under subsection (1)(a) of this section, the
12 commission shall:

13 “(a) Consult with the Housing and Community Services Depart-
14 ment, Department of Transportation, Department of Environmental
15 Quality, Department of State Lands, Oregon Business Development
16 Department and Department of Consumer and Business Services;

17 “(b) Provide clear parameters on the types and extent of actions
18 needed or allowed under ORS 197.290 (3) that are consistent with the
19 technical and resource capacities of varying sizes of local govern-
20 ments; and

21 “(c) Recognize actions already taken by local governments.

22 “(4) To avoid interference with current planning activities or to
23 avoid unjust or surprising results, the Land Conservation and Devel-
24 opment Commission may postpone, for cities specified by the com-
25 mission, the applicability of sections 13, 21, 22 or 23 of this 2023 Act
26 and the amendments to ORS 197.286, 197.290, 197.296, 197.297 and 197.303,
27 by sections 12 and 25 to 28 of this 2023 Act, until a date that is not later
28 than January 1, 2026.

29 “SECTION 10. In addition to and not in lieu of any other appropri-
30 ation, there is appropriated to the Department of Land Conservation

1 and Development, for the biennium ending June 30, 2023, out of the
2 General Fund, the amount of \$___, to adopt rules under section 9 of
3 this 2023 Act.

4 **“SECTION 11.** In addition to and not in lieu of any other appropri-
5 ation, there is appropriated to the Department of Land Conservation
6 and Development, for the biennium beginning July 1, 2023, out of the
7 General Fund, the amount of \$___, to adopt rules under section 9 of
8 this 2023 Act.

9 **“SECTION 12.** ORS 197.286, as amended by section 5, chapter 54, Oregon
10 Laws 2022, is amended to read:

11 “197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

12 **“(1) ‘Allocated housing need’ means:**

13 **“(a) For a city outside Metro, the housing need allocated to a city**
14 **under section 2 (2) of this 2023 Act as segmented by income level under**
15 **section 2 (4) of this 2023 Act; or**

16 **“(b) For a city within Metro, the housing need allocated to the city**
17 **by Metro under ORS 197.303 (3).**

18 **“[(1)] (2) ‘Buildable lands’ means lands in urban and urbanizable areas**
19 **that are suitable, available and necessary for [residential uses. ‘Buildable**
20 **lands’ includes] the development of needed housing over a 20-year**
21 **planning period, including both vacant land and developed land likely to**
22 **be redeveloped.**

23 **“[(2)] (3) ‘Government assisted housing’ means housing that is financed**
24 **in whole or part by either a federal or state housing agency or a housing**
25 **authority as defined in ORS 456.005, or housing that is occupied by a tenant**
26 **or tenants who benefit from rent supplements or housing vouchers provided**
27 **by either a federal or state housing agency or a local housing authority.**

28 **“(4) ‘Housing capacity’ means the number of needed housing units**
29 **that can be developed on buildable lands within the 20-year planning**
30 **period based on the land’s comprehensive plan designation and capac-**

1 **ity for housing development and redevelopment.**

2 **“(5) ‘Housing production strategy’ means a strategy adopted by a**
3 **local government to promote housing production under ORS 197.290.**

4 **“[(3)] (6) ‘Manufactured dwelling,’ ‘manufactured dwelling park,’ ‘manu-**
5 **factured home’ and ‘mobile home park’ have the meanings given those terms**
6 **in ORS 446.003.**

7 **“[(4)] (7) ‘Periodic review’ means the process and procedures as set forth**
8 **in ORS 197.628 to 197.651.**

9 **“[(5)] (8) ‘Prefabricated structure’ means a prefabricated structure, as de-**
10 **finied in ORS 455.010, that is relocatable, more than eight and one-half feet**
11 **wide and designed for use as a single-family dwelling.**

12 **“[(6) ‘Urban growth boundary’ means an urban growth boundary included**
13 **or referenced in a comprehensive plan.]**

14 **“SECTION 13. (1) At the time that a city is required to inventory**
15 **its buildable lands under ORS 197.297 (1) or section 21 or 22 of this 2023**
16 **Act, the local government shall determine the amount of buildable**
17 **lands that are likely to support the production of housing during the**
18 **period of their housing production target under section 3 (1) of this**
19 **section, because the lands are:**

20 **“(a) Currently annexed and zoned to allow housing through clear**
21 **and objective standards and procedures;**

22 **“(b) Readily served through adjacent public facilities or identified**
23 **for the near-term provision of public facilities through an adopted**
24 **capital improvement plan; and**

25 **“(c) Not encumbered by any applicable local, state or federal pro-**
26 **TECTIVE regulations or have appropriate entitlements to prepare the**
27 **land for development.**

28 **“(2) If the total housing production target is greater than the**
29 **housing capacity of development-ready lands, the local government**
30 **shall take any actions in ORS 197.290 (3) that demonstrably prepare**

1 **lands for development or redevelopment or increase the housing ca-**
2 **capacity of existing development-ready lands.**

3

4

“HOUSING PRODUCTION ACCOUNTABILITY

5

6 **“SECTION 14.** ORS 197.293 is amended to read:

7 *“197.293. [(1) The Land Conservation and Development Commission, in*
8 *consultation with the Housing and Community Services Department, shall*
9 *adopt criteria for reviewing and identifying cities with a population greater*
10 *than 10,000 that have not sufficiently:]*

11 *“[(a) Achieved production of needed housing within their jurisdiction; or]*

12 *“[(b) Implemented a housing production strategy adopted under ORS*
13 *197.290.]*

14 *“[(2) The criteria adopted by the commission under subsection (1) of this*
15 *section may include the city’s:]*

16 *“[(a) Unmet housing need as described in ORS 197.296 (6);]*

17 *“[(b) Unmet housing need in proportion to the city’s population;]*

18 *“[(c) Percentage of households identified as severely rent burdened as de-*
19 *scribed in ORS 456.586;]*

20 *“[(d) Recent housing development;]*

21 *“[(e) Recent adoption of a housing production strategy under ORS 197.290*
22 *or adoption of actions pursuant to a housing production strategy;]*

23 *“[(f) Recent or frequent previous identification by the Department of Land*
24 *Conservation and Development under this section; or]*

25 *“[(g) Other attributes that the commission considers relevant.]*

26 *“[(3) The Department of Land Conservation and Development may review*
27 *cities under the criteria adopted under subsection (2) of this section for the*
28 *purposes of prioritizing actions by the department, including:]*

29 *“[(a) Awarding available technical or financial resources;]*

30 *“[(b) Providing enhanced review and oversight of the city’s housing pro-*

1 *duction strategy;]*

2 “[(c) *Requiring a report and explanation if a city does not implement an*
3 *action within the approximate time frame scheduled within a housing pro-*
4 *duction strategy;]*

5 “[(d) *Entering into agreements with the city relating to the city’s modifica-*
6 *tion or implementation of its housing production strategy; or]*

7 “[(e) *Petitioning the commission to act under ORS 197.319 to 197.335 to*
8 *require the city to comply with ORS 197.286 to 197.314 or statewide land use*
9 *planning goals related to housing or urbanization.]*

10 “(1) **In developing and implementing this section and performing its**
11 **duties under ORS 197.319 (4), the Department of Land Conservation**
12 **and Development shall be guided by section 8 (1) of this 2023 Act and**
13 **the following principles:**

14 “(a) **Increasing housing production;**

15 “(b) **Developing affordable and equitable housing;**

16 “(c) **Forming partnerships with cities and with other public bodies;**

17 “(d) **Responding proportionately to housing underproduction;**

18 “(e) **Escalating enforcement to address persistent, repeated or de-**
19 **liberate noncompliance with housing production targets; and**

20 “(f) **Considering the availability of state resources to support hous-**
21 **ing production.**

22 “(2)(a) **In determining whether a city should be referred under**
23 **subsection (3) of this section, the department may base its evaluation**
24 **on the relative performance of a city based on any one of, or any**
25 **combination of, the following:**

26 “(A) **A city’s progress proportionate to its population size, as dem-**
27 **onstrated by the statewide housing production dashboard under sec-**
28 **tion 4 of this 2023 Act.**

29 “(B) **The city’s performance as demonstrated by a statewide housing**
30 **equity indicator under section 5 of this 2023 Act.**

1 **“(b) The department may not base a determination made under this**
2 **subsection solely on a city’s performance on any single equity indica-**
3 **tor.**

4 **“(3) Each year, the department shall refer into its housing acceler-**
5 **ation program, under subsection (4) of this section:**

6 **“(a) For each region, as established in the Oregon Housing Needs**
7 **Analysis under section 1 (1) of this 2023 Act, of those cities that**
8 **adopted a housing production strategy more than three but less than**
9 **four years ago, including as required by subsection (7)(a) of this sec-**
10 **tion, the lowest performing cities, if any exist, as determined under**
11 **subsection (2) of this section;**

12 **“(b) Each city that has failed to adopt a housing production strat-**
13 **egy by the deadline under ORS 197.290 (1);**

14 **“(c) Each city that has failed to undertake actions in its housing**
15 **production strategy by the deadline under ORS 197.290 (4); and**

16 **“(d) Cities referred under ORS 197.319 (4).**

17 **“(4) For each city referred to the housing acceleration program,**
18 **within six months, the department shall, in cooperation with the city,**
19 **complete an audit of specific housing barriers, that must include an**
20 **analysis of the following factors affecting housing production,**
21 **affordability and choice:**

22 **“(a) The existing housing production strategy and the documents**
23 **and record supporting the strategy;**

24 **“(b) Public written comments and invited stakeholder feedback re-**
25 **ceived by a date specified by the department;**

26 **“(c) Land use planning regulations, including zoning and develop-**
27 **ment code;**

28 **“(d) Permitting and approval processes relating to development of**
29 **housing and infrastructure supporting housing;**

30 **“(e) Required fees, exactions and improvements;**

1 **“(f) Actions and inactions that can impact fair and equitable hous-**
2 **ing outcomes, environmental justice, climate resilience and location**
3 **choice;**

4 **“(g) Local resource deficiencies, including staffing, public facilities,**
5 **capital improvements to infrastructure, availability of buildable lands**
6 **and actions or investments to prepare land for development;**

7 **“(h) Specific additional state resources that could support housing**
8 **production;**

9 **“(i) Changes to state laws or rules or the regulations, policies,**
10 **actions or inactions of any public body, as defined in ORS 174.109, as**
11 **that could impact housing production; and**

12 **“(j) Other factors limiting housing that are not within the city’s**
13 **control.**

14 **“(5) In performing an audit under subsection (4) of this section, the**
15 **department:**

16 **“(a) May request concurrent review of the city’s affordability poli-**
17 **cies under ORS 197.637; and**

18 **“(b) Shall notify any public body identified under subsection (4)(j)**
19 **of this section.**

20 **“(6) Within six months following an audit under subsection (4) of**
21 **this section, the city and the department must enter into a housing**
22 **acceleration agreement that is based on and proportionate to the city’s**
23 **basis for referral under subsection (3) of this section and informed by**
24 **the audit under subsection (4) of this section.**

25 **“(7) Under the housing acceleration agreement, the department**
26 **shall agree to provide:**

27 **“(a) Specified technical assistance, regulatory support and other**
28 **assistance, to assist the city in performing its agreement under sub-**
29 **section (8) of this section;**

30 **“(b) Specific funding under the department’s control; and**

1 **“(c) Specified assistance in pursuing other state or public funds.**
2 **“(8) Under the housing acceleration agreement, the city shall agree**
3 **to:**
4 **“(a) If the department determines that the factors affecting housing**
5 **production, affordability and choice are a consequence of policies and**
6 **practices that are directly within the city’s control, adopt an amended**
7 **housing production strategy within six months that includes:**
8 **“(A) A timeline for performance under ORS 197.290 (4) of no less**
9 **than one year; and**
10 **“(B) Specified actions which may include, but are not limited to:**
11 **“(i) Actions under ORS 197.290 (3);**
12 **“(ii) Dedicating funds for increased local capacity to facilitate**
13 **housing production, affordability and choice;**
14 **“(iii) Dedicating funds for public facilities and infrastructure nec-**
15 **essary to support housing production;**
16 **“(iv) Taking measures that increase the availability of**
17 **development-ready land as described in section 13 of this 2023 Act;**
18 **“(v) Amending the development code, approval criteria or proce-**
19 **dures to reduce cost or delay to housing production; and**
20 **“(vi) Taking emergency temporary measures to support housing**
21 **production; and**
22 **“(b) Join any department initiated interagency mediation to identify**
23 **policies and resources that would support housing production in the**
24 **city.**
25 **“(9) The department may require that a city that is not required to**
26 **adopt an amendment to its housing production strategy under sub-**
27 **section (8)(a) of this section include findings at the time that the city**
28 **is next required to adopt a housing production strategy under ORS**
29 **197.290 (1) that describe how the city has addressed the audit’s findings**
30 **and any suggested actions.**

1 **“(10) The department may grant limited extensions to deadlines**
2 **under subsections (3)(b) and (c) and (8)(a) of this section for emer-**
3 **gencies, good cause or other factors outside of the city’s control.**

4 **“(11) The actions by a city or department under this section are not**
5 **land use decisions and are not subject to appeal or review.**

6 **“(12) All public bodies, as defined in ORS 174.109, are directed to**
7 **assist cities and the department in the performance of their duties**
8 **under this section and to take timely action to ensure that the**
9 **agency’s rules or policies do not unduly delay implementation of a**
10 **housing acceleration agreement under this section.**

11 **“SECTION 15. ORS 197.319 is amended to read:**

12 **“197.319. (1) Before a person may request adoption of an enforcement or-**
13 **der under ORS 197.320, the person shall:**

14 **“(a) Present the reasons, in writing, for such an order to the affected local**
15 **government; and**

16 **“(b) Request:**

17 **“(A) Revisions to the local comprehensive plan, land use regulations,**
18 **special district cooperative or urban service agreement or decision-making**
19 **process which is the basis for the order; or**

20 **“(B) That an action be taken regarding the local comprehensive plan, land**
21 **use regulations, special district agreement, housing production strategy or**
22 **decision-making process that is the basis for the order.**

23 **“(2)(a) The local government or special district shall issue a written re-**
24 **sponse to the request within 60 days of the date the request is mailed to the**
25 **local government or special district.**

26 **“(b) The requestor and the local government or special district may enter**
27 **into mediation to resolve issues in the request. The Department of Land**
28 **Conservation and Development shall provide mediation services when jointly**
29 **requested by the local government or special district and the requestor.**

30 **“(c) If the local government or special district does not act in a manner**

1 which the requestor believes is adequate to address the issues raised in the
2 request within the time period provided in paragraph (a) of this subsection,
3 a petition may be presented to the Land Conservation and Development
4 Commission under ORS 197.324.

5 “(3) A metropolitan service district may request an enforcement order
6 under ORS 197.320 (12) without first complying with subsections (1) and (2)
7 of this section.

8 “(4) **The department, without the prior approval of the commission,**
9 **may request an enforcement order under ORS 197.320 (13) without first**
10 **complying with subsections (1) and (2) of this section. Notwithstanding**
11 **ORS 183.635 (2) and 197.328 (1), the request under this subsection must**
12 **be assigned to an administrative law judge appointed under ORS**
13 **183.635 unless the commission has previously appointed a hearing of-**
14 **ficer or a pool of hearing officers to review petitions filed under this**
15 **section. Before the entry of a final order under ORS 197.319 to 197.335,**
16 **the department, in its discretion, may dismiss a petition filed by the**
17 **department under this section and refer a city to the housing accel-**
18 **eration program under ORS 197.293.**

19 “**SECTION 16.** ORS 197.320 is amended to read:

20 “197.320. The Land Conservation and Development Commission shall issue
21 an order requiring a local government, state agency or special district to
22 take action necessary to bring its comprehensive plan, land use regulation,
23 limited land use decisions or other land use decisions or actions into com-
24 pliance with the goals, acknowledged comprehensive plan provisions, land
25 use regulations, [or] housing production strategy **or housing acceleration**
26 **agreements** if the commission has good cause to believe:

27 “(1) A comprehensive plan or land use regulation adopted by a local
28 government not on a compliance schedule is not in compliance with the goals
29 by the date set in ORS 197.245 or 197.250 for such compliance[;].

30 “(2) A plan, program, rule or regulation affecting land use adopted by a

1 state agency or special district is not in compliance with the goals by the
2 date set in ORS 197.245 or 197.250 for such compliance[;].

3 “(3) A local government is not making satisfactory progress toward per-
4 formance of its compliance schedule[;].

5 “(4) A state agency is not making satisfactory progress in carrying out
6 its coordination agreement or the requirements of ORS 197.180[;].

7 “(5) A local government has no comprehensive plan or land use regulation
8 and is not on a compliance schedule directed to developing the plan or
9 regulation[;].

10 “(6) A local government has engaged in a pattern or practice of decision
11 making that violates an acknowledged comprehensive plan or land use reg-
12 ulation. In making its determination under this subsection, the commission
13 shall determine whether there is evidence in the record to support the deci-
14 sions made. The commission shall not judge the issue solely upon adequacy
15 of the findings in support of the decisions[;].

16 “(7) A local government has failed to comply with a commission order
17 entered under ORS 197.644[;].

18 “(8) A special district has engaged in a pattern or practice of decision-
19 making that violates an acknowledged comprehensive plan or cooperative
20 agreement adopted pursuant to ORS 197.020[;].

21 “(9) A special district is not making satisfactory progress toward per-
22 formance of its obligations under ORS chapters 195 and 197[;].

23 “(10) A local government’s approval standards, special conditions on ap-
24 proval of specific development proposals or procedures for approval do not
25 comply with ORS 197.307 (4) or (6)[;].

26 “(11) A local government is not making satisfactory progress toward
27 meeting its obligations under ORS 195.065[;].

28 “(12) A local government within the jurisdiction of a metropolitan service
29 district has failed to make changes to the comprehensive plan or land use
30 regulations to comply with the regional framework plan of the district or

1 has engaged in a pattern or practice of decision-making that violates a re-
2 quirement of the regional framework plan[; or].

3 “(13) A city [*is not making satisfactory progress in taking actions listed in*
4 *its housing production strategy under ORS 197.290.*] **with a population of**
5 **10,000 or greater that:**

6 “(a) **Has a pattern or practice of violating housing-related statutes**
7 **or implementing policies that create additional, unnecessary cost or**
8 **delay to affordable or market-rate housing production;**

9 “(b) **Has a pattern or practice of creating adverse disparate impacts**
10 **to state or federal protected classes or inhibiting equitable access to**
11 **housing choice, as described in ORS 197.290 (2)(b) to (d);**

12 “(c) **Has failed to enter into a housing acceleration agreement as**
13 **required under ORS 197.293 (6); or**

14 “(d) **Has materially breached a term of a housing acceleration**
15 **agreement under ORS 197.293 (8), including a failure to meet the**
16 **timeline for performance under ORS 197.293 (8)(a)(A).**

17 “**SECTION 17.** ORS 197.335 is amended to read:

18 “197.335. (1) An order issued under ORS 197.328 and the copy of the order
19 mailed to the local government, state agency or special district [*shall*] **must**
20 set forth:

21 “(a) The nature of the noncompliance, including, but not limited to, the
22 contents of the comprehensive plan or land use regulation, if any, of a local
23 government that do not comply with the goals or the contents of a plan,
24 program or regulation affecting land use adopted by a state agency or special
25 district that do not comply with the goals. In the case of a pattern or prac-
26 tice of decision-making [*which violates the goals, comprehensive plan or land*
27 *use regulations, the order shall*], **the order must** specify the decision-making
28 [*which*] **that** constitutes the pattern or practice, including specific provisions
29 the Land Conservation and Development Commission believes are being
30 misapplied[;].

1 “(b) The specific lands, if any, within a local government for which the
2 existing plan or land use regulation, if any, does not comply with the
3 goals[; *and*].

4 “(c) The corrective action decided upon by the commission, including the
5 specific requirements, with which the local government, state agency or
6 special district must comply. In the case of a pattern or practice of
7 decision-making [*that violates an acknowledged comprehensive plan or land*
8 *use regulation*], the commission may require revisions to the comprehensive
9 plan, land use regulations or local procedures which the commission believes
10 are necessary to correct the pattern or practice. Notwithstanding the pro-
11 visions of this section, except as provided in subsection (3)(c) of this section,
12 an enforcement order does not affect:

13 “(A) Land use applications filed with a local government prior to the date
14 of adoption of the enforcement order unless specifically identified by the
15 order;

16 “(B) Land use approvals issued by a local government prior to the date
17 of adoption of the enforcement order; or

18 “(C) The time limit for exercising land use approvals issued by a local
19 government prior to the date of adoption of the enforcement order.

20 “(2) Judicial review of a final order of the commission [*shall be*] **is** gov-
21 erned by the provisions of ORS chapter 183 applicable to contested cases
22 except as otherwise stated in this section. The commission’s final order
23 [*shall*] **must** include a clear statement of findings which set forth the basis
24 for the order. Where a petition to review the order has been filed in the
25 Court of Appeals, the commission shall transmit to the court the entire ad-
26 ministrative record of the proceeding under review. Notwithstanding ORS
27 183.482 (3) relating to a stay of enforcement of an agency order, an appellate
28 court, before it may stay an order of the commission, shall give due consid-
29 eration to the public interest in the continued enforcement of the
30 commission’s order and may consider testimony or affidavits thereon. Upon

1 review, an appellate court may affirm, reverse, modify or remand the order.

2 The court shall reverse, modify or remand the order only if it finds:

3 “(a) The order to be unlawful in substance or procedure, but **an** error in
4 procedure [*shall not be*] **is not** cause for reversal, modification or remand
5 unless the court [*shall find*] **finds** that substantial rights of any party were
6 prejudiced thereby;

7 “(b) The order to be unconstitutional;

8 “(c) The order is invalid because it exceeds the statutory authority of the
9 agency; or

10 “(d) The order is not supported by substantial evidence in the whole re-
11 cord.

12 “(3)(a) If the commission finds that in the interim period during which a
13 local government, state agency or special district would be bringing itself
14 into compliance with the commission’s order under ORS 197.320 or subsection
15 (2) of this section it would be contrary to the public interest in the conser-
16 vation or sound development of land to allow the continuation of some or
17 all categories of land use decisions or limited land use decisions, it shall,
18 as part of its order, limit, prohibit or require the approval by the local gov-
19 ernment of applications for subdivisions, partitions, building permits, limited
20 land use decisions or land use decisions until the plan, land use regulation
21 or subsequent land use decisions and limited land use decisions are brought
22 into compliance. The commission may issue an order that requires review
23 of local decisions by a hearings officer or the Department of Land Conser-
24 vation and Development before the local decision becomes final.

25 “(b) Any requirement under this subsection may be imposed only if the
26 commission finds that the activity, if continued, aggravates the goal, com-
27 prehensive plan or land use regulation violation and that the requirement
28 is necessary to correct the violation.

29 “(c) The limitations on enforcement orders under subsection (1)(c)(B) of
30 this section [*shall not be interpreted to*] **does not** affect the commission’s

1 authority to limit, prohibit or require application of specified criteria to
2 subsequent land use decisions involving land use approvals issued by a local
3 government prior to the date of adoption of the enforcement order.

4 “(4) As part of its order under ORS 197.320 or subsection (2) of this sec-
5 tion, the commission may withhold grant funds from the local government
6 to which the order is directed. As part of an order issued under this section,
7 the commission may notify the officer responsible for disbursing state-shared
8 revenues to withhold that portion of state-shared revenues to which the local
9 government is entitled under ORS 221.770, 323.455, 366.762 and 366.800 and
10 ORS chapter 471 which represents the amount of state planning grant mon-
11 eys previously provided the local government by the commission. The officer
12 responsible for disbursing state-shared revenues shall withhold state-shared
13 revenues as outlined in this section and shall release funds to the local
14 government or department when notified to so do by the commission or its
15 designee. The commission may retain a portion of the withheld revenues to
16 cover costs of providing services incurred under the order, including use of
17 a hearings officer or staff resources to monitor land use decisions and limited
18 land use decisions or conduct hearings. The remainder of the funds withheld
19 under this provision shall be released to the local government upon com-
20 pletion of requirements of the commission order.

21 “(5)(a) As part of its order under this section, the commission may notify
22 the officer responsible for disbursing funds from any grant or loan made by
23 a state agency to withhold such funds from a special district to which the
24 order is directed. The officer responsible for disbursing funds shall withhold
25 funds as outlined in this section and shall release funds to the special dis-
26 trict or department when notified to do so by the commission.

27 “(b) The commission may retain a portion of the funds withheld to cover
28 costs of providing services incurred under the order, including use of a
29 hearings officer or staff resources to monitor land use decisions and limited
30 land use decisions or conduct hearings. The remainder of the funds withheld

1 under this provision shall be released to the special district upon completion
2 of the requirements of the commission order.

3 **“(6) As part of its order under this section, upon finding a city failed**
4 **to comply with ORS 197.320 (13), the commission may, consistent with**
5 **the principles in ORS 197.293 (1), require the city to:**

6 **“(a) Comply with the housing acceleration agreement under ORS**
7 **197.293 (6).**

8 **“(b) Take specific actions that are part of the city’s housing pro-**
9 **duction strategy under ORS 197.290.**

10 **“(c) Impose appropriate models that have been developed by de-**
11 **partment, including model ordinances, procedures, actions or anti-**
12 **displacement measures.**

13 **“(d) Reduce maximum timelines for review of needed housing or**
14 **specific types of housing or affordability levels, including through**
15 **ministerial approval or any other expedited existing approval process.**

16 **“(e) Take specific actions to waive or amend local ordinances.**

17 **“(f) Forfeit grant funds under subsection (4) of this section.**

18 **“[(6)] (7) The commission may institute actions or proceedings for legal**
19 **or equitable remedies in the Circuit Court for Marion County or in the cir-**
20 **cuit court for the county to which the commission’s order is directed or**
21 **within which all or a portion of the applicable city is located to enforce**
22 **compliance with the provisions of any order issued under this section or to**
23 **restrain violations thereof. Such actions or proceedings may be instituted**
24 **without the necessity of prior agency notice, hearing and order on an alleged**
25 **violation.**

26 **“SECTION 18. The amendments to ORS 197.293, 197.319, 197.320 and**
27 **197.335 by sections 14 to 17 of this 2023 Act become operative on Janu-**
28 **ary 1, 2025.**

29 **“SECTION 19. The Department of Land Conservation and Develop-**
30 **ment and Land Conservation and Development Commission may take**

1 any actions necessary before the operative date specified in section 18
2 necessary to exercise, on and after the operative date specified in
3 section 18 of this 2023 Act, all of the duties, functions and powers
4 conferred on the department and commission under the amendments
5 to ORS 197.293, 197.319, 197.320 and 197.335 by sections 14 to 17 of this
6 2023 Act.

7

8

“URBANIZATION OUTSIDE METRO

9

10 **“SECTION 20.** Sections 8, 13 and 21 to 23 of this 2023 Act are added
11 to and made a part of ORS 197.286 to 197.314.

12 **“SECTION 21.** (1) This section applies only to cities that are not
13 within Metro or described in section 22 (1) of this 2023 Act.

14 **“(2)** The actions required under subsection (3) of this section must
15 be undertaken:

16 **“(a)** At periodic review pursuant to ORS 197.628 to 197.651;

17 **“(b)** On a schedule established by the Land Conservation and De-
18 velopment Commission for cities with a population of 10,000 or greater,
19 not to exceed once each eight years;

20 **“(c)** At any other legislative review of the comprehensive plan that
21 requires the application of a statewide planning goal related to
22 buildable lands for residential use; or

23 **“(d)** At the election of a city with a population of less than 10,000.

24 **“(3)** A city shall, according to rules of the commission:

25 **“(a)** Determine its needed housing under section 23 of this 2023 Act;

26 **“(b)** Inventory the supply of buildable lands available within the
27 urban growth boundary to accommodate needed housing; and

28 **“(c)** Take any necessary actions described in ORS 197.290 (3),
29 whether or not the actions are described within the city’s housing
30 production strategy, to accommodate needed housing.

1 **“SECTION 22. (1) This section applies only to local governments**
2 **with jurisdiction over lands inside the urban growth boundary of:**

3 **“(a) Cities located outside Metro with a population of 25,000 or**
4 **greater; and**

5 **“(b) Cities that meet factors established by Land Conservation and**
6 **Development Commission in consideration of the city’s size, rate of**
7 **population growth or proximity to another city with a population of**
8 **25,000 or greater or to Metro.**

9 **“(2) A local government shall determine its needed housing under**
10 **section 23 of this 2023 Act and inventory its buildable lands and de-**
11 **termine the lands’ housing capacity under this section:**

12 **“(a) At periodic review under ORS 197.628 to 197.651;**

13 **“(b) As scheduled by the commission at least once each eight years;**

14 **or**

15 **“(c) At any other legislative review of the comprehensive plan that**
16 **concerns the urban growth boundary and requires the application of**
17 **a statewide planning goal related to buildable lands for residential use.**

18 **“(3) For the purpose of determining housing capacity and inventory**
19 **of buildable lands under subsection (2) of this section:**

20 **“(a) ‘Buildable lands’ includes:**

21 **“(A) Vacant lands planned or zoned for residential use;**

22 **“(B) Partially vacant lands planned or zoned for residential use;**

23 **“(C) Lands that may be used for a mix of residential and employ-**
24 **ment uses under the existing planning or zoning; and**

25 **“(D) Lands that may be used for residential infill or redevelopment.**

26 **“(b) The local government shall consider:**

27 **“(A) The extent that residential development is prohibited or re-**
28 **stricted by local regulation and ordinance, state law and rule or fed-**
29 **eral statute and regulation;**

30 **“(B) A written long term contract or easement for radio, telecom-**

1 **munications or electrical facilities, if the written contract or easement**
2 **is provided to the local government; and**

3 **“(C) The presence of a single family dwelling or other structure on**
4 **a lot or parcel.**

5 **“(c) Except for land that may be used for residential infill or rede-**
6 **velopment, the local government shall create a map or document that**
7 **may be used to verify and identify specific lots or parcels that have**
8 **been determined to be buildable lands.**

9 **“(4)(a) Except as provided in paragraphs (b) and (c) of this sub-**
10 **section, the determination of housing capacity must be based on data**
11 **related to land within the urban growth boundary that has been col-**
12 **lected since the last review under subsection (2)(b) of this section. The**
13 **data must include:**

14 **“(A) The number, density and average mix of housing types of ur-**
15 **ban residential development that have actually been developed;**

16 **“(B) Trends in density and average mix of housing types of urban**
17 **residential development;**

18 **“(C) Market factors that may substantially impact future urban**
19 **residential development;**

20 **“(D) The number, density and average mix of housing types that**
21 **have been developed on buildable lands;**

22 **“(E) Consideration of the effects of the adopted housing production**
23 **strategy and measures taken and reasonably anticipated to be taken**
24 **to implement the strategy; and**

25 **“(F) Consideration of factors that influence available housing sup-**
26 **ply, including short-term rentals, second homes and vacation homes.**

27 **“(b) A local government shall make the determination described in**
28 **paragraph (a) of this subsection using data from a shorter time period**
29 **than the time period described in paragraph (a) of this subsection if**
30 **the local government finds that the shorter time period will provide**

1 more accurate and reliable data related to housing capacity. The
2 shorter time period may not be less than three years.

3 “(c) A local government shall use data from a wider geographic area
4 or use a time period longer than the time period described in para-
5 graph (a) of this subsection if the analysis of a wider geographic area
6 or the use of data from a longer time period will provide more accu-
7 rate, complete and reliable data related to trends affecting housing
8 need than an analysis performed pursuant to paragraph (a) of this
9 subsection. The local government must clearly describe the geographic
10 area, time frame and source of data used in a determination performed
11 under this paragraph.

12 “(5) If the needed housing is greater than the housing capacity, the
13 local government shall take one or both of the following actions to
14 accommodate allocated housing need for the next 20 years:

15 “(a) Amend its urban growth boundary to include sufficient
16 buildable lands to accommodate allocated housing need for the next
17 20 years consistent with the requirements of ORS 197A.320 and state-
18 wide planning goals. As part of this process, the local government
19 shall consider the effects of actions taken pursuant to paragraph (b)
20 of this subsection. The amendment must include sufficient land rea-
21 sonably necessary to accommodate the siting of new public school fa-
22 cilities. The need and inclusion of lands for new public school facilities
23 must be a coordinated process between the affected public school dis-
24 tricts and the local government that has the authority to approve the
25 urban growth boundary.

26 “(b) Take any action under ORS 197.290 (3), whether or not the
27 action was described in an approved housing production strategy, that
28 demonstrably increases housing capacity or produces additional needed
29 housing. Actions under this paragraph may include amending a com-
30 prehensive plan or land use regulations to include new measures that

1 demonstrably increase the likelihood that residential development will
2 occur at densities sufficient to accommodate needed housing for the
3 next 20 years without expansion of the urban growth boundary.

4 “(6) A local government that takes any actions under subsection (5)
5 of this section shall:

6 “(a) Demonstrate that the comprehensive plan and land use regu-
7 lations comply with goals and rules adopted by the commission.

8 “(b) Adopt findings regarding the changes in housing capacity as-
9 sumed to result from actions adopted based on data collected under
10 subsection (4)(a) of this section. The density expectations may not
11 project an increase in residential capacity above achieved density by
12 more than three percent without quantifiable validation of such de-
13 partures. A quantifiable validation must demonstrate that the as-
14 sumed housing capacity has been achieved in areas that are zoned to
15 allow no greater than the same authorized density level, as defined in
16 ORS 227.175, within the local government’s jurisdiction or a jurisdic-
17 tion in the same region.

18 “(c) In establishing that actions adopted under subsection (5) of this
19 section demonstrably increase housing capacity, ensure that buildable
20 lands are in locations appropriate for needed housing, are zoned at
21 density ranges that are likely to be achieved by the housing market
22 and are in areas where sufficient urban services are planned to enable
23 the higher density development to occur over the 20-year period.

24 “SECTION 23. (1) As used in ORS 197.286 to 197.314, and except as
25 provided in subsection (2) of this section:

26 “(a) ‘Needed housing’ means housing by affordability level, as de-
27 scribed in section 2 (4) of this 2023 Act, type, characteristics and lo-
28 cation that is necessary to accommodate the city’s allocated housing
29 need over the 20-year planning period in effect when the city’s housing
30 capacity is determined.

1 **“(b) ‘Needed housing’ includes the following housing types:**
2 **“(A) Detached single-family housing, middle housing types as de-**
3 **scribed in ORS 197.758 and multifamily housing that is owned or**
4 **rented;**
5 **“(B) Government assisted housing;**
6 **“(C) Mobile home or manufactured dwelling parks as provided in**
7 **ORS 197.475 to 197.490;**
8 **“(D) Manufactured homes on individual lots planned and zoned for**
9 **single-family residential use that are in addition to lots within desig-**
10 **nated manufactured dwelling subdivisions;**
11 **“(E) Housing for agricultural workers;**
12 **“(F) Housing for individuals with a variety of disabilities, related**
13 **to mobility or communications that require accessibility features;**
14 **“(G) Housing for older persons, as defined in ORS 659A.421; and**
15 **“(H) Housing for college or university students, if relevant to the**
16 **region.**
17 **“(2) Subsection (1)(b)(A) and (D) of this section does not apply to:**
18 **“(a) A city with a population of less than 2,500.**
19 **“(b) A county with a population of less than 15,000.**
20 **“(3) At the time that a city is required to inventory its buildable**
21 **lands under ORS 197.297 (1) or section 21 or 22 of this 2023 Act, the city**
22 **shall determine its needed housing under this section.**
23 **“(4) In determining needed housing the city must demonstrate that**
24 **the projected housing types, characteristics and locations are:**
25 **“(a) Attainable for the allocated housing need by income, including**
26 **consideration of publicly supported housing;**
27 **“(b) Appropriately responsive to current and projected market**
28 **trends; and**
29 **“(c) Responsive to the factors in ORS 197.290 (2)(b) to (d).**
30 **“SECTION 24. ORS 197A.320 is amended to read:**

1 “197A.320. (1) [*Notwithstanding the priority in ORS 197.298 for inclusion*
2 *of land within an urban growth boundary,*] A city outside [*of*] Metro shall
3 comply with this section when determining which lands to include within the
4 urban growth boundary of the city, **including when amending an urban**
5 **growth boundary under ORS** [*pursuant to ORS 197.286 to 197.314,*] 197A.310
6 or 197A.312 **or section 22 (5)(a) of this 2023 Act.**

7 “(2) The Land Conservation and Development Commission shall provide,
8 by rule, that:

9 “(a) When evaluating lands for inclusion within the urban growth
10 boundary, the city shall establish a study area that includes all land that is
11 contiguous to the urban growth boundary and within a distance specified by
12 commission.

13 “(b) The city shall evaluate all land in the study area for inclusion in the
14 urban growth boundary as provided in subsection (4) of this section, except
15 for land excluded from the study area because:

16 “(A) It is impracticable, as provided in subsection (3) of this section, to
17 provide necessary public facilities or services to the land.

18 “(B) The land is subject to significant development hazards, including a
19 risk of land slides, a risk of flooding because the land is within the 100-year
20 floodplain or is subject to inundation during storm surges or tsunamis, and
21 other risks determined by the commission.

22 “(C) The long-term preservation of significant scenic, natural, cultural or
23 recreational resources requires limiting or prohibiting urban development of
24 the land that contains the resources.

25 “(D) The land is owned by the federal government and managed primarily
26 for rural uses.

27 “**(E) The land is designated as rural reserve under ORS 195.137 to**
28 **195.145.**

29 “(c) When evaluating the priority of land for inclusion under paragraph
30 (b) of this subsection:

1 “(A) The city shall evaluate the land within the study area that is des-
2 ignated as an urban reserve under ORS 195.145 in an acknowledged compre-
3 hensive plan[.].

4 **“(B) If the amount of land appropriate for selection under subpar-**
5 **agraph (A) of this paragraph is not sufficient to satisfy the need for**
6 **the land, the city shall evaluate the** land that is subject to an acknowl-
7 edged exception under ORS 197.732 or land that is nonresource land and se-
8 lect as much of the land as necessary to satisfy the need for land using
9 criteria established by the commission and criteria in an acknowledged
10 comprehensive plan and land use regulations.

11 “~~[(B)]~~ (C) If the amount of land appropriate for selection under [*subpar-*
12 *agraph (A)*] **subparagraphs (A) and (B)** of this paragraph is not sufficient
13 to satisfy the need for land, the city shall evaluate the land within the study
14 area that is designated as marginal land under ORS 197.247 (1991 Edition)
15 in the acknowledged comprehensive plan and select as much of the land as
16 necessary to satisfy the need for land using criteria established by the com-
17 mission and criteria in an acknowledged comprehensive plan and land use
18 regulations.

19 “~~[(C)]~~ (D) If the amount of land appropriate for selection under subpara-
20 graphs (A) [*and (B)*] **to (C)** of this paragraph is not sufficient to satisfy the
21 amount of land needed, the city shall evaluate land within the study area
22 that is designated for agriculture or forest uses in the acknowledged com-
23 prehensive plan that is not predominantly high-value farmland, as defined in
24 ORS 195.300, or does not consist predominantly of prime or unique soils, as
25 determined by the United States Department of Agriculture Natural Re-
26 sources Conservation Service, and select as much of that land as necessary
27 to satisfy the need for land:

28 “(i) Using criteria established by the commission and criteria in an ac-
29 knowledged comprehensive plan and land use regulations; and

30 “(ii) Using the predominant capability classification system or the pre-

1 dominant cubic site class, as appropriate for the acknowledged comprehen-
2 sive plan designation, to select lower capability or cubic site class lands
3 first.

4 “[*(D)*] **(E)** If the amount of land appropriate for selection under subpara-
5 graphs (A) to [*(C)*] **(D)** of this paragraph is not sufficient to satisfy the need
6 for land, the city shall evaluate land within the study area that is designated
7 as agricultural land in an acknowledged comprehensive plan and is predom-
8 inantly high value farmland and select as much of that land as necessary to
9 satisfy the need for land. A local government may not select land that is
10 predominantly made up of prime or unique farm soils, as defined by the
11 United States Department of Agriculture Natural Resources Conservation
12 Service, unless there is an insufficient amount of other land to satisfy its
13 land need.

14 “(3) For purposes of subsection (2)(b)(A) of this section, the commission
15 shall determine impracticability by rule, considering the likely amount of
16 development that could occur on the lands within the planning period, the
17 likely cost of facilities and services, physical, topographical or other imped-
18 iments to service provision and whether urban development has occurred on
19 similarly situated lands such that it is likely that the lands will be developed
20 at an urban level during the planning period. When impracticability is pri-
21 marily a result of existing development patterns, the rules of the commission
22 shall require that the lands be included within the study area, but may allow
23 the development capacity forecast for the lands to be specified at a lower
24 level over the planning period. The rules of the commission must be based
25 on an evaluation of how similarly situated lands have, or have not, developed
26 over time.

27 “(4) For purposes of subsection (2)(b)(C) of this section, the commission
28 by rule shall determine the circumstances in which and the resources to
29 which this exclusion will apply.

30 “(5) Notwithstanding subsection [*(2)(c)(D)*] **(2)(c)(E)** of this section, the

1 rules must allow land that would otherwise be excluded from an urban
2 growth boundary to be included if:

3 “(a) The land contains a small amount of resource land that is not im-
4 portant to the commercial agricultural enterprise in the area and the land
5 must be included to connect a nearby and significantly larger area of land
6 of higher priority for inclusion within the urban growth boundary; or

7 “(b) The land contains a small amount of resource land that is not pre-
8 dominantly high-value farmland or predominantly made up of prime or
9 unique farm soils and the land is completely surrounded by land of higher
10 priority for inclusion into the urban growth boundary.

11 “(6) When the primary purpose for expansion of the urban growth
12 boundary is to accommodate a particular industry use that requires specific
13 site characteristics, or to accommodate a public facility that requires specific
14 site characteristics and the site characteristics may be found in only a small
15 number of locations, the city may limit the study area to land that has, or
16 could be improved to provide, the required site characteristics. Lands in-
17 cluded within an urban growth boundary for a particular industrial use, or
18 a particular public facility, must remain planned and zoned for the intended
19 use:

20 “(a) Except as allowed by rule of the commission that is based on a sig-
21 nificant change in circumstance or the passage of time; or

22 “(b) Unless the city removes the land from within the urban growth
23 boundary.

24 “(7) Notwithstanding any other provision of this section, the commission
25 may adopt rules that specify circumstances under which a city may exchange
26 land within the urban growth boundary of the city for land that is outside
27 of the urban growth boundary and that is designed to avoid adverse effects
28 of an exchange on agricultural or forest operations in the surrounding area.

29

30

“METRO URBANIZATION

1 **“SECTION 25.** ORS 197.296 is amended to read:

2 **“197.296. (1) This section applies only to Metro.**

3 *“[(1)(a) The provisions of subsections (2) to (9) of this section apply to*
4 *metropolitan service district regional framework plans and local government*
5 *comprehensive plans for lands within the urban growth boundary of a city that*
6 *is located outside of a metropolitan service district and has a population of*
7 *25,000 or more.]*

8 *“[(b) The Land Conservation and Development Commission may establish*
9 *a set of factors under which additional cities are subject to the provisions of*
10 *this section. In establishing the set of factors required under this paragraph,*
11 *the commission shall consider the size of the city, the rate of population growth*
12 *of the city or the proximity of the city to another city with a population of*
13 *25,000 or more or to a metropolitan service district.]*

14 **“(2)(a) [A local government] Metro** shall demonstrate that its [*compre-*
15 *hensive plan or*] regional framework plan provides sufficient buildable lands
16 within the urban growth boundary established pursuant to statewide plan-
17 ning goals to accommodate estimated housing needs for 20 years:

18 **“(A)** At periodic review under ORS 197.628 to 197.651;

19 **“(B)** As scheduled by the **Land Conservation and Development**
20 **Commission[:]**

21 *“[(i) at least once each eight years for local governments that are not within*
22 *a metropolitan service district; or]*

23 *“[(ii)] at least once each six years [for a metropolitan service district]; or*

24 **“(C)** At any other legislative review of the [*comprehensive plan or*] re-
25 gional framework plan that concerns the urban growth boundary and re-
26 quires the application of a statewide planning goal relating to buildable
27 lands for residential use.

28 **“(b)** The 20-year period shall commence on the date initially scheduled for
29 completion of the review under paragraph (a) of this subsection.

30 **“(3)** In performing the duties under subsection (2) of this section, [*a local*

1 *government*] **Metro** shall:

2 “(a) Inventory the supply of buildable lands within the urban growth
3 boundary and determine the housing capacity of the buildable lands; and

4 “(b) Conduct an analysis of existing and projected housing need by type
5 and density range, in accordance with all factors under ORS 197.303 and
6 statewide planning goals and rules relating to housing, to determine the
7 number of units and amount of land needed for each needed housing type for
8 the next 20 years.

9 “(4)(a) For the purpose of the inventory described in subsection (3)(a) of
10 this section, ‘buildable lands’ includes:

11 “(A) Vacant lands planned or zoned for residential use;

12 “(B) Partially vacant lands planned or zoned for residential use;

13 “(C) Lands that may be used for a mix of residential and employment uses
14 under the existing planning or zoning; and

15 “(D) Lands that may be used for residential infill or redevelopment.

16 “(b) For the purpose of the inventory and determination of housing ca-
17 pacity described in subsection (3)(a) of this section, [*the local government*]
18 **Metro** must demonstrate consideration of:

19 “(A) The extent that residential development is prohibited or restricted
20 by local regulation and ordinance, state law and rule or federal statute and
21 regulation;

22 “(B) A written long term contract or easement for radio, telecommuni-
23 cations or electrical facilities, if the written contract or easement is provided
24 to [*the local government; and*] **Metro**;

25 “(C) The presence of a single family dwelling or other structure on a lot
26 or parcel[.]; **and**

27 “(D) **Factors that influence available housing supply, including**
28 **short-term rentals, second homes and vacation homes.**

29 “(c) Except for land that may be used for residential infill or redevelop-
30 ment, [*a local government*] **Metro** shall create a map or document that may

1 be used to verify and identify specific lots or parcels that have been deter-
2 mined to be buildable lands.

3 “(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
4 determination of housing capacity pursuant to subsection (3)(a) of this sec-
5 tion must be based on data relating to land within the urban growth
6 boundary that has been collected since the last review under subsection
7 (2)(a)(B) of this section. The data shall include:

8 “(A) The number, density and average mix of housing types of urban res-
9 idential development that have actually occurred;

10 “(B) Trends in density and average mix of housing types of urban resi-
11 dential development;

12 “(C) Market factors that may substantially impact future urban residen-
13 tial development; and

14 “(D) The number, density and average mix of housing types that have
15 occurred on the buildable lands described in subsection (4)(a) of this section.

16 “(b) [*A local government*] **Metro** shall make the determination described
17 in paragraph (a) of this subsection using a shorter time period than the time
18 period described in paragraph (a) of this subsection if [*the local government*]
19 **Metro** finds that the shorter time period will provide more accurate and re-
20 liable data related to housing capacity. The shorter time period may not be
21 less than three years.

22 “(c) [*A local government*] **Metro** shall use data from a wider geographic
23 area or use a time period longer than the time period described in paragraph
24 (a) of this subsection if the analysis of a wider geographic area or the use
25 of a longer time period will provide more accurate, complete and reliable
26 data relating to trends affecting housing need than an analysis performed
27 pursuant to paragraph (a) of this subsection. [*The local government*] **Metro**
28 must clearly describe the geographic area, time frame and source of data
29 used in a determination performed under this paragraph.

30 “(6) If the housing need determined pursuant to subsection (3)(b) of this

1 section is greater than the housing capacity determined pursuant to sub-
2 section (3)(a) of this section, [*the local government*] **Metro** shall take one or
3 both of the following actions to accommodate the additional housing need:

4 “(a) Amend its urban growth boundary to include sufficient buildable
5 lands to accommodate housing needs for the next 20 years. As part of this
6 process, [*the local government*] **Metro** shall consider the effects of measures
7 taken pursuant to paragraph (b) of this subsection. The amendment shall
8 include sufficient land reasonably necessary to accommodate the siting of
9 new public school facilities. The need and inclusion of lands for new public
10 school facilities shall be a coordinated process between the affected public
11 school districts and [*the local government*] **Metro** that has the authority to
12 approve the urban growth boundary.

13 “(b) Amend its [*comprehensive plan,*] regional framework plan, functional
14 plan or land use regulations to include new measures that demonstrably in-
15 crease the likelihood that residential development will occur at densities
16 sufficient to accommodate housing needs for the next 20 years without ex-
17 pansion of the urban growth boundary. [*A local government or metropolitan*
18 *service district that*] **If Metro** takes this action, **Metro** shall adopt findings
19 regarding the density expectations assumed to result from measures adopted
20 under this paragraph based upon the factors listed in ORS 197.303 (2) and
21 data in subsection (5)(a) of this section. The density expectations may not
22 project an increase in residential capacity above achieved density by more
23 than three percent without quantifiable validation of such departures. [*For*
24 *a local government located outside of a metropolitan service district, a quan-*
25 *tifiable validation must demonstrate that the assumed housing capacity has*
26 *been achieved in areas that are zoned to allow no greater than the same au-*
27 *thorized density level within the local jurisdiction or a jurisdiction in the same*
28 *region. For a metropolitan service district,*] A quantifiable validation must
29 demonstrate that the assumed housing capacity has been achieved in areas
30 **within Metro** that are zoned to allow no greater than the same authorized

1 density level, as defined in ORS 227.175 [within the metropolitan service
2 district].

3 “[c) As used in this subsection, ‘authorized density level’ has the meaning
4 given that term in ORS 227.175.]

5 “(7) Using the housing need analysis conducted under subsection (3)(b)
6 of this section, [the local government] **Metro** shall determine the overall av-
7 erage density and overall mix of housing types at which residential devel-
8 opment of needed housing types must occur in order to meet housing needs
9 over the next 20 years. If that density is greater than the actual density of
10 development determined under subsection (5)(a)(A) of this section, or if that
11 mix is different from the actual mix of housing types determined under sub-
12 section (5)(a)(A) of this section, [the local government] **Metro**, as part of its
13 periodic review, shall adopt measures that demonstrably increase the likeli-
14 hood that residential development will occur at the housing types and den-
15 sity and at the mix of housing types required to meet housing needs over the
16 next 20 years.

17 “(8)(a) [A local government outside a metropolitan service district that] **If**
18 **Metro** takes any actions under subsection (6) or (7) of this section, **Metro**
19 shall demonstrate that the comprehensive plan and land use regulations
20 comply with goals and rules adopted by the commission and implement ORS
21 197.286 to 197.314.

22 “(b) [A local government] **Metro** shall determine the density and mix of
23 housing types anticipated as a result of actions taken under subsections (6)
24 and (7) of this section and monitor and record the actual density and mix
25 of housing types achieved following the adoption of these actions. [The local
26 government] **Metro** shall compare actual and anticipated density and mix.
27 [The local government] **Metro** shall submit its comparison to the commission
28 at the next review of its urban growth boundary under subsection (2)(a) of
29 this section.

30 “(9) In establishing that actions and measures adopted under subsections

1 (6) and (7) of this section demonstrably increase the likelihood of higher
2 density residential development, [*the local government*] **Metro** shall at a
3 minimum ensure that land zoned for needed housing is in locations appro-
4 priate for the housing types identified under subsection (3) of this section,
5 is zoned at density ranges that are likely to be achieved by the housing
6 market using the analysis in subsection (3) of this section and is in areas
7 where sufficient urban services are planned to enable the higher density de-
8 velopment to occur over the 20-year period. Actions or measures, or both,
9 may include [*but are not limited to:*] **those actions listed in ORS 197.290**
10 **(3).**

11 “[*(a) Increases in the permitted density on existing residential land;*]

12 “[*(b) Financial incentives for higher density housing;*]

13 “[*(c) Provisions permitting additional density beyond that generally allowed*
14 *in the zoning district in exchange for amenities and features provided by the*
15 *developer;*]

16 “[*(d) Removal or easing of approval standards or procedures;*]

17 “[*(e) Minimum density ranges;*]

18 “[*(f) Redevelopment and infill strategies;*]

19 “[*(g) Authorization of housing types not previously allowed by the plan or*
20 *regulations;*]

21 “[*(h) Adoption of an average residential density standard; and*]

22 “[*(i) Rezoning or redesignation of nonresidential land.*]

23 “[*(10)(a) The provisions of this subsection apply to local government com-*
24 *prehensive plans for lands within the urban growth boundary of a city that is*
25 *located outside of a metropolitan service district and has a population of less*
26 *than 25,000.*]

27 “[*(b) As required under paragraph (c) of this subsection, a city shall, ac-*
28 *cording to rules of the commission:*]

29 “[*(A) Determine the estimated housing needs within the jurisdiction for the*
30 *next 20 years;*]

1 “[B] Inventory the supply of buildable lands available within the urban
2 growth boundary to accommodate the estimated housing needs determined un-
3 der this subsection; and]

4 “[C] Adopt measures necessary to accommodate the estimated housing
5 needs determined under this subsection.]

6 “[c] The actions required under paragraph (b) of this subsection shall be
7 undertaken:]

8 “[A] At periodic review pursuant to ORS 197.628 to 197.651;]

9 “[B] On a schedule established by the commission for cities with a popu-
10 lation greater than 10,000, not to exceed once each eight years; or]

11 “[C] At any other legislative review of the comprehensive plan that requires
12 the application of a statewide planning goal relating to buildable lands for
13 residential use.]

14 “[d] For the purpose of the inventory described in this subsection,
15 ‘buildable lands’ includes those lands described in subsection (4)(a) of this
16 section.]

17 “[11] If a city with a population of 10,000 or less conducts an inventory
18 of the supply of buildable lands or an estimate of housing need, it must satisfy
19 the requirements of subsection (10) of this section.]

20 **“SECTION 26.** ORS 197.297 is amended to read:

21 “197.297. (1) At least once every six years, by a date scheduled by the
22 Land Conservation and Development Commission, a city that is within [a
23 metropolitan service district] **Metro** and has a population of **10,000 or** greater
24 [than 10,000] shall:

25 “(a) Inventory the supply of buildable lands within the city and determine
26 the housing capacity of the buildable lands; and

27 “(b) Conduct an analysis of the city’s existing and projected needed
28 housing under statewide planning goals and rules related to housing by type,
29 mix, affordability and density range to determine the number of units and
30 amount of land needed for each needed housing type **under section 23 of**

1 **this 2023 Act** for the next 20 years.

2 “(2) The housing capacity **determination** and **the** needed housing analy-
3 sis conducted under this section must be adopted as part of the city’s com-
4 prehensive plan no later than one year after completion of the needed
5 housing analysis.

6 “(3) If the housing capacity and needed housing analysis conducted under
7 this section demonstrates a housing need, the city shall amend its compre-
8 hensive plan or land use regulations **or take actions to update or imple-**
9 **ment its housing production strategy** to include new measures that
10 demonstrably increase the likelihood that development of needed housing
11 will occur for the type, mix, affordability and densities sufficient to accom-
12 modate needed housing for the next 20 years.

13 **“SECTION 27.** ORS 197.303 is amended to read:

14 “197.303. (1) As used in ORS [197.286 to 197.314] **197.296 and this**
15 **section**, ‘needed housing’ means all housing on land zoned for residential
16 use or mixed residential and commercial use that is determined to meet the
17 need shown for housing within an urban growth boundary at price ranges
18 and rent levels that are affordable to households within the county with a
19 variety of incomes, including but not limited to households with low in-
20 comes, very low incomes and extremely low incomes, as those terms are de-
21 fined by the United States Department of Housing and Urban Development
22 under 42 U.S.C. 1437a. ‘Needed housing’ includes the following housing types:

23 “(a) Attached and detached single-family housing, **middle housing types**
24 **as described in ORS 197.758** and multiple family housing for both owner
25 and renter occupancy;

26 “(b) Government assisted housing;

27 “(c) Mobile home or manufactured dwelling parks as provided in ORS
28 197.475 to 197.490;

29 “(d) Manufactured homes on individual lots planned and zoned for
30 single-family residential use that are in addition to lots within designated

1 manufactured dwelling subdivisions; *[and]*

2 “(e) **Agriculture workforce** housing *[for farmworkers.]*;

3 “(f) **Housing for individuals with a variety of disabilities related to**
4 **mobility or communications that require accessibility features;**

5 “(g) **Housing for older persons, as defined in ORS 659A.421; and**

6 “(h) **Housing for college or university students, if relevant to the**
7 **region.**

8 “(2) For the purpose of estimating housing needs, as described in ORS
9 197.296 (3)(b), *[a local government shall use the population projections pre-*
10 *scribed by ORS 195.033 or 195.036 and shall consider and adopt findings re-*
11 *lated to changes in]* **Metro shall adopt findings and perform an analysis**
12 **that estimates** each of the following factors *[since the last review under*
13 *ORS 197.296 (2)(a)(B) and the projected future changes in these factors over*
14 *a 20-year planning period]:*

15 “[*(a) Household sizes;*]

16 “[*(b) Household demographics;*]

17 “[*(c) Household incomes;*]

18 “[*(d) Vacancy rates; and]*

19 “[*(e) Housing costs.*]

20 “(a) **Projected needed housing units over the next 20 years;**

21 “(b) **Current housing underproduction;**

22 “(c) **Housing units needed for people experiencing homelessness;**
23 **and**

24 “(d) **Housing units projected to be converted into vacation homes**
25 **or second homes during the next 20 years.**

26 “(3) **At the time Metro performs the analysis under subsection (2)**
27 **of this section, Metro shall allocate a housing need for each city**
28 **within Metro.**

29 “(4) **In making an allocation under subsection (3) of this section,**
30 **Metro shall consider:**

1 “(a) The forecasted population growth under ORS 195.033 or 195.036;

2 “(b) The forecasted regional job growth;

3 “(c) An equitable statewide distribution of housing for income levels
4 described in section 2 (4) of this 2023 Act.

5 “(d) The estimates made under subsection (2) of this section; and

6 “(e) The purpose of the Oregon Housing Needs Analysis under sec-
7 tion 1 (1) of this 2023 Act.

8 “[3] (5) [A local government] Metro shall make the estimate described
9 in subsection (2) of this section using a shorter time period than since the
10 last review under ORS 197.296 (2)(a)(B) if [the local government] Metro finds
11 that the shorter time period will provide more accurate and reliable data
12 related to housing need. The shorter time period may not be less than three
13 years.

14 “[4] (6) [A local government] Metro shall use data from a wider ge-
15 ographic area or use a time period longer than the time period described in
16 subsection (2) of this section if the analysis of a wider geographic area or
17 the use of a longer time period will provide more accurate, complete and
18 reliable data relating to trends affecting housing need than an analysis per-
19 formed pursuant to subsection (2) of this section. [The local government]
20 Metro must clearly describe the geographic area, time frame and source of
21 data used in an estimate performed under this subsection.

22 “[5] (7) Subsection (1)(a) and (d) of this section does not apply to[:]

23 “[a] a city with a population of less than 2,500.

24 “[b] A county with a population of less than 15,000.]

25 “[6] (8) [A local government] Metro may take an exception under ORS
26 197.732 to the definition of ‘needed housing’ in subsection (1) of this section
27 in the same manner that an exception may be taken under the goals.

28
29 “HOUSING STRATEGIES
30

1 **“SECTION 28.** ORS 197.290 is amended to read:

2 “197.290. (1) A city with a population **of 10,000 or** greater [*than 10,000*]
3 shall develop and adopt a housing production strategy under this section no
4 later than **the latter of the date:**

5 **“(a)** One year after the city’s deadline for completing a housing capacity
6 [*analysis*] **determination** under ORS [*197.296 (2)(a) or (10)(b) or*] 197.297 (1)
7 **or section 21 (2) or 22 (2) of this 2023 Act; or**

8 **“(b) If the city has adopted a housing production strategy previ-**
9 **ously, three years following the most recent adoption of a strategy.**

10 “(2) A housing production strategy must include a list of specific actions,
11 including the adoption of measures and policies, that the city shall undertake
12 to promote [*development within the city to address a housing need identified*
13 *under ORS 197.296 (6)(b) or (10)(b) or 197.297.*]:

14 **“(a) The development of needed housing;**

15 **“(b) The development and maintenance of housing that is of diverse**
16 **housing types, high-quality, affordable and accessible;**

17 **“(c) Housing with access to economic opportunities, services and**
18 **amenities; and**

19 **“(d) Affirmatively furthering fair housing.**

20 **“(3) Actions [*under this subsection may*] that may be included in a**
21 **housing production strategy** include:

22 “(a) The reduction of financial and regulatory impediments to developing
23 needed housing, including removing or easing approval standards or proce-
24 dures for needed housing at higher densities or that is affordable;

25 “(b) The creation of financial and regulatory incentives for development
26 of needed housing, including creating incentives for needed housing at higher
27 densities or that is affordable; [*and*]

28 “(c) The development of a plan to access resources available at local, re-
29 gional, state and national levels to increase the availability and affordability
30 of needed housing[.];

1 **“(d) Target development on lands identified under section 13 (1) of**
2 **this 2023 Act;**

3 **“(e) Actions that affirmatively further fair housing;**

4 **“(f) Actions that:**

5 **“(A) Increase housing diversity, efficiency and affordability, in-**
6 **cluding new construction and the preservation of naturally occurring**
7 **affordable housing;**

8 **“(B) Allow greater housing choice for households and greater flexi-**
9 **bility in location, type and density;**

10 **“(C) Reduce cost or delay and increase procedural certainty for the**
11 **production of housing; or**

12 **“(D) Prepare land for development or redevelopment, including:**

13 **“(i) Public facilities planning and other investment strategies that**
14 **increase the readiness of land for development for housing production;**

15 **“(ii) Site preparation, financial incentives or other incentive-based**
16 **measures that increase the likelihood of development or redevelop-**
17 **ment of land; or**

18 **“(iii) The redevelopment of underutilized commercial and employ-**
19 **ment lands for housing or a mix of housing and commercial uses; or**

20 **“(g) Any other actions identified by rule of the Land Conservation**
21 **and Development Commission intended to promote housing pro-**
22 **duction, affordability and choice.**

23 **“(4) Actions proposed in a city’s housing production strategy shall**
24 **include clear deadlines by which the city expects to undertake the**
25 **action.**

26 **“[(3)] (5) In creating a housing production strategy, a city shall review**
27 **and consider:**

28 **“(a) Socioeconomic and demographic characteristics of households living**
29 **in existing needed housing;**

30 **“(b) Market conditions affecting the provision of needed housing;**

1 “(c) Measures already adopted by the city to promote the development of
2 needed housing;

3 “(d) Existing and expected barriers to the development of needed housing;
4 and

5 “(e) For each action the city includes in its housing production strategy:

6 “(A) The schedule for its adoption;

7 “(B) The schedule for its implementation;

8 “(C) Its expected magnitude of impact on the development of needed
9 housing; and

10 “(D) The time frame over which it is expected to impact needed housing.

11 “[4] **(6)** The housing production strategy must include within its index
12 a copy of the city’s most recently completed survey under [ORS 456.586 (2)]
13 **section 37 of this 2023 Act.**

14 “[5] **(7)** The adoption of a housing production strategy is not a land use
15 decision and is not subject to appeal or review except as provided in ORS
16 197.291.

17 “[6] **(8)** A city with a population of **less than** 10,000 [*or less*] may de-
18 velop a housing production strategy as provided in this section.

19 **“(9) As used in this section, ‘affirmatively furthering fair housing’**
20 **means meaningful actions that, when taken together, address signif-**
21 **icant disparities in housing needs and access to opportunity and re-**
22 **place segregated living patterns with truly integrated and balanced**
23 **living patterns to transform racially and ethnically concentrated areas**
24 **of poverty into areas of opportunity and foster and maintain compli-**
25 **ance with civil rights and fair housing laws.**

26 **“SECTION 29. Section 30 of this 2023 Act is added to and made a**
27 **part of ORS 197.286 to 197.314.**

28 **“SECTION 30. (1) Metro shall develop and adopt a housing coordi-**
29 **nation strategy under this section no later than one year after the**
30 **deadline for completing a housing capacity determination under ORS**

1 **197.296.**

2 **“(2) Regional governments other than Metro, including counties or**
3 **intergovernmental entities described under ORS 190.003 to 190.130, may**
4 **adopt a housing coordination strategy as provided in this section.**

5 **“(3) A housing coordination strategy must include a list of actions,**
6 **including the adoption of measures and policies or coordinating**
7 **actions among local governments and other entities within a region,**
8 **that the regional entity shall undertake to promote:**

9 **“(a) The development of needed housing;**

10 **“(b) The development and maintenance of housing that is of diverse**
11 **housing types, high-quality, physically accessible and affordable;**

12 **“(c) Housing with access to economic opportunities, services and**
13 **amenities; and**

14 **“(d) Development patterns that replace segregated housing patterns**
15 **with racially integrated housing and that transform racially and eth-**
16 **nically concentrated areas of poverty into areas of opportunity in**
17 **compliance with fair housing laws.**

18 **“(4) Actions constituting a housing coordination strategy may in-**
19 **clude:**

20 **“(a) The identification or coordination of resources that support the**
21 **production of needed housing, including funding, staff capacity or**
22 **technical support at the regional or state level;**

23 **“(b) The identification of local or regional impediments to develop-**
24 **ing needed housing, including financial, regulatory or capacity-related**
25 **constraints;**

26 **“(c) Regional strategies that coordinate production of needed hous-**
27 **ing between local governments within a region and that are developed**
28 **in consultation with impacted local governments;**

29 **“(d) The identification of specific actions that cities in the region**
30 **may consider as part of a housing production strategy under ORS**

1 **197.290; and**

2 **“(e) Any other actions identified by rule of the Land Conservation**
3 **and Development Commission that may promote the quantity or**
4 **quality of developed housing in the region.**

5 **“(5) A housing coordination strategy does not include changes to**
6 **the amount of buildable lands under ORS 197.296.**

7 **“(6) In creating a housing coordination strategy, a regional gov-**
8 **ernment shall review and consider:**

9 **“(a) Socioeconomic and demographic characteristics of households**
10 **living in existing needed housing;**

11 **“(b) Market conditions affecting the provision of needed housing;**

12 **“(c) Measures already implemented by the regional entity to pro-**
13 **mote the development of needed housing;**

14 **“(d) Existing and expected barriers to the planning or development**
15 **of needed housing; and**

16 **“(e) For each action the regional entity includes in its housing co-**
17 **ordination strategy:**

18 **“(A) The schedule for its adoption, if applicable;**

19 **“(B) The schedule for its implementation, if applicable;**

20 **“(C) Its expected magnitude of impact on the development of needed**
21 **housing; and**

22 **“(D) The time frame over which it is expected to impact needed**
23 **housing.**

24 **“(7) The adoption of a housing coordination strategy is not a land**
25 **use decision and is not subject to appeal or review except as provided**
26 **in ORS 197.291.**

27 **“SECTION 31. ORS 197.291 is amended to read:**

28 **“197.291. (1) No later than 20 days after a city’s adoption or amendment**
29 **of a housing production strategy under ORS 197.290, a city shall submit the**
30 **adopted strategy or amended strategy to the Department of Land Conserva-**

1 tion and Development.

2 “(2) The submission under subsection (1) of this section must include
3 copies of:

4 “(a) The signed decision adopting the housing production strategy or
5 amended strategy;

6 “(b) The text of the housing production strategy clearly indicating any
7 amendments to the most recent strategy submitted under this section; **and**

8 “(c) A brief narrative summary of the housing production strategy.[;
9 *and*]

10 “[*d*) *The information reviewed and considered under ORS 197.293 (2).*]

11 “(3) On the same day the city submits notice of the housing production
12 strategy or amended strategy, the city shall provide a notice to persons that
13 participated in the proceedings that led to the adoption of the strategy and
14 requested notice in writing.

15 “(4) Within 10 days of receipt of the submission under subsection (1) of
16 this section, the department shall provide notice to persons described under
17 ORS 197.615 (3).

18 “(5) The notices given under subsections (3) and (4) of this section must
19 state:

20 “(a) How and where materials described in subsection (2) of this section
21 may be freely obtained;

22 “(b) That comments on the strategy may be submitted to the department
23 within 45 days after the department has received the submission; and

24 “(c) That there is no further right of appeal.

25 “(6) Based upon criteria adopted by the Land Conservation and Develop-
26 ment Commission[, *including any criteria adopted under ORS 197.293 (2),*] the
27 department shall, within 120 days after receiving the submission under sub-
28 section (1) of this section:

29 “(a) Approve the housing production strategy;

30 “(b) Approve the housing production strategy, subject to further review

1 and actions [*under ORS 197.293 (2)*]; or

2 “(c) Remand the housing production strategy for further modification as
3 identified by the department.

4 “(7) A determination by the department under subsection (6) of this sec-
5 tion is not a land use decision and is final and not subject to appeal.

6 “(8) **The Land Conservation and Development Commission may**
7 **adopt rules describing circumstances in which a city’s amendment to**
8 **a comprehensive plan or adoption of a land use regulation is not sub-**
9 **ject to review, including under ORS 197.610 to 197.625, for compliance**
10 **with a statewide land use planning goal related to transportation or**
11 **economic development if the amendment or adoption is included**
12 **within a housing production strategy that has been approved under**
13 **subsection (6) of this section.**

14

15 “URBAN AND RURAL RESERVES

16

17 “**SECTION 32.** ORS 195.141 is amended to read:

18 “195.141. (1) A county and a [*metropolitan service district established under*
19 *ORS chapter 268*] **city or a county and Metro** may enter into an intergov-
20 ernmental agreement pursuant to ORS 190.003 to 190.130, 195.025 or 197.652
21 to 197.658 to designate rural reserves pursuant to this section [*and*] **at the**
22 **same time as designating** urban reserves pursuant to ORS 195.145 (1)[*(b)*].

23 “(2) Land designated as a rural reserve:

24 “(a) Must be outside an urban growth boundary.

25 “(b) May not be designated as an urban reserve during the urban reserve
26 planning period described in ORS 195.145 (4).

27 “(c) May not be included within an urban growth boundary during the
28 period of time described in paragraph (b) of this subsection.

29 “(3) When designating a rural reserve under this section to provide long-
30 term protection to the agricultural industry, [*a county and a metropolitan*

1 *service district shall base the designation]* **the designation must be based**
2 on consideration of factors including, but not limited to, whether land pro-
3 posed for designation as a rural reserve:

4 “(a) Is situated in an area that is otherwise potentially subject to
5 urbanization during the period described in subsection (2)(b) of this section,
6 as indicated by proximity to the urban growth boundary and to properties
7 with fair market values that significantly exceed agricultural values;

8 “(b) Is capable of sustaining long-term agricultural operations;

9 “(c) Has suitable soils and available water where needed to sustain long-
10 term agricultural operations; and

11 “(d) Is suitable to sustain long-term agricultural operations, taking into
12 account:

13 “(A) The existence of a large block of agricultural or other resource land
14 with a concentration or cluster of farms;

15 “(B) The adjacent land use pattern, including its location in relation to
16 adjacent nonfarm uses and the existence of buffers between agricultural op-
17 erations and nonfarm uses;

18 “(C) The agricultural land use pattern, including parcelization, tenure and
19 ownership patterns; and

20 “(D) The sufficiency of agricultural infrastructure in the area.

21 “(4) **Designation and protection of rural reserves pursuant to this**
22 **section or urban reserves pursuant to ORS 195.145 (1):**

23 “(a) **Is not a basis for a claim for compensation under ORS 195.305**
24 **unless the designation and protection of rural reserves or urban re-**
25 **serves imposes a new restriction on the use of private real property.**

26 “(b) **Does not impair the rights and immunities provided under ORS**
27 **30.930 to 30.947.**

28 “[4] (5) The Land Conservation and Development Commission shall[,
29 *after consultation]* **consult** with the State Department of Agriculture[, *adopt*
30 *by goal or by rule a process and criteria for designating rural reserves pur-*

1 *suant to this section]* **in adopting, amending or repealing rules under this**
2 **section.**

3 **“SECTION 33.** ORS 195.145 is amended to read:

4 “195.145. (1) To ensure that the supply of land available for urbanization
5 is maintained:

6 “(a) Local governments may cooperatively designate lands outside urban
7 growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and
8 197.626.

9 “(b) Alternatively, [*a metropolitan service district established under ORS*
10 *chapter 268]* **Metro** and a county may enter into a written agreement pursu-
11 ant to ORS 190.003 to 190.130, 195.025 or 197.652 to 197.658 to designate urban
12 reserves. A process and criteria developed pursuant to this paragraph are an
13 alternative to a process or criteria adopted pursuant to paragraph (a) of this
14 subsection.

15 “(2)[*(a)*] The Land Conservation and Development Commission may re-
16 quire a local government to designate [*an urban reserve*] **urban reserves**
17 pursuant to subsection (1)(a) of this section during its periodic review in
18 accordance with the conditions for periodic review under ORS 197.628.

19 “[*(b) Notwithstanding paragraph (a) of this subsection, the commission may*
20 *require a local government to designate an urban reserve pursuant to sub-*
21 *section (1)(a) of this section outside of its periodic review if:]*

22 “[*(A) The local government is located inside a Primary Metropolitan Sta-*
23 *tistical Area or a Metropolitan Statistical Area as designated by the Federal*
24 *Census Bureau upon November 4, 1993; and]*

25 “[*(B) The local government has been required to designate an urban reserve*
26 *by rule prior to November 4, 1993.]*

27 “(3) In carrying out subsections (1) and (2) of this section:

28 “(a) Within an urban reserve, [*neither the commission nor any*] **a** local
29 government [*shall*] **may not** prohibit the siting on a legal parcel of a single
30 family dwelling that would otherwise have been allowed under law existing

1 prior to designation as an urban reserve.

2 “(b) The commission shall provide to local governments a list of options,
3 rather than prescribing a single planning technique, to ensure the efficient
4 transition from rural to urban use in urban reserves.

5 “(4) Urban reserves designated [*by a metropolitan service district and a*
6 *county pursuant to subsection (1)(b) of*] **under** this section must be planned
7 to accommodate population and employment growth for:

8 “(a) **At least 40 years and not more than 50 years; or**

9 “(b) At least 20 years, and not more than 30 years, after the 20-year pe-
10 riod for which the [*district has demonstrated a buildable land supply in the*
11 *most recent inventory, determination and analysis performed*] **local govern-**
12 **ment has inventoried buildable lands** under ORS 197.296 **or section 21**
13 **or 22 of this 2023 Act.**

14 “(5) **Urban reserves may be established at any time without regard**
15 **to a schedule under ORS 197.296 (2) or section 21 (2) or 22 (2) of this**
16 **2023 Act.**

17 “[5] (6) [*A district and a county shall base*] The designation of urban
18 reserves under [*subsection (1)(b) of*] this section **must be based** upon con-
19 sideration of factors including, but not limited to, whether land proposed for
20 designation as urban reserves, alone or in conjunction with land inside the
21 urban growth boundary:

22 “(a) Can be developed at urban densities in a way that makes efficient
23 use of existing and future public infrastructure investments;

24 “(b) Includes sufficient development capacity to support a healthy urban
25 economy;

26 “(c) Can be served by public schools and other urban-level public facilities
27 and services efficiently and cost-effectively by appropriate and financially
28 capable service providers;

29 “(d) Can be designed to be walkable and served by a well-connected sys-
30 tem of streets by appropriate service providers;

1 “(e) Can be designed to preserve and enhance natural ecological systems;
2 and

3 “(f) Includes sufficient land suitable for a range of housing types.

4 “[6] (7) A county may take an exception under ORS 197.732 to a state-
5 wide land use planning goal to allow the establishment of a transportation
6 facility in an area designated as urban reserve under [subsection (1)(b) of]
7 this section.

8 “[7] (8) The commission shall adopt by goal or by rule a process and
9 criteria for designating urban reserves pursuant to [subsection (1)(b) of] this
10 section.

11 **“SECTION 34. The amendments to ORS 195.141 and 195.145 by**
12 **sections 32 and 33 of this 2023 Act do not apply to urban reserves or**
13 **rural reserves that were adopted on or before June 30, 2023.**

14

15 **“LOCAL HOUSING REPORTS**

16

17 **“SECTION 35. ORS 456.586 is amended to read:**

18 **“456.586. [(1) For purposes of this section:]**

19 **“[(a) a household is severely rent burdened if the household spends more**
20 **than 50 percent of the income of the household on gross rent for housing.]**

21 **“[(b) A regulated affordable unit is a residential unit subject to a regula-**
22 **tory agreement that runs with the land and that requires affordability for an**
23 **established income level for a defined period of time.]**

24 **“[(2)(a) The Housing and Community Services Department shall annually**
25 **provide to the governing body of each city in this state with a population**
26 **greater than 10,000 the most current data available from the United States**
27 **Census Bureau, or any other source the department considers at least as reli-**
28 **able, showing the percentage of renter households in the city that are severely**
29 **rent burdened.]**

30 **“[(b) The Department of Land Conservation and Development, in consulta-**

1 *tion with the Housing and Community Services Department, shall develop a*
2 *survey form on which the governing body of a city may provide specific infor-*
3 *mation related to the affordability of housing within the city, including the*
4 *actions relating to land use and other related matters that the city has taken*
5 *to encourage the development of needed housing, increase the affordability of*
6 *housing and reduce rent burdens for severely rent burdened households.]*

7 *“(c) The Department of Land Conservation and Development shall provide*
8 *the governing body of the city with the survey form developed pursuant to*
9 *paragraph (b) of this subsection.]*

10 *“(d) The governing body of the city shall return the completed survey form*
11 *to the Department of Land Conservation and Development at least 24 months*
12 *prior to a deadline for completing a housing production strategy under ORS*
13 *197.290.]*

14 *“(3)(a) In any year in which [the governing body of a city is informed*
15 *under this section that at] a housing indicator demonstrates that least 25*
16 *percent of the renter households in [the] a city are severely rent burdened*
17 **under section 5 (2)(g) of this 2023 Act**, the governing body **of the city**
18 *shall hold at least one public meeting to discuss the causes and consequences*
19 *of severe rent burdens within the city, the barriers to reducing rent burdens*
20 *and possible solutions.*

21 *“(b) The Housing and Community Services Department may adopt rules*
22 *governing the conduct of the public meeting [required under this*
23 *subsection].*

24 *“(4) No later than February 1 of each year, the governing body of each city*
25 *in this state with a population greater than 10,000 shall submit to the De-*
26 *partment of Land Conservation and Development a report for the immediately*
27 *preceding calendar year setting forth separately for each of the following cat-*
28 *egories the total number of units that were permitted and the total number that*
29 *were produced:]*

30 *“(a) Residential units.]*

- 1 “[(b) *Regulated affordable residential units.*]
- 2 “[(c) *Multifamily residential units.*]
- 3 “[(d) *Regulated affordable multifamily residential units.*]
- 4 “[(e) *Single-family homes.*]
- 5 “[(f) *Regulated affordable single-family homes.*]
- 6 “[(g) *Accessory dwelling units.*]
- 7 “[(h) *Regulated affordable accessory dwelling units.*]
- 8 “[(i) *Units of middle housing, as defined in ORS 197.758.*]
- 9 “[(j) *Regulated affordable units of middle housing.*]

10 **“SECTION 36. Sections 37 and 38 of this 2023 Act are added to and**
11 **made a part of ORS 197.286 to 197.314.**

12 **“SECTION 37. (1) No later than February 1 of each year, each city**
13 **with a population of 10,000 or greater shall submit to the Department**
14 **of Land Conservation and Development a report for the immediately**
15 **preceding calendar year setting forth:**

16 **“(a) The number of residential units permitted and the number**
17 **produced, segmented by:**

18 **“(A) Single-family homes.**

19 **“(B) Accessory dwelling units.**

20 **“(C) Units of middle housing.**

21 **“(D) Multifamily residential units, not including middle housing.**

22 **“(E) Units with accessibility features or of an accessibility category**
23 **as recognized by a building code established under ORS chapter 455.**

24 **“(b) For each segment under paragraph (a) of this subsection, the**
25 **number of units that were subject to a recorded agreement that runs**
26 **with the land and that requires affordability for an established income**
27 **level for a defined period, but that would not be included in the in-**
28 **ventory of publicly supported housing described in section 4 (3)(a) of**
29 **this 2023 Act.**

30 **“(2) The Department of Land Conservation and Development, in**

1 **consultation with the Housing and Community Services Department,**
2 **shall develop a format by which data required under this section must**
3 **be submitted. The Department of Land Conservation and Development**
4 **shall provide a copy of any form or notice of the format to each city**
5 **required to provide a report.**

6 **“(3) The Department of Land Conservation and Development shall**
7 **provide a copy of the data received under this section to the Oregon**
8 **Department of Administrative Services and the Housing and Commu-**
9 **nity Services Department by July 1 of each year.**

10 **“SECTION 38. Between 12 and 18 months before a city’s deadline for**
11 **completing a housing capacity determination under ORS 197.297 (1) or**
12 **section 21 (2) or 22 (2) of this 2023 Act, each city with a population of**
13 **10,000 or greater shall submit to the Department of Land Conservation**
14 **and Development a report setting forth the actions that a city has**
15 **taken since its most recent housing capacity determination to imple-**
16 **ment its housing production strategy or to otherwise encourage the**
17 **development of needed housing, to increase the affordability of hous-**
18 **ing, to reduce rent burdens, to affirmatively further fair housing or**
19 **to otherwise meet the purposes of ORS 197.290 (2).**

20 **“SECTION 39. ORS 197.178 is repealed.**

21

22 **“POPULATION FORECASTS**

23

24 **“SECTION 40. ORS 195.033 is amended to read:**

25 **“195.033. (1) As used in this section, ‘affected local government’ means:**

26 **“(a) A city or county for which the Portland State University Population**
27 **Research Center is preparing a population forecast;**

28 **“(b) A county that contains all or part of a city or an urban growth**
29 **boundary for which the center is preparing a population forecast; and**

30 **“(c) A local service district, as defined in ORS 174.116, that includes ter-**

1 ritory within the area subject to the population forecast.

2 “(2) For the purpose of land use planning, the center shall issue a popu-
3 lation forecast for:

4 “(a) Each county except Multnomah, Clackamas and Washington Coun-
5 ties;

6 “(b) The portions of Multnomah, Clackamas and Washington Counties
7 that are not within Metro; and

8 “(c) The area within each urban growth boundary other than the urban
9 growth boundary of Metro.

10 “(3) A local government with land use jurisdiction over land for which
11 the center issues population forecasts under subsection (2) of this section
12 shall apply the current final population forecast when changing the com-
13 prehensive plan or a land use regulation of the local government.

14 “(4) The center shall issue population forecasts for each area described
15 in subsection (2) of this section not less than once every four years on a
16 schedule established by standards adopted by Portland State University in
17 consultation with the Department of Land Conservation and Development.

18 “(5) When issuing a population forecast, the center shall:

19 “(a) Consider and, if appropriate, incorporate available local data and
20 information about local conditions received from representatives of local
21 governments and members of the public;

22 “(b) Cause, directly or with the assistance of the Department of Land
23 Conservation and Development, the issuance of notice to all affected local
24 governments and to members of the public that have provided a written re-
25 quest for notice to the center; and

26 “(c) Post the methodology and supporting data used to make the popu-
27 lation forecast on a publicly available website when the center causes notice
28 to be issued as described in paragraph (b) of this subsection.

29 “(6) A population forecast must forecast population for a 50-year period
30 including:

1 “(a) Forecasts for intervals, within the 50-year period, that are established
2 by standards adopted by Portland State University in consultation with the
3 Department of Land Conservation and Development; *[and]*

4 “(b) Population cohorts as provided by standards adopted by the univer-
5 sity in consultation with the department[.];

6 “(c) **Population data segmented by race, ethnicity and disability**
7 **status; and**

8 “(d) **Segregated information for populations on tribal lands.**

9 “(7) Within 45 days after the center issues a proposed population forecast
10 under this section, a member of the public or an affected local government
11 may file objections with the center. An objection must be supported by the
12 inclusion of data or information that supports the objection. If the center:

13 “(a) Does not receive an objection within the 45-day period, the proposed
14 population forecast becomes final.

15 “(b) Receives an objection within the 45-day period, the center shall re-
16 view the objections filed, make changes to the proposed population forecast,
17 if necessary in the discretion of the center, and issue a final population
18 forecast.

19 “(8) Periodically, the Department of Land Conservation and Development
20 may require the center to submit its forecasting methodology and local data
21 collection practices for review by an advisory committee established by the
22 department and composed of experts in the field of population forecasting,
23 representatives of cities and counties and members of the public.

24 “(9) The issuance of a final population forecast under this section is:

25 “(a) Not a land use decision; and

26 “(b) A final decision not subject to further review or appeal.

27 “(10) The Land Conservation and Development Commission, in consulta-
28 tion with Portland State University, shall adopt rules to implement the
29 population forecasting program required by this section.

30 “(11) Each biennium, the commission *[shall]* **may** allocate, from the grant

1 funding described in ORS 197.639 (5), an amount of moneys that the Land
2 Conservation and Development Commission, in consultation with Portland
3 State University, determines is sufficient, **in combination with any ap-**
4 **propriation by the Legislative Assembly**, to operate the population fore-
5 casting program required by this section.

6 **“SECTION 41.** ORS 195.036 is amended to read:

7 “195.036. Metro, in coordination with local governments within its
8 boundary, shall issue a population forecast for the entire area within its
9 boundary to be applied by Metro and local governments within the boundary
10 of Metro as a basis for changes to comprehensive plans and land use regu-
11 lations. **The forecasted population data must be segmented by race,**
12 **ethnicity and disability status.**

13

14

“YOUTH HOMELESSNESS

15

16 **“SECTION 42.** ORS 458.650 is amended to read:

17 “458.650. (1) The Housing and Community Services Department shall ad-
18 minister the Emergency Housing Account to assist homeless individuals and
19 individuals who are at risk of becoming homeless, through means including
20 the emergency housing assistance program and the state homeless assistance
21 program. Notwithstanding subsection (3)(a) of this section, the state
22 homeless assistance program shall serve individuals experiencing
23 homelessness, especially unsheltered homelessness, without respect to in-
24 come.

25 “(2) The Oregon Housing Stability Council shall develop a policy for the
26 use of program funds with the advice of:

27 “(a) Persons who have experienced housing instability;

28 “(b) Tribes;

29 “(c) The Community Action Partnership of Oregon;

30 “(d) Continuums of care, as defined in 24 C.F.R. part 578;

- 1 “(e) Local governments;
2 “(f) Nonprofit organizations;
3 “(g) Homeless services providers;
4 “(h) Culturally specific organizations;
5 “(i) Housing providers;
6 “(j) Veterans’ services organizations; and
7 “(k) Other entities identified by the department by rule.

8 “(3) The policy under subsection (2) of this section shall direct that pro-
9 gram funds shall be used:

10 “(a) To provide to low and very low income individuals, including but not
11 limited to individuals more than 65 years of age, persons with disabilities,
12 agricultural workers and Native Americans:

13 “(A) Emergency shelters and attendant services;

14 “(B) Transitional housing services designed to assist individuals to make
15 the transition from homelessness to permanent housing and economic inde-
16 pendence;

17 “(C) Supportive housing services to enable individuals to continue living
18 in their own homes or to provide in-home services for such individuals for
19 whom suitable programs do not exist in their geographic area;

20 “(D) Programs that provide emergency payment of home payments, rents
21 or utilities; or

22 “(E) Some or all of the *[needs]* **services or assistance** described in sub-
23 paragraphs (A) to (D) of this paragraph.

24 “(b) **To provide the services and assistance described in paragraph**
25 **(a) of this subsection to school-aged children enrolled in kindergarten**
26 **through grade 12, or to their families, who are homeless or at risk of**
27 **becoming homeless.**

28 “[*(b)*] (c) To align with federal strategies and resources that are available
29 to prevent and end homelessness, including the requirement of providing
30 culturally responsive services and using evidence-based and emerging prac-

1 tices effective in ending homelessness, including practices unique to rural
2 communities.

3 “(4)(a) The council shall require as a condition of awarding a grant that
4 the organization demonstrate to the satisfaction of the council that the or-
5 ganization:

6 “(A) Has the capacity to deliver any service proposed by the organization;

7 “(B) Is a culturally responsive organization or is engaged in a process to
8 become a culturally responsive organization;

9 “(C) Engages with culturally specific organizations; and

10 “(D) Supports local homelessness system planning efforts.

11 “(b) Any funds granted under this section may not be used to replace ex-
12 isting funds. Funds granted under this section may be used to supplement
13 existing funds. An organization may use funds to support existing programs
14 or to establish new programs.

15 “(5) The department may expend funds from the account for:

16 “(a) The administration of the account as provided for in the legislatively
17 approved budget, as that term is defined in ORS 291.002, for the department
18 in support of directing a statewide policy on homelessness that ensures use
19 of evidence-based and emerging practices, service equity in funding and local
20 planning processes.

21 “(b) The development of technical assistance and training resources for
22 organizations developing and operating emergency shelters as defined in ORS
23 197.782 and transitional housing accommodations as described in ORS
24 197.746.

25 “(6) The department shall utilize outcome-oriented contracting processes
26 and evidence-based and emerging practices for account program funds, in-
27 cluding evidence-based and emerging practices for serving rural communities.

28 “(7) Twenty-five percent of moneys deposited in the account pursuant to
29 ORS 294.187 are dedicated to the emergency housing assistance program for
30 assistance to veterans who are homeless or at risk of becoming homeless.

1 **“SECTION 43.** Section 1, chapter 531, Oregon Laws 2021, as amended by
2 section 1, chapter 42, Oregon Laws 2022, is amended to read:

3 **“Sec. 1.** (1) As used in this section, [*unaccompanied homeless youth*’]
4 **‘youth experiencing homelessness’** means a person who is at least 14
5 years of age but not more than 24 years of age, who is not in the physical
6 custody of a parent or legal guardian and who is homeless.

7 “(2) In addition to any other scholarships or grants, the Department of
8 Human Services may award two-year grants to organizations that provide
9 services to [*unaccompanied homeless*] youth **experiencing homelessness.**

10 “(3) The department may award a grant under this section to an organ-
11 ization that:

12 “(a) Has an existing grant from the department to provide services to
13 [*unaccompanied homeless*] youth **experiencing homelessness; or**

14 “[(b) *Has an existing contract with the department to provide services to*
15 *unaccompanied homeless youth and the department has determined that the*
16 *organization is capable of expanding to provide services in additional com-*
17 *munities;*]

18 “[(c) *Is a nonprofit organization or a coalition of nonprofit organizations*
19 *that the department has determined is capable of meeting the grant program*
20 *requirements; or]*

21 “[(d) *Is a new entity that the department determines is capable of meeting*
22 *the grant program requirements.*]

23 **“(b) Proposes to provide evidence-based services, as described by the**
24 **department by rule, for youth experiencing homelessness in an**
25 **underserved area or an area in which those services are not provided.**

26 “(4) Grants awarded under this section may be used for any of the fol-
27 lowing:

28 “(a) To increase the accessibility of any of the following programs and
29 services to [*unaccompanied homeless*] youth **experiencing homelessness:**

30 “(A) Shelter facilities;

1 “(B) Outreach;

2 “(C) Culturally specific services; and

3 “(D) Mental health or substance abuse services; and

4 “(b) To create or strengthen partnerships with host home programs and
5 other transitional housing options.

6 “(5) **An applicant for a grant under this section must describe how**
7 **the applicant intends to ensure that other funding, including from**
8 **federal or local governments or charitable donations, will be used to**
9 **supplement the total cost of the proposed program.**

10 “[5] (6) The department may adopt rules to administer the grant program
11 described in this section.

12 “**SECTION 44.** Section 2, chapter 531, Oregon Laws 2021, is amended to
13 read:

14 “**Sec. 2.** (1) As used in this section:

15 “(a) ‘Host home project’ means a project that facilitates an arrangement
16 under which [*an unaccompanied homeless*] **a youth experiencing**
17 **homelessness** resides in the home of a private individual, pursuant to the
18 terms of a contract between the private individual and the youth, for free
19 or at below-market rent.

20 “(b) ‘Long-term host home project’ means a host home project run by an
21 organization that has a memorandum of understanding or a letter of agree-
22 ment with one or more school districts and in which [*unaccompanied*
23 *homeless*] **participating youth experiencing homelessness** [*participants*],
24 on average during the most recent two years, resided in host homes for a
25 minimum of 180 days, as reported by the relevant school district.

26 “(c) ‘Short-term host home project’ means a host home project in which
27 [*unaccompanied homeless*] **participating youth experiencing homelessness**
28 [*participants*], on average during the most recent two years, resided in host
29 homes for a maximum of 180 days, as reported by the relevant school district.

30 “(d) [*Unaccompanied homeless youth*] **‘Youth experiencing**

1 **homelessness'** means a person who is:

2 “(A) At least 16 years of age but not more than 21 years of age;

3 “(B) Not in the physical custody of a parent or legal guardian;

4 “(C) Not in the custody of the Department of Human Services;

5 “(D) Not a ward of the state; and

6 “(E) Homeless.

7 “(2) In addition to and not in lieu of any other scholarships or grants, the
8 department may award two-year grants to organizations that operate host
9 home projects for [*unaccompanied homeless*] youth **experiencing**
10 **homelessness**.

11 “(3) An organization is eligible to apply for a grant under this section if
12 the organization [*operated a host home project on January 1, 2021, and*] can
13 demonstrate the ability to:

14 “(a) **Continue the operation of existing host home projects;**

15 “[*(a)*] (b) Expand host home projects in communities in which the organ-
16 ization provides services;

17 “[*(b)*] (c) Establish new long-term host home projects in communities that
18 do not have long-term host home projects; or

19 “[*(c)*] (d) Establish new short-term host home projects.

20 “(4) Recipients of grants awarded under this section shall work to achieve
21 the following outcomes for [*unaccompanied homeless*] youth **experiencing**
22 **homelessness**:

23 “(a) Improved school attendance.

24 “(b) Participation in formal or informal mentoring.

25 “(c) Increased access to nutrition, health care, mental trauma-informed
26 support and transportation services.

27 “(5) A recipient of a grant awarded under this section shall ensure all
28 individuals of 18 years of age or older residing in the host home who are not
29 the [*unaccompanied homeless*] youth **experiencing homelessness** have an
30 approved background check under ORS 181A.200 and 409.027.

1 “(6) A host home is not a child-caring agency as defined in ORS 418.205.

2 “(7) The department may adopt rules to administer the grant program
3 described in this section.

4 **“SECTION 45.** Section 6, chapter 531, Oregon Laws 2021, is amended to
5 read:

6 **“Sec. 6.** *[(1) Sections 1 and 2 of this 2021 Act are repealed on June 30,*
7 *2023.]*

8 *“[(2)] Sections 3 and 5 [of this 2021 Act],* **chapter 531, Oregon Laws 2021,**
9 *are repealed on January 2, 2024.*

10

11 **“MODULAR HOUSING FUNDING**

12

13 **“SECTION 46.** Section 47 of this 2023 Act is added to and made a
14 **part of ORS chapter 458.**

15 **“SECTION 47.** (1) The Housing and Community Services Depart-
16 **ment shall provide grants or loans to entities to begin or expand pro-**
17 **duction capacity for the development of modular housing and**
18 **components to support home builders and developers in meeting**
19 **housing demand.**

20 **“(2) The department shall establish a temporary advisory committee**
21 **under ORS 285A.060 to advise the department on providing grants or**
22 **loans under this section.**

23 **“(3) The department shall establish the terms for any loans under**
24 **this section. Proceeds from loans must be deposited in the General**
25 **Fund.**

26 **“(4) Entities receiving loans or grants under this section must agree**
27 **to terms established by the department requiring that the entities**
28 **prioritize supplying modular housing components to meet demand**
29 **from:**

30 **“(a) First, state and local governments following a wildfire or other**

1 **disaster;**

2 **“(b) Second, low income housing construction in this state; and**

3 **“(c) Third, middle income housing construction in this state.**

4 **“(5) The department may enter into a contract with a third party**
5 **to award or administer grants under this section.**

6 **“SECTION 48. Section 47 of this 2023 Act is repealed on January 2,**
7 **2026.**

8 **“SECTION 49. In addition to and not in lieu of any other appropri-**
9 **ation, there is appropriated to the Housing and Community Services**
10 **Department, for the biennium beginning July 1, 2023, out of the Gen-**
11 **eral Fund, the amount of \$20,000,000, to make loans or grants under**
12 **section 47 of this 2023 Act.**

13

14 **“MODERATE INCOME HOUSING PREDEVELOPMENT LOANS**

15

16 **“SECTION 50. Section 51 of this 2023 Act is added to and made a**
17 **part of ORS chapter 289.**

18 **“SECTION 51. (1) The Oregon Facilities Authority shall provide fi-**
19 **ncing, including refinancing, to local governments or housing de-**
20 **velopers for predevelopment costs, including infrastructure, site**
21 **acquisition, planning, reports, surveys and consultants.**

22 **“(2) Financing under this section is available only for housing**
23 **projects that will be subject to an affordability restriction, including**
24 **an affordable housing covenant under ORS 456.270 to 456.295, that:**

25 **“(a) Has a term of no less than 25 years; and**

26 **“(b) Requires that each dwelling unit be rented as the primary res-**
27 **idence for a moderate income household as defined in ORS 456.270.**

28 **“(3) The financing provided by the authority under this section:**

29 **“(a) May not exceed \$500,000 per eligible project;**

30 **“(b) Must charge interest of three percent or lower;**

1 “(c) May only be used for a project with a total cost of less than
2 \$40,000,000 or that consists of 80 or fewer residential units; and

3 “(d) May not exceed 75 percent of the project’s total predevelopment
4 costs unless the project will be restricted to households with incomes
5 equal to or less than the area median income.

6 “(4) Notwithstanding the definitions of ‘housing institution’ and
7 ‘project’ under ORS 289.005, the activity of the authority under this
8 section is an eligible project, as that term is used in this chapter.

9 “SECTION 52. Section 51 of this 2023 Act is repealed on January 2,
10 2026.

11 “SECTION 53. In addition to and not in lieu of any other appropri-
12 ation, there is appropriated to the Oregon Facilities Authority, for the
13 biennium beginning July 1, 2023, out of the General Fund, the amount
14 of \$3,000,000, for deposit into the Oregon Facilities Authority Account
15 to be used for the purposes of section 51 of this 2023 Act.

16
17 “**TERMINATION OF RESIDENTIAL TENANCY FOR NONPAYMENT**

18
19 “SECTION 54. Section 55 of this 2023 Act is added to and made a
20 part of ORS chapter 90.

21 “SECTION 55. (1) As used in this section:

22 “(a) ‘Nonpayment’ means the nonpayment of a payment that is due
23 to a landlord, including a payment of rent, late charges, utility or
24 service charges or any other charge or fee as described in the rental
25 agreement or ORS 90.140, 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584
26 or 90.630.

27 “(b) ‘Nonpayment’ does not include payments owed by a tenant for
28 damages to the premises.

29 “(2) A landlord shall deliver a copy of the notice posted on the
30 website of the Judicial Department under section 56 of this 2023 Act

1 along with:

2 “(a) Any notice of termination for nonpayment; and

3 “(b) Any summons for a complaint seeking possession based on
4 nonpayment given by the landlord or service processor, including a
5 summons delivered under ORS 105.135 (3)(b).

6 “(3) A court shall enter a judgment dismissing a complaint for
7 possession that is based on a termination notice for nonpayment if the
8 court determines that:

9 “(a) The landlord failed to deliver the notice as required under
10 subsection (2) of this section;

11 “(b) The landlord caused the tenant to not tender rent, including
12 as a result of the landlord’s failure to reasonably participate with a
13 rental assistance program; or

14 “(c) The tenant has tendered or caused to be tendered rental as-
15 sistance or any other payment covering the nonpayment amount owed
16 under the termination notice for nonpayment.

17 “(4) Notwithstanding ORS 105.137 (4), if a claim for possession is
18 dismissed under subsection (3)(c) of this section and the payment was
19 tendered after the action was commenced, the tenant is not entitled
20 to prevailing party fees, costs or attorney fees.

21 “(5) Notwithstanding 90.302, a landlord may charge a tenant for fil-
22 ing fees paid under ORS 105.130, if the complaint for possession is
23 dismissed under subsection (3)(c) of this section. Payment of the fees
24 is not a prerequisite for dismissal under subsection (3)(c) of this sec-
25 tion.

26 **“SECTION 56. (1) The Judicial Department, in consultation with the**
27 **Housing and Community Services Department, shall supply and may**
28 **regularly update the notice required under ORS 105.135 (2)(d) and sec-**
29 **tion 55 (2) of this 2023 Act. The notice must be in substantially the**
30 **following form:**

1 “ _____
2 **THIS IS AN IMPORTANT NOTICE OF WHERE TO GET HELP IF**
3 **YOU ARE FACING POTENTIAL EVICTION FOR NONPAYMENT.**

4
5 **For information in Spanish, Korean, Russian, Vietnamese or**
6 **Chinese, go to the Judicial Department website at**
7 _____.

8
9 **You must comply with deadlines identified in a notice of nonpay-**
10 **ment, or you risk losing your housing.**

11
12 **Rental assistance and support services may be available. Dial 2-1-1**
13 **or go to www.211info.org or contact a local service provider at**
14 _____.

15
16 **Low-income tenants may be able to receive free or low-cost legal**
17 **advice by contacting a legal aid organization. Go to**
18 _____ **to find an office near you.**

19
20 **The Oregon State Bar provides information about legal assistance**
21 **programs at _____.**

22 “ _____
23 **“(2) The Judicial Department shall translate the completed form**
24 **under subsection (1) of this section into the Spanish, Korean, Russian,**
25 **Vietnamese and Chinese languages and shall display links to the**
26 **English and translated forms prominently on the department’s**
27 **website.**

28 **“(3) Each form on the Judicial Department website under sub-**
29 **section (2) of this section must include a statement in English,**
30 **Spanish, Korean, Russian, Vietnamese and Chinese indicating that the**

1 form and translations can be found on the Judicial Department
2 website and providing the web address where the forms may be found.

3 **“SECTION 57. In distributing rental assistance to residential ten-**
4 **ants funded by federal, state or local moneys, a public body, as defined**
5 **in ORS 174.109, and any designee or grantee of a public body shall:**

6 **“(1) Promptly provide a dated application receipt to each tenant**
7 **who applies for assistance. The receipt may be in an electronic format.**

8 **“(2) Close an application, after providing notice of potential closure**
9 **to the tenant, if the provider reasonably determines that the tenant**
10 **is no longer participating.**

11 **“(3) If, upon qualifying circumstance, an application is approved**
12 **and payment is made to a person other than the tenant’s landlord,**
13 **provide a dated notice of payment to the tenant’s landlord at any**
14 **known address or electronic mail address.**

15 **“(4) If an application is denied or is otherwise closed without pay-**
16 **ment, provide a dated notice of the denial or closure to the tenant and**
17 **to the tenant’s landlord at any known address or electronic mail ad-**
18 **dress.**

19 **“SECTION 58. ORS 90.394 is amended to read:**

20 **“90.394. The landlord may terminate the rental agreement for nonpayment**
21 **of rent and take possession as provided in ORS 105.105 to 105.168, as follows:**

22 **“(1) When the tenancy is a week-to-week tenancy, by delivering to the**
23 **tenant at least 72 hours’ written notice of nonpayment and the landlord’s**
24 **intention to terminate the rental agreement if the rent is not paid within**
25 **that period. The landlord shall give this notice no sooner than on the fifth**
26 **day of the rental period, including the first day the rent is due.**

27 **“(2) For all tenancies other than week-to-week tenancies, by delivering to**
28 **the tenant:**

29 **“(a) At least [72 hours’] 10 days’ written notice of nonpayment and the**
30 **landlord’s intention to terminate the rental agreement if the rent is not paid**

1 within that period. The landlord shall give this notice no sooner than on the
2 eighth day of the rental period, including the first day the rent is due; or

3 “(b) At least [*144 hours*] **13 days**’ written notice of nonpayment and the
4 landlord’s intention to terminate the rental agreement if the rent is not paid
5 within that period. The landlord shall give this notice no sooner than on the
6 fifth day of the rental period, including the first day the rent is due.

7 “(3) The notice described in this section must also specify the amount of
8 rent that must be paid and the date and time by which the tenant must pay
9 the rent to cure the nonpayment of rent.

10 “(4) Payment by a tenant who has received a notice under this section is
11 timely if mailed to the landlord within the period of the notice unless:

12 “(a) The notice is served on the tenant:

13 “(A) By personal delivery as provided in ORS 90.155 (1)(a); or

14 “(B) By first class mail and attachment as provided in ORS 90.155 (1)(c);

15 “(b) A written rental agreement and the notice expressly state that pay-
16 ment is to be made at a specified location that is either on the premises or
17 at a place where the tenant has made all previous rent payments in person;
18 and

19 “(c) The place so specified is available to the tenant for payment
20 throughout the period of the notice.

21 **“SECTION 59.** ORS 105.124 is amended to read:

22 “105.124. For a complaint described in ORS 105.123, if ORS chapter 90
23 applies to the dwelling unit:

24 “(1) The complaint must be in substantially the following form and be
25 available from the clerk of the court:

26 “ _____

27 IN THE CIRCUIT COURT

28 FOR THE COUNTY OF

29 _____

30 No. _____

RESIDENTIAL EVICTION COMPLAINT

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PLAINTIFF (Landlord or agent):

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

vs.

DEFENDANT (Tenants/Occupants):

MAILING ADDRESS: _____

City: _____

State: _____ Zip: _____

Telephone: _____

1.

Tenants are in possession of the dwelling unit, premises or rental property described above or located at:

2.

Landlord is entitled to possession of the property because of:

_____ 24-hour notice for personal

1 injury, substantial damage, extremely
2 outrageous act or unlawful occupant.
3 ORS 90.396 or 90.403.
4 _____ 24-hour or 48-hour notice for
5 violation of a drug or alcohol
6 program. ORS 90.398.
7 _____ 24-hour notice for perpetrating
8 domestic violence, sexual assault or
9 stalking. ORS 90.445.
10 _____ 72-hour [*or 144-hour*] notice for
11 nonpayment of rent **in a week-to-week**
12 **tenancy**. ORS 90.394 (1).
13 _____ 7-day notice with stated cause in
14 a week-to-week tenancy. ORS 90.392 (6).
15 _____ 10-day notice for a pet violation,
16 a repeat violation in a month-to-month
17 tenancy or without stated cause in a
18 week-to-week tenancy. ORS 90.392 (5),
19 90.405 or 90.427 (2).
20 _____ **10-day or 13-day notice for nonpayment**
21 **of rent. ORS 90.394 (2)**.
22 _____ 20-day notice for a repeat violation.
23 ORS 90.630 (5).
24 _____ 30-day, 60-day or 180-day notice without
25 stated cause in a month-to-month
26 tenancy. ORS 90.427 (3)(b) or (8)(a)(B)
27 or (C) or 90.429.
28 _____ 30-day notice with stated cause.
29 ORS 90.392, 90.630 or 90.632[.]:
30 _____ **The stated cause is for**

1 “(3) A copy of the notice relied upon, if any, must be attached to the
2 complaint.

3 **“SECTION 60.** ORS 105.135 is amended to read:

4 “105.135. (1) Except as provided in this section, the summons shall be
5 served and returned as in other actions.

6 **“(2)(a) The clerk shall calculate the first appearance, which shall
7 be:**

8 **“(A) Seven days after the judicial day next following payment of the
9 filing fees; or**

10 **“(B) If the claim for possession is brought under ORS 90.392 or
11 90.394 for nonpayment as defined in section 55 of this 2023 Act, 15 days
12 after the judicial day next following payment of the filing fees.**

13 **“(b) The clerk may delay the first appearance by up to seven days
14 to accommodate dates on which a judge is unavailable to conduct the
15 first appearance and, if possible, to accommodate dates that the
16 plaintiff has indicated unavailability.**

17 **“(c) The clerk shall enter the first appearance date on the summons.
18 [That date shall be seven days after the judicial day next following payment
19 of filing fees unless no judge is available for first appearance at that time, in
20 which case the clerk may extend the first appearance date for up to seven ad-
21 ditional days. At the request of the plaintiff, the clerk may enter a date more
22 than seven days after the judicial day next following payment of filing fees if
23 a judge will be available.]**

24 **“(d) If the claim for possession is based on nonpayment as defined
25 in section 55 of this 2023 Act, the clerk shall include as part of the
26 summons a copy of the notice described in section 56 of this 2023 Act.**

27 **“(3) Notwithstanding ORCP 10, by the end of the judicial day next fol-
28 lowing the payment of filing fees:**

29 **“(a) The clerk shall mail the summons and complaint by first class mail
30 to the defendant at the premises.**

1 “(b) The process server shall serve the defendant with the summons and
2 complaint at the premises by personal delivery to the defendant or, if the
3 defendant is not available for service, by attaching the summons and com-
4 plaint in a secure manner to the main entrance to that portion of the prem-
5 ises of which the defendant has possession.

6 “(4) A sheriff may serve a facsimile of a summons and complaint that is
7 transmitted to the sheriff by a trial court administrator or another sheriff
8 by means of facsimile communication. A copy of the facsimile must be at-
9 tached to the sheriff’s return of service. Before transmitting a summons and
10 complaint to a sheriff under this subsection, the person sending the facsimile
11 must receive confirmation by telephone from the sheriff’s office that a tele-
12 phonic facsimile communication device is available and operating.

13 “(5) The process server shall indicate the manner in which service was
14 accomplished by promptly filing with the clerk a certificate of service as
15 provided by ORCP 7 F(2)(a).

16 “(6) In the case of premises to which ORS chapter 90 applies, the sum-
17 mons shall inform the defendant of the procedures, rights and responsibilities
18 of the parties as specified in ORS 105.137.

19 “**SECTION 61.** Section 8, chapter 420, Oregon Laws 2021, as amended by
20 section 9, chapter 1, Oregon Laws 2021 (second special session), is amended
21 to read:

22 “**Sec. 8.** (1) Section 2, chapter 420, Oregon Laws 2021, as amended by
23 section 2, **chapter 1, Oregon Laws 2021 (second special session)** [*of this*
24 *2021 second special session Act*], is repealed on October 1, 2022.

25 “(2) Section 5, chapter 420, Oregon Laws 2021, as amended by sections 4
26 and 6, **chapter 1, Oregon Laws 2021 (second special session)** [*of this 2021*
27 *second special session Act*], is repealed on [*July 1, 2023*] **the effective date**
28 **of this 2023 Act.**

29 “(3) Section 6, chapter 420, Oregon Laws 2021, is repealed on October 1,
30 2022.

1 “(4) Section 7, chapter 420, Oregon Laws 2021, as amended by section 5,
2 **chapter 1, Oregon Laws 2021 (second special session)** [*of this 2021 second*
3 *special session Act*], is repealed on October 1, 2022.

4
5 **“EVICTION PROCESS**

6
7 **“SECTION 62.** ORS 105.115 is amended to read:

8 “105.115. (1) Except as provided by subsections (2) and (3) of this section,
9 the following are causes of unlawful holding by force within the meaning
10 of ORS 105.110, 105.123 and 105.126:

11 “(a) When the tenant or person in possession of any premises fails or re-
12 fuses to pay rent within 10 days after the rent is due under the lease or
13 agreement under which the tenant or person in possession holds, or to de-
14 liver possession of the premises after being in default on payment of rent for
15 10 days.

16 “(b) When the lease by its terms has expired and has not been renewed,
17 or when the tenant or person in possession is holding from month to month,
18 or year to year, and remains in possession after notice to quit as provided
19 in ORS 105.120, or is holding contrary to any condition or covenant of the
20 lease or is holding possession without any written lease or agreement.

21 “(c) When the owner or possessor of a recreational vehicle that was
22 placed or driven onto property without the prior consent of the property
23 owner, operator or tenant fails to remove the recreational vehicle. The
24 property owner or operator is not required to serve a notice to quit the
25 property before commencing an action under ORS 105.126 against a recre-
26 ational vehicle owner or possessor holding property by force as described in
27 this paragraph.

28 “(d) When the person in possession of a premises remains in possession
29 after the time when a purchaser of the premises is entitled to possession in
30 accordance with the provisions of ORS 18.946 or 86.782.

1 “(e) When the person in possession of a premises remains in possession
2 after the time when a deed given in lieu of foreclosure entitles the transferee
3 named in the deed to possession of the premises.

4 “(f) When the person in possession of a premises remains in possession
5 after the time when a seller is entitled to possession in accordance with the
6 provisions of ORS 93.930 (2)(c) or pursuant to a judgment of strict foreclosure
7 of a recorded contract for transfer or conveyance of an interest in real
8 property.

9 “(g) When the person in possession of a premises remains in possession
10 after the expiration of a valid notice terminating the person’s right to occupy
11 the premises pursuant to ORS 91.120, 91.122 or 91.130.

12 “(2) In the case of a dwelling unit to which ORS chapter 90 applies:

13 “(a) The following are causes of unlawful holding by force within the
14 meaning of ORS 105.110 and 105.123:

15 “(A) When the tenant or person in possession of any premises fails or
16 refuses to pay rent within the time period required by a notice under ORS
17 **90.392 or 90.394.**

18 “(B) When a rental agreement by its terms has expired and has not been
19 renewed, or when the tenant or person in possession remains in possession
20 after a valid notice terminating the tenancy pursuant to ORS chapter 90, or
21 is holding contrary to any valid condition or covenant of the rental agree-
22 ment or ORS chapter 90.

23 “(b) A landlord may not file an action for the return of possession of a
24 dwelling unit based upon a cause of unlawful holding by force as described
25 in paragraph (a) of this subsection until after the expiration of a rental
26 agreement for a fixed term tenancy or after the expiration of the time period
27 provided in a notice terminating the tenancy.

28 “(c) **The court may dismiss a claim for possession at any time if the**
29 **complaint does not comply with this subsection.**

30 “(3) In an action under subsection (2) of this section, ORS chapter 90 shall

1 be applied to determine the rights of the parties, including:

2 “(a) Whether and in what amount rent is due;

3 “(b) Whether a tenancy or rental agreement has been validly terminated;
4 and

5 “(c) Whether the tenant is entitled to remedies for retaliatory conduct by
6 the landlord as provided by ORS 90.385 and 90.765.

7 **“SECTION 63.** ORS 105.137 is amended to read:

8 “105.137. In the case of a dwelling unit to which ORS chapter 90 applies:

9 “(1) *[If the plaintiff appears and the defendant fails to appear at the first*
10 *appearance,]* A default judgment shall be entered in favor of the plaintiff for
11 possession of the premises and costs and disbursements[.] **only if:**

12 **“(a) The plaintiff appears and the defendant fails to appear at the**
13 **first appearance;**

14 **“(b) The court determines that the complaint complies with ORS**
15 **105.115 and 105.124 and is sufficient to state a cause of action for pos-**
16 **session; and**

17 **“(c) The plaintiff testifies under oath or submits an affidavit or**
18 **declaration under penalty of perjury stating that, as of the date of the**
19 **testimony:**

20 **“(A) The plaintiff does not have knowledge that the defendant has**
21 **delivered possession to the plaintiff as described in ORS 90.147 (2); and**

22 **“(B) The plaintiff reasonably believes that the defendant remains**
23 **in possession of the premises.**

24 “(2) If the defendant appears and the plaintiff fails to appear at the first
25 appearance, a default judgment shall be entered in favor of the defendant
26 dismissing the plaintiff’s complaint and awarding costs and disbursements.

27 “(3) An attorney at law shall be entitled to appear on behalf of any party,
28 but attorney fees may not be awarded to the plaintiff if the defendant does
29 not contest the action.

30 “(4) If the plaintiff dismisses the action before the first appearance, a

1 judgment of dismissal shall be entered in favor of the defendant dismissing
2 the plaintiff's complaint and awarding costs and disbursements. The defend-
3 ant may not recover attorney fees for prejudgment legal services provided
4 after the delivery of written notice of the dismissal by the plaintiff to the
5 defendant, or to an attorney for the defendant, in the manner provided under
6 ORS 90.155.

7 “(5) The plaintiff or an agent of the plaintiff may obtain a continuance
8 of the action for as long as the plaintiff or the agent of the plaintiff deems
9 necessary to obtain the services of an attorney at law.

10 “(6) If both parties appear in court on the date contained in the summons,
11 the court shall set the matter for trial [*as soon as practicable,*] unless the
12 court is advised by the parties that the matter has been settled. The trial
13 shall be scheduled:

14 **“(a) For a claim based on nonpayment, as defined in section 55 of**
15 **this 2023 Act, no earlier than 15 days, and no later than 30 days, fol-**
16 **lowing the appearance; or**

17 **“(b) For any other claim, as soon as practicable and no later than**
18 **15 days from the date of [*such*] the appearance.**

19 “(7) If the matter is not tried within the [*15-day*] period **described in**
20 **subsection (6) of this section**, and the delay in trial is not attributable to
21 the landlord, the court shall order the defendant to pay rent that is accruing
22 into court, provided the court finds after hearing that entry of such an order
23 is just and equitable.

24 “[*(7)(a)*] **(8)(a)** The court shall permit an unrepresented defendant to pro-
25 ceed to trial by directing the defendant to file an answer in writing on a
26 form which shall be available from the court clerk, and to serve a copy upon
27 the plaintiff on the same day as first appearance.

28 “(b) The answer shall be in substantially the following form:

29 “ _____

30 IN THE _____ COURT FOR

THE COUNTY OF _____

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11

(Landlord),)
)
Plaintiff(s),)
)
vs.) No. _____
)
(Tenant),)
)
Defendant(s).)

ANSWER

I (we) deny that the plaintiff(s) is (are) entitled to possession because:

— The landlord did not make repairs.

List any repair problems: _____

— The landlord is attempting to evict me (us) because of my (our) complaints (or the eviction is otherwise retaliatory).

— The landlord is attempting to evict me because of my status as a victim of domestic violence, sexual assault or stalking.

— The eviction notice is wrong.

— List any other defenses: _____

I (we) may be entitled as the prevailing party to recover attorney fees from plaintiff(s) if I (we) obtain legal services to defend this action pursuant

1 to ORS 90.255.

2 I (we) ask that the plaintiff(s) not be awarded possession of the premises
3 and that I (we) be awarded my (our) costs and disbursements and attorney
4 fees, if applicable, or a prevailing party fee.

5

6 _____

7 Date

Signature of defendant(s)

8 “

9 “[8] (9) If an unrepresented defendant files an answer as provided in
10 subsection [(7)] (8) of this section, the answer [*may*] **does** not limit the de-
11 fenses available to the defendant at trial under ORS chapter 90. If such a
12 defendant seeks to assert at trial a defense not fairly raised by the answer,
13 the plaintiff [*shall be*] **is** entitled to a reasonable continuance for the pur-
14 poses of preparing to meet the defense.

15

16

“SEALING EVICTION RECORDS

17

18 “**SECTION 64.** Section 65 of this 2023 Act is added to and made a
19 part of ORS 105.105 to 105.168.

20 “**SECTION 65.** (1) On an annual basis, each justice and circuit court
21 shall enter an order setting aside a judgment and sealing the official
22 records for each case for possession brought under ORS chapter 90 for
23 which the court finds that:

24 “(a) The judgment does not contain a money award or that any
25 money award has expired or been satisfied or discharged; and

26 “(b)(A) The judgment was a judgment of restitution entered for the
27 plaintiff and at least five years have passed from the date of the
28 judgment; or

29 “(B) The judgment was a judgment by stipulation of the parties
30 under ORS 105.145 (2) and at least 12 months have passed from the date

1 of the judgment.

2 “(2) Upon entry of the order, the judgment that is the subject of the
3 motion is deemed not to have been entered, and any party may answer
4 accordingly any questions relating to its occurrence.

5 “(3) Nothing in this section limits the ability of a defendant to apply
6 for an order under ORS 105.163.

7 **“SECTION 66.** (1) Section 65 of this 2023 Act does not apply to
8 judgments entered on or before January 1, 2014.

9 “(2) Each justice and circuit court shall conduct a review of its re-
10 cords and enter its first order under section 65 of this 2023 Act on or
11 before December 31, 2024.

12

13 **“AGRICULTURE WORKFORCE HOUSING GRANTS**

14

15 **“SECTION 67.** (1) The State Department of Agriculture shall pro-
16 vide grants to improve the health and safety conditions of existing
17 agriculture workforce housing, as defined in ORS 315.163, for agricul-
18 tural workers and their families.

19 “(2)(a) The department shall design an application and establish
20 criteria by which grants awarded under this section are allocated and
21 prioritized.

22 “(b) Before a date on which rules that relate to housing for agri-
23 cultural labor are first adopted or amended by the Occupational Safety
24 and Health Division of the Department of Consumer and Business
25 Services and that is after the effective date of this 2023 Act, the State
26 Department of Agriculture shall prioritize awarding grants for housing
27 that will comply with changes to rules that are under consideration
28 of the agricultural labor housing rulemaking advisory committee of
29 the division.

30 “(c) Within 30 days of the adoption of rules described under para-

1 graph (b) of this subsection, the State Department of Agriculture shall
2 update the grant application and criteria to allow the use of grant
3 money to comply with the new or updated rules of the division.

4 “(3) To be eligible for a grant under this section, the housing:

5 “(a) Must comply with all occupational safety or health laws, rules,
6 regulations and standards;

7 “(b) Must be operated by a person who holds a valid indorsement
8 as a farmworker camp operator under ORS 658.730, if an indorsement
9 is required;

10 “(c) Must be registered as a farmworker camp with the Department
11 of Consumer and Business Services under ORS 658.750, if the housing
12 is farm employment-related housing, on or before 90 days following the
13 latter of:

14 “(A) The first day of the first tax year after the grant was received;
15 or

16 “(B) The date the housing is first occupied;

17 “(d) May not be housing that is required to be provided as part of
18 a labor contract made under a temporary employment visa program;
19 and

20 “(e) Must comply with any adopted rules, as described in subsection
21 (2)(b) of this section.

22 “(4) The Occupational Safety and Health Division of the Department
23 of Consumer and Business Services shall assist the State Department
24 of Agriculture in establishing the application and criteria under sub-
25 section (2)(b) and (c) of this section and shall assist the department
26 or a contractor under subsection (5) of this section in determining el-
27 igibility for a grant under subsection (3) of this section.

28 “(5) The State Department of Agriculture may enter into a contract
29 with a third party to award or administer grants under this section.

30 “SECTION 68. Section 67 of this 2023 Act is repealed on January 2,

1 2026.

2 **“SECTION 69.** In addition to and not in lieu of any other appropri-
3 ation, there is appropriated to the State Department of Agriculture,
4 for the biennium beginning July 1, 2023, out of the General Fund, the
5 amount of \$5,000,000, to provide grants under section 67 of this 2023
6 Act.

7

8 **“EMERGENCY USE OF APPROPRIATIONS**

9

10 **“SECTION 70.** Expenditures of any appropriation made for the
11 biennium beginning July 1, 2023, to the Housing and Community Ser-
12 vices Department, constitute an emergency as defined in ORS 279A.010
13 and may be made under procurement authority described in ORS
14 279B.080 without documenting the nature of the emergency, if the ap-
15 propriation is made to:

16 **“(1)** Address homelessness in communities within the OR-505
17 Oregon Balance of State Continuum of Care; or

18 **“(2)** Increase shelter capacity and connections to shelter, support
19 rapid rehousing initiatives, provide capacity support for culturally re-
20 sponsive organizations and provide sanitation services for communi-
21 ties within the OR-505 Oregon Balance of State Continuum of Care.

22

23 **“CONFORMING AMENDMENTS**

24

25 **“SECTION 71.** ORS 195.137 to 195.145 are added to and made a part
26 of ORS 197.286 to 197.314.

27 **“SECTION 72.** ORS 94.536 is amended to read:

28 “94.536. As used in this section and ORS 94.538:

29 **“(1)** ‘Conservation easement’ has the meaning given that term in ORS
30 271.715.

1 “(2) ‘Governmental unit’ means a city, county, metropolitan service dis-
2 trict or state agency as defined in ORS 171.133.

3 “(3) ‘Holder’ has the meaning given that term in ORS 271.715.

4 “(4) ‘Lot’ has the meaning given that term in ORS 92.010.

5 “(5) ‘Parcel’ has the meaning given that term in ORS 92.010.

6 “(6) ‘Receiving area’ means a designated area of land to which a holder
7 of development credits generated from a sending area may transfer the de-
8 velopment credits and in which additional uses or development, not other-
9 wise allowed, are allowed by reason of the transfer.

10 “(7) ‘Resource land’ means:

11 “(a) Lands outside an urban growth boundary planned and zoned for farm
12 use, forest use or mixed farm and forest use.

13 “(b) Lands inside or outside urban growth boundaries identified:

14 “(A) In an acknowledged local or regional government inventory as con-
15 taining significant wetland, riparian, wildlife habitat, historic, scenic or open
16 space resources; or

17 “(B) As containing important natural resources, estuaries, coastal
18 shorelands, beaches and dunes or other resources described in the statewide
19 land use planning goals.

20 “(c) ‘Conservation Opportunity Areas’ identified in the ‘Oregon Conser-
21 vation Strategy’ adopted by the State Fish and Wildlife Commission and
22 published by the State Department of Fish and Wildlife in September of 2006.

23 “(8) ‘Sending area’ means a designated area of resource land from which
24 development credits generated from forgone development are transferable, for
25 uses or development not otherwise allowed, to a receiving area.

26 “(9) ‘Tract’ has the meaning given that term in ORS 215.010.

27 “(10) ‘Transferable development credit’ means a severable development
28 interest in real property that can be transferred from a lot, parcel or tract
29 in a sending area to a lot, parcel or tract in a receiving area.

30 “(11) ‘Transferable development credit system’ means a land use planning

1 tool that allows the record owner of a lot, parcel or tract of resource land
2 in a sending area to voluntarily sever and sell development interests from
3 the lot, parcel or tract for purchase and use by a potential developer to de-
4 velop a lot, parcel or tract in a receiving area at a higher intensity than
5 otherwise allowed.

6 “(12) ‘Urban growth boundary’ has the meaning given that term in ORS
7 [195.060] **197.015**.

8 “(13) ‘Urban reserve’ has the meaning given that term in ORS 195.137.

9 **“SECTION 73.** ORS 195.060 is amended to read:

10 “195.060. As used in ORS 195.020[,] **and** 195.065 to 195.085 [*and 197.005*],
11 unless the context requires otherwise[:]

12 “[*(1) ‘District’ has the meaning given that term in ORS 198.010. In addi-*
13 *tion, the term*], **‘district’ or ‘special district’ has the meaning given the**
14 **term ‘district’ in ORS 198.010 and also** includes a county service district
15 organized under ORS chapter 451.

16 “[*(2) ‘Urban growth boundary’ means an acknowledged urban growth*
17 *boundary contained in a city or county comprehensive plan or an acknowledged*
18 *urban growth boundary that has been adopted by a metropolitan service dis-*
19 *trict council under ORS 268.390 (3).*]

20 “[*(3) ‘Urban service’ has the meaning given that term in ORS 195.065.*]

21 **“SECTION 74.** ORS 195.143 is amended to read:

22 “195.143. (1) A county and [*a metropolitan service district*] **Metro** must
23 consider simultaneously the designation and establishment of:

24 “(a) Rural reserves pursuant to ORS 195.141; and

25 “(b) Urban reserves pursuant to ORS 195.145 (1)(b).

26 “(2) An agreement [*between a county and a metropolitan service district*]
27 to establish rural reserves pursuant to ORS 195.141 and urban reserves pur-
28 suant to ORS 195.145 (1)(b) must provide for a coordinated and concurrent
29 process for adoption by the county of comprehensive plan provisions and by
30 [*the district*] **Metro** of regional framework plan provisions to implement the

1 agreement. [A *district*] **Metro** may not designate urban reserves pursuant to
2 ORS 195.145 (1)(b) in a county until the county and [*the district*] **Metro** have
3 entered into an agreement pursuant to ORS 195.145 (1)(b) that identifies the
4 land to be designated by [*the district in the district's*] **Metro in Metro's** re-
5 gional framework plan as urban reserves. A county may not designate rural
6 reserves pursuant to ORS 195.141 until the county and [*the district*] **Metro**
7 have entered into an agreement pursuant to ORS 195.141 that identifies the
8 land to be designated as rural reserves by the county in the county's com-
9 prehensive plan.

10 “(3) A county and [*a metropolitan service district*] **Metro** may not enter
11 into an intergovernmental agreement to designate urban reserves in the
12 county pursuant to ORS 195.145 (1)(b) unless the county and [*the district*]
13 **Metro** also agree to designate rural reserves in the county.

14 “[*(4) Designation and protection of rural reserves pursuant to ORS 195.141*
15 *or urban reserves pursuant to ORS 195.145 (1)(b):*]

16 “[*(a) Is not a basis for a claim for compensation under ORS 195.305 unless*
17 *the designation and protection of rural reserves or urban reserves imposes a*
18 *new restriction on the use of private real property.*]

19 “[*(b) Does not impair the rights and immunities provided under ORS 30.930*
20 *to 30.947.*]

21 **“SECTION 75.** ORS 195.300 is amended to read:

22 “195.300. As used in this section and ORS 195.301 and 195.305 to 195.336
23 and sections 5 to 11, chapter 424, Oregon Laws 2007, and sections 2 to 9 and
24 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon
25 Laws 2010:

26 “(1) ‘Acquisition date’ means the date described in ORS 195.328.

27 “(2) ‘Claim’ means a written demand for compensation filed under:

28 “(a) ORS 195.305, as in effect immediately before December 6, 2007; or

29 “(b) ORS 195.305 and 195.310 to 195.314, as in effect on and after December
30 6, 2007.

1 “(3) ‘Enacted’ means enacted, adopted or amended.

2 “(4) ‘Fair market value’ means the value of property as determined under
3 ORS 195.332.

4 “(5) ‘Farming practice’ has the meaning given that term in ORS 30.930.

5 “(6) ‘Federal law’ means:

6 “(a) A statute, regulation, order, decree or policy enacted by a federal
7 entity or by a state entity acting under authority delegated by the federal
8 government;

9 “(b) A requirement contained in a plan or rule enacted by a compact en-
10 tity; or

11 “(c) A requirement contained in a permit issued by a federal or state
12 agency pursuant to a federal statute or regulation.

13 “(7) ‘File’ means to submit a document to a public entity.

14 “(8) ‘Forest practice’ has the meaning given that term in ORS 527.620.

15 “(9) ‘Ground water restricted area’ means an area designated as a critical
16 ground water area or as a ground water limited area by the Water Resources
17 Department or Water Resources Commission before December 6, 2007.

18 “(10) ‘High-value farmland’ means:

19 “(a) High-value farmland as described in ORS 215.710 that is land in an
20 exclusive farm use zone or a mixed farm and forest zone, except that the
21 dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.

22 “(b) Land west of U.S. Highway 101 that is composed predominantly of
23 the following soils in Class III or IV or composed predominantly of a com-
24 bination of the soils described in ORS 215.710 (1) and the following soils:

25 “(A) Subclassification IIIw, specifically Ettersburg Silt Loam and
26 Croftland Silty Clay Loam;

27 “(B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and
28 Winchuck Silt Loam; and

29 “(C) Subclassification IVw, specifically Huffling Silty Clay Loam.

30 “(c) Land that is in an exclusive farm use zone or a mixed farm and forest

1 zone and that on June 28, 2007, is:

2 “(A) Within the place of use for a permit, certificate or decree for the use
3 of water for irrigation issued by the Water Resources Department;

4 “(B) Within the boundaries of a district, as defined in ORS 540.505; or

5 “(C) Within the boundaries of a diking district formed under ORS chapter
6 551.

7 “(d) Land that contains not less than five acres planted in wine grapes.

8 “(e) Land that is in an exclusive farm use zone and that is at an elevation
9 between 200 and 1,000 feet above mean sea level, with an aspect between 67.5
10 and 292.5 degrees and a slope between zero and 15 percent, and that is lo-
11 cated within:

12 “(A) The Southern Oregon viticultural area as described in 27 C.F.R.
13 9.179;

14 “(B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89;
15 or

16 “(C) The Willamette Valley viticultural area as described in 27 C.F.R.
17 9.90.

18 “(f) Land that is in an exclusive farm use zone and that is no more than
19 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 de-
20 grees and a slope between zero and 15 percent, and that is located within:

21 “(A) The portion of the Columbia Gorge viticultural area as described in
22 27 C.F.R. 9.178 that is within the State of Oregon;

23 “(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;

24 “(C) The portion of the Columbia Valley viticultural area as described in
25 27 C.F.R. 9.74 that is within the State of Oregon;

26 “(D) The portion of the Walla Walla Valley viticultural area as described
27 in 27 C.F.R. 9.91 that is within the State of Oregon; or

28 “(E) The portion of the Snake River Valley viticultural area as described
29 in 27 C.F.R. 9.208 that is within the State of Oregon.

30 “(11) ‘High-value forestland’ means land:

1 “(a) That is in a forest zone or a mixed farm and forest zone, that is lo-
2 cated in western Oregon and composed predominantly of soils capable of
3 producing more than 120 cubic feet per acre per year of wood fiber and that
4 is capable of producing more than 5,000 cubic feet per year of commercial
5 tree species; or

6 “(b) That is in a forest zone or a mixed farm and forest zone, that is lo-
7 cated in eastern Oregon and composed predominantly of soils capable of
8 producing more than 85 cubic feet per acre per year of wood fiber and that
9 is capable of producing more than 4,000 cubic feet per year of commercial
10 tree species.

11 “(12) ‘Home site approval’ means approval of the subdivision or partition
12 of property or approval of the establishment of a dwelling on property.

13 “(13) ‘Just compensation’ means:

14 “(a) Relief under sections 5 to 11, chapter 424, Oregon Laws 2007, sections
15 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter
16 8, Oregon Laws 2010, for land use regulations enacted on or before January
17 1, 2007; and

18 “(b) Relief under ORS 195.310 to 195.314 for land use regulations enacted
19 after January 1, 2007.

20 “(14) ‘Land use regulation’ means:

21 “(a) A statute that establishes a minimum lot or parcel size;

22 “(b) A provision in ORS 227.030 to 227.300, 227.350, 227.400, 227.450 or
23 227.500 or in ORS chapter 215 that restricts the residential use of private
24 real property;

25 “(c) A provision of a city comprehensive plan, zoning ordinance or land
26 division ordinance that restricts the residential use of private real property
27 zoned for residential use;

28 “(d) A provision of a county comprehensive plan, zoning ordinance or land
29 division ordinance that restricts the residential use of private real property;

30 “(e) A provision, enacted or adopted on or after January 1, 2010, of:

1 “(A) The Oregon Forest Practices Act;

2 “(B) An administrative rule of the State Board of Forestry; or

3 “(C) Any other law enacted, or rule adopted, solely for the purpose of

4 regulating a forest practice;

5 “(f) ORS 561.191, a provision of ORS 568.900 to 568.933 or an administra-

6 tive rule of the State Department of Agriculture that implements ORS

7 561.191 or 568.900 to 568.933;

8 “(g) An administrative rule or goal of the Land Conservation and Devel-

9 opment Commission; or

10 “(h) A provision of a Metro functional plan that restricts the residential

11 use of private real property.

12 “(15) ‘Lawfully established unit of land’ has the meaning given that term

13 in ORS 92.010.

14 “(16) ‘Lot’ has the meaning given that term in ORS 92.010.

15 “(17) ‘Measure 37 permit’ means a final decision by Metro, a city or a

16 county to authorize the development, subdivision or partition or other use

17 of property pursuant to a waiver.

18 “(18) ‘Owner’ means:

19 “(a) The owner of fee title to the property as shown in the deed records

20 of the county where the property is located;

21 “(b) The purchaser under a land sale contract, if there is a recorded land

22 sale contract in force for the property; or

23 “(c) If the property is owned by the trustee of a revocable trust, the

24 settlor of a revocable trust, except that when the trust becomes irrevocable

25 only the trustee is the owner.

26 “(19) ‘Parcel’ has the meaning given that term in ORS 92.010.

27 “(20) ‘Property’ means the private real property described in a claim and

28 contiguous private real property that is owned by the same owner, whether

29 or not the contiguous property is described in another claim, and that is not

30 property owned by the federal government, an Indian tribe or a public body,

1 as defined in ORS 192.311.

2 “(21) ‘Protection of public health and safety’ means a law, rule, ordinance,
3 order, policy, permit or other governmental authorization that restricts a use
4 of property in order to reduce the risk or consequence of fire, earthquake,
5 landslide, flood, storm, pollution, disease, crime or other natural or human
6 disaster or threat to persons or property including, but not limited to,
7 building and fire codes, health and sanitation regulations, solid or hazardous
8 waste regulations and pollution control regulations.

9 “(22) ‘Public entity’ means the state, Metro, a county or a city.

10 “[23] ‘Urban growth boundary’ has the meaning given that term in ORS
11 195.060.]

12 “[24] (23) ‘Waive’ or ‘waiver’ means an action or decision of a public
13 entity to modify, remove or not apply one or more land use regulations under
14 ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007,
15 sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7,
16 chapter 8, Oregon Laws 2010, or ORS 195.305, as in effect immediately before
17 December 6, 2007, to allow the owner to use property for a use permitted
18 when the owner acquired the property.

19 “[25] (24) ‘Zoned for residential use’ means zoning that has as its pri-
20 mary purpose single-family residential use.

21 **“SECTION 76.** ORS 197.015 is amended to read:

22 “197.015. As used in ORS chapters 195, 196 and 197 [*and ORS 197A.300 to*
23 *197A.325*], unless the context requires otherwise:

24 “(1) ‘Acknowledgment’ means a commission order that certifies that a
25 comprehensive plan and land use regulations, land use regulation or plan or
26 regulation amendment complies with the goals or certifies that Metro land
27 use planning goals and objectives, Metro regional framework plan, amend-
28 ments to Metro planning goals and objectives or amendments to the Metro
29 regional framework plan comply with the goals.

30 “(2) ‘Board’ means the Land Use Board of Appeals.

1 “(3) ‘Carport’ means a stationary structure consisting of a roof with its
2 supports and not more than one wall, or storage cabinet substituting for a
3 wall, and used for sheltering a motor vehicle.

4 “(4) ‘Commission’ means the Land Conservation and Development Com-
5 mission.

6 “(5) ‘Comprehensive plan’ means a generalized, coordinated land use map
7 and policy statement of the governing body of a local government that
8 interrelates all functional and natural systems and activities relating to the
9 use of lands, including but not limited to sewer and water systems, trans-
10 portation systems, educational facilities, recreational facilities, and natural
11 resources and air and water quality management programs.
12 ‘Comprehensive’ means all-inclusive, both in terms of the geographic area
13 covered and functional and natural activities and systems occurring in the
14 area covered by the plan. ‘General nature’ means a summary of policies and
15 proposals in broad categories and does not necessarily indicate specific lo-
16 cations of any area, activity or use. A plan is ‘coordinated’ when the needs
17 of all levels of governments, semipublic and private agencies and the citizens
18 of Oregon have been considered and accommodated as much as possible.
19 ‘Land’ includes water, both surface and subsurface, and the air.

20 “(6) ‘Department’ means the Department of Land Conservation and De-
21 velopment.

22 “(7) ‘Director’ means the Director of the Department of Land Conserva-
23 tion and Development.

24 “(8) ‘Goals’ means the mandatory statewide land use planning standards
25 adopted by the commission pursuant to ORS chapters 195, 196 and 197.

26 “(9) ‘Guidelines’ means suggested approaches designed to aid cities and
27 counties in preparation, adoption and implementation of comprehensive plans
28 in compliance with goals and to aid state agencies and special districts in
29 the preparation, adoption and implementation of plans, programs and regu-
30 lations in compliance with goals. Guidelines [*shall be advisory and shall*] **are**

1 **advisory and do** not limit state agencies, cities, counties and special dis-
2 tricts to a single approach.

3 “(10) ‘Land use decision’:

4 “(a) Includes:

5 “(A) A final decision or determination made by a local government or
6 special district that concerns the adoption, amendment or application of:

7 “(i) The goals;

8 “(ii) A comprehensive plan provision;

9 “(iii) A land use regulation; or

10 “(iv) A new land use regulation;

11 “(B) A final decision or determination of a state agency other than the
12 commission with respect to which the agency is required to apply the goals;

13 or

14 “(C) A decision of a county planning commission made under ORS 433.763;

15 “(b) Does not include a decision of a local government:

16 “(A) That is made under land use standards that do not require interpre-
17 tation or the exercise of policy or legal judgment;

18 “(B) That approves or denies a building permit issued under clear and
19 objective land use standards;

20 “(C) That is a limited land use decision;

21 “(D) That determines final engineering design, construction, operation,
22 maintenance, repair or preservation of a transportation facility that is oth-
23 erwise authorized by and consistent with the comprehensive plan and land
24 use regulations;

25 “(E) That is an expedited land division as described in ORS 197.360;

26 “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation,
27 maintenance or removal of a liquefied petroleum gas container or receptacle
28 regulated exclusively by the State Fire Marshal under ORS 480.410 to
29 480.460;

30 “(G) That approves or denies approval of a final subdivision or partition

1 plat or that determines whether a final subdivision or partition plat sub-
2 stantially conforms to the tentative subdivision or partition plan; or

3 “(H) That a proposed state agency action subject to ORS 197.180 (1) is
4 compatible with the acknowledged comprehensive plan and land use regu-
5 lations implementing the plan, if:

6 “(i) The local government has already made a land use decision author-
7 izing a use or activity that encompasses the proposed state agency action;

8 “(ii) The use or activity that would be authorized, funded or undertaken
9 by the proposed state agency action is allowed without review under the
10 acknowledged comprehensive plan and land use regulations implementing the
11 plan; or

12 “(iii) The use or activity that would be authorized, funded or undertaken
13 by the proposed state agency action requires a future land use review under
14 the acknowledged comprehensive plan and land use regulations implementing
15 the plan;

16 “(c) Does not include a decision by a school district to close a school;

17 “(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283
18 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735,
19 or other gathering of fewer than 3,000 persons that is not anticipated to
20 continue for more than 120 hours in any three-month period; and

21 “(e) Does not include:

22 “(A) A writ of mandamus issued by a circuit court in accordance with
23 ORS 215.429 or 227.179;

24 “(B) Any local decision or action taken on an application subject to ORS
25 215.427 or 227.178 after a petition for a writ of mandamus has been filed
26 under ORS 215.429 or 227.179; or

27 “(C) A state agency action subject to ORS 197.180 (1), if:

28 “(i) The local government with land use jurisdiction over a use or activity
29 that would be authorized, funded or undertaken by the state agency as a
30 result of the state agency action has already made a land use decision ap-

1 proving the use or activity; or

2 “(ii) A use or activity that would be authorized, funded or undertaken by
3 the state agency as a result of the state agency action is allowed without
4 review under the acknowledged comprehensive plan and land use regulations
5 implementing the plan.

6 “(11) ‘Land use regulation’ means any local government zoning ordinance,
7 land division ordinance adopted under ORS 92.044 or 92.046 or similar gen-
8 eral ordinance establishing standards for implementing a comprehensive
9 plan.

10 “(12) ‘Limited land use decision’:

11 “(a) Means a final decision or determination made by a local government
12 pertaining to a site within an urban growth boundary that concerns:

13 “(A) The approval or denial of a tentative subdivision or partition plan,
14 as described in ORS 92.040 (1).

15 “(B) The approval or denial of an application based on discretionary
16 standards designed to regulate the physical characteristics of a use permitted
17 outright, including but not limited to site review and design review.

18 “(b) Does not mean a final decision made by a local government pertain-
19 ing to a site within an urban growth boundary that concerns approval or
20 denial of a final subdivision or partition plat or that determines whether a
21 final subdivision or partition plat substantially conforms to the tentative
22 subdivision or partition plan.

23 “(13) ‘Local government’ means any city, county or [*metropolitan service*
24 *district formed under ORS chapter 268*] **Metro** or an association of local
25 governments performing land use planning functions under ORS 195.025.

26 “(14) ‘Metro’ means a metropolitan service district organized under ORS
27 chapter 268.

28 “(15) ‘Metro planning goals and objectives’ means the land use goals and
29 objectives that [*a metropolitan service district*] **Metro** may adopt under ORS
30 268.380 (1)(a). The goals and objectives do not constitute a comprehensive

1 plan.

2 “(16) ‘Metro regional framework plan’ means the regional framework plan
3 required by the 1992 Metro Charter or its separate components. Neither the
4 regional framework plan nor its individual components constitute a compre-
5 hensive plan.

6 “(17) ‘New land use regulation’ means a land use regulation other than
7 an amendment to an acknowledged land use regulation adopted by a local
8 government that already has a comprehensive plan and land regulations ac-
9 knowledged under ORS 197.251.

10 “(18) ‘Person’ means any individual, partnership, corporation, association,
11 governmental subdivision or agency or public or private organization of any
12 kind. The Land Conservation and Development Commission or its designee
13 is considered a person for purposes of appeal under ORS chapters 195 and
14 197.

15 “(19) ‘Special district’ means any unit of local government, other than a
16 city, county, [*metropolitan service district formed under ORS chapter 268*]
17 **Metro** or an association of local governments performing land use planning
18 functions under ORS 195.025, authorized and regulated by statute and in-
19 cludes but is not limited to water control districts, domestic water associ-
20 ations and water cooperatives, irrigation districts, port districts, regional air
21 quality control authorities, fire districts, school districts, hospital districts,
22 mass transit districts and sanitary districts.

23 “(20) ‘**Urban growth boundary**’ means an acknowledged urban
24 **growth boundary contained in a city or county comprehensive plan or**
25 **adopted by Metro under ORS 268.390 (3).**

26 “[20] (21) ‘Urban unincorporated community’ means an area designated
27 in a county’s acknowledged comprehensive plan as an urban unincorporated
28 community after December 5, 1994.

29 “[21] (22) ‘Voluntary association of local governments’ means a regional
30 planning agency in this state officially designated by the Governor pursuant

1 to the federal Office of Management and Budget Circular A-95 as a regional
2 clearinghouse.

3 “[22] **(23)** ‘Wetlands’ means those areas that are inundated or saturated
4 by surface or ground water at a frequency and duration that are sufficient
5 to support, and that under normal circumstances do support, a prevalence
6 of vegetation typically adapted for life in saturated soil conditions.

7 **“SECTION 77.** ORS 197.298 is amended to read:

8 “197.298. (1) In addition to any requirements established by rule address-
9 ing urbanization, land may not be included within an urban growth boundary
10 of Metro except under the following priorities:

11 “(a) First priority is land that is designated urban reserve land under
12 ORS 195.145, rule or [*metropolitan service district*] **Metro** action plan.

13 “(b) If land under paragraph (a) of this subsection is inadequate to ac-
14 commodate the amount of land needed, second priority is land adjacent to
15 an urban growth boundary that is identified in an acknowledged compre-
16 hensive plan as an exception area or nonresource land. Second priority may
17 include resource land that is completely surrounded by exception areas un-
18 less such resource land is high-value farmland as described in ORS 215.710.

19 “(c) If land under paragraphs (a) and (b) of this subsection is inadequate
20 to accommodate the amount of land needed, third priority is land designated
21 as marginal land pursuant to ORS 197.247 (1991 Edition).

22 “(d) If land under paragraphs (a) to (c) of this subsection is inadequate
23 to accommodate the amount of land needed, fourth priority is land designated
24 in an acknowledged comprehensive plan for agriculture or forestry, or both.

25 “(2) **Under this section,** higher priority [*shall*] **must** be given to land
26 of lower capability as measured by the capability classification system or by
27 cubic foot site class, whichever is appropriate for the current use.

28 “(3) Land of lower priority under [*subsection (1) of*] this section may be
29 included in an urban growth boundary if land of higher priority is found to
30 be inadequate to accommodate the amount of land estimated in subsection

1 (1) of this section for one or more of the following reasons:

2 “(a) Specific types of identified land needs cannot be reasonably accom-
3 modated on higher priority lands;

4 “(b) Future urban services could not reasonably be provided to the higher
5 priority lands due to topographical or other physical constraints; or

6 “(c) Maximum efficiency of land uses within a proposed urban growth
7 boundary requires inclusion of lower priority lands in order to include or to
8 provide services to higher priority lands.

9 “[*4*] *When a city includes land within the urban growth boundary of the*
10 *city pursuant to ORS 197.286 to 197.314, the city shall prioritize lands for*
11 *inclusion as provided in ORS 197A.320.*]

12 “**SECTION 78.** ORS 197.299 is amended to read:

13 “197.299. (1) [*A metropolitan service district organized under ORS chapter*
14 *268*] **Metro** shall complete the inventory, determination and analysis re-
15 quired under ORS 197.296 (3) not later than six years after completion of the
16 previous inventory, determination and analysis.

17 “(2)(a) [*The metropolitan service district*] **Metro** shall take such action as
18 necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year
19 buildable land supply determined under ORS 197.296 (3) within one year of
20 completing the analysis.

21 “(b) [*The metropolitan service district*] **Metro** shall take all final action
22 under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land
23 supply determined under ORS 197.296 (3) within two years of completing the
24 analysis.

25 “(c) The metropolitan service district shall take action under ORS 197.296
26 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b)
27 is completed, to provide sufficient buildable land within the urban growth
28 boundary to accommodate the estimated housing needs for 20 years from the
29 time the actions are completed.

30 “(d) The metropolitan service district shall consider and adopt new

1 measures that the governing body deems appropriate under ORS 197.296
2 (6)(b).

3 “(3) The commission may grant an extension to the time limits of sub-
4 section (2) of this section if the Director of the Department of Land Con-
5 servation and Development determines that the metropolitan service district
6 has provided good cause for failing to meet the time limits.

7 “(4)(a) [*The metropolitan service district*] **Metro** shall establish a process
8 to expand the urban growth boundary to accommodate a need for land for a
9 public school that cannot reasonably be accommodated within the existing
10 urban growth boundary. [*The metropolitan service district*] **Metro** shall de-
11 sign the process to:

12 “(A) Accommodate a need that must be accommodated between periodic
13 analyses of urban growth boundary capacity required by subsection (1) of
14 this section; and

15 “(B) Provide for a final decision on a proposal to expand the urban
16 growth boundary within four months after submission of a complete appli-
17 cation by a large school district as defined in ORS 195.110.

18 “(b) At the request of a large school district, [*the metropolitan service*
19 *district*] **Metro** shall assist the [*large school*] district to identify school sites
20 required by the school facility planning process described in ORS 195.110. A
21 need for a public school is a specific type of identified land need under ORS
22 197.298 (3).

23 “(5) **At least** three years after completing its most recent demonstration
24 of sufficient buildable lands under ORS 197.296, [*a metropolitan service dis-*
25 *trict*] **Metro** may, on a single occasion, revise the determination and analysis
26 required as part of the demonstration for the purpose of considering an
27 amendment to the [*metropolitan service district’s*] **Metro’s** urban growth
28 boundary, provided:

29 “[*a*] *The metropolitan service district has entered into an intergovern-*
30 *mental agreement and has designated rural reserves and urban reserves under*

1 *ORS 195.141 and 195.145 with each county located within the district;]*
2 “[*(b) The commission has acknowledged the rural reserve and urban reserve*
3 *designations described in paragraph (a) of this subsection;*]
4 “[*(c)*] **(a)** One or more cities within [*the metropolitan service district*]
5 **Metro** have proposed a development that would require expansion of the
6 urban growth boundary;
7 “[*(d)*] **(b)** The city or cities proposing the development have provided ev-
8 idence to [*the metropolitan service district*] **Metro** that the proposed devel-
9 opment would provide additional needed housing to the needed housing
10 included in the most recent determination and analysis;
11 “[*(e)*] **(c)** The location chosen for the proposed development is adjacent
12 to the city proposing the development; and
13 “[*(f)*] **(d)** The location chosen for the proposed development is located
14 within an area designated and acknowledged as an urban reserve.
15 “(6)(a) If [*a metropolitan service district*] **Metro**, after revising its most
16 recent determination and analysis pursuant to subsection (5) of this section,
17 concludes that an expansion of its urban growth boundary is warranted, [*the*
18 *metropolitan service district*] **Metro** may take action to expand its urban
19 growth boundary in one or more locations to accommodate the proposed de-
20 velopment, provided the urban growth boundary expansion does not exceed
21 a total of 1,000 acres.
22 “(b) [*A metropolitan service district that*] **If Metro** expands its urban
23 growth boundary under this subsection, **Metro**:
24 “(A) Must adopt the urban growth boundary expansion not more than
25 four years after completing its most recent demonstration of sufficient
26 buildable lands under ORS 197.296; and
27 “(B) Is exempt from the boundary location requirements described in the
28 statewide land use planning goals relating to urbanization.
29 **“SECTION 79.** ORS 197.302 is amended to read:
30 “197.302. (1) After gathering and compiling information on the perform-

1 ance measures as described in ORS 197.301 but prior to submitting the in-
2 formation to the Department of Land Conservation and Development, [*a*
3 *metropolitan service district*] **Metro** shall determine if actions taken under
4 ORS 197.296 (6) have established the buildable land supply and housing den-
5 sities necessary to accommodate estimated housing needs determined under
6 ORS 197.296 (3). If [*the metropolitan service district*] **Metro** determines that
7 the actions undertaken will not accommodate estimated need, [*the district*]
8 **Metro** shall develop a corrective action plan, including a schedule for im-
9 plementation. [*The district*] **Metro** shall submit the plan to the department
10 along with the report on performance measures required under ORS 197.301.
11 Corrective action under this section may include amendment of the urban
12 growth boundary, [*comprehensive plan,*] regional framework plan, functional
13 plan or land use regulations as described in ORS 197.296 **(6)(b)**.

14 “(2) Within two years of submitting a corrective action plan to the de-
15 partment, [*the metropolitan service district*] **Metro** shall demonstrate by ref-
16 erence to the performance measures described in ORS 197.301 that
17 implementation of the plan has resulted in the buildable land supply and
18 housing density within the urban growth boundary necessary to accommo-
19 date the estimated housing needs for each housing type as determined under
20 ORS 197.296 (3).

21 “(3) The failure of [*the metropolitan service district*] **Metro** to demonstrate
22 the buildable land supply and housing density necessary to accommodate
23 housing needs as required under this section and ORS 197.296 may be the
24 basis for initiation of enforcement action pursuant to ORS 197.319 to 197.335.

25 “**SECTION 80.** ORS 197.304 is amended to read:

26 “197.304. (1) Notwithstanding an intergovernmental agreement pursuant
27 to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to
28 the contrary, a city within Lane County [*that has a population of 50,000 or*
29 *more within its boundaries*] **with a population of 50,000 or greater** shall
30 meet its obligation under ORS 197.286 to 197.314 separately from any other

1 city within Lane County. The city shall, separately from any other city:

2 “(a) Establish an urban growth boundary, consistent with the jurisdic-
3 tional area of responsibility specified in the acknowledged comprehensive
4 plan; and

5 “(b) Demonstrate, as required by [ORS 197.296] **section 22 of this 2023**
6 **Act**, that its comprehensive plan provides sufficient buildable lands within
7 an urban growth boundary [*established pursuant to statewide planning goals*
8 *to accommodate estimated housing needs for 20 years*] **to accommodate**
9 **needed housing**.

10 “(2) Except as provided in subsection (1) of this section, this section does
11 not alter or affect an intergovernmental agreement pursuant to ORS 190.003
12 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane
13 County or local governments in Lane County.

14 “**SECTION 81.** ORS 197.307, as amended by section 14, chapter 401,
15 Oregon Laws 2019, and section 2, chapter 54, Oregon Laws 2022, is amended
16 to read:

17 “197.307. (1) The availability of affordable, decent, safe and sanitary
18 housing opportunities for persons of lower, middle and fixed income, includ-
19 ing **agriculture workforce** housing [*for farmworkers*], is a matter of state-
20 wide concern.

21 “(2) Many persons of lower, middle and fixed income depend on govern-
22 ment assisted housing as a source of affordable, decent, safe and sanitary
23 housing.

24 “(3) [*When a need has been shown for housing within an urban growth*
25 *boundary at particular price ranges and rent levels, needed housing shall be*
26 *permitted*] **A local government shall permit needed housing** in one or
27 more zoning districts or in zones described by some comprehensive plans as
28 overlay zones with sufficient buildable land to satisfy that need.

29 “(4) Except as provided in subsection (6) of this section, a local govern-
30 ment may adopt and apply only clear and objective standards, conditions and

1 procedures regulating the development of housing, including needed housing.

2 The standards, conditions and procedures:

3 “(a) May include, but are not limited to, one or more provisions regulat-
4 ing the density or height of a development.

5 “(b) May not have the effect, either in themselves or cumulatively, of
6 discouraging needed housing through unreasonable cost or delay.

7 “(5) The provisions of subsection (4) of this section do not apply to:

8 “(a) An application or permit for residential development in an area
9 identified in a formally adopted central city plan, or a regional center as
10 defined by Metro, in a city with a population of 500,000 or *[more]* **greater**.

11 “(b) An application or permit for residential development in historic areas
12 designated for protection under a land use planning goal protecting historic
13 areas.

14 “(6) In addition to an approval process for needed housing based on clear
15 and objective standards, conditions and procedures as provided in subsection
16 (4) of this section, a local government may adopt and apply an alternative
17 approval process for applications and permits for residential development
18 based on approval criteria regulating, in whole or in part, appearance or
19 aesthetics that are not clear and objective if:

20 “(a) The applicant retains the option of proceeding under the approval
21 process that meets the requirements of subsection (4) of this section;

22 “(b) The approval criteria for the alternative approval process comply
23 with applicable statewide land use planning goals and rules; and

24 “(c) The approval criteria for the alternative approval process authorize
25 a density at or above the density level authorized in the zone under the ap-
26 proval process provided in subsection (4) of this section.

27 “(7) Subject to subsection (4) of this section, this section does not infringe
28 on a local government’s prerogative to:

29 “(a) Set approval standards under which a particular housing type is
30 permitted outright;

1 “(b) Impose special conditions upon approval of a specific development
2 proposal; or

3 “(c) Establish approval procedures.

4 **“SECTION 82.** ORS 197.313 is amended to read:

5 “197.313. [*Nothing in ORS 197.312 or in the amendments to ORS 197.286,*
6 *197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall*
7 *be construed to]* **ORS 197.286 to 197.314 do not** require a city or county to
8 contribute to the financing, administration or sponsorship of government
9 assisted housing.

10 **“SECTION 83. ORS 197.314 is added to and made a part of ORS**
11 **197.475 to 197.490.**

12 **“SECTION 84.** ORS 197.480 is amended to read:

13 “197.480. (1) Each city and county governing body shall provide[, *in ac-*
14 *cordance with urban growth management agreements,*] for mobile home or
15 manufactured dwelling parks as an allowed use[, *by July 1, 1990, or by the*
16 *next periodic review after January 1, 1988, whichever comes first*]:

17 “(a) By zoning ordinance and by comprehensive plan designation on
18 buildable lands within urban growth boundaries; and

19 “(b) In areas planned and zoned for a residential density of six to 12 units
20 per acre sufficient to accommodate the need established pursuant to sub-
21 sections (2) and (3) of this section.

22 “(2) A city or county shall establish a projection of need for mobile home
23 or manufactured dwelling parks based on:

24 “(a) Population projections;

25 “(b) Household income levels;

26 “(c) Housing market trends of the region; and

27 “(d) An inventory of mobile home or manufactured dwelling parks sited
28 in areas planned and zoned or generally used for commercial, industrial or
29 high density residential development.

30 “(3) The inventory required by subsection (2)(d) and subsection (4) of this

1 section shall establish the need for areas to be planned and zoned to ac-
2 commodate the potential displacement of the inventoried mobile home or
3 manufactured dwelling parks.

4 “(4) Notwithstanding the provisions of subsection (1) of this section, a
5 city or county within [*a metropolitan service district, established pursuant to*
6 *ORS chapter 268*] **Metro**, shall inventory the mobile home or manufactured
7 dwelling parks sited in areas planned and zoned or generally used for com-
8 mercial, industrial or high density residential development [*no later than two*
9 *years from September 27, 1987*].

10 “(5)(a) A city or county may establish clear and objective criteria and
11 standards for the placement and design of mobile home or manufactured
12 dwelling parks.

13 “(b) If a city or county requires a hearing before approval of a mobile
14 home or manufactured dwelling park, application of the criteria and stan-
15 dards adopted pursuant to paragraph (a) of this subsection shall be the sole
16 issue to be determined at the hearing.

17 “(c) No criteria or standards established under paragraph (a) of this sub-
18 section [*shall*] **may** be adopted which would preclude the development of
19 mobile home or manufactured dwelling parks within the intent of ORS
20 [*197.286 and*] 197.475 to 197.490.

21 **“SECTION 85.** ORS 197.522 is amended to read:

22 “197.522. (1) As used in this section:

23 “(a) ‘Needed housing’ has the meaning given that term in ORS [*197.303*]
24 **197.286.**

25 “(b) ‘Partition’ has the meaning given that term in ORS 92.010.

26 “(c) ‘Permit’ means a permit as defined in ORS 215.402 and a permit as
27 defined in ORS 227.160.

28 “(d) ‘Subdivision’ has the meaning given that term in ORS 92.010.

29 “(2) A local government shall approve an application for a permit, au-
30 thorization or other approval necessary for the subdivision or partitioning

1 of, or construction on, any land for needed housing that is consistent with
2 the comprehensive plan and applicable land use regulations.

3 “(3) If an application is inconsistent with the comprehensive plan and
4 applicable land use regulations, the local government, prior to making a final
5 decision on the application, shall allow the applicant to offer an amendment
6 or to propose conditions of approval that would make the application con-
7 sistent with the plan and applicable regulations. If an applicant seeks to
8 amend the application or propose conditions of approval:

9 “(a) A county may extend the time limitation under ORS 215.427 for final
10 action by the governing body of a county on an application for needed
11 housing and may set forth a new time limitation for final action on the
12 consideration of future amendments or proposals.

13 “(b) A city may extend the time limitation under ORS 227.178 for final
14 action by the governing body of a city on an application for needed housing
15 and may set forth a new time limitation for final action on the consideration
16 of future amendments or proposals.

17 “(4) A local government shall deny an application that is inconsistent
18 with the comprehensive plan and applicable land use regulations and that
19 cannot be made consistent through amendments to the application or the
20 imposition of reasonable conditions of approval.

21 **“SECTION 86. ORS 197.637 and 197.764 are added to and made a part**
22 **of ORS 197.286 to 197.314.**

23 **“SECTION 87. ORS 197.637 is amended to read:**

24 “197.637. (1) Upon request of the Department of Land Conservation and
25 Development, the Housing and Community Services Department shall review
26 the inventory and analysis of housing, and measures taken to address the
27 housing need, required of certain local governments under ORS 197.296 **or**
28 **197.297 or section 21 or 22 of this 2023 Act.** The review shall address the
29 likely effect of measures **and housing production strategies** developed by
30 a local government [*under ORS 197.296 (6) or (7)*] on the adequacy of the

1 supply of buildable land and [*opportunities to satisfy needs identified under*
2 *ORS 197.296 (3)*] **measures to address needed housing.**

3 “(2) The Land Conservation and Development Commission and the Direc-
4 tor of the Department of Land Conservation and Development shall consider
5 the review and any recommendations of the Housing and Community Ser-
6 vices Department when determining whether a local government has com-
7 plied with the statewide land use planning goals and the requirements of
8 **ORS 197.296 or 197.297 or section 21 or 22 of this 2023 Act.**

9 **“SECTION 88.** ORS 197.764 is amended to read:

10 “197.764. (1) A local government may **make a land use decision to ap-**
11 **prove an application to remove a lot or parcel from within an urban growth**
12 **boundary if:**

13 “(a) The application is submitted by the owner of the lot or parcel;

14 “(b)(A) The lot or parcel is adjacent to the edge of the urban growth
15 boundary; or

16 “(B) The lot or parcel is adjacent to another lot or parcel that is removed
17 under this section;

18 “(c) The lot or parcel is assessed under ORS 308A.050 to 308A.128 for its
19 value for farm use;

20 “(d) The lot or parcel is not within the boundaries of a city; and

21 “(e) The lot or parcel is not included in an area identified for urban ser-
22 vices under ORS 197.754.

23 “(2) A local government, in deciding whether to approve an application
24 under subsection (1) of this section, shall consider:

25 “(a) The projected costs and other consequences of extending urban ser-
26 vices to the affected lot or parcel;

27 “(b) The potential value in the investment of providing urban services to
28 the affected lot or parcel;

29 “(c) Any requirement for expanding the urban growth boundary in other
30 areas to compensate for any loss in buildable lands; and

1 “(d) The projected costs and other consequences of providing urban ser-
2 vices to other areas brought in under an expanded urban growth boundary.

3 “(3)(a) Land that is removed from within an urban growth boundary pur-
4 suant to an application approved under this section shall be removed from
5 any inventory of buildable lands maintained by the local government.

6 “(b) A local government that approves an application under this section
7 shall either expand the urban growth boundary to compensate for any re-
8 sulting reduction in available buildable lands or increase the development
9 capacity of the remaining supply of buildable lands **consistent with ORS**
10 **197.296 (6) or 197A.300 to 197A.325 or section 21 or 22 of this 2023 Act.**

11 **“SECTION 89. ORS 197.766 is repealed.**

12 **“SECTION 90.** ORS 197.831 is amended to read:

13 “197.831. In a proceeding before the Land Use Board of Appeals or an
14 appellate court that involves an ordinance required to contain clear and ob-
15 jective approval standards, conditions and procedures for [*needed*] housing,
16 **including under ORS 197.307**, the local government imposing the provisions
17 of the ordinance shall demonstrate that the approval standards, conditions
18 and procedures are capable of being imposed only in a clear and objective
19 manner.

20 **“SECTION 91. ORS 197A.300 to 197A.325 are added to and made a**
21 **part of ORS 197.286 to 197.314.**

22 **“SECTION 92.** ORS 197A.300 is amended to read:

23 “197A.300. As used in ORS 197A.300 to 197A.325[:],

24 “[*(1) ‘Buildable lands’ means land in urban or urbanizable areas that are*
25 *suitable for urban uses.*]

26 “[*(2)*] ‘serviceable’ means, with respect to land, that:

27 “[*(a)*] (1) Adequate sewer, water and transportation capacity for planned
28 urban development is available or can be either provided or made subject to
29 committed financing; or

30 “[*(b)*] (2) Committed financing can be in place to provide adequate sewer,

1 water and transportation capacity for planned urban development.

2 **“SECTION 93.** ORS 197A.310 is amended to read:

3 “197A.310. (1) [*In addition to and not in lieu of*] **As an alternative to** the
4 method prescribed in [*ORS 197.286 to 197.314 and the statewide land use*
5 *planning goals*] **section 22 (5)(a) of this 2023 Act**, the Land Conservation
6 and Development Commission shall adopt a method by which a city outside
7 Metro that has a population of less than 10,000 may evaluate or amend its
8 urban growth boundary.

9 “(2) The commission shall design the method so that:

10 “(a) A city using the method:

11 “(A) Will have within its boundaries sufficient buildable lands and other
12 development capacity, including land and capacity for needed housing and
13 employment opportunities, to meet the growth in population and employment
14 forecast to occur over a 14-year period.

15 “(B) Will not become less efficient in its use of land as a result of a
16 change to the urban growth boundary.

17 “(b) The urban population per square mile will continue, subject to mar-
18 ket conditions, to increase over time on a statewide basis and in major re-
19 gions of the state, including that portion of the Willamette Valley outside
20 of Metro.

21 “(c) The rate of conversion of agricultural and forest lands to urban uses
22 does not increase over time in any major region of the state.

23 “(3) Under the method adopted by the commission:

24 “(a) A city’s determination of the amount of buildable lands [*needed for*]
25 **sufficient for needed** housing, employment and other urban uses must be
26 based on the population and employment growth forecast to occur over a
27 14-year period.

28 “(b) A city’s determination of the supply and development capacity of
29 lands within its urban growth boundary must be based on:

30 “(A) A simple inventory of vacant and partially vacant buildable lands

1 within the urban growth boundary;

2 “(B) The comprehensive plan designation and the zoning of the portion
3 of the buildable lands that is urban; and

4 “(C) Simple factors established by the commission for forecasting:

5 “(i) The development and redevelopment capacity of urbanizable lands
6 within the urban growth boundary; and

7 “(ii) The redevelopment capacity of developed urban lands within the ur-
8 ban growth boundary.

9 “(c) A city’s determination of the supply and development capacity of
10 lands the city proposes to include within the urban growth boundary must
11 be based on:

12 “(A) A simple inventory of vacant and partially vacant lands; and

13 “(B) Simple factors established by the commission for forecasting the de-
14 velopment and redevelopment capacity of the lands.

15 “(d) A city shall demonstrate that lands included within the urban growth
16 boundary:

17 “(A) Include sufficient serviceable land for at least a seven-year period.

18 “(B) Can all be serviceable over a 14-year period.

19 “(e) Lands included within the urban growth boundary:

20 “(A) Must be planned and zoned for categories of land uses in amounts
21 that are roughly proportional to the land need determined for each category
22 of use;

23 “(B) Must be planned and zoned for an intensity of use that is generally
24 consistent with the estimates that were used to determine the amount of land
25 needed;

26 “(C) Must be planned and zoned to meet the requirements for needed
27 housing, and those requirements must be specified by rule of the commission
28 in a manner that is as objective as practicable; and

29 “(D) May be either:

30 “(i) Planned and zoned, or otherwise conditioned, to avoid significantly

1 affecting a state highway, a state highway interchange or a freight route
2 designated in the Oregon Highway Plan; or

3 “(ii) Allowed to significantly affect a state highway, a state highway
4 interchange or a freight route designated in the Oregon Highway Plan sub-
5 ject to mitigation, consistent with rules of the commission, if the lands are
6 planned and zoned for compact urban development or industrial uses.

7 “(4) For purposes of subsection (3)(a) of this section, population growth
8 must be forecast as provided in ORS 195.033. Employment growth must be
9 forecast based on the population growth forecast for the city or the employ-
10 ment growth forecast issued by the Employment Department for the county
11 or region. The commission shall establish factors, by rule, for converting the
12 forecasted population and employment growth into forecasts of land need for
13 housing, employment and other categories of uses. The factors must:

14 “(a) Be based on an empirical evaluation of the relation between popu-
15 lation and employment growth and the rate and trends of land utilization in
16 the recent past in the applicable major region of the state;

17 “(b) Reflect consideration by the commission of any significant changes
18 occurring or expected to occur in the markets for urban land uses in that
19 major region of the state;

20 “(c) Be designed to encourage an increase in the land use efficiency of a
21 city, subject to market conditions; and

22 “(d) Provide a range of policy choices for a city about the form of its fu-
23 ture growth.

24 “(5) For purposes of subsection (3)(b) of this section, the commission shall
25 establish factors for supply and development capacity that are:

26 “(a) Based on an empirical evaluation of the population and employment
27 growth that has occurred on similarly situated lands through development
28 and redevelopment;

29 “(b) Based on consideration by the commission of any significant changes
30 occurring or expected to occur in the markets for urban land uses in that

1 major region of the state;

2 “(c) Designed to encourage an increase in the land use efficiency of the
3 city, subject to market conditions; and

4 “(d) Designed to provide a range of policy choices for a city about the
5 form of its future growth.

6 “(6) For purposes of subsection (3)(c) of this section, the commission shall
7 establish factors that are:

8 “(a) Based on an empirical evaluation of the population and employment
9 growth that has occurred on similarly situated lands through development
10 and redevelopment;

11 “(b) Based on consideration by the commission of any significant changes
12 occurring or expected to occur in the markets for urban land uses in each
13 major region of the state;

14 “(c) Designed to encourage an increase in the land use efficiency of the
15 city, subject to market conditions; and

16 “(d) Designed to provide a range of policy choices for a city about the
17 form of its future growth.

18 “(7) For lands that are included within an urban growth boundary pur-
19 suant to this section and not made serviceable within 20 years after the date
20 of their inclusion, the commission may provide by rule that:

21 “(a) The lands must be removed from within the urban growth boundary
22 the next time the city evaluates the urban growth boundary; or

23 “(b) The planned development capacity of the lands must be reduced if
24 there are significant increases in the cost of making the lands serviceable.

25 “(8) When lands included within the urban growth boundary pursuant to
26 this section are planned and zoned for industrial or residential uses, the
27 lands must remain planned and zoned for the use unless a rule of the com-
28 mission allows a change in planning and zoning based on a significant
29 change in circumstance.

30 **SECTION 94.** ORS 197A.305 is amended to read:

1 “197A.305. (1) [*In addition to and not in lieu of*] **As an alternative to** the
2 method prescribed in [*ORS 197.286 to 197.314 and the statewide land use*
3 *planning goals*] **section 22 (5)(a) of this 2023 Act**, the Land Conservation
4 and Development Commission shall adopt by rule methods by which a city
5 that is outside Metro may evaluate or amend the urban growth boundary of
6 the city.

7 “(2) A city outside Metro may use the methods adopted pursuant to:

8 “(a) ORS 197A.310 if the city has a population of less than 10,000.

9 “(b) ORS 197A.312 if the city has a population of 10,000 or [*more*]
10 **greater.**

11 “(3) A city that elects to include land within the urban growth boundary
12 of the city under a method established pursuant to ORS 197A.310 or 197A.312:

13 “(a) May use the method again when:

14 “(A) The population of the city has grown by at least 50 percent of the
15 amount of growth forecast to occur in conjunction with the previous use of
16 the method by the city; or

17 “(B) At least one-half of the lands identified as buildable lands during the
18 previous use of the method by the city have been developed.

19 “(b) Shall evaluate whether the city needs to include within the urban
20 growth boundary additional land for residential or employment uses before
21 the population of the city has grown by 100 percent of the population growth
22 forecast to occur in conjunction with the previous use of the method by the
23 city.

24 “(4) A city that elects to use a method established pursuant to ORS
25 197A.310 or 197A.312 shall notify the Department of Land Conservation and
26 Development of the election in the manner required by ORS 197.610 for no-
27 tice of a post-acknowledgment plan amendment. The city may revoke the
28 election until the city makes a final decision whether to amend the urban
29 growth boundary of the city. A city that has initiated, but not completed,
30 an amendment of its urban growth boundary before January 1, 2014, may

1 withdraw the proposed amendment and use a method established pursuant
2 to ORS 197A.310 or 197A.312 by filing notice of the election with the de-
3 partment in the manner required by ORS 197.610 and 197.615 for notice of a
4 post-acknowledgment plan amendment.

5 “(5) Beginning on or before January 1, 2023, the commission shall:

6 “(a) Evaluate, every five years, the impact of the implementation of ORS
7 197A.310 (2) and 197A.312 (2) on the population per square mile, livability in
8 the area, the provision and cost of urban facilities and services, the rate of
9 conversion of agriculture and forest lands and other considerations;

10 “(b) Consider changes to the statewide land use planning goals or rules
11 to address adverse outcomes; and

12 “(c) Make recommendations to the Legislative Assembly, as necessary, for
13 statutory changes.

14 “**SECTION 95.** ORS 197A.312 is amended to read:

15 “197A.312. (1) [*In addition to and not in lieu of*] **As an alternative to** the
16 method prescribed in [*ORS 197.286 to 197.314 and the statewide land use*
17 *planning goals*] **section 22 (5)(a) of this 2023 Act**, the Land Conservation
18 and Development Commission shall adopt a method by which a city outside
19 Metro that has a population of 10,000 or [*more*] **greater** may evaluate or
20 amend its urban growth boundary.

21 “(2) The commission shall design the method so that:

22 “(a) A city using the method:

23 “(A) Will have within its boundaries sufficient buildable lands and other
24 development capacity, including land and capacity for needed housing and
25 employment opportunities, to meet the growth in population and employment
26 forecast to occur over a 14-year period.

27 “(B) Will not become less efficient in its use of land as a result of a
28 change to the urban growth boundary.

29 “(b) The urban population per square mile will continue to increase over
30 time on a statewide basis and in major regions of the state, including that

1 portion of the Willamette Valley outside of Metro.

2 “(c) The rate of conversion of agricultural and forest lands to urban uses
3 does not increase over time in any major region of the state.

4 “(3) Under the method adopted by the commission:

5 “(a) A city’s determination of the amount of buildable lands [*needed for*]
6 **sufficient for needed** housing, employment and other urban uses must be
7 based on the population and employment growth forecast to occur over a
8 14-year period.

9 “(b) A city’s determination of the supply and development capacity of
10 lands within its urban growth boundary must be based on:

11 “(A) An inventory of vacant and partially vacant buildable lands within
12 the urban growth boundary;

13 “(B) The comprehensive plan designation and the zoning of the portion
14 of the buildable lands that is urban; and

15 “(C) Factors established by the commission for forecasting:

16 “(i) The development and redevelopment capacity of urbanizable lands
17 within the urban growth boundary; and

18 “(ii) The redevelopment capacity of developed urban lands within the ur-
19 ban growth boundary.

20 “(c) A city’s determination of the supply and development capacity of
21 lands the city proposes to include within the urban growth boundary must
22 be based on:

23 “(A) An inventory of vacant and partially vacant lands; and

24 “(B) Factors established by the commission for forecasting the develop-
25 ment and redevelopment capacity of the lands.

26 “(d) A city shall consider a range or combination of measures identified
27 by rule of the commission to accommodate future need for land within the
28 urban growth boundary and implement at least one measure or satisfy an
29 alternate performance standard established by the commission. The commis-
30 sion shall design the alternate performance standard so that the standard is

1 satisfied when the city:

2 “(A) Has a development code that contains specified provisions designed
3 to encourage the development of needed housing; and

4 “(B) Demonstrates that, during the preceding planning period, the city:

5 “(i) If located in the Willamette Valley, exceeded the median rate of re-
6 development and infill for cities with a population of 10,000 or [more]
7 **greater** in the Willamette Valley that are outside of the boundaries of Metro
8 by an amount set by commission rule; and

9 “(ii) If located outside of the Willamette Valley, exceeded the median rate
10 of redevelopment and infill for cities with a population of 10,000 or [more]
11 **greater** that are outside the Willamette Valley by an amount set by com-
12 mission rule.

13 “(e) A city shall demonstrate that lands included within the urban growth
14 boundary:

15 “(A) Include sufficient serviceable land for at least a seven-year period.

16 “(B) Can all be serviceable over a 14-year period.

17 “(f) Lands included within the urban growth boundary:

18 “(A) Must be planned and zoned for categories of land uses in amounts
19 that are roughly proportional to the land need determined for each category
20 of use;

21 “(B) Must be planned and zoned for an intensity of use that is generally
22 consistent with the estimates that were used to determine the amount of land
23 needed;

24 “(C) Must be planned and zoned to meet the requirements for needed
25 housing, and those requirements must be specified by rule of the commission
26 in a manner that is as objective as practicable; and

27 “(D) May be either:

28 “(i) Planned and zoned, or otherwise conditioned, to avoid significantly
29 affecting a state highway, a state highway interchange or a freight route
30 designated in the Oregon Highway Plan; or

1 “(ii) Allowed to significantly affect a state highway, a state highway
2 interchange or a freight route designated in the Oregon Highway Plan sub-
3 ject to mitigation, consistent with rules of the commission, if the lands are
4 planned and zoned for compact urban development or industrial uses.

5 “(4) For purposes of subsection (3)(a) of this section, population growth
6 must be forecast as provided in ORS 195.033. Employment growth must be
7 forecast based on the population growth forecast for the city or the employ-
8 ment growth forecast issued by the Employment Department for the county
9 or region. The commission shall establish factors, by rule, for converting the
10 forecasted population and employment growth into forecasts of land need for
11 housing, employment and other categories of uses. The factors must:

12 “(a) Be based on an empirical evaluation of the relation between popu-
13 lation and employment growth and the rate and trends of land utilization in
14 the recent past in the applicable major region of the state;

15 “(b) Reflect consideration by the commission of any significant changes
16 occurring or expected to occur in the markets for urban land uses in that
17 major region of the state;

18 “(c) Be designed to encourage an increase in the land use efficiency of a
19 city, subject to market conditions; and

20 “(d) Provide a range of policy choices for a city about the form of its fu-
21 ture growth.

22 “(5) For purposes of subsection (3)(b) of this section, the commission shall
23 establish factors for supply and development capacity that are:

24 “(a) Based on an empirical evaluation of the population and employment
25 growth that has occurred on similarly situated lands through development
26 and redevelopment;

27 “(b) Based on consideration by the commission of any significant changes
28 occurring or expected to occur in the markets for urban land uses in that
29 major region of the state;

30 “(c) Designed to encourage an increase in the land use efficiency of the

1 city, subject to market conditions; and

2 “(d) Designed to provide a range of policy choices for a city about the
3 form of its future growth.

4 “(6) For purposes of subsection (3)(c) of this section, the commission shall
5 establish factors that are:

6 “(a) Based on an empirical evaluation of the population and employment
7 growth that has occurred on similarly situated lands through development
8 and redevelopment;

9 “(b) Based on consideration by the commission of any significant changes
10 occurring or expected to occur in the markets for urban land uses in each
11 major region of the state;

12 “(c) Designed to encourage an increase in the land use efficiency of the
13 city, subject to market conditions; and

14 “(d) Designed to provide a range of policy choices for a city about the
15 form of its future growth.

16 “(7) For lands that are included within an urban growth boundary pur-
17 suant to this section and not made serviceable within 20 years after the date
18 of their inclusion, the commission may provide by rule that:

19 “(a) The lands must be removed from within the urban growth boundary
20 the next time the city evaluates the urban growth boundary; or

21 “(b) The planned development capacity of the lands must be reduced if
22 there are significant increases in the cost of making the lands serviceable.

23 “(8) When lands included within the urban growth boundary pursuant to
24 this section are planned and zoned for industrial or residential uses, the
25 lands must remain planned and zoned for the use unless a rule of the com-
26 mission allows a change in planning and zoning based on a significant
27 change in circumstance.

28 **“SECTION 96. ORS 197A.405, 197A.407, 197A.409, 197A.411 and
29 197A.413 are repealed.**

30 **“SECTION 97. Any moneys remaining in the City Economic Devel-**

1 **opment Pilot Program Fund on the effective date of this 2023 Act that**
2 **are unexpended, unobligated and not subject to any conditions shall**
3 **revert to the General Fund.**

4 **“SECTION 98.** ORS 215.457 is amended to read:

5 “215.457. A person may establish a youth camp:

6 “(1) On land zoned for forest use or mixed farm and forest use, consistent
7 with rules adopted by the Land Conservation and Development Commission.

8 “(2) On land in eastern Oregon, as defined in ORS 321.805, that is zoned
9 for exclusive farm use and is composed predominantly of class VI, VII or
10 VIII soils, consistent with rules adopted by the Land Conservation and De-
11 velopment Commission. However, a person may not establish a youth camp
12 authorized under this subsection within an irrigation district or within three
13 miles of an urban growth boundary as defined in ORS [197.286] **197.015**. A
14 youth camp may be authorized under this subsection only on a lawfully es-
15 tablished unit of land as defined in ORS 92.010 of at least 1,000 acres.

16 **“SECTION 99.** ORS 215.501 is amended to read:

17 “215.501. (1) As used in this section:

18 “(a) ‘Accessory dwelling unit’ means a residential structure that is used
19 in connection with or that is auxiliary to a single-family dwelling.

20 “(b) ‘Area zoned for rural residential use’ means land that is not located
21 inside an urban growth boundary as defined in ORS [195.060] **197.015** and
22 that is subject to an acknowledged exception to a statewide land use plan-
23 ning goal relating to farmland or forestland and planned and zoned by the
24 county to allow residential use as a primary use.

25 “(c) ‘Historic home’ means a single-family dwelling constructed between
26 1850 and 1945.

27 “(d) ‘New’ means that the dwelling being constructed did not previously
28 exist in residential or nonresidential form. ‘New’ does not include the ac-
29 quisition, alteration, renovation or remodeling of an existing structure.

30 “(e) ‘Single-family dwelling’ means a residential structure designed as a

1 residence for one family and sharing no common wall with another residence
2 of any type.

3 “(2) Notwithstanding any local zoning or local regulation or ordinance
4 pertaining to the siting of accessory dwelling units in areas zoned for rural
5 residential use, a county may allow an owner of a lot or parcel within an
6 area zoned for rural residential use to construct a new single-family dwelling
7 on the lot or parcel, provided:

8 “(a) The lot or parcel is not located in an area designated as an urban
9 reserve as defined in ORS 195.137;

10 “(b) The lot or parcel is at least two acres in size;

11 “(c) A historic home is sited on the lot or parcel;

12 “(d) The owner converts the historic home to an accessory dwelling unit
13 upon completion of the new single-family dwelling; and

14 “(e) The accessory dwelling unit complies with all applicable laws and
15 regulations relating to sanitation and wastewater disposal and treatment.

16 “(3) An owner that constructs a new single-family dwelling under sub-
17 section (2) of this section may not:

18 “(a) Subdivide, partition or otherwise divide the lot or parcel so that the
19 new single-family dwelling is situated on a different lot or parcel from the
20 accessory dwelling unit.

21 “(b) Alter, renovate or remodel the accessory dwelling unit so that the
22 square footage of the accessory dwelling unit is more than 120 percent of the
23 historic home’s square footage at the time construction of the new single-
24 family dwelling commenced.

25 “(c) Rebuild the accessory dwelling unit if the structure is lost to fire.

26 “(d) Construct an additional accessory dwelling unit on the same lot or
27 parcel.

28 “(4) A county may require that a new single-family dwelling constructed
29 under this section be served by the same water supply source as the acces-
30 sory dwelling unit.

1 “(5) A county may impose additional conditions of approval for con-
2 struction of a new single-family dwelling or conversion of a historic home
3 to an accessory dwelling unit under this section.

4 **“SECTION 100.** ORS 270.005 is amended to read:

5 “270.005. For purposes of ORS 184.634, 270.005 to 270.015, 270.100 to
6 270.190, 273.416, 273.426 to 273.436 and 273.551:

7 “(1) ‘Department’ means the Oregon Department of Administrative Ser-
8 vices.

9 “(2) ‘Improvements’ means any and all structures on or attachments to
10 state-owned real property, but excluding public improvements as defined in
11 ORS 279A.010.

12 “(3) ‘Real property’ means all real property together with any and all
13 improvements thereon.

14 “(4) ‘Rural community’ means an unincorporated community that consists
15 primarily of permanent residential dwellings but also has at least two other
16 land uses that provide commercial, industrial or public uses to the commu-
17 nity, the surrounding rural area or persons traveling through the area.

18 “(5) ‘Surplus real property’ means all state-owned real property and im-
19 provements surplus to agency and state need.

20 “(6) ‘Urban growth boundary’ has the meaning given that term in ORS
21 [195.060] **197.015.**

22 “(7) ‘Urban reserve’ means any land designated as an urban reserve under
23 ORS 195.145.

24 “(8) ‘Urban unincorporated community’ has the meaning given that term
25 in ORS 197.015.

26 **“SECTION 101.** ORS 466.055 is amended to read:

27 “466.055. Before issuing a permit for a new facility designed to dispose
28 of or treat hazardous waste or PCB, the Environmental Quality Commission
29 must find, on the basis of information submitted by the applicant, the De-
30 partment of Environmental Quality or any other interested party, that the

1 proposed facility meets the following criteria:

2 “(1) The proposed facility location:

3 “(a) Is suitable for the type and amount of hazardous waste or PCB in-
4 tended for treatment or disposal at the facility;

5 “(b) Provides the maximum protection possible to the public health and
6 safety and environment of Oregon from release of the hazardous waste or
7 PCB stored, treated or disposed of at the facility; and

8 “(c) Is situated sufficient distance from urban growth boundaries, as de-
9 fined in ORS [197.286] **197.015**, to protect the public health and safety, ac-
10 cessible by transportation routes that minimize the threat to the public
11 health and safety and to the environment and sufficient distance from parks,
12 wilderness and recreation areas to prevent adverse impacts on the public use
13 and enjoyment of those areas.

14 “(2) Subject to any applicable standards adopted under ORS 466.035, the
15 design of the proposed facility:

16 “(a) Allows for treatment or disposal of the range of hazardous waste or
17 PCB as required by the commission; and

18 “(b) Significantly adds to:

19 “(A) The range of hazardous waste or PCB handled at a treatment or
20 disposal facility currently permitted under ORS 466.005 to 466.385; or

21 “(B) The type of technology employed at a treatment or disposal facility
22 currently permitted under ORS 466.005 to 466.385.

23 “(3) The proposed facility uses the best available technology for treating
24 or disposing of hazardous waste or PCB as determined by the department or
25 the United States Environmental Protection Agency.

26 “(4) The need for the facility is demonstrated by:

27 “(a) Lack of adequate current treatment or disposal capacity in Oregon,
28 Washington, Idaho and Alaska to handle hazardous waste or PCB generated
29 by Oregon companies;

30 “(b) A finding that operation of the proposed facility would result in a

1 higher level of protection of the public health and safety or environment; or

2 “(c) Significantly lower treatment or disposal costs to Oregon companies.

3 “(5) The proposed hazardous waste or PCB treatment or disposal facility
4 has no major adverse effect on either:

5 “(a) Public health and safety; or

6 “(b) Environment of adjacent lands.

7 **“SECTION 102.** ORS 527.755 is amended to read:

8 “527.755. (1) The following highways are hereby designated as scenic
9 highways for purposes of the Oregon Forest Practices Act:

10 “(a) Interstate Highways 5, 84, 205, 405; and

11 “(b) State Highways 6, 7, 20, 18/22, 26, 27, 30, 31, 34, 35, 36, 38, 42, 58, 62,
12 66, 82, 97, 101, 126, 138, 140, 199, 230, 234 and 395.

13 “(2) The purpose of designating scenic highways is to provide a limited
14 mechanism that maintains roadside trees for the enjoyment of the motoring
15 public while traveling through forestland, consistent with ORS 527.630,
16 safety and other practical considerations.

17 “(3) The State Board of Forestry, in consultation with the Department of
18 Transportation, shall establish procedures and regulations as necessary to
19 implement the requirements of subsections (4), (5) and (6) of this section,
20 consistent with subsection (2) of this section, including provisions for alter-
21 nate plans. Alternate plans that modify or waive the requirements of sub-
22 section (4), (5) or (6) of this section may be approved when, in the judgment
23 of the State Forester, circumstances exist such as:

24 “(a) Modification or waiver is necessary to maintain motorist safety,
25 protect improvements such as dwellings and bridges, or protect forest health;

26 “(b) Modification or waiver will provide additional scenic benefits to the
27 motoring public, such as exposure of distant scenic vistas;

28 “(c) Trees that are otherwise required to be retained will not be visible
29 to motorists;

30 “(d) The operation involves a change of land use that is inconsistent with

1 maintaining a visually sensitive corridor; or

2 “(e) The retention of timber in a visually sensitive corridor will result in
3 severe economic hardship for the owner because all or nearly all of the
4 owner’s property is within the visually sensitive corridor.

5 “(4)(a) For harvest operations within a visually sensitive corridor, at least
6 50 healthy trees of at least 11 inches DBH, or that measure at least 40 square
7 feet in basal area, shall be temporarily left on each acre.

8 “(b) Overstory trees initially required to be left under paragraph (a) of
9 this subsection may be removed when the reproduction understory reaches
10 an average height of at least 10 feet and has at least the minimum number
11 of stems per acre of free to grow seedlings or saplings required by the board
12 for reforestation, by rule.

13 “(c) Alternatively, when the adjacent stand, extending from 150 feet from
14 the outermost edge of the roadway to 300 feet from the outermost edge of the
15 roadway, has attained an average height of at least 10 feet and has at least
16 the minimum number of stems per acre of free to grow seedlings or saplings
17 required by the board for reforestation, by rule, or at least 40 square feet
18 of basal area per acre, no trees are required to be left in the visually sensi-
19 tive corridor, or trees initially required to be left under paragraph (a) of this
20 subsection may be removed. When harvests within the visually sensitive
21 corridor are carried out under this paragraph, the adjacent stand, extending
22 from 150 feet from the outermost edge of the roadway to 300 feet from the
23 outermost edge of the roadway, shall not be reduced below the minimum
24 number of stems per acre of free to grow seedlings or saplings at least 10 feet
25 tall required by the board for reforestation, by rule, or below 40 square feet
26 of basal area per acre until the adjacent visually sensitive corridor has been
27 reforested as required under subsection (6) of this section and the stand has
28 attained an average height of at least 10 feet and has at least the minimum
29 number of stems per acre.

30 “(5) Harvest areas within a visually sensitive corridor shall be cleared

1 of major harvest debris within 30 days of the completion of the harvest, or
2 within 60 days of the cessation of active harvesting activity on the site, re-
3 gardless of whether the harvest operation is complete.

4 “(6) Notwithstanding the time limits established in ORS 527.745 (1)(a),
5 when harvesting within a visually sensitive corridor results in a harvest type
6 1 or harvest type 3, reforestation shall be completed by the end of the first
7 planting season after the completion of the harvest. All other provisions of
8 ORS 527.745 shall also apply to harvest type 1 or harvest type 3 within vis-
9 ually sensitive corridors.

10 “(7) Landowners and operators shall not be liable for injury or damage
11 caused by trees left within the visually sensitive corridor for purposes of
12 fulfilling the requirements of this section, when carried out in compliance
13 with the provisions of the Oregon Forest Practices Act.

14 “(8) The following are exempt from this section:

15 “(a) Harvest on single ownerships less than five acres in size;

16 “(b) Harvest within an urban growth boundary, as defined in ORS
17 [195.060] **197.015**; and

18 “(c) Harvest within zones designated for rural residential development
19 pursuant to an exception adopted to the statewide land use planning goals
20 under ORS 197.732.

21 **“SECTION 103.** Section 6, chapter 552, Oregon Laws 2021, is amended to
22 read:

23 **“Sec. 6.** (1) Notwithstanding ORS 197.286 to 197.314, 197.626 or 197A.320
24 or any statewide land use planning goal related to housing or urbanization,
25 the Department of Land Conservation and Development shall approve an
26 expansion of the urban growth boundary submitted by the city and approved
27 by the city by ordinance, if the department determines that:

28 “(a) The department has received the letters required by section 4,
29 **chapter 552, Oregon Laws 2021** [of this 2021 Act];

30 “(b) The department has approved the city’s conceptual plan under section

1 5, **chapter 552, Oregon Laws 2021** [*of this 2021 Act*]; and

2 “(c) The proposed urban growth boundary expansion adds all of the
3 Stevens Road tract and no other lands to the area within the city’s urban
4 growth boundary.

5 “(2) The city shall include the lands brought within the city’s urban
6 growth boundary under this section in the city’s inventory of buildable lands
7 under [*ORS 197.296 (3)(a)*] **section 22 of this 2023 Act**.

8 **“SECTION 104.** Section 9, chapter 552, Oregon Laws 2021, is amended to
9 read:

10 **“Sec. 9.** (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land
11 use planning goal, the Department of Land Conservation and Development
12 shall approve Stevens Road planning amendments provided the department
13 determines, in its discretion, that the Stevens Road planning amendments,
14 with respect to the Stevens Road tract, include:

15 “(a) An inventory of significant historical artifacts, cultural sites and
16 natural resources.

17 “(b) Areas designated for recreational and open space.

18 “(c) Land use regulations for the protection and preservation of signif-
19 icant resources and designated areas identified in paragraphs (a) and (b) of
20 this subsection.

21 “(d) Land use regulations that comply with applicable wildfire planning
22 and development requirements, including requirements in regulations
23 adopted to implement a statewide planning goal relating to natural disasters
24 and hazards.

25 “(e) Areas designated for adequate employment lands that account for the
26 city’s most recent economic opportunity analysis, including consideration of
27 subsequent economic development activities and trends.

28 “(f) Within areas zoned for residential purposes, without counting the
29 lands designated under subsection (2) of this section, land use regulations for
30 housing that:

1 “(A) Ensure adequate opportunities for the development of all needed
2 housing types, sizes and densities of market-rate housing, including middle
3 housing as defined in ORS 197.758;

4 “(B) Exceed the proportions of single-family attached and multifamily
5 housing called for in the city’s most recently adopted housing needs analysis
6 under ORS 197.296 (3) **(2021 Edition)**;

7 “(C) Exceed a minimum density standard of nine residential units per
8 gross residential acre; and

9 “(D) On the date the Stevens Road planning amendments are approved,
10 comply with land use regulations adopted by the city, or any minimum ap-
11 plicable rules adopted by the department, to implement ORS 197.758 and the
12 amendments to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019.

13 “(g) Sufficient areas designated for mixed use development to support and
14 integrate viable commercial and residential uses along with transportation
15 options, including walking, bicycling and transit use.

16 “(h) Land use regulations ensuring that:

17 “(A) Adequate capacity is available, or feasible with development, for
18 water, sewer and storm water services; and

19 “(B) Adequate consideration is given to the financing, scheduling and
20 development of urban services, as defined in ORS 195.065.

21 “(i) Land use regulations for transportation that:

22 “(A) Ensure the development of adequate infrastructure to support walk-
23 ing, bicycling, public transit and motor vehicle movement; and

24 “(B) Give adequate consideration to transportation networks that connect
25 the Stevens Road tract to other areas within the urban growth boundary of
26 the city.

27 “(j) The adequate consideration of the recommendations and comments
28 received under section 8 (3) to (5), **chapter 552, Oregon Laws 2021** [*of this*
29 *2021 Act*].

30 “(2) The department may not approve the planning amendments under

1 subsection (1) of this section unless the planning amendments designate at
2 least 20 net acres of land to be:

3 “(a) Restricted so the area may be zoned, planned, sited or developed only
4 for residential housing units at a minimum density of nine residential units
5 per gross acre;

6 “(b) Conveyed to the city at a price per acre established under section 4
7 (2)(b), **chapter 552, Oregon Laws 2021** [*of this 2021 Act*]; and

8 “(c) Notwithstanding ORS 91.225 or 197.309, preserved for a period of no
9 less than 50 years as affordable to own or rent as follows:

10 “(A) At least 12 net acres made affordable to:

11 “(i) Households with incomes of 60 percent or less of the area median
12 income, as defined in ORS 456.270; or

13 “(ii) If part of an income-averaging program approved by the Housing and
14 Community Services Department, households whose incomes average 60 per-
15 cent or less of the area median income.

16 “(B) At least six net acres:

17 “(i) Made affordable to households with incomes of 80 percent or less of
18 the area median income; and

19 “(ii) Made available, to the extent permitted by law, in a manner that
20 gives a priority to households in which at least one individual is employed
21 by an education provider over other members of the public.

22 “(C) At least two net acres in which at least 80 percent of the units in
23 each contiguous development tract are made affordable to households with
24 80 percent or less of the area median income, of which at least one net acre
25 is made available, to the extent permitted by law, in a manner that gives a
26 priority to households in which at least one individual is employed by an
27 education provider over other members of the public.

28 “(3) Upon a partition or subdivision of the Stevens Road tract following
29 the approval of the planning amendments under subsection (1) of this section
30 establishing one or more lots or parcels described in subsection (2) of this

1 section, the owner shall transfer those lots or parcels to the city. For a pe-
2 riod of 99 years after the purchase of property under this section, if the city
3 resells any lot or parcel, the city may recover only the city’s costs of the
4 purchase and resale of the property.

5 “(4) Neither the city nor the Department of Land Conservation and De-
6 velopment is obligated to adopt any specific findings or evaluate any specific
7 criteria in exercising its discretion with respect to any Stevens Road plan-
8 ning amendments under this section and may receive, solicit or consider in-
9 formation from any source.

10 “(5) As used in this section, ‘education provider’ means a school district
11 as defined in ORS 332.002, an educational program under the Youth Cor-
12 rections Education Program or Juvenile Detention Education Program as
13 both are defined in ORS 326.695, or an education service district as defined
14 in ORS 334.003.

15

16

“CAPTIONS

17

18 **“SECTION 105. The unit captions used in this 2023 Act are provided**
19 **only for the convenience of the reader and do not become part of the**
20 **statutory law of this state or express any legislative intent in the**
21 **enactment of this 2023 Act.**

22

23

“EMERGENCY CLAUSE

24

25 **“SECTION 106. This 2023 Act being necessary for the immediate**
26 **preservation of the public peace, health and safety, an emergency is**
27 **declared to exist, and this 2023 Act takes effect on its passage.”.**

28
