

Requested by Senator JAMA

**PROPOSED AMENDMENTS TO  
SENATE BILL 847**

1 On page 4 of the printed bill, delete lines 10 through 19 and insert:

2 **“SECTION 5. The Land Use Board of Appeals shall affirm a land**  
3 **use decision or limited land use decision by a local government that**  
4 **the board would otherwise remand under ORS 197.828 or 197.835 (5) to**  
5 **(9), if:**

6 **“(1) The decision was to approve the development of residential**  
7 **housing:**

8 **“(a) In which each unit on the property is made available to own**  
9 **or rent to families with incomes of 120 percent or less of the area**  
10 **median income as determined by the Oregon Housing Stability Council**  
11 **based on information from the United States Department of Housing**  
12 **and Urban Development; and**

13 **“(b) Whose affordability is enforceable, including as described in**  
14 **ORS 456.270 to 456.295, for a duration of not less than 15 years; and**

15 **“(2)(a) The respondent or intervenor requests that the board take**  
16 **additional evidence and make findings of fact on matters for which the**  
17 **board may find that the respondent lacked substantial evidence in the**  
18 **whole record and the board’s findings on those matters would support**  
19 **the respondent’s decision; or**

20 **“(b) The respondent’s sole errors were procedural, as described in**  
21 **ORS 197.828 (2)(d) or 197.835 (9)(a)(B).”.**

1 Delete lines 21 through 45.

2 On page 5, delete lines 1 through 12.

3 In line 16, delete “8” and insert “7”.

4 In line 18, delete “9” and insert “8”.

5 On page 6, after line 27 insert:

6 **“SECTION 9.** ORS 197.843 is amended to read:

7 “197.843. (1) The Land Use Board of Appeals shall award attorney fees to  
8 an applicant whose application is only for the development of affordable  
9 housing[, *as defined in ORS 197.308, or publicly supported housing, as defined*  
10 *in ORS 456.250,*] **or supportive housing**, if the board affirms a quasi-judicial  
11 land use decision approving the application or reverses a quasi-judicial land  
12 use decision denying the application.

13 “(2) A party who was awarded attorney fees under this section or ORS  
14 197.850 shall repay the fees plus any interest from the time of the judgment  
15 if the property upon which the fees are based is developed for a use other  
16 than affordable housing **or supportive housing**.

17 “(3) As used in this section:

18 “(a) **‘Affordable housing’ means affordable housing as defined in**  
19 **ORS 197.308 or publicly supported housing as defined in ORS 456.250.**

20 “[a] (b) ‘Applicant’ includes:

21 “(A) An applicant with a funding reservation agreement with a public  
22 funder for the purpose of developing publicly supported housing;

23 “(B) A housing authority, as defined in ORS 456.005;

24 “(C) A qualified housing sponsor, as defined in ORS 456.548;

25 “(D) A religious nonprofit corporation;

26 “(E) A public benefit nonprofit corporation whose primary purpose is the  
27 development of affordable housing; and

28 “(F) A local government that approved the application of an applicant  
29 described in this paragraph.

30 “[b] (c) ‘Attorney fees’ includes prelitigation legal expenses, including

1 preparing the application and supporting the application in local land use  
2 hearings or proceedings.

3 **“(d) ‘Supportive housing’ means a residential facility or residential**  
4 **home, as those terms are defined in ORS 197.660.”.**

5 On page 30, line 36, delete “7, 10” and insert “9”.

6 On page 31, line 2, delete “7” and insert “9”.

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