

Requested by Representative RAYFIELD (at the request of Governor Tina Kotek)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3414**

1 On page 1 of the printed bill, line 3, delete “, 455.230”.

2 Delete lines 6 through 14 and insert:

3 **“SECTION 2. (1) Within an urban growth boundary, a local gov-**
4 **ernment may not deny an application for a variance from land use**
5 **regulations, including regulations relating to siting and design, for the**
6 **construction of a residential development on lands zoned to allow for**
7 **residential uses, unless:**

8 **“(a) The denial is necessary to address:**

9 **“(A) A health, safety or habitability issue;**

10 **“(B) Accessibility requirements under the Americans with Disabili-**
11 **ties Act of 1990, 42 U.S.C. 12101 et seq.;**

12 **“(C) Mandatory affordability requirements;**

13 **“(D) Requirements for internal or external fire ingress or egress;**

14 **“(E) Implementation of land use regulations required to comply**
15 **with a protective measure adopted pursuant to statewide planning goal**
16 **relating to natural disasters and hazards;**

17 **“(F) Erosion control and grading requirements;**

18 **“(G) Prohibitions against signage;**

19 **“(H) Requirements for siting water, sewer and stormwater facilities**
20 **and management devices; and**

21 **“(I) Ground floor requirements for commercial buildings.**

1 **“(b) The variance request relates to the minimum or maximum**
2 **density, height, floor-to-area ratio, or a primary or conditional use**
3 **classification type of the development.**

4 **“(2) A local government that denies a request for a variance under**
5 **subsection (1)(a) of this section shall adopt findings supported by sub-**
6 **stantial evidence in the record demonstrating the necessity of the de-**
7 **nial.**

8 **“(3)(a) A local government shall prescribe an application process,**
9 **including forms and deadlines, to review a variance under this section.**

10 **“(b) The application process must require the approval or denial no**
11 **more than 60 days following the date on which a complete application**
12 **is received by the local government. If the local government does not**
13 **take final action on an application for a permit in the time frame de-**
14 **scribed under this section, the applicant may file a petition for**
15 **mandamus under the process described in ORS 215.429 or 227.179.**

16 **“(c) Each local government shall develop a list of requirements for**
17 **an application to be approved under this section.**

18 **“(4) Notwithstanding ORS 197.830, a final decision made under this**
19 **section may only be appealed by the applicant.”.**

20 In line 18, after “action” insert “pursuant to that department’s statutory
21 and rulemaking authority”.

22 On page 2, line 21, after the period insert “Alleged violations may be
23 self-reported by local governments or reported by applicants, potential ap-
24 plicants or any other persons at any time, including upon the adoption of
25 an unlawful ordinance, upon the application of an unlawful policy whether
26 or not pursuant to an ordinance, upon discovery of a potential or imminent
27 violation, or following an unlawful decision or practice, whether or not the
28 decision is appealed or the practice affected the outcome.”.

29 In line 22, delete “may” and insert “shall”.

30 In line 26, after the period insert “The notice may include an invitation

1 to address the suspected violation through mediation, the execution of a
2 voluntary compliance agreement or the adoption of suitable models developed
3 by the office under section 3 (3)(b) of this 2023 Act.”.

4 On page 7, delete lines 4 through 25 and insert:

5 **“SECTION 9. (1) Section 4 of this 2023 Act becomes operative on**
6 **April 1, 2024.**

7 **“(2) The Department of Land Conservation and Development and**
8 **the Department of Consumer and Business Services may take any**
9 **action before the operative date specified in subsection (1) of this sec-**
10 **tion that is necessary for the departments to exercise, on and after the**
11 **operative date specified in subsection (1) of this section, all of the du-**
12 **ties, functions and powers conferred on the departments by section 4**
13 **of this 2023 Act.**

14 **“SECTION 10. In addition to and not in lieu of any other appropri-**
15 **ation, there is appropriated to the Department of Land Conservation**
16 **and Development, for the biennium beginning July 1, 2023, out of the**
17 **General Fund, the amount of \$2,200,000 to perform the duties of the**
18 **Housing Accountability and Production Office under sections 2 to 4 of**
19 **this 2023 Act.”.**

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