

HB 2889-3  
(LC 1917)  
4/3/23 (RLM/ps)

Requested by Representative DEXTER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2889**

1 On page 1 of the printed bill, line 2, after “development;” delete the rest  
2 of the line and lines 3 through 7 and insert “amending ORS 195.145, 197.286,  
3 197.290, 197.291, 197.293, 197.296, 197.303 and 197.320 and sections 1, 2, 3, 4,  
4 5, 6, 9, 13, 22, 30 and 47, chapter \_\_\_, Oregon Laws 2023 (Enrolled House Bill  
5 2001); and declaring an emergency.”.

6 Delete lines 9 through 27 and delete pages 2 through 49 and insert:

7 **“SECTION 1.** Section 1, chapter \_\_\_, Oregon Laws 2023 (Enrolled House  
8 Bill 2001), is amended to read:

9 **“Sec. 1.** (1) There is established within the Oregon Department of Ad-  
10 ministrative Services the Oregon Housing Needs Analysis. The purposes of  
11 the Oregon Housing Needs Analysis are to further the:

12 “(a) Production of housing to meet the need of Oregonians at all levels  
13 of affordability; and

14 “(b) Production of housing in a way that creates more housing choice by  
15 affirmatively furthering fair housing, as defined in ORS 197.290.

16 “(2) The Oregon Housing Needs Analysis consists of three components as  
17 follows:

18 “(a) The annual statewide housing analysis under section 2 (1), **chapter**  
19 **\_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*];

20 “(b) The allocated housing need under section 2 (2), **chapter \_\_\_, Oregon**  
21 **Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*]; and

1 “(c) The housing production targets under section 3, **chapter \_\_, Oregon**  
2 **Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

3 “(3) Actions taken by the department under sections 1 to 3, **chapter \_\_,**  
4 **Oregon Laws 2023 (Enrolled House Bill 2001)**, [*of this 2023 Act*] are not  
5 subject to ORS 197.180 and are not land use decisions.

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

8 “(a) Shall assist the Oregon Department of Administrative Services with  
9 its duties under sections 1 to 3, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
10 **House Bill 2001)** [*of this 2023 Act*].

11 “(b) May study and recommend methodological changes to the Oregon  
12 Department of Administrative Services to improve the Oregon Housing Needs  
13 Analysis’ functions and suitability for its purposes under subsection (1) of  
14 this section. The departments [*may*] **shall** solicit written and oral public  
15 testimony to inform their recommendations.

16 “(5) **As used in sections 1 to 3, chapter \_\_, Oregon Laws 2023 (En-**  
17 **rolled House Bill 2001), ‘city’ or ‘city with a population of 10,000 or**  
18 **greater’ includes urban unincorporated communities in Metro, as de-**  
19 **defined in ORS 197.015.**

20 “**SECTION 2.** Section 2, chapter \_\_, Oregon Laws 2023 (Enrolled House  
21 Bill 2001), is amended to read:

22 “**Sec. 2.** (1) On an annual basis the Oregon Department of Administrative  
23 Services shall conduct a statewide housing analysis. The analysis must be  
24 conducted statewide and segmented into regions as determined by the de-  
25 partment. The analysis shall estimate factors 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; and

29 “(d) Housing units projected to be converted into vacation homes or sec-  
30 ond homes during the next 20 years.

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

4 “(3) In making an allocation under subsection (2) of this section, the de-  
5 partment shall consider:

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

7 “(b) The forecasted regional job growth;

8 “(c) An equitable statewide distribution of housing for income levels de-  
9 scribed in subsection (4) of this section;

10 “(d) The estimates made under subsection (1) of this section; *[and]*

11 “(e) **For cities within Metro, the needed housing projected under**  
12 **ORS 197.303 (2); and**

13 “[*e*] (f) The purpose of the Oregon Housing Needs Analysis under sec-  
14 tion 1 (1) of this 2023 Act.

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

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

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

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

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

25 “(e) Housing affordable to households making 120 percent or more of me-  
26 dian family income.

27 “**SECTION 3.** Section 3, chapter \_\_\_, Oregon Laws 2023 (Enrolled House  
28 Bill 2001), is amended to read:

29 “**Sec. 3.** (1) The Oregon Department of Administrative Services shall al-  
30 locate housing production targets to each city with a population of 10,000

1 or greater and to each unincorporated urbanized area within the Metro ur-  
2 ban growth boundary. Housing production targets shall describe the propor-  
3 tion of the allocated housing need that the department determines should be  
4 produced **by for-profit, nonprofit and public builders** in each city within  
5 six years for a city or urbanized area inside Metro and within eight years  
6 for a city or urbanized area outside Metro.

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

8 “(a) A total target; and

9 “(b) A target [*for publicly supported housing affordable to households*  
10 *making less than 80 percent of the median family income*] **segmented by each**  
11 **income level in section 2 (4), chapter \_\_, Oregon Laws 2023 (Enrolled**  
12 **House Bill 2001).**

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

15 “(a) May include a [*greater*] proportion of the allocated housing need to  
16 accommodate people experiencing homelessness and housing underproduction  
17 within a city **greater than the proportion of the 20-year period;**

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

20 “(c) Shall coordinate the allocation of the targets with a schedule devel-  
21 oped by the Department of Land Conservation and Development for requiring  
22 housing production strategies under ORS 197.290.

23 **“SECTION 4.** Section 4, chapter \_\_, Oregon Laws 2023 (Enrolled House  
24 Bill 2001), is amended to read:

25 **“Sec. 4.** (1) The Housing and Community Services Department may adopt  
26 rules to implement this section and section 5, **chapter \_\_, Oregon Laws**  
27 **2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

28 “(2) On an annual basis the Housing and Community Services Department  
29 shall update a publicly available statewide housing production dashboard.

30 “(3) The dashboard shall include, for each city with a population of 10,000

1 or greater, as defined in section 1, chapter \_\_, Oregon Laws 2023 (En-  
2 rolled House Bill 2001):

3 “(a) Progress toward housing production [*by affordability levels, as de-*  
4 *scribed in section 2 (4) of this 2023 Act and total housing*] targets in section  
5 **3 (2), chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001)**; and

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

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

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

11 “(b) Information submitted to the department under section 37 (3), **chap-**  
12 **ter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

13 “**SECTION 5.** Section 5, chapter \_\_, Oregon Laws 2023 (Enrolled House  
14 Bill 2001), is amended to read:

15 “**Sec. 5.** (1) On an annual basis the Housing and Community Services  
16 Department shall update publicly available statewide housing equity indica-  
17 tors.

18 “(2) The indicators shall include, for each city **under section 4, chapter**  
19 **\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)**, quantifiable data, to  
20 the extent that the department can determine, define or estimate it, display-  
21 ing:

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

25 “(b) Housing types produced and overall land efficiency of **existing and**  
26 **new** housing [*production*];

27 “(c) New housing units built to standards, as defined by the Department  
28 of Consumer and Business Services by rule, relating to accessibility and  
29 visitability;

30 “(d) Risk of gentrification and displacement;

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

2 “(f) Environmentally just housing outcomes, informed by the environ-  
3 mental justice mapping tool, developed by the Environmental Justice Council  
4 under section 12, chapter 58, Oregon Laws 2022;

5 “(g) Residential tenants who spend more than 50 percent of their house-  
6 hold income on gross rent for housing; and

7 “(h) Other measurable factors or indicators identified by the department.

8 **“SECTION 6.** Section 6, chapter \_\_\_, Oregon Laws 2023 (Enrolled House  
9 Bill 2001), is amended to read:

10 **“Sec. 6.** (1) No later than March 1, 2024, the Department of Land Con-  
11 servation and Development shall adopt a housing production target schedule  
12 under section 3 (3)(c), **chapter \_\_\_, Oregon Laws 2023 (Enrolled House**  
13 **Bill 2001)** [*of this 2023 Act*].

14 “(2) No later than January 1, 2025, the Oregon Department of Adminis-  
15 trative Services shall:

16 “(a) Conduct the initial statewide housing analysis and the initial esti-  
17 mate and allocation of housing need under section 2, **chapter \_\_\_, Oregon**  
18 **Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

19 “(b) Establish the initial housing production targets under section 3,  
20 **chapter \_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023*  
21 *Act*].

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

24 “(a) Publish the statewide housing production dashboard under section  
25 **4, chapter \_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023*  
26 *Act*]; and

27 “(b) Publish statewide housing equity indicators under section 5, **chapter**  
28 **\_\_\_, Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

29 “(4) The schedule adopted by the Department of Land Conservation and  
30 Development under subsection (1) of this section is not a land use

1 [*decisions*] **decision** and is not subject to appeal.

2 **“SECTION 7.** Section 9, chapter \_\_\_, Oregon Laws 2023 (Enrolled House  
3 Bill 2001), is amended to read:

4 **“Sec. 9.** (1) The Land Conservation and Development Commission shall  
5 adopt rules and amendments to rules related to urbanization as follows:

6 “(a) On or before January 1, 2025, to implement ORS 197.290, 197.291,  
7 197.293, 197.319 (4), 197.320 (13) and 197.335 (6); and

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

10 “(2) In adopting rules under this section, the commission shall prioritize:

11 “(a) Facilitating and encouraging housing production, affordability and  
12 housing choice on buildable lands within an urban growth boundary;

13 “(b) Providing greater clarity and certainty in the adoption and ac-  
14 knowledgement of housing capacity analyses, urban growth boundary  
15 amendments, urban growth boundary exchanges or urban reserves to accom-  
16 modate an identified housing need;

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

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

25 “(3) In adopting rules under subsection (1)(a) of this section, the com-  
26 mission shall:

27 “(a) Consult with the Housing and Community Services Department, De-  
28 partment of Transportation, Department of Environmental Quality, Depart-  
29 ment of State Lands, Oregon Business Development Department and  
30 Department of Consumer and Business Services;

1 “(b) Provide clear parameters on the types and extent of actions needed  
2 or allowed under ORS 197.290 (3) that are consistent with the technical and  
3 resource capacities of varying sizes of local governments; and

4 “(c) Recognize actions already taken by local governments **to support the**  
5 **development of all types of needed housing.**

6 “(4) To avoid interference with current planning activities or to avoid  
7 unjust or surprising results, the Land Conservation and Development Com-  
8 mission may postpone, for cities specified by the commission, the applicabil-  
9 ity of sections 13, 21, 22 or 23, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
10 **House Bill 2001)**, [*of this 2023 Act*] and the amendments to ORS 197.286,  
11 197.290, 197.296, 197.297 and 197.303, by sections 12 and 25 to 28, **chapter \_\_,**  
12 **Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*], until a  
13 date that is not later than January 1, [2026] **2027.**

14 **“SECTION 8.** ORS 197.286, as amended by section 5, chapter 54, Oregon  
15 Laws 2022, and section 12, chapter \_\_, Oregon Laws 2023, is amended to  
16 read:

17 “197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

18 “(1) ‘Allocated housing need’ means[:]

19 “[*(a) For a city outside Metro,*] the housing need allocated to a city under  
20 section 2 (2), **chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001)**,  
21 [*of this 2023 Act*] as segmented by income level under section 2 (4), **chapter**  
22 **\_\_, Oregon Laws 2023 (Enrolled House Bill 2001).** [*of this 2023 Act; or*]

23 “[*(b) For a city within Metro, the housing need allocated to the city by*  
24 *Metro under ORS 197.303 (3).*]

25 “(2) ‘Buildable lands’ means lands in urban and urbanizable areas that  
26 are suitable, available and necessary for the development of needed housing  
27 over a 20-year planning period, including both vacant land and developed  
28 land likely to be redeveloped.

29 “(3) ‘Development-ready lands’ means **buildable lands that are likely**  
30 **to support the production of housing during the period of their hous-**



1 **ing production target under section 3 (1), chapter \_\_, Oregon Laws**  
2 **2023 (Enrolled House Bill 2001), because the lands are:**

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

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

8 **“(c) Not encumbered by any applicable local, state or federal pro-**  
9 **TECTIVE REGULATIONS OR HAVE APPROPRIATE ENTITLEMENTS TO PREPARE THE**  
10 **land for development.**

11 “[3] (4) ‘Government assisted housing’ means housing that is financed  
12 in whole or part by either a federal or state housing agency or a housing  
13 authority as defined in ORS 456.005, or housing that is occupied by a tenant  
14 or tenants who benefit from rent supplements or housing vouchers provided  
15 by either a federal or state housing agency or a local housing authority.

16 “[4] (5) ‘Housing capacity’ means the number of needed housing units  
17 that can be developed on buildable lands within the 20-year planning period  
18 based on the land’s comprehensive plan designation and capacity for housing  
19 development and redevelopment.

20 “[5] (6) ‘Housing production strategy’ means a strategy adopted by a  
21 local government to promote housing production under ORS 197.290.

22 “[6] (7) ‘Manufactured dwelling,’ ‘manufactured dwelling park,’ ‘manu-  
23 factured home’ and ‘mobile home park’ have the meanings given those terms  
24 in ORS 446.003.

25 “[7] (8) ‘Periodic review’ means the process and procedures as set forth  
26 in ORS 197.628 to 197.651.

27 “[8] (9) ‘Prefabricated structure’ means a prefabricated structure, as de-  
28 fined in ORS 455.010, that is relocatable, more than eight and one-half feet  
29 wide and designed for use as a single-family dwelling.

30 **“SECTION 9.** Section 13, chapter \_\_, Oregon Laws 2023 (Enrolled House

1 Bill 2001), is amended to read:

2 “**Sec. 13.** (1) At the time that a city is required to inventory its buildable  
3 lands under ORS 197.297 (1) or section 21 or 22, **chapter \_\_, Oregon Laws**  
4 **2023 (Enrolled House Bill 2001), the city shall inventory its**  
5 **development-ready lands.** *[of this 2023 Act, the local government shall de-*  
6 *termine the amount of development-ready lands buildable lands that are likely*  
7 *to support the production of housing during the period of their housing pro-*  
8 *duction target under section 3 (1) of this section, because the lands are:]*

9 “[*a*) Currently annexed and zoned to allow housing through clear and ob-  
10 jective standards and procedures;]

11 “[*b*) Readily served through adjacent public facilities or identified for the  
12 near-term provision of public facilities through an adopted capital improvement  
13 plan; and]

14 “[*c*) Not encumbered by any applicable local, state or federal protective  
15 regulations or have appropriate entitlements to prepare the land for develop-  
16 ment.]

17 “(2) If the total housing production target is greater than the housing  
18 capacity of development-ready lands, the local government shall take any  
19 actions in ORS 197.290 (3) that demonstrably prepare lands for development  
20 or redevelopment or increase the housing capacity of existing development-  
21 ready lands.

22 “**SECTION 10.** ORS 197.293, as amended by section 14, chapter \_\_\_\_,  
23 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

24 “197.293. (1) In developing and implementing this section and performing  
25 its duties under ORS 197.319 (4), the Department of Land Conservation and  
26 Development shall be guided by section 8 (1), **chapter \_\_, Oregon Laws**  
27 **2023 (Enrolled House Bill 2001),** *[of this 2023 Act]* and the following prin-  
28 ciples:

29 “(a) Increasing housing production;

30 “(b) Developing affordable and equitable housing;

1 “(c) Forming partnerships with cities and with other public bodies;  
2 “(d) Responding proportionately to housing underproduction;  
3 “(e) Escalating enforcement to address persistent, repeated or deliberate  
4 noncompliance with housing production [*targets*] **strategies and action**  
5 **items**; and  
6 “(f) Considering the availability of state resources to support housing  
7 production.

8 “(2)(a) In determining whether a city should be referred under subsection  
9 (3) of this section, the department may base its evaluation on the [*relative*  
10 *performance of a city based*] **city’s relative performance with consider-**  
11 **ation of its region, as established in the Oregon Housing Needs Anal-**  
12 **ysis under section 1 (1), chapter \_\_, Oregon Laws 2023 (Enrolled House**  
13 **Bill 2001),** on any one of, or any combination of, the following:

14 “(A) A city’s progress, proportionate to its population size, [*as demon-*  
15 *strated by the statewide housing production dashboard under section 4 of this*  
16 *2023 Act.*] **toward the total housing production target under section 3**  
17 **(2)(a), chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001).**

18 “(B) **A city’s progress, proportionate to its population size, toward**  
19 **the housing production targets for those affordability levels for fami-**  
20 **lies making less than 80 percent of median family income under sec-**  
21 **tion 3 (2)(b), chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001).**

22 “[*B*] (C) The city’s performance as demonstrated by a statewide housing  
23 equity indicator under section 5, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
24 **House Bill 2001)** [*of this 2023 Act*].

25 “(b) The department may not base a determination made under this sub-  
26 section solely on a city’s performance on any single equity indicator.

27 “(3) Each year, the department shall refer into its housing acceleration  
28 program, under subsection (4) of this section:

29 “(a) [*For each region, as established in the Oregon Housing Needs Analysis*  
30 *under section 1 (1) of this 2023 Act,*] Of those cities that adopted a housing

1 production strategy more than three but less than four years ago, including  
2 as required by subsection (7)(a) of this section, the lowest performing cities,  
3 if any exist, as determined under subsection (2) of this section;

4 “(b) Each city that has failed to adopt a housing production strategy by  
5 the deadline under ORS 197.290 (1);

6 “(c) Each city that has failed to undertake actions in its housing pro-  
7 duction strategy by the deadline under ORS 197.290 (4); and

8 “(d) Cities referred under ORS 197.319 (4).

9 “(4) For each city referred to the housing acceleration program, within  
10 six months, the department shall, in cooperation with the city, complete an  
11 audit of specific housing barriers, that must include an analysis of the fol-  
12 lowing factors affecting housing production, affordability and choice:

13 “(a) The existing housing production strategy and the documents and re-  
14 cord supporting the strategy;

15 “(b) Public written comments and invited stakeholder feedback received  
16 by a date specified by the department;

17 “(c) Land use planning regulations, including zoning and development  
18 code;

19 “(d) Permitting and approval processes relating to development of housing  
20 and infrastructure supporting housing;

21 “(e) Required fees, exactions and improvements;

22 “(f) Actions and inactions that can impact fair and equitable housing  
23 outcomes, environmental justice, climate resilience and location choice;

24 “(g) Local resource deficiencies, including staffing, public facilities, capi-  
25 tal improvements to infrastructure, availability of buildable lands and  
26 actions or investments to prepare land for development;

27 “(h) Specific additional state resources that could support housing pro-  
28 duction;

29 “(i) Changes to state laws or rules or the regulations, policies, actions  
30 or inactions of any public body, as defined in ORS 174.109, as that could

1 impact housing production; and

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

3 “(5) In performing an audit under subsection (4) of this section, the de-  
4 partment:

5 “(a) May request concurrent review of the city’s [*affordability policies*]  
6 **measures and housing production strategies** under ORS 197.637; and

7 “(b) Shall notify any public body identified under subsection [(4)(j)] **(4)(i)**  
8 of this section.

9 “(6) Within six months following an audit under subsection (4) of this  
10 section, the city and the department must enter into a housing acceleration  
11 agreement that is based on and proportionate to the city’s basis for referral  
12 under subsection (3) of this section and informed by the audit under sub-  
13 section (4) of this section.

14 “(7) Under the housing acceleration agreement, the department shall  
15 agree to provide:

16 “(a) Specified technical assistance, regulatory support and other assist-  
17 ance, to assist the city in performing its agreement under subsection (8) of  
18 this section;

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

20 “(c) Specified assistance in pursuing other state or public funds.

21 “(8) Under the housing acceleration agreement, the city shall agree to:

22 “(a) If the department determines that the factors affecting housing pro-  
23 duction, affordability and choice are a consequence of policies and practices  
24 that are directly within the city’s control, adopt an amended housing pro-  
25 duction strategy within six months that includes:

26 “(A) A timeline for performance under ORS 197.290 (4) of no less than one  
27 year; and

28 “(B) Specified actions which may include, but are not limited to:

29 “(i) Actions under ORS 197.290 (3);

30 “(ii) Dedicating funds for increased local capacity to facilitate housing

1 production, affordability and choice;

2 “(iii) Dedicating funds for public facilities and infrastructure necessary  
3 to support housing production;

4 “(iv) Taking measures that increase the availability of development-ready  
5 land [*as described in section 13 of this 2023 Act*];

6 “(v) Amending the development code, approval criteria or procedures to  
7 reduce cost or delay to housing production; and

8 “(vi) Taking emergency temporary measures to support housing pro-  
9 duction; and

10 “(b) Join any department initiated interagency mediation to identify pol-  
11 icies and resources that would support housing production in the city.

12 “(9) The department may require that a city that is not required to adopt  
13 an amendment to its housing production strategy under subsection (8)(a) of  
14 this section include findings at the time that the city is next required to  
15 adopt a housing production strategy under ORS 197.290 (1) that describe how  
16 the city has addressed the audit’s findings and any suggested actions.

17 “(10) The department may grant limited extensions to deadlines under  
18 subsections (3)(b) and (c) and (8)(a) of this section for emergencies, good  
19 cause or other factors outside of the city’s control.

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

22 “(12) All public bodies, as defined in ORS 174.109, are directed to assist  
23 cities and the department in the performance of their duties under this sec-  
24 tion and to take timely action to ensure that the agency’s rules or policies  
25 do not unduly delay implementation of a housing acceleration agreement  
26 under this section.

27 **“SECTION 11.** ORS 197.320, as amended by section 16, chapter \_\_\_\_,  
28 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

29 “197.320. The Land Conservation and Development Commission shall issue  
30 an order requiring a local government, state agency or special district to

1 take action necessary to bring its comprehensive plan, land use regulation,  
2 limited land use decisions or other land use decisions or actions into com-  
3 pliance with the goals, acknowledged comprehensive plan provisions, land  
4 use regulations, housing production strategy or housing acceleration agree-  
5 ments if the commission has good cause to believe:

6 “(1) A comprehensive plan or land use regulation adopted by a local  
7 government not on a compliance schedule is not in compliance with the goals  
8 by the date set in ORS 197.245 or 197.250 for such compliance.

9 “(2) A plan, program, rule or regulation affecting land use adopted by a  
10 state agency or special district is not in compliance with the goals by the  
11 date set in ORS 197.245 or 197.250 for such compliance.

12 “(3) A local government is not making satisfactory progress toward per-  
13 formance of its compliance schedule.

14 “(4) A state agency is not making satisfactory progress in carrying out  
15 its coordination agreement or the requirements of ORS 197.180.

16 “(5) A local government has no comprehensive plan or land use regulation  
17 and is not on a compliance schedule directed to developing the plan or reg-  
18 ulation.

19 “(6) A local government has engaged in a pattern or practice of decision  
20 making that violates an acknowledged comprehensive plan or land use reg-  
21 ulation. In making its determination under this subsection, the commission  
22 shall determine whether there is evidence in the record to support the deci-  
23 sions made. The commission shall not judge the issue solely upon adequacy  
24 of the findings in support of the decisions.

25 “(7) A local government has failed to comply with a commission order  
26 entered under ORS 197.644.

27 “(8) A special district has engaged in a pattern or practice of decision-  
28 making that violates an acknowledged comprehensive plan or cooperative  
29 agreement adopted pursuant to ORS 197.020.

30 “(9) A special district is not making satisfactory progress toward per-

1 formance of its obligations under ORS chapters 195 and 197.

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

5 “(11) A local government is not making satisfactory progress toward  
6 meeting its obligations under ORS 195.065.

7 “(12) A local government within the jurisdiction of a metropolitan service  
8 district has failed to make changes to the comprehensive plan or land use  
9 regulations to comply with the regional framework plan of the district or  
10 has engaged in a pattern or practice of decision-making that violates a re-  
11 quirement of the regional framework plan.

12 “(13) A city with a population of 10,000 or greater that:

13 “(a) Has a pattern or practice of violating housing-related statutes or  
14 implementing policies that create [*additional, unnecessary cost or delay to*  
15 *affordable or market-rate housing production*] **unreasonable cost or delay**  
16 **to the production of housing as described in ORS 197.307 (4);**

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

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

22 “(d) Has materially breached a term of a housing acceleration agreement  
23 under ORS 197.293 (8), including a failure to meet the timeline for perform-  
24 ance under ORS 197.293 (8)(a)(A).

25 **“SECTION 12.** Section 22, chapter \_\_\_, Oregon Laws 2023 (Enrolled  
26 House Bill 2001), is amended to read:

27 **“Sec. 22.** (1) This section applies only to local governments with juris-  
28 diction over lands inside the urban growth boundary of:

29 “(a) Cities located outside Metro with a population of 25,000 or greater;  
30 and



1 “(b) Cities that meet factors established by Land Conservation and De-  
2 velopment Commission in consideration of the city’s size, rate of population  
3 growth or proximity to another city with a population of 25,000 or greater  
4 or to Metro.

5 “(2) A local government shall determine its needed housing under section  
6 23, **chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2001)**, [*of this*  
7 *2023 Act*] and inventory its buildable lands and determine the lands’ housing  
8 capacity under this section:

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

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

11 “(c) At any other legislative review of the comprehensive plan that con-  
12 cerns the urban growth boundary and requires the application of a statewide  
13 planning goal related to buildable lands for residential use.

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

16 “(a) ‘Buildable lands’ includes:

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

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

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

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

22 “(b) The local government shall consider:

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

26 “(B) A written long term contract or easement for radio, telecommuni-  
27 cations or electrical facilities, if the written contract or easement is provided  
28 to the local government; and

29 “(C) The presence of a single family dwelling or other structure on a lot  
30 or parcel.

1 “(c) Except for land that may be used for residential infill or redevelop-  
2 ment, the local government shall create a map or document that may be used  
3 to verify and identify specific lots or parcels that have been determined to  
4 be buildable lands.

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

9 “(A) The number, density and average mix of housing types of urban resi-  
10 dential development that have actually been developed;

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

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

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

17 “(E) Consideration of the effects of the adopted housing production  
18 strategy and measures taken and reasonably anticipated to be taken to im-  
19 plement the strategy; and

20 “(F) Consideration of factors that influence available housing supply, in-  
21 cluding short-term rentals, second homes and vacation homes.

22 “(b) A local government shall make the determination described in para-  
23 graph (a) of this subsection using data from a shorter time period than the  
24 time period described in paragraph (a) of this subsection if the local gov-  
25 ernment finds that the shorter time period will provide more accurate and  
26 reliable data related to housing capacity. The shorter time period may not  
27 be less than three years.

28 “(c) A local government shall use data from a wider geographic area or  
29 use a time period longer than the time period described in paragraph (a) of  
30 this subsection if the analysis of a wider geographic area or the use of data

1 from a longer time period will provide more accurate, complete and reliable  
2 data related to trends affecting housing need than an analysis performed  
3 pursuant to paragraph (a) of this subsection. The local government must  
4 clearly describe the geographic area, time frame and source of data used in  
5 a determination performed under this paragraph.

6 “(5) If the needed housing is greater than the housing capacity, the local  
7 government shall take one or both of the following actions to accommodate  
8 allocated housing need for **which there is insufficient housing capacity**  
9 **to accommodate over** the next 20 years:

10 “(a) Amend its urban growth boundary to include sufficient buildable  
11 lands to accommodate allocated housing need for the next 20 years consistent  
12 with the requirements of ORS 197A.320 and statewide planning goals. As part  
13 of this process, the local government shall consider the effects of actions  
14 taken pursuant to paragraph (b) of this subsection. The amendment must  
15 include sufficient land reasonably necessary to accommodate the siting of  
16 new public school facilities. The need and inclusion of lands for new public  
17 school facilities must be a coordinated process between the affected public  
18 school districts and the local government that has the authority to approve  
19 the urban growth boundary.

20 “(b) Take any action under ORS 197.290 (3), whether or not the action  
21 was described in an approved housing production strategy, that demonstrably  
22 increases housing capacity or produces additional needed housing. Actions  
23 under this paragraph may include amending a comprehensive plan or land  
24 use regulations to include new measures that demonstrably increase the  
25 likelihood that residential development will occur at densities sufficient to  
26 accommodate needed housing for the next 20 years without expansion of the  
27 urban growth boundary.

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

30 “(a) Demonstrate that the comprehensive plan and land use regulations

1 comply with goals and rules adopted by the commission.

2 “(b) Adopt findings regarding the changes in housing capacity assumed  
3 to result from actions adopted based on data collected under subsection (4)(a)  
4 of this section. The density expectations may not project an increase in res-  
5 idential capacity above achieved density by more than three percent without  
6 quantifiable validation of such departures. A quantifiable validation must  
7 demonstrate that the assumed housing capacity has been achieved in areas  
8 that are zoned to allow no greater than the same authorized density level,  
9 as defined in ORS 227.175, within the local government’s jurisdiction or a  
10 jurisdiction in the same region.

11 “(c) In establishing that actions adopted under subsection (5) of this sec-  
12 tion demonstrably increase housing capacity, ensure that buildable lands are  
13 in locations appropriate for needed housing, are zoned at density ranges that  
14 are likely to be achieved by the housing market and are in areas where  
15 sufficient urban services are planned to enable the higher density develop-  
16 ment to occur over the 20-year period.

17 **“SECTION 13.** ORS 197.296, as amended by section 25, chapter \_\_\_\_,  
18 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

19 “197.296. (1) This section applies only to Metro.

20 “(2)(a) Metro shall demonstrate that its regional framework plan provides  
21 sufficient buildable lands within the urban growth boundary established  
22 pursuant to statewide planning goals to accommodate estimated housing  
23 needs for 20 years:

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

25 “(B) As scheduled by the Land Conservation and Development Commis-  
26 sion at least once each six years; or

27 “(C) At any other legislative review of the regional framework plan that  
28 concerns the urban growth boundary and requires the application of a  
29 statewide planning goal relating to buildable lands for residential use.

30 “(b) The 20-year period shall commence on the date initially scheduled for

1 completion of the review under paragraph (a) of this subsection.

2 “(3) In performing the duties under subsection (2) of this section, Metro  
3 shall:

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

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

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

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

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

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

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

18 “(b) For the purpose of the inventory and determination of housing ca-  
19 pacity described in subsection (3)(a) of this section, Metro must demonstrate  
20 consideration of:

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

24 “(B) A written long term contract or easement for radio, telecommuni-  
25 cations or electrical facilities, if the written contract or easement is provided  
26 to Metro;

27 “(C) The presence of a single family dwelling or other structure on a lot  
28 or parcel; and

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

1 “(c) Except for land that may be used for residential infill or redevelop-  
2 ment, Metro shall create a map or document that may be used to verify and  
3 identify specific lots or parcels that have been determined to be buildable  
4 lands.

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

10 “(A) The number, density and average mix of housing types of urban resi-  
11 dential development that have actually occurred;

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

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

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

18 “(b) Metro shall make the determination described in paragraph (a) of this  
19 subsection using a shorter time period than the time period described in  
20 paragraph (a) of this subsection if Metro finds that the shorter time period  
21 will provide more accurate and reliable data related to housing capacity. The  
22 shorter time period may not be less than three years.

23 “(c) Metro shall use data from a wider geographic area or use a time pe-  
24 riod longer than the time period described in paragraph (a) of this subsection  
25 if the analysis of a wider geographic area or the use of a longer time period  
26 will provide more accurate, complete and reliable data relating to trends af-  
27 fecting housing need than an analysis performed pursuant to paragraph (a)  
28 of this subsection. Metro must clearly describe the geographic area, time  
29 frame and source of data used in a determination performed under this par-  
30 agraph.

1 “(6) If the housing need determined pursuant to subsection (3)(b) of this  
2 section is greater than the housing capacity determined pursuant to sub-  
3 section (3)(a) of this section, Metro shall take one or both of the following  
4 actions to accommodate the additional housing need:

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

13 “(b) Amend its regional framework plan, functional plan or land use reg-  
14 ulations to include new measures that demonstrably increase the likelihood  
15 that residential development will occur at densities sufficient to accommo-  
16 date housing needs for the next 20 years without expansion of the urban  
17 growth boundary. If Metro takes this action, Metro shall adopt findings re-  
18 garding the density expectations assumed to result from measures adopted  
19 under this paragraph based upon the factors listed in ORS 197.303 (2) and  
20 data in subsection (5)(a) of this section. The density expectations may not  
21 project an increase in residential capacity above achieved density by more  
22 than three percent without quantifiable validation of such departures. A  
23 quantifiable validation must demonstrate that the assumed housing capacity  
24 has been achieved in areas within Metro that are zoned to allow no greater  
25 than the same authorized density level, as defined in ORS 227.175.

26 “(7) Using the housing need analysis conducted under subsection (3)(b)  
27 of this section, Metro shall determine the overall average density and overall  
28 mix of housing types at which residential development of needed housing  
29 types must occur in order to meet housing needs over the next 20 years. If  
30 that density is greater than the actual density of development determined

1 under subsection (5)(a)(A) of this section, or if that mix is different from the  
2 actual mix of housing types determined under subsection (5)(a)(A) of this  
3 section, Metro, as part of its periodic review, shall adopt measures that  
4 demonstrably increase the likelihood that residential development will occur  
5 at the housing types and density and at the mix of housing types required  
6 to meet housing needs over the next 20 years.

7 “[(8)(a) *If Metro takes any actions under subsection (6) or (7) of this section,*  
8 *Metro shall demonstrate that the comprehensive plan and land use regulations*  
9 *comply with goals and rules adopted by the commission and implement ORS*  
10 *197.286 to 197.314.*]

11 “[*(b)*] (8) Metro shall determine the density and mix of housing types  
12 anticipated as a result of actions taken under subsections (6) and (7) of this  
13 section and monitor and record the actual density and mix of housing types  
14 achieved following the adoption of these actions. Metro shall compare actual  
15 and anticipated density and mix. Metro shall submit its comparison to the  
16 commission at the next review of its urban growth boundary under sub-  
17 section (2)(a) of this section.

18 “(9) In establishing that actions and measures adopted under subsections  
19 (6) and (7) of this section demonstrably increase the likelihood of higher  
20 density residential development, Metro shall at a minimum ensure that land  
21 zoned for needed housing is in locations appropriate for the housing types  
22 identified under subsection (3) of this section, is zoned at density ranges that  
23 are likely to be achieved by the housing market using the analysis in sub-  
24 section (3) of this section and is in areas where sufficient urban services are  
25 planned to enable the higher density development to occur over the 20-year  
26 period. Actions or measures, or both, may include those actions listed in ORS  
27 197.290 (3).

28 “**SECTION 14.** ORS 197.303, as amended by section 27, Oregon Laws 2023  
29 (Enrolled House Bill 2001), is amended to read:

30 “197.303. (1) As used in ORS 197.296 and this section, ‘needed housing’



1 means all housing on land zoned for residential use or mixed residential and  
2 commercial use that is determined to meet the need shown for housing  
3 within an urban growth boundary at price ranges and rent levels that are  
4 affordable to households within the county with a variety of incomes, in-  
5 cluding but not limited to households with low incomes, very low incomes  
6 and extremely low incomes, as those terms are defined by the United States  
7 Department of Housing and Urban Development under 42 U.S.C. 1437a.  
8 ‘Needed housing’ includes the following housing types:

9 “(a) Attached and detached single-family housing, middle housing types  
10 as described in ORS 197.758 and multiple family housing for both owner and  
11 renter occupancy;

12 “(b) Government assisted housing;

13 “(c) Mobile home or manufactured dwelling parks as provided in ORS  
14 197.475 to 197.490;

15 “(d) Manufactured homes on individual lots planned and zoned for  
16 single-family residential use that are in addition to lots within designated  
17 manufactured dwelling subdivisions; **and**

18 “(e) Agriculture workforce housing[;].

19 “[*f*] *Housing for individuals with a variety of disabilities related to mo-*  
20 *bility or communications that require accessibility features;*]

21 “[*g*] *Housing for older persons, as defined in ORS 659A.421; and*]

22 “[*h*] *Housing for college or university students, if relevant to the region.*]

23 “(2) For the purpose of estimating housing needs, as described in ORS  
24 197.296 (3)(b), Metro shall adopt findings and perform an analysis that esti-  
25 mates each of the following factors:

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; and

29 “(d) Housing units projected to be converted into vacation homes or sec-  
30 ond homes during the next 20 years.

1        “[3] *At the time Metro performs the analysis under subsection (2) of this*  
2 *section, Metro shall allocate a housing need for each city within Metro.*]

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

5        “[a] *The forecasted population growth under ORS 195.033 or 195.036;*]

6        “[b] *The forecasted regional job growth;*]

7        “[c] *An equitable statewide distribution of housing for income levels de-*  
8 *scribed in section 2 (4) of this 2023 Act.*]

9        “[d] *The estimates made under subsection (2) of this section; and]*

10       “[e] *The purpose of the Oregon Housing Needs Analysis under section 1*  
11 *(1) of this 2023 Act.*]

12       “[5] (3) Metro shall make the estimate described in subsection (2) of this  
13 section using a shorter time period than since the last review under ORS  
14 197.296 (2)(a)(B) if Metro finds that the shorter time period will provide more  
15 accurate and reliable data related to housing need. The shorter time period  
16 may not be less than three years.

17       “[6] (4) Metro shall use data from a wider geographic area or use a time  
18 period longer than the time period described in subsection (2) of this section  
19 if the analysis of a wider geographic area or the use of a longer time period  
20 will provide more accurate, complete and reliable data relating to trends af-  
21 fecting housing need than an analysis performed pursuant to subsection (2)  
22 of this section. Metro must clearly describe the geographic area, time frame  
23 and source of data used in an estimate performed under this subsection.

24       “[7] (5) Subsection (1)(a) and (d) of this section does not apply to a city  
25 with a population of less than 2,500.

26       “[8] (6) Metro may take an exception under ORS 197.732 to the defi-  
27 nition of ‘needed housing’ in subsection (1) of this section in the same man-  
28 ner that an exception may be taken under the goals.

29       **“SECTION 15.** ORS 197.290, as amended by section 28, chapter \_\_\_\_,  
30 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

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

4 “(a) One year after the city’s deadline for completing a housing capacity  
5 determination under ORS 197.297 (1) or section 21 (2) or 22 (2), **chapter \_\_,**  
6 **Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*]; or

7 “(b) If the city [*has adopted a housing production strategy previously*] **was**  
8 **referred to the housing acceleration program under ORS 197.293**, three  
9 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:

13 “(a) The development of needed housing;

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

16 “(c) Housing with access to economic opportunities, services and amen-  
17 ities; and

18 “(d) Affirmatively furthering fair housing.

19 “(3) Actions that may be included in a housing production strategy in-  
20 clude:

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

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

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

30 “(d) Target development on **identified development-ready** lands [*identi-*

1 *fied under section 13 (1) of this 2023 Act*];

2 “(e) Actions that affirmatively further fair housing;

3 “(f) Actions that:

4 “(A) Increase housing diversity, efficiency and affordability, including

5 new construction and the preservation of naturally occurring affordable

6 housing;

7 “(B) Allow greater housing choice for households and greater flexibility

8 in location, type and density;

9 “(C) Reduce cost or delay and increase procedural certainty for the pro-

10 duction of housing; or

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

12 “(i) Public facilities planning and other investment strategies that in-

13 crease the readiness of land for development for housing production;

14 “(ii) Site preparation, financial incentives or other incentive-based meas-

15 ures that increase the likelihood of development or redevelopment of land;

16 or

17 “(iii) The redevelopment of underutilized commercial and employment

18 lands for housing or a mix of housing and commercial uses; or

19 “(g) Any other actions identified by rule of the Land Conservation and

20 Development Commission intended to promote housing production,

21 affordability and choice.

22 “(4) Actions proposed in a city’s housing production strategy shall include

23 clear deadlines by which the city expects to undertake the action.

24 “(5) In creating a housing production strategy, a city shall review and

25 consider:

26 “(a) Socioeconomic and demographic characteristics of households living

27 in existing needed housing;

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

29 “(c) Measures already adopted by the city to promote the development of

30 needed housing;

1 “(d) Existing and expected barriers to the development of needed housing;  
2 and

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

4 “(A) The schedule for its adoption;

5 “(B) The schedule for its implementation;

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

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

9 “(6) The housing production strategy must include within its index a copy  
10 of the city’s most recently completed survey under section 37, **chapter** \_\_\_\_,  
11 **Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

12 “(7) The adoption of a housing production strategy is not a land use de-  
13 cision and is not subject to appeal or review except as provided in ORS  
14 197.291.

15 “(8) A city with a population of less than 10,000 may develop a housing  
16 production strategy as provided in this section.

17 “(9) As used in this section, ‘affirmatively furthering fair housing’ means  
18 meaningful actions that, when taken together, address significant disparities  
19 in housing needs and access to opportunity and replace segregated living  
20 patterns with truly integrated and balanced living patterns to transform ra-  
21 cially and ethnically concentrated areas of poverty into areas of opportunity  
22 and foster and maintain compliance with civil rights and fair housing laws.

23 **“SECTION 16.** Section 30, chapter \_\_\_\_, Oregon Laws 2023 (Enrolled  
24 House Bill 2001), is amended to read:

25 **“Sec. 30.** (1) Metro shall develop and adopt a housing coordination  
26 strategy under this section no later than one year after the deadline for  
27 completing a housing capacity determination under ORS 197.296.

28 “(2) Regional governments other than Metro, including counties or inter-  
29 governmental entities described under ORS 190.003 to 190.130, may adopt a  
30 housing coordination strategy as provided in this section.

1 “(3) A housing coordination strategy must include a list of actions, in-  
2 cluding the adoption of measures and policies or coordinating actions among  
3 local governments and other entities within a region, that the regional entity  
4 shall undertake to promote:

5 “(a) The development of needed housing;

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

8 “(c) Housing with access to economic opportunities, services and amen-  
9 ities; and

10 “(d) [*Development patterns that replace segregated housing patterns with*  
11 *racially integrated housing and that transform racially and ethnically con-*  
12 *centrated areas of poverty into areas of opportunity in compliance with fair*  
13 *housing laws] **Actions that affirmatively further fair housing as defined**  
14 **in ORS 197.290.***

15 “(4) Actions constituting a housing coordination strategy may include:

16 “(a) The identification or coordination of resources that support the pro-  
17 duction of needed housing, including funding, staff capacity or technical  
18 support at the regional or state level;

19 “(b) The identification of local or regional impediments to developing  
20 needed housing, including financial, regulatory or capacity-related con-  
21 straints;

22 “(c) Regional strategies that coordinate production of needed housing be-  
23 tween local governments within a region and that are developed in consul-  
24 tation with impacted local governments;

25 “(d) The identification of specific actions that cities in the region may  
26 consider as part of a housing production strategy under ORS 197.290; and

27 “(e) Any other actions identified by rule of the Land Conservation and  
28 Development Commission that may promote the quantity or quality of de-  
29 veloped housing in the region.

30 “(5) A housing coordination strategy does not include changes to the

1 amount of buildable lands under ORS 197.296.

2 “(6) In creating a housing coordination strategy, a regional government  
3 shall review and consider:

4 “(a) Socioeconomic and demographic characteristics of households living  
5 in existing needed housing;

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

7 “(c) Measures already implemented by the regional entity to promote the  
8 development of needed housing;

9 “(d) Existing and expected barriers to the planning or development of  
10 needed housing; and

11 “(e) For each action the regional entity includes in its housing coordi-  
12 nation strategy:

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

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

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

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

18 “(7) The adoption of a housing coordination strategy is not a land use  
19 decision and is not subject to appeal or review except as provided in ORS  
20 197.291.

21 **“SECTION 17.** ORS 197.291, as amended by section 31, chapter \_\_\_\_,  
22 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

23 “197.291. (1) No later than 20 days after a city’s adoption or amendment  
24 of a housing production strategy under ORS 197.290, a city shall submit the  
25 adopted strategy or amended strategy to the Department of Land Conserva-  
26 tion and Development.

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

29 “(a) The signed decision adopting the housing production strategy or  
30 amended strategy;

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

3       “(c) A brief narrative summary of the housing production strategy.

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

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

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

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

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

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

18       “(6) Based upon criteria adopted by the Land Conservation and Develop-  
19 ment Commission the department shall, within 120 days after receiving the  
20 submission under subsection (1) of this section:

21       “(a) Approve the housing production strategy;

22       “(b) Approve the housing production strategy, subject to further review  
23 and actions; or

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

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

28       “(8) The Land Conservation and Development Commission may adopt  
29 rules describing circumstances in which a city’s amendment to a compre-  
30 hensive plan or adoption of a land use regulation is not subject to review,



1 including under ORS 197.610 to 197.625, for compliance with a statewide land  
2 use planning goal related to transportation or economic development if the  
3 amendment or adoption is included within a housing production strategy that  
4 has been approved under subsection (6) of this section. **In establishing cir-**  
5 **cumstances under this subsection, the commission shall provide equal**  
6 **weight to housing, economic and transportation statewide land use**  
7 **planning goals as required under ORS 197.340.**

8 **“SECTION 18.** ORS 195.145, as amended by section 33, chapter \_\_\_,  
9 Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

10 “195.145. (1) To ensure that the supply of land available for urbanization  
11 is maintained:

12 “(a) Local governments may cooperatively designate lands outside urban  
13 growth boundaries as urban reserves subject to ORS 197.610 to 197.625 and  
14 197.626.

15 “(b) Alternatively, Metro and a county **or a city and a county** may enter  
16 into a written agreement pursuant to ORS 190.003 to 190.130, 195.025 or  
17 197.652 to 197.658 to designate urban reserves. A process and criteria devel-  
18 oped pursuant to this paragraph are an alternative to a process or criteria  
19 adopted pursuant to paragraph (a) of this subsection.

20 “(2) The Land Conservation and Development Commission may require a  
21 local government to designate urban reserves pursuant to subsection (1)(a)  
22 of this section during its periodic review in accordance with the conditions  
23 for periodic review under ORS 197.628.

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

25 “(a) Within an urban reserve, a local government may not prohibit the  
26 siting on a legal parcel of a single family dwelling that would otherwise have  
27 been allowed under law existing prior to designation as an urban reserve.

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

1 “(4) Urban reserves designated under this section must be planned to ac-  
2 commodate population and employment growth for:

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

4 “(b) At least 20 years, and not more than 30 years, after the 20-year period  
5 for which the local government has inventoried buildable lands under ORS  
6 197.296 or section 21 or 22, **chapter \_\_, Oregon Laws 2023 (Enrolled**  
7 **House Bill 2001)** [*of this 2023 Act*].

8 “(5) Urban reserves may be established at any time without regard to a  
9 schedule under ORS 197.296 (2) or section 21 (2) or 22 (2), **chapter \_\_,**  
10 **Oregon Laws 2023 (Enrolled House Bill 2001)** [*of this 2023 Act*].

11 “(6) The designation of urban reserves under **subsection (1)(b)** of this  
12 section must be based upon consideration of factors including, but not lim-  
13 ited to, whether land proposed for designation as urban reserves, alone or in  
14 conjunction with land inside the urban growth boundary:

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

17 “(b) Includes sufficient development capacity to support a healthy urban  
18 economy;

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

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

24 “(e) Can be designed to preserve and enhance natural ecological systems;  
25 and

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

27 “(7) A county may take an exception under ORS 197.732 to a statewide  
28 land use planning goal to allow the establishment of a transportation facility  
29 in an area designated as urban reserve under this section.

30 “(8) The commission shall adopt by goal or by rule a process and criteria

1 for designating urban reserves pursuant to this section.

2 **“SECTION 19.** Section 47, chapter \_\_\_, Oregon Laws 2023 (Enrolled  
3 House Bill 2001), is amended to read:

4 **“Sec. 47.** (1) The Housing and Community Services Department shall  
5 provide grants or loans to entities to begin or expand production capacity  
6 for the development of modular housing and components to support home  
7 builders and developers in meeting housing demand.

8 *“[(2) The department shall establish a temporary advisory committee under*  
9 *ORS 285A.060 to advise the department on providing grants or loans under*  
10 *this section.]*

11 *“[(3)] (2)* The department shall establish the terms for any loans under  
12 this section.

13 *“[(4)] (3)* Entities receiving loans or grants under this section must agree  
14 to terms established by the department requiring that the entities prioritize  
15 supplying modular housing components to meet demand from:

16 *“(a) First, state and local governments following a wildfire or other dis-*  
17 *aster;*

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

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

20 *“[(5)] (4)* The department may enter into a contract with a third party to  
21 award or administer grants under this section.

22 *“[(6)] (5)* Loan proceeds and other moneys recovered under this section  
23 shall be paid to the Housing and Community Services Department and de-  
24 posited with the State Treasury for credit to the General Fund and are  
25 available for general governmental expenses.

26 **“SECTION 20. This 2023 Act being necessary for the immediate**  
27 **preservation of the public peace, health and safety, an emergency is**  
28 **declared to exist, and this 2023 Act takes effect on its passage.”.**

29