

SB 892-A4
(LC 550)
5/17/23 (VSR/ps)

Requested by HOUSE COMMITTEE ON HOUSING AND HOMELESSNESS (at the request of Representative Maxine Dexter)

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 892**

1 On page 1 of the printed A-engrossed bill, line 5, after “458.377” insert
2 “and sections 4 and 5, chapter ___, Oregon Laws 2023 (Enrolled House Bill
3 3309)”.

4 On page 3, after line 28, insert:

5 **“SECTION 3a. If House Bill 3309 becomes law, section 4, chapter ___,**
6 **Oregon Laws 2023 (Enrolled House Bill 3309) (amending ORS 456.555),**
7 **is repealed and ORS 456.555, as amended by section 3 of this 2023 Act,**
8 **is amended to read:**

9 “456.555. (1) The Housing and Community Services Department is estab-
10 lished.

11 “(2) The department is supervised and controlled by a director who is re-
12 sponsible for the performance of the duties imposed upon the department.
13 The Governor shall appoint the Director of the Housing and Community
14 Services Department. The director shall hold office at the pleasure of the
15 Governor. The person appointed as director must be a person who, by train-
16 ing and experience, is well qualified to perform the duties of the office.

17 “(3) The director shall receive such salary as may be provided by law, or,
18 if not so provided, as may be fixed by the Governor. In addition to the salary
19 of the director, the director shall, subject to the limitations otherwise pro-
20 vided by law, be reimbursed for all expenses actually and necessarily in-
21 curred by the director in the performance of official duties.

1 “(4) The director may establish department divisions including but not
2 limited to divisions for administration, housing programs and community
3 services programs.

4 “(5) The department shall consider advice on housing and community
5 service programs from:

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

7 “(b) Tribes;

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

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

10 “(e) Local governments;

11 “(f) Nonprofit organizations;

12 “(g) Homeless services providers;

13 “(h) Culturally specific organizations;

14 “(i) Housing providers;

15 “(j) Veterans’ services organizations; *[and]*

16 “**(k) Persons with disabilities and disability services or advocacy**
17 **organizations; and**

18 “[*(k)*] **(L)** Other entities identified by the department by rule.

19 “(6) The director shall report regularly to the Oregon Housing Stability
20 Council to keep the council informed on progress made by the department
21 in carrying out the department’s responsibilities for housing programs.

22 “(7) The department shall administer federal programs. Federal funds for
23 housing stabilization must, to the extent consistent with federal law, be al-
24 located statewide in a manner proportionate to a needs-based and geograph-
25 ically based formula.

26 “(8) The department may adopt rules to carry out the programs that the
27 department is charged with administering, including, but not limited to, rules
28 regarding:

29 “(a) Administration and enforcement.

30 “(b) Criteria for the granting of benefits.

1 “(c) The establishment of fees and charges.

2 “(d) The identification of housing programs and community services pro-
3 grams.

4 “(e) The distinguishing of housing programs from community services
5 programs.

6 “(9) When a statute authorizes or requires that the department or the
7 director adopt rules or policies or administer programs, the director may, at
8 any stage in the process, consult with or seek the approval of the council.

9 “(10) The department shall establish by rule one or more threshold prop-
10 erty purchase prices above which a housing loan proposed by the department
11 requires council review and approval under ORS 456.561. In establishing or
12 modifying a threshold property purchase price under this subsection, the
13 department shall consider any maximum acquisition cost set forth in the
14 Internal Revenue Code or federal rules and regulations implementing the
15 code.

16 “(11) The department shall establish by rule one or more threshold
17 amounts above which a housing grant or other housing funding award pro-
18 posal requires council review and approval under ORS 456.561.”.

19 On page 6, after line 6, insert:

20 **“SECTION 5a. If House Bill 3309 becomes law, section 5, chapter ___,**
21 **Oregon Laws 2023 (Enrolled House Bill 3309) (amending ORS 456.571),**
22 **is repealed and ORS 456.571, as amended by section 5 of this 2023 Act,**
23 **is amended to read:**

24 “456.571. (1) The Oregon Housing Stability Council shall, with the advice
25 of the Director of the Housing and Community Services Department, develop
26 policies to:

27 “(a) Aid in stimulating and increasing the supply of housing for persons
28 and families of lower income;

29 “(b) Address geographic and racial disparities; and

30 “(c) Ensure funds distributed by the Housing and Community Services

1 Department contribute to addressing other state priorities.

2 “(2) The council shall make special effort to respond to both private and
3 public actions that may raise the cost of the housing supply in the open
4 market, as the open market is the source of housing for the preponderance
5 of lower income households.

6 “(3) The council is responsible for studying and commenting upon, and
7 advising the department, Governor, Legislative Assembly, other state agen-
8 cies and local governments concerning, local, state and federal legislation
9 or rules that affect the cost and supply of housing, both before and after the
10 legislation and rules are enacted. For purposes of this subsection, ‘legislation
11 or rules that affect the cost and supply of housing’ includes but is not limited
12 to legislation or rules that would:

13 “(a) Provide financing for the construction or rehabilitation of housing;

14 “(b) Subsidize new or existing housing costs for lower income households
15 by income support, tax credit, or support service methods;

16 “(c) Regulate the division of land;

17 “(d) Regulate the use of land;

18 “(e) Regulate building construction standards;

19 “(f) Regulate fees and charges for inspection services, permits, or profes-
20 sional services related to housing;

21 “(g) Encourage alternatives that increase housing choices;

22 “**(h) Encourage alternatives that increase the quantity and quality
23 of accessible units;**

24 “[*h*] **(i)** Create or avert overlapping jurisdictional functions and the
25 concomitant increased costs that are reflected in housing prices;

26 “[*i*] **(j)** Create or avoid conflicting state and federal regulations that
27 deprive lower income households of assistance; and

28 “[*j*] **(k)** Help or hinder compliance with the housing goals established
29 by the Land Conservation and Development Commission under ORS 197.240.

30 “(4) The council, with the approval of the Governor, may initiate legal

1 proceedings in the name of the council to further the council’s purposes un-
2 der this section.

3 “(5) The council shall exercise the responsibilities and powers of the
4 council in a manner that expedites the acquisition, construction, improve-
5 ment or rehabilitation of housing.

6 “(6) With respect to the Community Development Incentive Project Fund
7 established under ORS 458.720, the council shall develop program guidelines,
8 including specific project criteria and financing mechanisms, review appli-
9 cations seeking funding from the fund and make recommendations for fund-
10 ing approval to the director and review proposals for cooperative agreements
11 or joint projects between the department and other state agencies to facili-
12 tate the goals of the fund.

13 “(7) The council shall advise and assist the department, at the director’s
14 request, with rules, policies and programs under ORS 456.555 (9). In provid-
15 ing advice and assistance, the council shall consider advice on housing and
16 community service programs from entities listed under ORS 456.555 (5) and
17 other entities identified by the department by rule.

18 “(8) The council shall approve or disapprove loans, grants and other
19 funding award proposals under ORS 456.561.

20 “(9) **The council shall incorporate incentives designed to increase**
21 **the quantity and quality of accessible units wherever possible in**
22 **housing development funding offerings.**

23 [(9)] (10) The council, in conjunction with the Community Action Part-
24 nership of Oregon, shall ensure the coordination of state agency
25 homelessness relief efforts.

26 “**SECTION 5b. If House Bill 3309 becomes law, the amendments to**
27 **ORS 456.555 and 456.571 by sections 3a and 5a of this 2023 Act become**
28 **operative on the 91st day after the date on which the 2023 regular**
29 **session of the Eighty-second Legislative Assembly adjourns sine die.”.**

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