



CITY OF BEND

VIA ELECTRONIC SUBMITTAL

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February 15, 2023

Representative Maxine Dexter, Chair
Representative Mark Gamba, Vice-Chair
Representative Jeffrey Helfrich, Vice-Chair
House Committee on Housing and Homelessness
900 Court Street NE
Salem, OR 97301

RE: Testimony from the City of Bend, Oregon on the -1 amendments to HB 2889 (Introduced)

Chair Dexter, Vice Chairs Gamba and Helfrich, and Members of the Committee

The City of Bend appreciates this opportunity to provide comments on the -1 amendments to HB 2889.

Comments on Affordable Housing.

The City takes this opportunity at the outset to provide comments for the Committee's consideration regarding the amount of deed-restricted subsidized housing that can be built. The proposed model for the Oregon Housing Needs Analysis (OHNA) includes a component that will inform a city of the amount of their projected housing units will need to be subsidized for families and households who will need access to that form of housing. The amount of affordable housing that the City can support is dependent upon the amount of Federal and State funding that goes to the City for deed-restricted affordable housing. While the OHNA will provide the City with the number of units of affordable housing will be needed, the City will need additional resources to support their development.

Urbanization

1. The City supports the principles added to Section 9 – (1)(a) through (f). While the term will face questions and derision, the City supports including (1)(f) referring to vexatious litigation. Cities cannot ensure buildable land, infrastructure, and reliable permitting if we are required to defend use of data points such as household size and vacancy rates before the Land Use Board of Appeals (LUBA).
2. The City appreciates the proposed amendments to Section 9(2). This change will be particularly helpful in engaging with state agencies who may be involved in either long term planning or development review for housing. The City also supports Section 9(4) which is entirely consistent with Goal 2 and ensuring land use decisions are supported by an adequate factual base.

Housing Production Accountability

1. With respect to the proposed amendments to ORS 197.293, the City offers for your consideration that cities will need financial and technical support to adopt and act on housing production strategies.
2. The proposed timelines under Housing Accountability (See Sections 14 and 15) are concerning and may not be realistic to ensure a city can work with DLCD enter into an agreement or complete a product that ensures housing production will improve going forward. Please also consider that different standards should recognize cities that are doing their best to support the production of needed housing as opposed to those cities that are using their planning and zoning authority to impede housing production.
3. Section 15(4). The City recommends deleting language on the Department of Land Conservation and Development (DLCD) acting without Commission (LCDC) approval. The Department is currently required to request Commission approval to file an appeal to LUBA on a local decision or to recommend the Commission adopt an enforcement order. They should have to do the same here.
4. Section 15(7). The City supports the approach taken in the -1 amendments to support local housing production instead of presuming unmet targets are the result of development code, approval criteria, or procedures. Local governments may in fact need additional staff resources to keep up with workloads, and financial resources to keep up with providing necessary water, sewer, and transportation infrastructure.

Thank you again for the opportunity to testify on the -1 amendments to HB 2889.

Sincerely



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