



# Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

March 16, 2023

**TO:** Rep. Maxine Dexter, Chair, House  
Committee on Housing &  
Homelessness  
Members, House Committee on  
Housing & Homelessness

**FROM:** Palmer Mason, Department of Land Conservation and  
Development

**RE: House Bill 3442**

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DLCD appreciates the opportunity to comment on HB 3442, which compels local governments to allow affordable housing in floodplains and natural hazard areas. The Department of Land Conservation and Development (DLCD) takes no position on the bill, but we would like to offer several observations and technical suggestions.

First, if the Legislature decides to allow affordable housing within floodplains or natural hazard areas, this exception should be limited to communities in which most or a significant portion of their jurisdiction is subject to flooding or natural hazards. DLCD is available to share our expertise in establishing the appropriate threshold.

Second, DLCD recommends amending HB 3442 to require affordable housing built in such areas meet appropriate standards to minimize the risks. For instance, if housing were allowed in the 100-year floodplain, the development should meet minimum standards defined by federal law. These federal standards set certain specifications for development in floodplains such as building elevation, foundation openings, and anchoring. The committee might consider whether to direct local government to further restrict development by limiting it to the flood fringe or a certain distance from the floodway (i.e., the portion of the floodplain carrying the deeper, faster water).

Ensuring compliance with minimum federal standards is important to maintain eligibility for property owners and communities in the federal National Flood Insurance Program (NFIP). To keep the subsidized insurance available through NFIP, communities must require a flood plain permit and impose zoning regulations that meet minimum federal standards.

Third, DLCD recommends that HB 3442 require local governments to consider strategies facilitating emergency response and post-disaster recovery. Local governments could be directed to update their emergency response plans to include the coordination and deployment of resources to ensure effective evacuation and mass care. Additionally, local governments could be required to update their post-disaster recovery plans to ensure debris removal, financial assistance, rebuilding of roads and critical facilities, and care for displaced populations.