

Requested by Representative HELFRICH

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2001**

1 In line 2 of the printed bill, after “housing” insert “; and declaring an  
2 emergency”.

3 Delete lines 4 through 8 and insert:  
4

5 **“RESIDENTIAL USE OF COMMERCIAL LANDS**

6  
7 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part**  
8 **of ORS chapter 197.**

9 **“SECTION 2. (1) Notwithstanding an acknowledged comprehensive**  
10 **plan or land use regulations, within an urban growth boundary a local**  
11 **government may allow the siting and development of residential uses**  
12 **on any lands zoned to allow for commercial use. The local government**  
13 **may only apply those clear and objective approval standards, condi-**  
14 **tions and procedures that would be applicable to the residential zone**  
15 **of the local government that is most comparable in density to the al-**  
16 **lowed commercial uses.**

17 **“(2) Subsection (1) of this section does not:**

18 **“(a) Trigger any requirement that a local government consider or**  
19 **update an analysis as required by a statewide planning goal relating**  
20 **to economic development.**

21 **“(b) Apply on lands where the local government determines that:**

1       “(A) The development on the property cannot be adequately served  
2 by water, sewer, storm water drainage or streets, or will not be ade-  
3 quately served at the time that development on the lot is complete;

4       “(B) The property contains a slope of 25 percent or greater;

5       “(C) The property is within a 100-year floodplain; or

6       “(D) The development of the property is constrained by land use  
7 regulations based on statewide land use planning goals relating to:

8       “(i) Natural disasters and hazards; or

9       “(ii) Natural resources, including air, water, land or natural areas,  
10 but not including open spaces.

11       “SECTION 3. Section 2 of this 2023 Act becomes operative on Jan-  
12 uary 1, 2024.

13  
14                   “ALTERNATIVE HOUSING APPROVAL PROCESS

15  
16       “SECTION 4. Sections 5 and 6 of this 2023 Act are added to and  
17 made a part of ORS chapter 197.

18       “SECTION 5. (1) The Legislative Assembly finds that:

19       “(a) Having an adequate supply of housing is critical to the well-  
20 being and safety of the people of this state and to the economic welfare  
21 of this state.

22       “(b) A limited supply of housing causes the costs of housing to in-  
23 crease, which causes adverse effects in those communities.

24       “(c) Home and land ownership is essential to breaking cycles of  
25 poverty and increasing the economic prosperity of this state.

26       “(d) The people of this state have the right to an adequate supply  
27 of affordable housing on lands zoned for residential use.

28       “(e) Land use planning should limit opportunities for arbitrary de-  
29 lay, conflict or unnecessary costs to building needed housing.

30       “(f) Housing development must be protected from regulation, zon-

1 **ing ordinances, policies or legal actions limiting needed housing pro-**  
2 **duction.**

3 **“(2) The Legislative Assembly declares that it is the policy of this**  
4 **state that:**

5 **“(a) Housing development on lands zoned for residential use must**  
6 **be protected.**

7 **“(b) The lack of a housing supply is a matter of public concern.**

8 **“(c) Persons who reside in or near an area zoned for residential use**  
9 **must accept that housing of all types and of all income levels will be**  
10 **built in their community.**

11 **“(d) Section 6 of this 2023 Act is necessary to immediately increase**  
12 **the housing supply in this state.**

13 **“SECTION 6. (1) As used in this section, ‘housing’ means all hous-**  
14 **ing types, including single-family, middle, multifamily and manufac-**  
15 **tured housing, sited on land zoned for residential use or mixed**  
16 **residential and commercial use.**

17 **“(2) Notwithstanding ORS chapter 195, 197A, 215 or 227 or any other**  
18 **provision of this chapter, any statewide land use planning goal, rule**  
19 **of the Land Conservation and Development Commission or local land**  
20 **use regulation, zoning ordinance, regional framework plan, functional**  
21 **plan or comprehensive plan, a local government shall evaluate and**  
22 **approve an application for the development of housing, including land**  
23 **division, if the applicant requests review under this section and the**  
24 **housing:**

25 **“(a) Is or can be serviced by all necessary urban services, as defined**  
26 **in ORS 195.065, by the time a building permit will be issued;**

27 **“(b) Will not pose any unreasonable risk to public health or safety**  
28 **due to a lack of urban services, a lack of improvements necessary for**  
29 **emergency services or noncompliance with engineering, street or util-**  
30 **ity requirements; and**

1       **“(c) Will be located:**

2       **“(A) Inside an urban growth boundary;**

3       **“(B) On lands zoned to allow residential use, including mixed resi-**  
4 **dential and commercial use; and**

5       **“(C) Not within an area designated under a statewide planning goal**  
6 **relating to natural disasters and hazards, including flood plains or**  
7 **mapped environmental health hazards, unless the development com-**  
8 **plies with regulations directly related to the hazard.**

9       **“(3) In evaluating an application for the development of housing**  
10 **under subsection (2) of this section, a local government shall approve**  
11 **the application if it finds substantial evidence for each of the criteria**  
12 **required under subsection (2)(a) to (c) of this section. The local gov-**  
13 **ernment may not apply additional criteria.**

14       **“(4) Within 21 days after receiving an application for development**  
15 **under this section, a local government shall notify the applicant if the**  
16 **application is incomplete, and shall specify the missing information.**  
17 **If the applicant has been notified of the missing information, the ap-**  
18 **plication is considered complete when the applicant has submitted:**

19       **“(a) All of the missing information;**

20       **“(b) Some of the missing information and written notice that no**  
21 **other information will be provided; or**

22       **“(c) Written notice that none of the missing information will be**  
23 **provided.**

24       **“(5) Within 21 days of receiving a complete application for develop-**  
25 **ment under this section, the local government must notify each state**  
26 **agency, local government or special district that is responsible for**  
27 **providing urban services to the development.**

28       **“(6) The local government:**

29       **“(a) May not hold a hearing on the application; and**

30       **“(b) Is not required to consider written comments from any person**

1 other than the applicant and those listed in subsection (5) of this sec-  
2 tion.

3 “(7) Within 120 days after receiving a complete application for de-  
4 velopment under this section, the local government shall issue a final  
5 decision approving or denying the application for development. The  
6 final decision must be in writing in any form reasonably intended to  
7 communicate the local government’s basis for the determination.

8 “(8) A final decision made under this section is not a land use de-  
9 cision as defined in ORS 197.015 (10), and may be appealed only by the  
10 applicant and only in the manner set forth in ORS 34.010 to 34.100.

11 “(9) In applying the standards in subsection (2) of this section, a  
12 local government may only regulate siting and design of housing  
13 through clear and objective conditions, provided that the conditions  
14 do not, individually or cumulatively, discourage the development of  
15 housing permitted under this section through unreasonable cost and  
16 delay.

17 **“SECTION 7.** On or before September 15 of each even-numbered  
18 year, the Department of Land Conservation and Development shall  
19 provide a report to an interim committee of the Legislative Assembly  
20 relating to housing in the manner provided in ORS 192.245 on the  
21 department’s recommendations for legislative changes to address sec-  
22 tion 6 of this 2023 Act or its implementation.

23 **“SECTION 8.** Sections 5 to 7 of this 2023 Act are repealed on Janu-  
24 ary 2, 2028.

25

26 **“AGRICULTURE WORKFORCE HOUSING GRANTS**

27

28 **“SECTION 9. (1)** The State Department of Agriculture shall provide  
29 grants to improve the health and safety conditions of existing agri-  
30 culture workforce housing, as defined in ORS 315.163, for agricultural

1 **workers and their families.**

2 **“(2)(a) The department shall design an application and establish**  
3 **criteria by which grants awarded under this section are allocated and**  
4 **prioritized.**

5 **“(b) Before a date on which rules that relate to housing for agri-**  
6 **cultural labor are first adopted or amended by the Occupational Safety**  
7 **and Health Division of the Department of Consumer and Business**  
8 **Services and that is after the effective date of this 2023 Act, the State**  
9 **Department of Agriculture shall prioritize awarding grants for housing**  
10 **that will comply with changes to rules that are under consideration**  
11 **of the agricultural labor housing rulemaking advisory committee of**  
12 **the division.**

13 **“(c) Within 30 days of the adoption of rules described under para-**  
14 **graph (b) of this subsection, the State Department of Agriculture shall**  
15 **update the grant application and criteria to allow the use of grant**  
16 **money to comply with the new or updated rules of the division.**

17 **“(3) To be eligible for a grant under this section, the housing:**

18 **“(a) Must comply with all occupational safety or health laws, rules,**  
19 **regulations and standards;**

20 **“(b) Must be operated by a person who holds a valid indorsement**  
21 **as a farmworker camp operator under ORS 658.730, if an indorsement**  
22 **is required;**

23 **“(c) Must be registered as a farmworker camp with the Department**  
24 **of Consumer and Business Services under ORS 658.750, if the housing**  
25 **is farm employment-related housing, on or before 90 days following the**  
26 **latter of:**

27 **“(A) The first day of the first tax year after the grant was received;**  
28 **or**

29 **“(B) The date the housing is first occupied;**

30 **“(d) May not be housing that is required to be provided as part of**

1 a labor contract made under a temporary employment visa program;  
2 and

3 “(e) Must comply with any adopted rules, as described in subsection  
4 (2)(b) of this 2023 Act.

5 “(4) The Occupational Safety and Health Division of the Department  
6 of Consumer and Business Services shall assist the State Department  
7 of Agriculture in establishing the application and criteria under sub-  
8 section (2)(b) and (c) of this section and shall assist the department  
9 or a contractor under subsection (5) of this section in determining el-  
10 igibility for a grant under subsection (3) of this section.

11 “(5) The State Department of Agriculture may enter into a contract  
12 with a third party to award or administer grants under this section.

13 **“SECTION 10.** In addition to and not in lieu of any other appropri-  
14 ation, there is appropriated to the State Department of Agriculture,  
15 for the biennium beginning July 1, 2023, out of the General Fund, the  
16 amount of \$1, to provide grants under section 9 of this 2023 Act.

17 **“SECTION 11.** Section 9 of this 2023 Act is repealed on January 2,  
18 2026.

19

20

#### “CAPTIONS

21

22 **“SECTION 12.** The unit captions used in this 2023 Act are provided  
23 only for the convenience of the reader and do not become part of the  
24 statutory law of this state or express any legislative intent in the  
25 enactment of this 2023 Act.

26

27

#### “EMERGENCY CLAUSE

28

29 **“SECTION 13.** This 2023 Act being necessary for the immediate  
30 preservation of the public peace, health and safety, an emergency is

1 **declared to exist, and this 2023 Act takes effect on its passage.”.**

2

---