

## SENATE AMENDMENTS TO SENATE BILL 1537

By COMMITTEE ON HOUSING AND DEVELOPMENT

February 16

- 1 On page 1 of the printed bill, line 2, after “183.471,” insert “197.015, 197.195.”
- 2 Delete pages 2 through 33.
- 3 On page 34, delete lines 1 through 42 and insert:
- 4 **“SECTION 1. Housing Accountability and Production Office. (1) The Department of Land**
- 5 **Conservation and Development and the Department of Consumer and Business Services shall**
- 6 **enter into an interagency agreement to establish and administer the Housing Accountability**
- 7 **and Production Office.**
- 8 **“(2) The Housing Accountability and Production Office shall:**
- 9 **“(a) Provide technical assistance, including assistance through grants, to local govern-**
- 10 **ments to:**
- 11 **“(A) Comply with housing laws;**
- 12 **“(B) Reduce permitting and land use barriers to housing production; and**
- 13 **“(C) Support reliable and effective implementation of local procedures and standards re-**
- 14 **lating to the approval of residential development projects.**
- 15 **“(b) Serve as a resource, which includes providing responses to requests for technical**
- 16 **assistance with complying with housing laws, to:**
- 17 **“(A) Local governments, as defined in ORS 174.116; and**
- 18 **“(B) Applicants for land use and building permits for residential development who are**
- 19 **experiencing permitting and land use barriers related to housing production.**
- 20 **“(c) Investigate and respond to complaints of violations of housing laws under section 2**
- 21 **of this 2024 Act.**
- 22 **“(d) Establish best practices related to model codes, typical drawings and specifications**
- 23 **as described in ORS 455.062, procedures and practices by which local governments may**
- 24 **comply with housing laws.**
- 25 **“(e) Provide optional mediation of active disputes relating to housing laws between a local**
- 26 **government and applicants for land use and building permits for residential development,**
- 27 **including mediation under ORS 197.860.**
- 28 **“(f) Coordinate agencies that are involved in the housing development process, including,**
- 29 **but not limited to, the Department of Land Conservation and Development, Department of**
- 30 **Consumer and Business Services, Housing and Community Services Department and Oregon**
- 31 **Business Development Department, to enable the agencies to support local governments and**
- 32 **applicants for land use and building permits for residential development by identifying state**
- 33 **agency technical and financial resources that can address identified housing development and**
- 34 **feasibility barriers.**
- 35 **“(g) Establish policy and funding priorities for state agency resources and programs for**

1 the purpose of addressing barriers to housing production, including, but not limited to,  
2 making recommendations for moneys needed for the purposes of section 35 of this 2024 Act.

3 “(3) The Land Conservation and Development Commission and the Department of Con-  
4 sumer and Business Services shall coordinate in adopting, amending or repealing rules for:

5 “(a) Carrying out the respective responsibilities of the departments and the office under  
6 sections 1 to 5 of this 2024 Act.

7 “(b) Model codes, development plans, procedures and practices by which local govern-  
8 ments may comply with housing laws.

9 “(c) Establishing standards by which complaints are investigated and pursued.

10 “(4) The office shall prioritize assisting local governments in voluntarily undertaking  
11 changes to come into compliance with housing laws.

12 “(5) As used in sections 1 to 5 of this 2024 Act:

13 “(a) ‘Housing law’ means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845,  
14 197.360 to 197.380, 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 215.402 to  
15 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170,  
16 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465 and  
17 455.467 and administrative rules implementing those laws, to the extent that the law or rule  
18 imposes a mandatory duty on a local government or its officers, employees or agents and the  
19 application of the law or rule applies to residential development or pertains to a permit for  
20 a residential use or a division of land for residential purposes.

21 “(b) ‘Residential’ includes mixed-use residential development.

22 “SECTION 2. Office responses to violations of housing laws. (1) The Housing Account-  
23 ability and Production Office shall establish a form or format through which the office re-  
24 ceives allegations of local governments’ violations of housing laws that impact housing  
25 production. For complaints that relate to a specific development project, the office may re-  
26 ceive complaints only from the project applicant. For complaints not related to a specific  
27 development project, the office may receive complaints from any person within the local  
28 government’s jurisdiction or the Department of Land Conservation and Development or the  
29 Department of Consumer and Business Services.

30 “(2)(a) Except as provided in paragraph (b) of this subsection, the office shall investigate  
31 suspected violations of housing laws or violations credibly alleged under subsection (1) of this  
32 section.

33 “(b) The office shall develop consistent procedures to evaluate and determine the credi-  
34 bility of alleged violations of housing laws.

35 “(c) If a complainant has filed a notice of appeal with the Land Use Board of Appeals or  
36 has initiated private litigation regarding any aspect of the application decision that was al-  
37 leged to have been the subject of the housing law violation, the office may not further par-  
38 ticipate in the specific complaint or its appeal, except for:

39 “(A) Providing agency briefs, including briefs under ORS 197.830 (8), to the board or the  
40 court;

41 “(B) Providing technical assistance to the local government unrelated to the resolution  
42 of the specific complaint; or

43 “(C) Mediation at the request of the local government and complainant, including medi-  
44 ation under ORS 197.860.

45 “(3)(a) If the office has a reasonable basis to conclude that a violation was or is being

1 committed, the office shall deliver written warning notice to the local government specifying  
2 the violation and any authority under this section that the office intends to invoke if the  
3 violation continues or is not remedied. The notice must include an invitation to address or  
4 remedy the suspected violation through mediation, the execution of a compliance agreement  
5 to voluntarily remedy the situation, the adoption of suitable model codes developed by the  
6 office under section 1 (3)(b) of this 2024 Act or other remedies suitable to the specific vio-  
7 lation.

8 “(b) The office shall prioritize technical assistance funding to local governments that  
9 agree to comply with housing laws under this subsection.

10 “(c) A determination by the office is not a legislative, judicial or quasi-judicial decision.

11 “(4) No earlier than 60 days after a warning notice is delivered under subsection (3) of  
12 this section, the office may:

13 “(a) Initiate a request for an enforcement order of the Land Conservation and Develop-  
14 ment Commission by delivering a notice of request under section 3 (3) of this 2024 Act.

15 “(b) Seek a court order against a local government as described under ORS 455.160 (3)  
16 without being adversely affected or serving the demand as described in ORS 455.160 (2).

17 “(c) Notwithstanding ORS 197.090 (2)(b) to (e), participate in and seek review of a matter  
18 under ORS 197.090 (2)(a) that pertains to housing laws without the notice or consent of the  
19 commission. No less than once every two years, the office shall report to the commission  
20 on the matters in which the office participated under this paragraph.

21 “(d) Except regarding matters under the exclusive jurisdiction of the Land Use Board of  
22 Appeals, apply to a circuit court for an order compelling compliance with any housing law.  
23 If the court finds that the defendant is not complying with a housing law, the court may  
24 grant an injunction requiring compliance.

25 “(5) The office may not, in the name of the office, exercise the authority of the Depart-  
26 ment of Land Conservation and Development under ORS 197A.130.

27 “(6) The office shall send notice to each complainant under subsection (1) of this section  
28 at the time that the office:

29 “(a) Takes any action under subsection (3) or (4) of this section; or

30 “(b) Has determined that it will not take further actions or make further investigations.

31 “(7) The actions authorized of the office under this section are in addition to and may  
32 be exercised in conjunction with any other investigative or enforcement authority that may  
33 be exercised by the Department of Land Conservation and Development, the Land Conser-  
34 vation and Development Commission or the Department of Consumer and Business Services.

35 “(8) Nothing in this section:

36 “(a) Amends the jurisdiction of the Land Use Board of Appeals or of a circuit court;

37 “(b) Creates a new cause of action; or

38 “(c) Tolls or extends:

39 “(A) The statute of limitations for any claim; or

40 “(B) The deadline for any appeal or other action.

41 “SECTION 3. Office enforcement orders. (1) The Housing Accountability and Production  
42 Office may request an enforcement order under section 2 (4)(a) of this 2024 Act requiring  
43 that a local government take action necessary to bring its comprehensive plan, land use  
44 regulation, limited land use decisions or other land use decisions or actions into compliance  
45 with a housing law, except for a housing law that pertains to the state building code or the

1 administration of the code.

2 “(2) Except as otherwise provided in this section, a request for an enforcement order by  
3 the office is subject to the applicable provisions of ORS 197.335 and ORS chapter 183 and is  
4 not subject to ORS 197.319, 197.324 or 197.328.

5 “(3) The office shall make a request for an enforcement order under this section by de-  
6 livering a notice to the local government that states the grounds for initiation and summa-  
7 rizes the procedures for the enforcement order proceeding along with a copy of the notice  
8 to the Land Conservation and Development Commission. A decision of the office to initiate  
9 an enforcement order is not subject to appeal.

10 “(4) After receiving notice of an enforcement order request under subsection (3) of this  
11 section, the local government shall deliver a notice to an affected applicant, if any, in sub-  
12 stantially the following form:

13 “ \_\_\_\_\_  
14  
15 NOTICE: The Housing Accountability and Production Office has found good cause for an  
16 enforcement proceeding against \_\_\_\_\_ (name of local government). An  
17 enforcement order may be adopted that could limit, prohibit or require the application of  
18 specified criteria to any action authorized by this decision but not applied for until after the  
19 adoption of the enforcement order. Future applications for building permits or time exten-  
20 sions may be affected.

21 “ \_\_\_\_\_  
22

23 “(5) Within 14 days after receipt by the commission of the notice under subsection (3)  
24 of this section, the Director of the Department of Land Conservation and Development shall  
25 assign the enforcement order proceedings to a hearings officer who is:

26 “(a) An administrative law judge assigned under ORS 183.635; or

27 “(b) A hearings officer randomly selected from a pool of officers appointed by the com-  
28 mission to review proceedings initiated under this section.

29 “(6) The hearings officer shall schedule a contested case hearing within 60 days of the  
30 delivery of the notice to the commission under subsection (3) of this section.

31 “(7)(a) The hearings officer shall prepare a proposed enforcement order or order of dis-  
32 missal, including recommended findings and conclusions of law.

33 “(b) A proposed enforcement order may require the local government to take any nec-  
34 essary action to comply with housing laws that is suitable to address the basis for the pro-  
35 posed enforcement order, including requiring the adoption or application of suitable models  
36 that have been developed by the office under section 1 (3)(b) of this 2024 Act.

37 “(c) The hearings officer must issue and serve the proposed enforcement order on the  
38 office and all parties to the hearing within 30 days of the date the record closed.

39 “(8)(a) The proposed enforcement order becomes a final order of the commission 14 days  
40 after service on the office and all parties to the hearing, unless the office or a party to the  
41 hearing appeals the proposed enforcement order to the commission prior to the proposed  
42 enforcement order becoming final.

43 “(b) If the proposed enforcement order is appealed, the commission shall consider the  
44 matter at:

45 “(A) Its next regularly scheduled meeting; or

1       “(B) If the appeal is made 45 or fewer days prior to the next regularly scheduled meeting,  
2 at the following regularly scheduled meeting or a special meeting held earlier.

3       “(9) The commission shall affirm, affirm with modifications or reverse the proposed  
4 enforcement order. The commission shall issue a final order no later than 30 days after the  
5 meeting at which it considered the matter.

6       “(10) The commission may adopt rules administering this section, including rules related  
7 to standing, preserving issues for commission review or other provisions concerning the  
8 commission’s scope and standard for review of proposed enforcement orders under this sec-  
9 tion.

10       “SECTION 4. Housing Accountability and Production Office Fund. (1) The Housing Ac-  
11 countability and Production Office Fund is established in the State Treasury, separate and  
12 distinct from the General Fund.

13       “(2) The Housing Accountability and Production Office Fund consists of moneys appro-  
14 priated, allocated, deposited or transferred to the fund by the Legislative Assembly or oth-  
15 erwise.

16       “(3) Interest earned by the fund shall be credited to the fund.

17       “(4) Moneys in the fund are continuously appropriated to the Department of Land Con-  
18 servation and Development to administer the fund, to operate the Housing Accountability  
19 and Production Office and to implement sections 1 to 5 of this 2024 Act.

20       “SECTION 5. Reporting. On or before September 15, 2026, the Housing Accountability and  
21 Production Office shall:

22       “(1) Contract with one or more organizations possessing relevant expertise to produce a  
23 report identifying improvements in the local building plan review approval, design review  
24 approval, land use, zoning and permitting processes, including but not limited to plan review  
25 approval timelines, process efficiency, local best practices and other ways to accelerate and  
26 improve the efficiency of the development process for construction, with a focus on in-  
27 creasing housing production.

28       “(2) Produce a report based on a study by the office of state and local timelines and  
29 standards related to public works and building permit application review and develop rec-  
30 ommendations for changes to reduce complexity, delay or costs that inhibit housing pro-  
31 duction, including an evaluation of their effect on the feasibility of varying housing types and  
32 affordability levels.

33       “(3) Produce a report summarizing state agency plans, policies and programs related to  
34 reducing or eliminating regulatory barriers to the production of housing. The report must  
35 also include recommendations on how state agencies may prioritize resources and programs  
36 to increase housing production.

37       “(4) Provide the reports under subsections (1) to (3) of this section to one or more ap-  
38 propriate interim committees of the Legislative Assembly in the manner provided in ORS  
39 192.245.

40       “SECTION 6. Sunset. Section 5 of this 2024 Act is repealed on January 2, 2027.

41       “SECTION 7. Operative and applicable dates. (1) Sections 2 and 3 of this 2024 Act become  
42 operative on July 1, 2025.

43       “(2) Sections 2 and 3 of this 2024 Act apply only to violations of housing laws occurring  
44 on or after July 1, 2025.

45       “(3) The Department of Land Conservation and Development and Department of Con-

1 **sumer and Business Services may take any action before the operative date specified in**  
2 **subsection (1) of this section that is necessary for the departments or the Housing Ac-**  
3 **countability and Production Office to exercise, on and after the operative date, all of the**  
4 **duties, functions and powers conferred by sections 1 to 5, 35, 39 and 46 of this 2024 Act.**

5  
6 **“OPTING IN TO AMENDED HOUSING REGULATIONS**

7  
8 **“SECTION 8.** ORS 215.427 is amended to read:

9 “215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within  
10 an urban growth boundary and applications for mineral aggregate extraction, the governing body  
11 of a county or its designee shall take final action on an application for a permit, limited land use  
12 decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after  
13 the application is deemed complete. The governing body of a county or its designee shall take final  
14 action on all other applications for a permit, limited land use decision or zone change, including  
15 resolution of all appeals under ORS 215.422, within 150 days after the application is deemed com-  
16 plete, except as provided in subsections (3), (5) and (10) of this section.

17 “(2) If an application for a permit, limited land use decision or zone change is incomplete, the  
18 governing body or its designee shall notify the applicant in writing of exactly what information is  
19 missing within 30 days of receipt of the application and allow the applicant to submit the missing  
20 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-  
21 tion and ORS 197A.470 upon receipt by the governing body or its designee of:

22 “(a) All of the missing information;

23 “(b) Some of the missing information and written notice from the applicant that no other infor-  
24 mation will be provided; or

25 “(c) Written notice from the applicant that none of the missing information will be provided.

26 “(3)(a) If the application was complete when first submitted or the applicant submits additional  
27 information[ *as described in subsection (2) of this section,*] within 180 days of the date the application  
28 was first submitted [*and the county has a comprehensive plan and land use regulations acknowledged*  
29 *under ORS 197.251*], approval or denial of the application [*shall be based*] **must be based:**

30 “(A) Upon the standards and criteria that were applicable at the time the application was first  
31 submitted[.]; or

32 “(B) **For an application relating to development of housing, upon the request of the ap-**  
33 **plicant, those standards and criteria that are operative at the time of the request.**

34 “(b) **If an applicant requests review under different standards as provided in paragraph**  
35 **(a)(B) of this subsection:**

36 “(A) **For the purposes of this section, any applicable timelines for completeness review**  
37 **and final decisions restart as if a new application were submitted on the date of the request;**

38 “(B) **For the purposes of this section and ORS 197A.470 the application is not deemed**  
39 **complete until:**

40 “(i) **The county determines that additional information is not required under subsection**  
41 **(2) of this section; or**

42 “(ii) **The applicant makes a submission under subsection (2) of this section in response**  
43 **to a county’s request;**

44 “(C) **A county may deny a request under paragraph (a)(B) of this subsection if:**

45 “(i) **The county has issued a public notice of the application; or**

1       “(ii) A request under paragraph (a)(B) of this subsection was previously made; and  
2       “(D) The county may not require that the applicant:  
3       “(i) Pay a fee, except to cover additional costs incurred by the county to accommodate  
4       the request;  
5       “(ii) Submit a new application or duplicative information, unless information resubmittal  
6       is required because the request affects or changes information in other locations in the ap-  
7       plication or additional narrative is required to understand the request in context; or  
8       “(iii) Repeat redundant processes or hearings that are inapplicable to the change in  
9       standards or criteria.  
10       “[(b) If the application is for industrial or traded sector development of a site identified under  
11       section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan,  
12       approval or denial of the application must be based upon the standards and criteria that were appli-  
13       cable at the time the application was first submitted, provided the application complies with paragraph  
14       (a) of this subsection.]  
15       “(4) On the 181st day after first being submitted, the application is void if the applicant has been  
16       notified of the missing information as required under subsection (2) of this section and has not sub-  
17       mitted:  
18       “(a) All of the missing information;  
19       “(b) Some of the missing information and written notice that no other information will be pro-  
20       vided; or  
21       “(c) Written notice that none of the missing information will be provided.  
22       “(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197A.470  
23       may be extended for a specified period of time at the written request of the applicant. The total of  
24       all extensions, except as provided in subsection (10) of this section for mediation, may not exceed  
25       215 days.  
26       “(6) The period set in subsection (1) of this section applies:  
27       “(a) Only to decisions wholly within the authority and control of the governing body of the  
28       county; and  
29       “(b) Unless the parties have agreed to mediation as described in subsection (10) of this section  
30       or ORS 197.319 (2)(b).  
31       “(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section  
32       and the 100-day period set in ORS 197A.470 do not apply to:  
33       “(a) A decision of the county making a change to an acknowledged comprehensive plan or a land  
34       use regulation that is submitted to the Director of the Department of Land Conservation and De-  
35       velopment under ORS 197.610; or  
36       “(b) A decision of a county involving an application for the development of residential structures  
37       within an urban growth boundary, where the county has tentatively approved the application and  
38       extends these periods by no more than seven days in order to assure the sufficiency of its final or-  
39       der.  
40       “(8) Except when an applicant requests an extension under subsection (5) of this section, if the  
41       governing body of the county or its designee does not take final action on an application for a  
42       permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after  
43       the application is deemed complete, the county shall refund to the applicant either the unexpended  
44       portion of any application fees or deposits previously paid or 50 percent of the total amount of such  
45       fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees

1 incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible  
2 for the costs of providing sufficient additional information to address relevant issues identified in  
3 the consideration of the application.

4 “(9) A county may not compel an applicant to waive the period set in subsection (1) of this  
5 section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 215.429 as a  
6 condition for taking any action on an application for a permit, limited land use decision or zone  
7 change except when such applications are filed concurrently and considered jointly with a plan  
8 amendment.

9 “(10) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be  
10 extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning  
11 the application will be mediated.

12 “**SECTION 9.** ORS 227.178 is amended to read:

13 “227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing  
14 body of a city or its designee shall take final action on an application for a permit, limited land use  
15 decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after  
16 the application is deemed complete.

17 “(2) If an application for a permit, limited land use decision or zone change is incomplete, the  
18 governing body or its designee shall notify the applicant in writing of exactly what information is  
19 missing within 30 days of receipt of the application and allow the applicant to submit the missing  
20 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-  
21 tion or ORS 197A.470 upon receipt by the governing body or its designee of:

22 “(a) All of the missing information;

23 “(b) Some of the missing information and written notice from the applicant that no other infor-  
24 mation will be provided; or

25 “(c) Written notice from the applicant that none of the missing information will be provided.

26 “(3)(a) If the application was complete when first submitted or the applicant submits the re-  
27 quested additional information within 180 days of the date the application was first submitted [*and*  
28 *the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], ap-  
29 proval or denial of the application [*shall*] **must** be based:

30 “(A) Upon the standards and criteria that were applicable at the time the application was first  
31 submitted[.]; or

32 “(B) **For an application relating to development of housing, upon the request of the ap-  
33 plicant, those standards and criteria that are operative at the time of the request.**

34 “(b) **If an applicant requests review under different standards as provided in paragraph  
35 (a)(B) of this subsection:**

36 “(A) **For the purposes of this section, any applicable timelines for completeness review  
37 and final decisions restart as if a new application were submitted on the date of the request;**

38 “(B) **For the purposes of this section and ORS 197A.470 the application is not deemed  
39 complete until:**

40 “(i) **The city determines that additional information is not required under subsection (2)  
41 of this section; or**

42 “(ii) **The applicant makes a submission under subsection (2) of this section in response  
43 to a city’s request;**

44 “(C) **A city may deny a request under paragraph (a)(B) of this subsection if:**

45 “(i) **The city has issued a public notice of the application; or**



1       “(ii) A request under paragraph (a)(B) of this subsection was previously made; and

2       “(D) The city may not require that the applicant:

3       “(i) Pay a fee, except to cover additional costs incurred by the city to accommodate the  
4 request;

5       “(ii) Submit a new application or duplicative information, unless information resubmittal  
6 is required because the request affects or changes information in other locations in the ap-  
7 plication or additional narrative is required to understand the request in context; or

8       “(iii) Repeat redundant processes or hearings that are inapplicable to the change in  
9 standards or criteria.

10       “[(b) If the application is for industrial or traded sector development of a site identified under  
11 section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan,  
12 approval or denial of the application must be based upon the standards and criteria that were appli-  
13 cable at the time the application was first submitted, provided the application complies with paragraph  
14 (a) of this subsection.]

15       “(4) On the 181st day after first being submitted, the application is void if the applicant has been  
16 notified of the missing information as required under subsection (2) of this section and has not sub-  
17 mitted:

18       “(a) All of the missing information;

19       “(b) Some of the missing information and written notice that no other information will be pro-  
20 vided; or

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

22       “(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS  
23 197A.470 may be extended for a specified period of time at the written request of the applicant. The  
24 total of all extensions, except as provided in subsection (11) of this section for mediation, may not  
25 exceed 245 days.

26       “(6) The 120-day period set in subsection (1) of this section applies:

27       “(a) Only to decisions wholly within the authority and control of the governing body of the city;  
28 and

29       “(b) Unless the parties have agreed to mediation as described in subsection (11) of this section  
30 or ORS 197.319 (2)(b).

31       “(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of  
32 this section and the 100-day period set in ORS 197A.470 do not apply to:

33       “(a) A decision of the city making a change to an acknowledged comprehensive plan or a land  
34 use regulation that is submitted to the Director of the Department of Land Conservation and De-  
35 velopment under ORS 197.610; or

36       “(b) A decision of a city involving an application for the development of residential structures  
37 within an urban growth boundary, where the city has tentatively approved the application and ex-  
38 tends these periods by no more than seven days in order to assure the sufficiency of its final order.

39       “(8) Except when an applicant requests an extension under subsection (5) of this section, if the  
40 governing body of the city or its designee does not take final action on an application for a permit,  
41 limited land use decision or zone change within 120 days after the application is deemed complete,  
42 the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, ei-  
43 ther the unexpended portion of any application fees or deposits previously paid or 50 percent of the  
44 total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional  
45 governmental fees incurred subsequent to the payment of such fees or deposits. However, the ap-

1 plicant is responsible for the costs of providing sufficient additional information to address relevant  
2 issues identified in the consideration of the application.

3 “(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

4 “(A) Submit a written request for payment, either by mail or in person, to the city or its  
5 designee; or

6 “(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court  
7 shall award an amount owed under this section in its final order on the petition.

8 “(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall  
9 determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made  
10 to the applicant within 30 calendar days of receiving the request. Any amount due and not paid  
11 within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of  
12 one percent per month, or a portion thereof.

13 “(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the  
14 city or its designee receives the refund request, the applicant may file an action for recovery of the  
15 unpaid refund. In an action brought by a person under this paragraph, the court shall award to a  
16 prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and  
17 costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable  
18 attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

19 “(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this  
20 section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 227.179 as a  
21 condition for taking any action on an application for a permit, limited land use decision or zone  
22 change except when such applications are filed concurrently and considered jointly with a plan  
23 amendment.

24 “(11) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be  
25 extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning  
26 the application will be mediated.

27  
28 **“ATTORNEY FEES FOR NEEDED HOUSING CHALLENGES**

29  
30 **“SECTION 10.** ORS 197.843 is amended to read:

31 “197.843. (1) The Land Use Board of Appeals shall award attorney fees to:

32 “(a) An applicant whose application is only for the development of affordable housing[, *as de-*  
33 *defined in ORS 197A.445, or publicly supported housing, as defined in ORS 456.250*], if the board [*af-*  
34 *firms a quasi-judicial land use decision approving the application or*] reverses a quasi-judicial land  
35 use decision denying the application[.];

36 **“(b) An applicant whose application is only for the development of housing and was ap-**  
37 **proved by the local government, if the board affirms the decision; and**

38 **“(c) The local government that approved a quasi-judicial land use decision described in**  
39 **paragraph (b) of this subsection.**

40 “(2) A party who was awarded attorney fees under this section or ORS 197.850 shall repay the  
41 fees plus any interest from the time of the judgment if the property upon which the fees are based  
42 is developed for a use other than [*affordable*] **the proposed** housing.

43 “(3) As used in this section:

44 “[*(a) ‘Applicant’ includes:*]

45 “[*(A) An applicant with a funding reservation agreement with a public funder for the purpose of*]

1 *developing publicly supported housing;*]

2 “[*(B) A housing authority, as defined in ORS 456.005;*]

3 “[*(C) A qualified housing sponsor, as defined in ORS 456.548;*]

4 “[*(D) A religious nonprofit corporation;*]

5 “[*(E) A public benefit nonprofit corporation whose primary purpose is the development of afford-*  
6 *able housing; and]*

7 “[*(F) A local government that approved the application of an applicant described in this*  
8 *paragraph.*]

9 “(a) ‘Affordable housing’ means affordable housing, as defined in ORS 197A.445, or pub-  
10 licly supported housing, as defined in ORS 456.250.

11 “(b) ‘Attorney fees’ includes prelitigation legal expenses, including preparing and processing  
12 the application and supporting the application in local land use hearings or proceedings.

13 “**SECTION 11. Operative and applicable dates.** (1) The amendments to ORS 197.843 by  
14 section 10 of this 2024 Act become operative on January 1, 2025.

15 “(2) The amendments to ORS 197.843 by section 10 of this 2024 Act apply to decisions for  
16 which a notice of intent to appeal under ORS 197.830 is filed on or after January 1, 2025.

17  
18 “INFRASTRUCTURE SUPPORTING HOUSING PRODUCTION

19  
20 “**SECTION 12.** Sections 13 and 14 of this 2024 Act are added to and made a part of ORS  
21 chapter 285A.

22 “**SECTION 13. Capacity and support for infrastructure planning.** The Oregon Business  
23 Development Department shall provide capacity and support for infrastructure planning to  
24 municipalities to enable them to plan and finance infrastructure for water, sewers and san-  
25 itation, stormwater and transportation consistent with opportunities to produce housing  
26 units at densities defined in section 55 (3)(a)(C) of this 2024 Act. ‘Capacity and support’ in-  
27 cludes assistance with local financing opportunities, state and federal grant navigation,  
28 writing, review and administration, resource sharing, regional collaboration support and  
29 technical support, including engineering and design assistance and other capacity or support  
30 as the department may designate by rule.

31 “**SECTION 14. Housing Infrastructure Support Fund.** (1) The Housing Infrastructure  
32 Support Fund is established in the State Treasury, separate and distinct from the General  
33 Fund.

34 “(2) The Housing Infrastructure Support Fund consists of moneys appropriated, allo-  
35 cated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

36 “(3) Interest earned by the fund shall be credited to the fund.

37 “(4) Moneys in the fund are continuously appropriated to the Oregon Business Develop-  
38 ment Department to administer the fund and to implement section 13 of this 2024 Act.

39 “**SECTION 15. Sunset.** (1) Sections 13 and 14 of this 2024 Act are repealed on January 2,  
40 2030.

41 “(2) Any unobligated moneys in the Housing Infrastructure Support Fund on January 2,  
42 2030, must be transferred to the General Fund for general governmental purposes.

43 “**SECTION 16. Infrastructure recommendation reporting.** (1) The Department of Land  
44 Conservation and Development shall adopt, and periodically update, assessment metrics by  
45 which to score infrastructure projects of local governments, as defined in ORS 174.116.

1 Scored projects must contribute to the development of housing within an urban growth  
2 boundary. The metrics may include:

3 “(a) The total costs of the infrastructure project;

4 “(b) The total number of anticipated developed dwelling units;

5 “(c) The population within the jurisdiction of the local government; and

6 “(d) The anticipated time for completion of the infrastructure project and any associated  
7 housing projects.

8 “(2) The department shall develop a form by which local governments may submit pro-  
9 posed infrastructure projects for assessment under this section.

10 “(3) On or before September 15 of each even-numbered year, the department shall provide  
11 a report to an appropriate interim committee of the Legislative Assembly in the manner  
12 provided in ORS 192.245 on received infrastructure project proposals and the department’s  
13 assessment of each project.

14 “**NOTE:** Sections 17 through 23 were deleted by amendment. Subsequent sections were not re-  
15 numbered.

## 17 “HOUSING PROJECT REVOLVING LOANS

18  
19 “**SECTION 24.** As used in sections 24 to 35 of this 2024 Act:

20 “(1) ‘Assessor,’ ‘tax collector’ and ‘treasurer’ mean the individual filling that county of-  
21 fice so named or any county officer performing the functions of the office under another  
22 name.

23 “(2) ‘County tax officers’ and ‘tax officers’ mean the assessor, tax collector and treasurer  
24 of a county.

25 “(3) ‘Eligible costs’ means the following costs associated with an eligible housing project:

26 “(a) Infrastructure costs, including, but not limited to, system development charges;

27 “(b) Predevelopment costs;

28 “(c) Construction costs; and

29 “(d) Land write-downs.

30 “(4) ‘Eligible housing project’ means a project to construct housing, or to convert a  
31 building from a nonresidential use to housing, that is:

32 “(a) Affordable to households with low income or moderate income as those terms are  
33 defined in ORS 458.610;

34 “(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS  
35 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this  
36 subsection continuously from initial sale for a period, to be established by the Housing and  
37 Community Services Department and the sponsoring jurisdiction, of not less than the term  
38 of the loan related to the for-sale property; or

39 “(c) If rental property:

40 “(A)(i) Middle housing as defined in ORS 197A.420;

41 “(ii) A multifamily dwelling;

42 “(iii) An accessory dwelling unit as defined in ORS 215.501; or

43 “(iv) Any other form of affordable housing or moderate income housing; and

44 “(B) Rented at a monthly rate that is affordable to households with an annual income  
45 not greater than 120 percent of the area median income, such affordability to be maintained

1 for a period, to be established by the department and the sponsoring jurisdiction, of not less  
2 than the term of the loan related to the rental property.

3 “(5) ‘Eligible housing project property’ means the taxable real and personal property  
4 constituting the improvements of an eligible housing project.

5 “(6) ‘Fee payer’ means, for any property tax year, the person responsible for paying ad  
6 valorem property taxes on eligible housing project property to which a grant awarded under  
7 section 29 of this 2024 Act relates.

8 “(7) ‘Fire district taxes’ means property taxes levied by fire districts within whose terri-  
9 tory all or a portion of eligible housing project property is located.

10 “(8) ‘Nonexempt property’ means property other than eligible housing project property  
11 in the tax account that includes eligible housing project property.

12 “(9) ‘Nonexempt taxes’ means the ad valorem property taxes assessed on nonexempt  
13 property.

14 “(10) ‘Sponsoring jurisdiction’ means:

15 “(a)(A) A city with respect to eligible housing projects located within the city boundaries;  
16 or

17 “(B) A county with respect to eligible housing projects located in urban unincorporated  
18 areas of the county; or

19 “(b) The governing body of a city or county described in paragraph (a) of this subsection.

20 “SECTION 25. (1)(a) A sponsoring jurisdiction may adopt by ordinance or resolution a  
21 program under which the sponsoring jurisdiction awards grants to developers for eligible  
22 costs.

23 “(b) Before adopting the program, the sponsoring jurisdiction shall consult with the  
24 governing body of any city or county with territory inside the boundaries of the sponsoring  
25 jurisdiction.

26 “(2) The ordinance or resolution shall set forth:

27 “(a) The kinds of eligible housing projects for which a developer may seek a grant under  
28 the program; and

29 “(b) Any eligibility requirements to be imposed on projects and developers in addition to  
30 those required under sections 24 to 35 of this 2024 Act.

31 “(3) A grant award:

32 “(a) Shall be in the amount determined under section 26 (3) of this 2024 Act; and

33 “(b) May include reimbursement for eligible costs incurred for up to 12 months preceding  
34 the date on which the eligible housing project received local site approval.

35 “(4) Eligible housing project property for which a developer receives a grant for eligible  
36 costs may not be granted any exemption, partial exemption or special assessment of ad  
37 valorem property taxes other than the exemption granted under section 30 of this 2024 Act.

38 “(5) A sponsoring jurisdiction may amend an ordinance or resolution adopted pursuant  
39 to this section at any time. The amendments shall apply only to applications submitted under  
40 section 26 of this 2024 Act on or after the effective date of the ordinance or resolution.

41 “SECTION 26. (1)(a) A sponsoring jurisdiction that adopts a grant program pursuant to  
42 section 25 of this 2024 Act shall prescribe an application process, including forms and dead-  
43 lines, by which a developer may apply for a grant with respect to an eligible housing project.

44 “(b) An application for a grant must include, at a minimum:

45 “(A) A description of the eligible housing project;

1       **“(B) A detailed explanation of the affordability of the eligible housing project;**  
2       **“(C) An itemized description of the eligible costs for which the grant is sought;**  
3       **“(D) The proposed schedule for completion of the eligible housing project;**  
4       **“(E) A project pro forma demonstrating that the project would not be economically fea-**  
5 **sible but for receipt of the grant moneys; and**  
6       **“(F) Any other information, documentation or attestation that the sponsoring jurisdic-**  
7 **tion considers necessary or convenient for the application review process.**  
8       **“(c)(A) The project pro forma under paragraph (b)(E) of this subsection shall be on a**  
9 **form provided to the sponsoring jurisdiction by the Housing and Community Services De-**  
10 **partment and made available to grant applicants.**  
11       **“(B) The department may enter into an agreement with a third party to develop the**  
12 **project pro forma template.**  
13       **“(2)(a) The review of an application under this section shall be completed within 90 days**  
14 **following the receipt of the application by the sponsoring jurisdiction.**  
15       **“(b) Notwithstanding paragraph (a) of this subsection:**  
16       **“(A) The sponsoring jurisdiction may in its sole discretion extend the review process be-**  
17 **yond 90 days if the volume of applications would make timely completion of the review pro-**  
18 **cess unlikely.**  
19       **“(B) The sponsoring jurisdiction may consult with a developer about the developer’s ap-**  
20 **plication, and the developer, after the consultation, may amend the application on or before**  
21 **a deadline set by the sponsoring jurisdiction.**  
22       **“(3) The sponsoring jurisdiction shall:**  
23       **“(a) Review each application;**  
24       **“(b) Request that the county tax officers provide to the sponsoring jurisdiction the**  
25 **amounts determined under section 27 of this 2024 Act;**  
26       **“(c) Set the term of the loan that will fund the grant award for a period not to exceed**  
27 **the greater of:**  
28       **“(A) Ten years following July 1 of the first property tax year for which the completed**  
29 **eligible housing project property is estimated to be taken into account; or**  
30       **“(B) If agreed upon by the sponsoring jurisdiction and the department, the period re-**  
31 **quired for the loan principal and fees to be repaid in full;**  
32       **“(d) Set the amount of the grant that may be awarded to the developer under section 29**  
33 **(2) of this 2024 Act by multiplying the increment determined under section 27 (1)(c) of this**  
34 **2024 Act by the term of the loan; and**  
35       **“(e)(A) Provisionally approve the application as submitted;**  
36       **“(B) Provisionally approve the application on terms other than those requested in the**  
37 **application; or**  
38       **“(C) Reject the application.**  
39       **“(4)(a) The sponsoring jurisdiction shall forward provisionally approved applications to**  
40 **the Housing and Community Services Department.**  
41       **“(b) The department shall review the provisionally approved applications for complete-**  
42 **ness, including, but not limited to, the completeness of the project pro forma submitted with**  
43 **the application under subsection (1)(b)(E) of this section and the amounts computed under**  
44 **section 27 (1) of this 2024 Act and notify the sponsoring jurisdiction of its determination.**  
45       **“(5)(a) If the department has determined that a provisionally approved application is in-**

1 complete, the sponsoring jurisdiction may:

2 “(A) Consult with the applicant developer and reconsider the provisionally approved ap-  
3 plication after the applicant revises it; or

4 “(B) Reject the provisionally approved application.

5 “(b) If the department has determined that a provisionally approved application is com-  
6 plete, the approval shall be final.

7 “(c) The sponsoring jurisdiction shall notify each applicant and the department of the  
8 final approval or rejection of an application and the amount of the grant award.

9 “(d) The rejection of an application and the amount of a grant award may not be ap-  
10 pealed, but a developer may reapply for a grant at any time within the applicable deadlines  
11 of the grant program for the same or another eligible housing project.

12 “(6) Upon request by a sponsoring jurisdiction, the department may assist the sponsoring  
13 jurisdiction with, or perform on behalf of the sponsoring jurisdiction, any duty required un-  
14 der this section.

15 “SECTION 27. (1) Upon request of the sponsoring jurisdiction under section 26 (3)(b) of  
16 this 2024 Act, the assessor of the county in which is located the eligible housing project to  
17 which an application being reviewed under section 26 of this 2024 Act relates shall:

18 “(a) Using the last certified assessment roll for the property tax year in which the ap-  
19 plication is received under section 26 of this 2024 Act:

20 “(A) Determine the amount of property taxes assessed against all tax accounts that in-  
21 clude the eligible housing project property; and

22 “(B) Subtract the amount of operating taxes as defined in ORS 310.055 and local option  
23 taxes as defined in ORS 310.202 levied by fire districts from the amount determined under  
24 subparagraph (A) of this paragraph.

25 “(b) For the first property tax year for which the completed eligible housing project  
26 property is estimated to be taken into account:

27 “(A) Determine the estimated amount of property taxes that will be assessed against all  
28 tax accounts that include the eligible housing project property; and

29 “(B) Subtract the estimated amount of operating taxes and local option taxes levied by  
30 fire districts from the amount determined under subparagraph (A) of this paragraph.

31 “(c) Determine the amount of the increment that results from subtracting the amount  
32 determined under subsection (1)(a) of this section from the amount determined under sub-  
33 section (1)(b) of this section.

34 “(2) As soon as practicable after determining amounts under this section, the county tax  
35 officers shall provide written notice to the sponsoring jurisdiction of the amounts.

36 “SECTION 28. (1)(a) The Housing and Community Services Department shall develop a  
37 program to make loans to sponsoring jurisdictions to fund grants awarded under the spon-  
38 soring jurisdiction’s grant program adopted pursuant to section 25 of this 2024 Act.

39 “(b) The loans shall be interest free for the term set by the sponsoring jurisdiction under  
40 section 26 (3)(c) of this 2024 Act.

41 “(2) For each application approved under section 26 (5)(b) of this 2024 Act, the Housing  
42 and Community Services Department shall:

43 “(a) Enter into a loan agreement with the sponsoring jurisdiction for a payment in an  
44 amount equal to the total of:

45 “(A) Loan proceeds in an amount equal to the grant award for the application set under

1 section 26 (3)(d) of this 2024 Act; and

2 “(B) The administrative costs set forth in subsection (3) of this section; and

3 “(b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this  
4 subsection out of the Housing Project Revolving Loan Fund established under section 35 of  
5 this 2024 Act.

6 “(3) The administrative costs referred to in subsection (2)(a)(B) of this section are:

7 “(a) An amount not greater than five percent of the loan proceeds to reimburse the  
8 sponsoring jurisdiction for the costs of administering the grant program, other than the  
9 costs of tax administration; and

10 “(b) An amount equal to one percent of the loan proceeds to be transferred to the county  
11 in which the sponsoring jurisdiction is situated to reimburse the county for the costs of the  
12 tax administration of the grant program by the county tax officers.

13 “(4) The Housing and Community Services Department may assign any and all loan  
14 amounts made under this section to the Department of Revenue for collection as provided  
15 in ORS 293.250.

16 “(5) The Housing and Community Services Department may:

17 “(a) Consult with the Oregon Business Development Department about any of the powers  
18 and duties conferred on the Housing and Community Services Department by sections 24 to  
19 35 of this 2024 Act; and

20 “(b) Adopt any rule it considers necessary or convenient for the administration of  
21 sections 24 to 35 of this 2024 Act by the Housing and Community Services Department.

22 “SECTION 29. (1) Upon entering into a loan agreement with the Housing and Community  
23 Services Department under section 28 of this 2024 Act, a sponsoring jurisdiction shall offer  
24 a grant agreement to each developer whose application was approved under section 26 (5)(b)  
25 of this 2024 Act.

26 “(2) The grant agreement shall:

27 “(a) Include a grant award in the amount set under section 26 (3)(d) of this 2024 Act; and

28 “(b) Contain terms that:

29 “(A) Are required under sections 24 to 35 of this 2024 Act or the ordinance or resolution  
30 adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

31 “(B) Do not conflict with sections 24 to 35 of this 2024 Act or the ordinance or resolution  
32 adopted by the sponsoring jurisdiction pursuant to section 25 of this 2024 Act.

33 “(3) Upon entering into a grant agreement with a developer, a sponsoring jurisdiction  
34 shall adopt an ordinance or resolution setting forth the details of the eligible housing project  
35 that is the subject of the agreement, including but not limited to:

36 “(a) A description of the eligible housing project;

37 “(b) An itemized description of the eligible costs;

38 “(c) The amount and terms of the grant award;

39 “(d) Written notice that the eligible housing project property is exempt from property  
40 taxation in accordance with section 30 of this 2024 Act; and

41 “(e) A statement declaring that the grant has been awarded in response to the housing  
42 needs of communities within the sponsoring jurisdiction.

43 “(4) Unless otherwise specified in the grant agreement, as soon as practicable after the  
44 ordinance or resolution required under subsection (3) of this section becomes effective, the  
45 sponsoring jurisdiction shall distribute the loan proceeds received from the department un-



1 der section 28 (2)(a)(A) of this 2024 Act to the developer as the grant moneys awarded under  
2 this section.

3 “(5) The sponsoring jurisdiction shall forward to the tax officers of the county in which  
4 the eligible housing project is located a copy of the grant agreement, the ordinance or re-  
5 solution and any other material the sponsoring jurisdiction considers necessary for the tax  
6 officers to perform their duties under sections 24 to 35 of this 2024 Act or the ordinance or  
7 resolution.

8 “(6) Upon request, the department may assist the sponsoring jurisdiction with, or per-  
9 form on behalf of the sponsoring jurisdiction, any duty required under this section.

10 “SECTION 30. (1) Upon receipt of the copy of a grant agreement and ordinance or re-  
11 solution from the sponsoring jurisdiction under section 29 (5) of this 2024 Act, the assessor  
12 of the county in which eligible housing project property is located shall:

13 “(a) Exempt the eligible housing project property in accordance with this section;

14 “(b) Assess and tax the nonexempt property in the tax account as other similar property  
15 is assessed and taxed; and

16 “(c) Submit a written report to the sponsoring jurisdiction setting forth the assessor’s  
17 estimate of the amount of:

18 “(A) The real market value of the exempt eligible housing project property; and

19 “(B) The property taxes on the exempt eligible housing project property that would have  
20 been collected if the property were not exempt.

21 “(2)(a) The exemption shall first apply to the first property tax year that begins after  
22 completion of the eligible housing project to which the grant relates.

23 “(b) The eligible housing project property shall be disqualified from the exemption on the  
24 earliest of:

25 “(A) July 1 of the property tax year immediately succeeding the date on which the fee  
26 payment obligation under section 32 of this 2024 Act that relates to the eligible housing  
27 project is repaid in full;

28 “(B) The date on which the annual fee imposed on the fee payer under section 32 of this  
29 2024 Act becomes delinquent;

30 “(C) The date on which foreclosure proceedings are commenced as provided by law for  
31 delinquent nonexempt taxes assessed with respect to the tax account that includes the eli-  
32 gible housing project; or

33 “(D) The date on which a condition specified in section 33 (1) of this 2024 Act occurs.

34 “(c) After the eligible housing project property has been disqualified from the exemption  
35 under this subsection, the property shall be assessed and taxed as other similar property is  
36 assessed and taxed.

37 “(3) For each tax year that the eligible housing project property is exempt from taxation,  
38 the assessor shall enter a notation on the assessment roll stating:

39 “(a) That the property is exempt under this section; and

40 “(b) The presumptive number of property tax years for which the exemption is granted,  
41 which shall be the term of the loan agreement relating to the eligible housing project set  
42 under section 26 (3)(c) of this 2024 Act.

43 “SECTION 31. (1) Repayment of loans made under section 28 of this 2024 Act shall begin,  
44 in accordance with section 32 of this 2024 Act, after completion of the eligible housing project  
45 funded by the grant to which the loan relates.

1       “(2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible  
2 housing project.

3       “(b)(A) If an eligible housing project is completed before July 1 of the assessment year,  
4 repayment shall begin with the property tax year that begins on July 1 of the assessment  
5 year.

6       “(B) If an eligible housing project is completed on or after July 1 of the assessment year,  
7 repayment shall begin with the property tax year that begins on July 1 of the succeeding  
8 assessment year.

9       “(c) After determining the date of completion under paragraph (a) of this subsection, the  
10 sponsoring jurisdiction shall notify the Housing and Community Services Department and the  
11 county tax officers of the determination.

12       “(3) A loan shall remain outstanding until repaid in full.

13       “SECTION 32. (1) The fee payer for eligible housing project property that has been  
14 granted exemption under section 30 of this 2024 Act shall pay an annual fee for the term that  
15 shall be the presumptive number of years for which the property is granted exemption under  
16 section 30 (3)(b) of this 2024 Act.

17       “(2)(a) The amount of the fee for the first property tax year in which repayment of the  
18 loan is due under section 31 (1) of this 2024 Act shall equal the total of:

19       “(A) The portion of the increment determined under section 27 (1)(c) of this 2024 Act that  
20 is attributable to the eligible housing project property to which the fee relates; and

21       “(B) The administrative costs described in section 28 (3) of this 2024 Act divided by the  
22 term of the grant agreement entered into under section 29 of this 2024 Act.

23       “(b) For each subsequent property tax year, the amount of the fee shall be 103 percent  
24 of the amount of the fee for the preceding property tax year.

25       “(3)(a) Not later than July 15 of each property tax year during the term of the fee obli-  
26 gation, the sponsoring jurisdiction shall certify to the assessor each fee amount that became  
27 due under this section on or after July 16 of the previous property tax year from fee payers  
28 with respect to eligible housing projects located in the sponsoring jurisdiction.

29       “(b) The assessor shall place each fee amount on the assessment and tax rolls of the  
30 county and notify:

31       “(A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts  
32 imposed with respect to eligible housing project property located in the sponsoring jurisdic-  
33 tion.

34       “(B) The Housing and Community Services Department of each fee amount and the ag-  
35 gregate of all fee amounts with respect to all eligible housing project property located in the  
36 county.

37       “(4)(a) The assessor shall include on the tax statement of each tax account that includes  
38 exempt eligible housing project property the amount of the fee imposed on the fee payer with  
39 respect to the eligible housing project property.

40       “(b) The fee shall be collected and enforced in the same manner as ad valorem property  
41 taxes, including nonexempt taxes, are collected and enforced.

42       “(5)(a) For each property tax year in which a fee is payable under this section, the  
43 treasurer shall:

44       “(A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option  
45 taxes as defined in ORS 310.202 levied by fire districts that would have been collected on el-

1 eligible housing project property if the property were not exempt;

2 “(B) Distribute out of the fee moneys the amounts determined under subparagraph (A)  
3 of this paragraph to the respective fire districts when other ad valorem property taxes are  
4 distributed under ORS 311.395; and

5 “(C) Transfer the net fee moneys to the Housing and Community Services Department  
6 for deposit in the Housing Project Revolving Loan Fund established under section 35 of this  
7 2024 Act in repayment of the loans to which the fees relate.

8 “(b) Nonexempt taxes shall be distributed in the same manner as other ad valorem  
9 property taxes are distributed.

10 “(6) Any person with an interest in the eligible housing project property on the date on  
11 which any fee amount becomes due shall be jointly and severally liable for payment of the  
12 fee amount.

13 “(7) Any loan amounts that have not been repaid when the fee payer has discharged its  
14 obligations in full under this section remain the obligation of the sponsoring jurisdiction that  
15 obtained the loan from the department under section 28 of this 2024 Act.

16 “(8) Any fee amounts collected in excess of the loan amount shall be distributed in the  
17 same manner as other ad valorem property taxes are distributed.

18 “SECTION 33. (1)(a) A developer that received a grant award under section 29 of this 2024  
19 Act shall become liable for immediate payment of any outstanding annual fee payments im-  
20 posed under section 32 of this 2024 Act for the entire term of the fee if:

21 “(A) The developer has not completed the eligible housing project within three years  
22 following the date on which the grant moneys were distributed to the developer;

23 “(B) The eligible housing project changes substantially from the project for which the  
24 developer’s application was approved such that the project would not have been eligible for  
25 the grant; or

26 “(C) The developer has not complied with a requirement specified in the grant agreement.

27 “(b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the  
28 eligible housing project must be completed.

29 “(2) If the sponsoring jurisdiction discovers that a developer willfully made a false  
30 statement or misrepresentation or willfully failed to report a material fact to obtain a grant  
31 with respect to an eligible housing project, the sponsoring jurisdiction may impose on the  
32 developer a penalty not to exceed 20 percent of the amount of the grant so obtained, plus  
33 any applicable interest and fees associated with the costs of collection.

34 “(3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on  
35 the eligible housing project property and the nonexempt property in the tax account.

36 “(4) The sponsoring jurisdiction shall provide written notice of any amounts that become  
37 due under subsections (1) and (2) of this section to the county tax officers and the Housing  
38 and Community Services Department.

39 “(5)(a) Any and all amounts required to be paid under this section shall be considered to  
40 be liquidated and delinquent, and the Housing and Community Services Department shall  
41 assign such amounts to the Department of Revenue for collection as provided in ORS 293.250.

42 “(b) Amounts collected under this subsection shall be deposited, net of any collection  
43 charges, in the Housing Project Revolving Loan Fund established under section 35 of this  
44 2024 Act.

45 “SECTION 34. (1) Not later than June 30 of each year in which a grant agreement entered

1 into under section 29 of this 2024 Act is in effect, a developer that is party to the agreement  
2 shall submit a report to the sponsoring jurisdiction in which the eligible housing project is  
3 located that contains:

4 “(a) The status of the construction or conversion of the eligible housing project property,  
5 including an estimate of the date of completion;

6 “(b) An itemized description of the uses of the grant moneys; and

7 “(c) Any information the sponsoring jurisdiction considers important for evaluating the  
8 eligible housing project and the developer’s performance under the terms of the grant  
9 agreement.

10 “(2) Not later than August 15 of each year, each sponsoring jurisdiction shall submit to  
11 the Housing and Community Services Department a report containing such information re-  
12 lating to eligible housing projects within the sponsoring jurisdiction as the department re-  
13 quires.

14 “(3)(a) Not later than November 15 of each year, the department shall submit, in the  
15 manner required under ORS 192.245, a report to the interim committees of the Legislative  
16 Assembly related to housing.

17 “(b) The report shall set forth in detail:

18 “(A) The information received from sponsoring jurisdictions under subsection (2) of this  
19 section;

20 “(B) The status of the repayment of all outstanding loans made under section 28 of this  
21 2024 Act and of the payment of all fees imposed under section 32 of this 2024 Act and all  
22 amounts imposed under section 33 of this 2024 Act; and

23 “(C) The cumulative experience of the program developed and implemented under  
24 sections 24 to 35 of this 2024 Act.

25 “(c) The report may include recommendations for legislation.

26 “SECTION 35. (1) The Housing Project Revolving Loan Fund is established in the State  
27 Treasury, separate and distinct from the General Fund. Interest earned by the Housing  
28 Project Revolving Loan Fund shall be credited to the fund.

29 “(2) Moneys in the fund may be invested as provided by ORS 293.701 to 293.857, and the  
30 earnings from the investments shall be credited to the fund.

31 “(3) Moneys in the Housing Project Revolving Loan Fund shall consist of:

32 “(a) Amounts appropriated or otherwise transferred or credited to the fund by the Leg-  
33 islative Assembly;

34 “(b) Net fee moneys transferred under section 32 of this 2024 Act;

35 “(c) Amounts deposited in the fund under section 33 of this 2024 Act;

36 “(d) Interest and other earnings received on moneys in the fund; and

37 “(e) Other moneys or proceeds of property from any public or private source that are  
38 transferred, donated or otherwise credited to the fund.

39 “(4) Moneys in the Housing Project Revolving Loan Fund are continuously appropriated  
40 to the Housing and Community Services Department for the purpose of paying amounts de-  
41 termined under section 28 of this 2024 Act.

42 “(5) Moneys in the Housing Project Revolving Loan Fund at the end of a biennium shall  
43 be retained in the fund and used for the purposes set forth in subsection (4) of this section.

44 “SECTION 36. (1) The Housing and Community Services Department shall have developed  
45 and begun operating the loan program that the department is required to develop under

1 section 28 of this 2024 Act, including regional trainings and outreach for jurisdictional part-  
2 ners, no later than June 30, 2025.

3 “(2) In the first two years in which the loan program is operating, the department may  
4 not expend an amount in excess of two-thirds of the moneys appropriated to the department  
5 for the purpose under section 62 of this 2024 Act.

6  
7 “HOUSING LAND USE ADJUSTMENTS

8  
9 “SECTION 37. Sections 38 to 41 of this 2024 Act are added to and made a part of ORS  
10 chapter 197A.

11 “SECTION 38. Mandatory adjustment to housing development standards. (1) As used in  
12 sections 38 to 41 of this 2024 Act:

13 “(a) ‘Adjustment’ means a deviation from an existing land use regulation.

14 “(b) ‘Adjustment’ does not include:

15 “(A) A request to allow a use of property not otherwise permissible under applicable  
16 zoning requirements;

17 “(B) Deviations from land use regulations or requirements related to accessibility,  
18 affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site  
19 clean-up, wildlife protection, or statewide land use planning goals relating to natural re-  
20 sources, natural hazards, the Willamette River Greenway, estuarine resources, coastal  
21 shorelands, beaches and dunes or ocean resources;

22 “(C) A complete waiver of land use regulations or any changes beyond the explicitly re-  
23 quested and allowed adjustments; or

24 “(D) Deviations to requirements related to the implementation of fire or building codes,  
25 federal or state air, water quality or surface, ground or stormwater requirements, or re-  
26 quirements of any federal, state or local law other than a land use regulation.

27 “(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a  
28 request for an adjustment in an application to develop housing as provided in this section.  
29 An application qualifies for an adjustment under this section only if the following conditions  
30 are met:

31 “(a) The application is for a building permit or a quasi-judicial, limited or ministerial land  
32 use decision;

33 “(b) The development is on lands zoned to allow for residential uses, including mixed-use  
34 residential;

35 “(c) The residential development is for densities not less than those required under sec-  
36 tion 55 (3)(a)(C) of this 2024 Act;

37 “(d) The development is within an urban growth boundary, not including lands that have  
38 not been annexed by a city;

39 “(e) The development is of net new housing units in new construction projects, including:

40 “(A) Single-family or multifamily;

41 “(B) Mixed-use residential where at least 75 percent of the developed floor area will be  
42 used for residential uses;

43 “(C) Manufactured dwelling parks;

44 “(D) Accessory dwelling units; or

45 “(E) Middle housing as defined in ORS 197A.420;

1       “(f) The application requests not more than 10 distinct adjustments to development  
2 standards as provided in this section. A ‘distinct adjustment’ means:

3       “(A) An adjustment to one of the development standards listed in subsection (4) of this  
4 section where each discrete adjustment to a listed development standard that includes mul-  
5 tiple component standards must be counted as an individual adjustment; or

6       “(B) An adjustment to one of the development standards listed in subsection (5) of this  
7 section where each discrete adjustment to a listed development standard that includes mul-  
8 tiple component standards must be counted as an individual adjustment; and

9       “(g) The application states how at least one of the following criteria apply:

10       “(A) The adjustments will enable development of housing that is not otherwise feasible  
11 due to cost or delay resulting from the unadjusted land use regulations;

12       “(B) The adjustments will enable development of housing that reduces the sale or rental  
13 prices per residential unit;

14       “(C) The adjustments will increase the number of housing units within the application;

15       “(D) All of the units in the application are subject to an affordable housing covenant as  
16 described in ORS 456.270 to 456.295, making them affordable to moderate income households  
17 as defined in ORS 456.270 for a minimum of 30 years;

18       “(E) At least 20 percent of the units in the application are subject to an affordable  
19 housing covenant as described in ORS 456.270 to 456.295, making them affordable to low in-  
20 come households as defined in ORS 456.270 for a minimum of 60 years;

21       “(F) The adjustments will enable the provision of accessibility or visitability features in  
22 housing units that are not otherwise feasible due to cost or delay resulting from the unad-  
23 justed land use regulations; or

24       “(G) All of the units in the application are subject to a zero equity, limited equity, or  
25 shared equity ownership model including resident-owned cooperatives and community land  
26 trusts making them affordable to moderate income households as described in ORS 456.270  
27 to 456.295 for a period of 90 years.

28       “(3) A decision on an application for an adjustment made under this section is a limited  
29 land use decision. Only the applicant may appeal the decision. No notice of the decision is  
30 required if the application is denied, other than notice to the applicant. In implementing this  
31 subsection, a local government may:

32       “(a) Use an existing process, or develop and apply a new process, that complies with the  
33 requirements of this subsection; or

34       “(b) Directly apply the process set forth in this subsection.

35       “(4) A local government shall grant an adjustment to the following development stan-  
36 dards:

37       “(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

38       “(b) For an individual development project, the common area, open space or area that  
39 must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not  
40 more than 25 percent.

41       “(c) Parking minimums.

42       “(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more  
43 than a 10 percent adjustment to lot widths or depths.

44       “(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than  
45 a 10 percent adjustment to lot width or depths and only if the adjustment results in:

1       “(A) More dwelling units than would be allowed without the adjustment; and  
2       “(B) No reduction in density below the minimum applicable density.  
3       “(f) Building lot coverage requirements for up to a 10 percent adjustment.  
4       “(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420,  
5 multifamily housing and mixed-use residential housing:  
6       “(A) Requirements for bicycle parking that establish:  
7       “(i) The minimum number of spaces for use by the residents of the project, provided the  
8 application includes at least one-half space per residential unit; or  
9       “(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces  
10 are within or adjacent to the residential development;  
11       “(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building  
12 height maximums that:  
13       “(i) Are in addition to existing applicable height bonuses, if any; and  
14       “(ii) Are not more than an increase of the greater of:  
15       “(I) One story; or  
16       “(II) A 20 percent increase to base zone height with rounding consistent with methodol-  
17 ogy outlined in city code, if any;  
18       “(C) Unit density maximums, not more than an amount necessary to account for other  
19 adjustments under this section; and  
20       “(D) Prohibitions, for the ground floor of a mixed-use building, against:  
21       “(i) Residential uses except for one face of the building that faces the street and is within  
22 20 feet of the street; and  
23       “(ii) Nonresidential active uses that support the residential uses of the building, including  
24 lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity  
25 spaces or live-work spaces, except for active uses in specifically and clearly defined mixed  
26 use areas or commercial corridors designated by local governments.  
27       “(5) A local government shall grant an adjustment to design standards that regulate:  
28       “(a) Facade materials, color or pattern.  
29       “(b) Facade articulation.  
30       “(c) Roof forms and materials.  
31       “(d) Entry and garage door materials.  
32       “(e) Garage door orientation, unless the building is adjacent to or across from a school  
33 or public park.  
34       “(f) Window materials, except for bird-safe glazing requirements.  
35       “(g) Total window area, for up to a 30 percent adjustment, provided the application in-  
36 cludes at least 12 percent of the total facade as window area.  
37       “(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420,  
38 multifamily housing and mixed-use residential:  
39       “(A) Building orientation requirements, not including transit street orientation require-  
40 ments.  
41       “(B) Building height transition requirements, not more than a 50 percent adjustment  
42 from the base zone.  
43       “(C) Requirements for balconies and porches.  
44       “(D) Requirements for recesses and offsets.  
45       “SECTION 39. Mandatory adjustments exemption process. (1) A local government may

1 apply to the Housing Accountability and Production Office for an exemption to section 38 of  
2 this 2024 Act only as provided in this section. After the application is made, section 38 of this  
3 2024 Act does not apply to the applicant until the office denies the application or revokes the  
4 exemption.

5 “(2) To qualify for an exemption under this section, the local government must demon-  
6 strate that:

7 “(a) The local government reviews requested design and development adjustments for all  
8 applications for the development of housing that are under the jurisdiction of that local  
9 government;

10 “(b) All listed development and design adjustments under section 38 (4) and (5) of this  
11 2024 Act are eligible for an adjustment under the local government’s process; and

12 “(c)(A) Within the previous 5 years the city has approved 90 percent of received adjust-  
13 ment requests; or

14 “(B) The adjustment process is flexible and accommodates project needs as demonstrated  
15 by testimonials of housing developers who have utilized the adjustment process within the  
16 previous five years.

17 “(3) Upon receipt of an application under this section, the office shall allow for public  
18 comment on the application for a period of no less than 45 days. The office shall enter a final  
19 order on the adjustment exemption within 120 days of receiving the application. The approval  
20 of an application may not be appealed.

21 “(4) In approving an exemption, the office may establish conditions of approval requiring  
22 that the city demonstrate that it continues to meet the criteria under subsection (2) of this  
23 section.

24 “(5) Local governments with an approved or pending exemption under this section shall  
25 clearly and consistently notify applicants, including prospective applicants seeking to request  
26 an adjustment, that are engaged in housing development:

27 “(a) That the local government is employing a local process in lieu of section 38 of this  
28 2024 Act;

29 “(b) Of the development and design standards for which an applicant may request an  
30 adjustment in a housing development application; and

31 “(c) Of the applicable criteria for the adjustment application.

32 “(6) In response to a complaint and following an investigation, the office may issue an  
33 order revoking an exemption issued under this section if the office determines that the local  
34 government is:

35 “(a) Not approving adjustments as required by the local process or the terms of the ex-  
36 emption;

37 “(b) Engaging in a pattern or practice of violating housing-related statutes or imple-  
38 menting policies that create unreasonable cost or delays to housing production under ORS  
39 197.320 (13)(a); or

40 “(c) Failing to comply with conditions of approval adopted under subsection (4) of this  
41 section.

42 “SECTION 40. Temporary exemption authority. Before January 1, 2025, notwithstanding  
43 section 39 of this 2024 Act:

44 “(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the  
45 Department of Land Conservation and Development; and





1 mission pursuant to ORS chapters 195, 196, 197 and 197A.

2 “(9) ‘Guidelines’ means suggested approaches designed to aid cities and counties in preparation,  
3 adoption and implementation of comprehensive plans in compliance with goals and to aid state  
4 agencies and special districts in the preparation, adoption and implementation of plans, programs  
5 and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies,  
6 cities, counties and special districts to a single approach.

7 “(10) ‘Land use decision’:

8 “(a) Includes:

9 “(A) A final decision or determination made by a local government or special district that con-  
10 cerns the adoption, amendment or application of:

11 “(i) The goals;

12 “(ii) A comprehensive plan provision;

13 “(iii) A land use regulation; or

14 “(iv) A new land use regulation;

15 “(B) A final decision or determination of a state agency other than the commission with respect  
16 to which the agency is required to apply the goals; or

17 “(C) A decision of a county planning commission made under ORS 433.763;

18 “(b) Does not include a decision of a local government:

19 “(A) That is made under land use standards that do not require interpretation or the exercise  
20 of policy or legal judgment;

21 “(B) That approves or denies a building permit issued under clear and objective land use stan-  
22 dards;

23 “(C) That is a limited land use decision;

24 “(D) That determines final engineering design, construction, operation, maintenance, repair or  
25 preservation of a transportation facility that is otherwise authorized by and consistent with the  
26 comprehensive plan and land use regulations;

27 “(E) That is an expedited land division as described in ORS 197.360;

28 “(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal  
29 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal  
30 under ORS 480.410 to 480.460;

31 “(G) That approves or denies approval of a final subdivision or partition plat or that determines  
32 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or  
33 partition plan; or

34 “(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-  
35 knowledged comprehensive plan and land use regulations implementing the plan, if:

36 “(i) The local government has already made a land use decision authorizing a use or activity  
37 that encompasses the proposed state agency action;

38 “(ii) The use or activity that would be authorized, funded or undertaken by the proposed state  
39 agency action is allowed without review under the acknowledged comprehensive plan and land use  
40 regulations implementing the plan; or

41 “(iii) The use or activity that would be authorized, funded or undertaken by the proposed state  
42 agency action requires a future land use review under the acknowledged comprehensive plan and  
43 land use regulations implementing the plan;

44 “(c) Does not include a decision by a school district to close a school;

45 “(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization

1 of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000  
2 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

3 “(e) Does not include:

4 “(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

5 “(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after  
6 a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

7 “(C) A state agency action subject to ORS 197.180 (1), if:

8 “(i) The local government with land use jurisdiction over a use or activity that would be au-  
9 thorized, funded or undertaken by the state agency as a result of the state agency action has already  
10 made a land use decision approving the use or activity; or

11 “(ii) A use or activity that would be authorized, funded or undertaken by the state agency as  
12 a result of the state agency action is allowed without review under the acknowledged comprehensive  
13 plan and land use regulations implementing the plan.

14 “(11) ‘Land use regulation’ means any local government zoning ordinance, land division ordi-  
15 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for  
16 implementing a comprehensive plan.

17 “(12)(a) ‘Limited land use decision’[:]

18 “[a)] means a final decision or determination made by a local government pertaining to a site  
19 within an urban growth boundary that concerns:

20 “(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS  
21 92.040 (1).

22 “(B) The approval or denial of an application based on discretionary standards designed to reg-  
23 ulate the physical characteristics of a use permitted outright, including but not limited to site re-  
24 view and design review.

25 “(C) **The approval or denial of an application for a replat.**

26 “(D) **The approval or denial of an application for a property line adjustment.**

27 “(E) **The approval or denial of an application for an extension alteration or expansion of**  
28 **a nonconforming use.**

29 “(b) ‘**Limited land use decision**’ does not mean a final decision made by a local government  
30 pertaining to a site within an urban growth boundary that concerns approval or denial of a final  
31 subdivision or partition plat or that determines whether a final subdivision or partition plat sub-  
32 stantially conforms to the tentative subdivision or partition plan.

33 “(13) ‘Local government’ means any city, county or Metro or an association of local govern-  
34 ments performing land use planning functions under ORS 195.025.

35 “(14) ‘Metro’ means a metropolitan service district organized under ORS chapter 268.

36 “(15) ‘Metro planning goals and objectives’ means the land use goals and objectives that Metro  
37 may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive  
38 plan.

39 “(16) ‘Metro regional framework plan’ means the regional framework plan required by the 1992  
40 Metro Charter or its separate components. Neither the regional framework plan nor its individual  
41 components constitute a comprehensive plan.

42 “(17) ‘New land use regulation’ means a land use regulation other than an amendment to an  
43 acknowledged land use regulation adopted by a local government that already has a comprehensive  
44 plan and land regulations acknowledged under ORS 197.251.

45 “(18) ‘Person’ means any individual, partnership, corporation, association, governmental subdi-

1 vision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS  
2 chapters 195, 197 and 197A.

4 “(19) ‘Special district’ means any unit of local government, other than a city, county, Metro or  
5 an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic  
6 water associations and water cooperatives, irrigation districts, port districts, regional air quality  
7 control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

10 “(20) ‘Urban growth boundary’ means an acknowledged urban growth boundary contained in a  
11 city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

12 “(21) ‘Urban unincorporated community’ means an area designated in a county’s acknowledged  
13 comprehensive plan as an urban unincorporated community after December 5, 1994.

14 “(22) ‘Voluntary association of local governments’ means a regional planning agency in this  
15 state officially designated by the Governor pursuant to the federal Office of Management and Budget  
16 Circular A-95 as a regional clearinghouse.

17 “(23) ‘Wetlands’ means those areas that are inundated or saturated by surface or ground water  
18 at a frequency and duration that are sufficient to support, and that under normal circumstances do  
19 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

20 “**SECTION 45.** ORS 197.195 is amended to read:

21 “197.195. (1) A limited land use decision shall be consistent with applicable provisions of city  
22 or county comprehensive plans and land use regulations. Such a decision may include conditions  
23 authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all  
24 comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards  
25 into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS  
26 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into  
27 its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision  
28 by the city or county or on appeal from that decision.

30 “(2) A limited land use decision is not subject to the requirements of ORS 197.797.

31 “(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this  
32 subsection.

33 “(a) In making a limited land use decision, the local government shall follow the applicable  
34 procedures contained within its acknowledged comprehensive plan and land use regulations and  
35 other applicable legal requirements.

36 “(b) For limited land use decisions, the local government shall provide written notice to owners  
37 of property within 100 feet of the entire contiguous site for which the application is made. The list  
38 shall be compiled from the most recent property tax assessment roll. For purposes of review, this  
39 requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

42 “(c) The notice and procedures used by local government shall:

43 “(A) Provide a 14-day period for submission of written comments prior to the decision;

44 “(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised  
45

1 with sufficient specificity to enable the decision maker to respond to the issue;

2 “(C) List, by commonly used citation, the applicable criteria for the decision;

3 “(D) Set forth the street address or other easily understood geographical reference to the sub-  
4 ject property;

5 “(E) State the place, date and time that comments are due;

6 “(F) State that copies of all evidence relied upon by the applicant are available for review, and  
7 that copies can be obtained at cost;

8 “(G) Include the name and phone number of a local government contact person;

9 “(H) Provide notice of the decision to the applicant and any person who submits comments un-  
10 der subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal  
11 rights; and

12 “(I) Briefly summarize the local decision making process for the limited land use decision being  
13 made.

14 “(4) Approval or denial of a limited land use decision shall be based upon and accompanied by  
15 a brief statement that explains the criteria and standards considered relevant to the decision, states  
16 the facts relied upon in rendering the decision and explains the justification for the decision based  
17 on the criteria, standards and facts set forth.

18 “(5) A local government may provide for a hearing before the local government on appeal of a  
19 limited land use decision under this section. The hearing may be limited to the record developed  
20 pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction  
21 of additional testimony or evidence. A hearing on appeal that allows the introduction of additional  
22 testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the  
23 decision rendered on appeal shall be given to all parties who appeared, either orally or in writing,  
24 before the hearing. The notice of decision shall include an explanation of the rights of each party  
25 to appeal the decision.

26 “(6) **A city shall apply the procedures in this section, and only the procedures in this**  
27 **section, to a limited land use decision, even if the city has not incorporated limited land use**  
28 **decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land**  
29 **use decision that is also a land use decision under ORS 197.015 (10)(b)(A) may be made by city**  
30 **staff using an administrative process.**

31 “**SECTION 45a. Section 46 of this 2024 Act is added to and made a part of ORS chapter**  
32 **197.**

33 “**SECTION 46. Applicability of limited land use decision to housing development. (1) The**  
34 **Housing Accountability and Production Office may approve a hardship exemption or time**  
35 **extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions**  
36 **by a local government.**

37 “(2) **The office may grant an exemption or time extension only if the local government**  
38 **demonstrates that a substantial hardship would result from the increased costs or staff ca-**  
39 **capacity needed to implement procedures as required under ORS 197.195 (6).**

40 “(3) **The office shall review exemption or time extension requests under the deadlines**  
41 **provided in section 39 (3) of this 2024 Act.**

42 “**SECTION 47. Sunset. Section 46 of this 2024 Act is repealed on January 2, 2032.**

43 “**SECTION 47a. Operative date. Section 46 of this 2024 Act and the amendments to ORS**  
44 **197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.**

1                   **“ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES**

2  
3           **“SECTION 48. Sections 49 to 59 of this 2024 Act are added to and made a part of ORS**  
4 **chapter 197A.**

5           **“SECTION 49. Definitions. As used in sections 49 to 59 of this 2024 Act:**

6           **“(1) ‘Net residential acre’ means an acre of residentially designated buildable land, not**  
7 **including rights of way for streets, roads or utilities or areas not designated for development**  
8 **due to natural resource protections or environmental constraints.**

9           **“(2) ‘Site’ means a lot or parcel or contiguous lots or parcels, or both, with or without**  
10 **common ownership.**

11           **“SECTION 50. City addition of sites outside of Metro. (1) Notwithstanding any other**  
12 **provision of ORS chapter 197A, a city outside of Metro may add a site to the city’s urban**  
13 **growth boundary under sections 49 to 59 of this 2024 Act, if:**

14           **“(a) The site is adjacent to the existing urban growth boundary of the city or is separated**  
15 **from the existing urban growth boundary by only a street or road;**

16           **“(b) The site is:**

17           **“(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site**  
18 **whose designation is adopted under ORS 197.652 to 197.658;**

19           **“(B) Designated as nonresource land; or**

20           **“(C) Subject to an acknowledged exception to a statewide land use planning goal relating**  
21 **to farmland or forestland;**

22           **“(c) The city has not previously adopted an urban growth boundary amendment or ex-**  
23 **change under sections 49 to 59 of this 2024 Act;**

24           **“(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;**

25           **“(e) The city has requested and received an application as required under sections 53 and**  
26 **54 of this 2024 Act;**

27           **“(f) The total acreage of the site:**

28           **“(A) For a city with a population of 25,000 or greater, does not exceed 100 net residential**  
29 **acres; or**

30           **“(B) For a city with a population of less than 25,000, does not exceed 50 net residential**  
31 **acres; and**

32           **“(g)(A) The city has adopted a binding conceptual plan for the site that satisfies the re-**  
33 **quirements of section 55 of this 2024 Act; or**

34           **“(B) The added site does not exceed 15 net residential acres and satisfies the require-**  
35 **ments of section 56 of this 2024 Act.**

36           **“(2) A county shall approve an amendment to an urban growth boundary made under this**  
37 **section that complies with sections 49 to 59 of this 2024 Act and shall cooperate with a city**  
38 **to facilitate the coordination of functions under ORS 195.020 to facilitate the city’s**  
39 **annexation and the development of the site. The county’s decision is not a land use decision.**

40           **“(3) Notwithstanding ORS 197.626, an action by a local government under sections 49 to**  
41 **59 of this 2024 Act is not a land use decision as defined in ORS 197.015.**

42           **“SECTION 51. Petition for additions of sites to Metro urban growth boundary. (1) A city**  
43 **within Metro may petition Metro to add a site within the Metro urban growth boundary if**  
44 **the site:**

45           **“(a) Satisfies the requirements of section 50 (1) of this 2024 Act; and**

1           “(b) Is designated as an urban reserve.

2           “(2)(a) Within 120 days of receiving a petition under this section, Metro shall determine  
3 whether the site would substantially comply with the applicable provisions of sections 49 to  
4 59 of this 2024 Act.

5           “(b) If Metro determines that a petition does not substantially comply, Metro shall:

6           “(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the  
7 city to remedy any deficiency in a subsequent resubmittal; and

8           “(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro  
9 under this section.

10          “(c) If Metro determines that a petition does comply, notwithstanding any other pro-  
11 vision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to  
12 include the site in the petition, unless the amendment would result in more than 300 total  
13 net residential acres added under this subsection.

14          “(3) If the net residential acres included in petitions that Metro determines are in com-  
15 pliance on or before July 1, 2025, total less than 300 net residential acres, Metro shall adopt  
16 amendments to its urban growth boundary under subsection (2)(c) of this section:

17          “(a) On or before November 1, 2025, for all petitions deemed compliant on or before July  
18 1, 2025; or

19          “(b) Within 120 days after a petition is deemed compliant after July 1, 2025, in the order  
20 in which the petitions are received.

21          “(4) If the net residential acres included in petitions that Metro determines are in com-  
22 pliance on or before July 1, 2025, total 300 or more net residential acres, on or before January  
23 1, 2027, Metro shall adopt amendments to its urban growth boundary under subsection (2)(c)  
24 of this section to include the sites in those petitions that Metro determines will:

25          “(a) Best comply with the provisions of section 55 of this 2024 Act; and

26          “(b) Maximize the development of needed housing.

27          “(5) Metro may not conduct a hearing to review or select petitions or adopt amendments  
28 to its urban growth boundary under this section.

29          “SECTION 52. City demonstration of need. A city may not add, or petition to add, a site  
30 under sections 49 to 59 of this 2024 Act, unless:

31          “(1) The city has demonstrated a need for additional land based on the following factors:

32          “(a)(A) In the previous 20 years there have been no urban growth boundary expansions  
33 for residential use adopted by a city or by Metro in a location adjacent to the city; and

34          “(B) The city does not have within the existing urban growth boundary an undeveloped,  
35 contiguous tract that is zoned for residential use that is larger than 20 net residential acres;  
36 or

37          “(b) Within urban growth boundary expansion areas for residential use adopted by the  
38 city over the previous 20 years, or by Metro in locations adjacent to the city, 75 percent of  
39 the lands either:

40          “(A) Are developed; or

41          “(B) Have an acknowledged comprehensive plan with land use designations in preparation  
42 for annexation and have a public facilities plan and associated financing plan.

43          “(2) The city has demonstrated a need for affordable housing, based on:

44          “(a) Having a greater percentage of extremely cost-burdened households than the aver-  
45 age for this state based on the Comprehensive Housing Affordability Strategy data from the

1 United States Department of Housing and Urban Development; or

2 “(b) At least 25 percent of the renter households in the city being severely rent burdened  
3 as indicated under the most recent housing equity indicator data under ORS 456.602 (2)(g).

4 “**SECTION 53. City solicitation of site applications.** (1) Before a city may select a site for  
5 inclusion within the city’s or Metro’s urban growth boundary under sections 49 to 59 of this  
6 2024 Act, a city must provide public notice that includes:

7 “(a) The city’s intention to select a site for inclusion within the city’s urban growth  
8 boundary.

9 “(b) Each basis under which the city has determined that it qualifies to include a site  
10 under section 52 of this section.

11 “(c) A deadline for submission of applications under this section that is at least 45 days  
12 following the date of the notice.

13 “(d) A description of the information, form and format required of an application, in-  
14 cluding the requirements of section 55 (2) of this 2024 Act.

15 “(2) A copy of the notice of intent under this section must be provided to:

16 “(a) Each county in which the city resides;

17 “(b) Each special district providing urban services within the city’s urban growth  
18 boundary;

19 “(c) The Department of Land Conservation and Development; and

20 “(d) Metro, if the city is within Metro.

21 “**SECTION 54. City review of site applications.** (1) After the deadline for submission of  
22 applications established under section 55 of this 2024 Act, the city shall:

23 “(a) Review applications filed for compliance with sections 49 to 59 of this 2024 Act.

24 “(b) For each completed application that complies with sections 49 to 59 of this 2024 Act,  
25 provide notice to the residents of the proposed site area who were not signatories to the  
26 application.

27 “(c) Provide opportunities for public participation in selecting a site, including, at least:

28 “(A) One public comment period;

29 “(B)(i) One meeting of the city’s planning commission at which public testimony is con-  
30 sidered;

31 “(ii) One meeting of the city’s council at which public testimony is considered; or

32 “(iii) One public open house; and

33 “(C) Notice on the city’s website or published in a paper of record at least 14 days before:

34 “(i) A meeting under subparagraph (B) of this paragraph; and

35 “(ii) The beginning of a comment period under subparagraph (A) of this paragraph.

36 “(d) Consult with, request necessary information from and provide the opportunity for  
37 written comment from:

38 “(A) The owners of each lot or parcel within the site;

39 “(B) If the city does not currently exercise land use jurisdiction over the entire site, the  
40 governing body of each county with land use jurisdiction over the site;

41 “(C) Any special district that provides urban services to the site; and

42 “(D) Any public or private utility that provides utilities to the site.

43 “(2) An application filed under this section must:

44 “(a) Be completed for each property owner or group of property owners that are pro-  
45 posing an urban growth boundary amendment under sections 49 to 59 of this 2024 Act;



1       “(b) Be in writing in a form and format as required by the city;

2       “(c) Specify the lots or parcels that are the subject of the application;

3       “(d) Be signed by all owners of lots or parcels included within the application; and

4       “(e) Include each owner’s signed consent to annexation of the properties if the site is

5 added to the urban growth boundary.

6       “(3) If the city has received approval from all property owners of such lands, in writing

7 in a form and format specified by the city, the governing body of the city may select an ap-

8 plication and the city shall adopt a conceptual plan as described in section 55 of this 2024

9 Act for all or a portion of the lands contained within the application.

10       “(4) A conceptual plan adopted under subsection (3) of this section must include findings

11 identifying reasons for inclusion of lands within the conceptual plan and reasons why lands,

12 if any, submitted as part of an application that was partially approved were not included

13 within the conceptual plan.

14       “SECTION 55. Conceptual plan for added sites. (1) As used in this section:

15       “(a) ‘Affordable units’ means residential units described in subsection (3)(f)(A) or (4) of

16 this section.

17       “(b) ‘Market rate units’ means residential units other than affordable units.

18       “(2) Before adopting an urban growth boundary amendment under section 50 of this 2024

19 Act or petitioning Metro under section 51 of this 2024 Act, for a site larger than 15 net res-

20 idential acres, a city shall adopt a binding conceptual plan as an amendment to its compre-

21 hensive plan.

22       “(3) The conceptual plan must:

23       “(a) Establish the total net residential acres within the site and must require for those

24 residential areas:

25       “(A) A diversity of housing types and sizes, including middle housing, accessible housing

26 and other needed housing;

27       “(B) That the development will be on lands zoned for residential or mixed-use residential

28 uses; and

29       “(C) The development will be built at net residential densities not less than:

30       “(i) Seventeen dwelling units per net residential acre if sited within the Metro urban

31 growth boundary;

32       “(ii) Ten units per net residential acre if sited in a city with a population of 30,000 or

33 greater;

34       “(iii) Six units per net residential acre if sited in a city with a population of 2,500 or

35 greater and less than 30,000; or

36       “(iv) Five units per net residential acre if sited in a city with a population less than 2,500;

37       “(b) Designate within the site:

38       “(A) Recreation and open space lands; and

39       “(B) Lands for commercial uses, either separate or as a mixed use, that:

40       “(i) Primarily serve the immediate surrounding housing;

41       “(ii) Provide goods and services at a smaller scale than provided on typical lands zoned

42 for commercial use; and

43       “(iii) Are provided at the minimum amount necessary to support and integrate viable

44 commercial and residential uses;

45       “(c) If the city has a population of 5,000 or greater, include a transportation network for

1 the site that provides diverse transportation options, including walking, bicycling and transit  
2 use if public transit services are available, as well as sufficient connectivity to existing and  
3 planned transportation network facilities as shown in the local government’s transportation  
4 system plan as defined in Land Conservation and Development Commission rules;

5 “(d) Demonstrate that protective measures will be applied to the site consistent with the  
6 statewide land use planning goals for:

7 “(A) Open spaces, scenic and historic areas or natural resources;

8 “(B) Air, water and land resources quality;

9 “(C) Areas subject to natural hazards;

10 “(D) The Willamette River Greenway;

11 “(E) Estuarine resources;

12 “(F) Coast shorelands; or

13 “(G) Beaches and dunes;

14 “(e) Include a binding agreement among the city, each owner within the site and any  
15 other necessary public or private utility provider, local government or district, as defined in  
16 ORS 195.060, or combination of local governments and districts that the site will be served  
17 with all necessary urban services as defined in ORS 195.065, or an equivalent assurance; and

18 “(f) Include requirements that ensure that:

19 “(A) At least 30 percent of the residential units are subject to affordability restrictions,  
20 including but not limited to affordable housing covenants, as described in ORS 456.270 to  
21 456.295, that require for a period of not less than 60 years that the units be:

22 “(i) Available for rent, with or without government assistance, by households with an  
23 income of 80 percent or less of the area median income as defined in ORS 456.270; or

24 “(ii) Available for purchase, with or without government assistance, by households with  
25 an income of 130 percent or less of the area median income;

26 “(B) The construction of all affordable units has commenced before the city issues cer-  
27 tificates of occupancy to the last 15 percent of market rate units;

28 “(C) All common areas and amenities are equally available to residents of affordable units  
29 and of market rate units and properties designated for affordable units are dispersed  
30 throughout the site; and

31 “(D) The requirement for affordable housing units is recorded before the building permits  
32 are issued for any property within the site, and the requirements contain financial penalties  
33 for noncompliance.

34 “(4) A city may require greater affordability requirements for residential units than are  
35 required under subsection (3)(f)(A) of this section, provided that the city significantly and  
36 proportionally offsets development costs related to:

37 “(a) Permits or fees;

38 “(b) System development charges;

39 “(c) Property taxes; or

40 “(d) Land acquisition and predevelopment costs.

41 “SECTION 56. Alternative for small additions. (1) A city that intends to add 15 net resi-  
42 dential acres or less is not required to adopt a conceptual plan under section 55 of this 2024  
43 Act if the city has entered into:

44 “(a) Enforceable and recordable agreements with each landowner of a property within the  
45 site to ensure that the site will comply with the affordability requirements described in sec-

1 tion 55 (3)(f) of this 2024 Act; and

2 “(b) A binding agreement with each owner within the site and any other necessary public  
3 or private utility provider, local government or district, as defined in ORS 195.060, or com-  
4 bination of local governments and districts to ensure that the site will be served with all  
5 necessary urban services as defined in ORS 195.065.

6 “(2) This section does not apply to a city within Metro.

7 “SECTION 57. Department approval of site additions. (1) Within 21 days after the  
8 adoption of an amendment to an urban growth boundary or the adoption or amendment of  
9 a conceptual plan under sections 49 to 59 of this 2024 Act, and the approval by a county if  
10 required under section 50 (2) of this 2024 Act, the conceptual plan or amendment must be  
11 submitted to the Department of Land Conservation and Development for review. The sub-  
12 mission must be made by:

13 “(a) The city, for an amendment under section 50 or 58 of this 2024 Act; or

14 “(b) Metro, for an amendment under section 51 or 58 of this 2024 Act.

15 “(2) Within 60 days after receiving a submittal under subsection (1) of this section, the  
16 department shall:

17 “(a) Review the submittal for compliance with the provisions of sections 49 to 59 of this  
18 2024 Act.

19 “(b)(A) If the submittal substantially complies with the provisions of sections 49 to 59 of  
20 this 2024 Act, issue an order approving the submittal; or

21 “(B) If the submittal does not substantially comply with the provisions of sections 49 to  
22 59 of this 2024 Act, issue an order remanding the submittal to the city or to Metro with a  
23 specific determination of deficiencies in the submittal and with sufficient detail to identify a  
24 specific remedy for any deficiency in a subsequent resubmittal.

25 “(3) If a conceptual plan is remanded to Metro under subsection (2)(b) of this section:

26 “(a) The department shall notify the city; and

27 “(b) The city may amend its conceptual plan and resubmit a petition to Metro under  
28 section 51 of this 2024 Act.

29 “(4) Judicial review of the department’s order:

30 “(a) Must be as a review of orders other than a contested case under ORS 183.484; and

31 “(b) May be initiated only by the city or an owner of a proposed site.

32 “(5) Following the approval of a submittal under this section, a local government must  
33 include the added lands in any future inventory of buildable lands or determination of hous-  
34 ing capacity under ORS 197A.270, 197A.280, 197A.335 or 197A.350.

35 “SECTION 58. Alternative urban growth boundary land exchange. (1) In lieu of amending  
36 its urban growth boundary under any other process provided by sections 49 to 59 of this 2024  
37 Act, Metro or a city outside of Metro may amend its urban growth boundary to add one or  
38 more sites described in section 51 (1)(a) and (b) of this 2024 Act to the urban growth bound-  
39 ary and to remove one or more tracts of land from the urban growth boundary as provided  
40 in this section.

41 “(2) The acreage of the added site and removed lands must be roughly equivalent.

42 “(3) The removed lands must have been zoned for residential uses.

43 “(4) The added site must be zoned for residential uses at the same or greater density  
44 than the removed lands.

45 “(5)(a) Except as provided in paragraph (b) of this subsection, land may be removed from

1 an urban growth boundary under this section without landowner consent.

2 “(b) A landowner may not appeal the removal of the landowner’s land from an urban  
3 growth boundary under this section unless the landowner agrees to enter into a recorded  
4 agreement with Metro or the city in which the landowner would consent to annexation and  
5 development of the land within 20 years if the land remains in the urban growth boundary.

6 “(6) Review of an exchange of lands made under this section may only be made by:

7 “(a) For cities outside of Metro, the county as provided in section 50 (2) of this 2024 Act  
8 and by the Department of Land Conservation and Development, subject to judicial review,  
9 as provided in section 57 of this 2024 Act; or

10 “(b) For Metro, the Department of Land Conservation and Development, subject to judi-  
11 cial review, as provided in section 57 of this 2024 Act.

12 “(7) Sections 50 (1)(d) to (g), 52, 53, 54, 55 and 56 of this 2024 Act do not apply to a site  
13 addition made under this section.

14 “SECTION 59. Reporting on added sites. A city for which an amendment was made to an  
15 urban growth boundary and approved under sections 49 to 59 of this 2024 Act shall submit a  
16 report describing the status of development within the included area to the Department of  
17 Land Conservation and Development every two years until:

18 “(1) January 2, 2033; or

19 “(2) The city determines that development consistent with the acknowledged conceptual  
20 plan is deemed complete.

21 “SECTION 60. Sunset. Sections 49 to 59 of this 2024 Act are repealed on January 2, 2033.

22  
23 “APPROPRIATIONS

24  
25 “SECTION 61. Appropriation to Department of Land Conservation and Development. In  
26 addition to and not in lieu of any other appropriation, there is appropriated to the Depart-  
27 ment of Land Conservation and Development, for the biennium ending June 30, 2025, out of  
28 the General Fund, the following amounts:

29 “(1) \$ \_\_\_ to take any action to implement sections 1 to 5, 16, 38 to 41, 46 and 49 to 59  
30 of this 2024 Act and the amendments to ORS 183.471, 197.015, 197.195, 197.335, 215.427 and  
31 227.178 by sections 8, 9, 44, 45, 64 and 65 of this 2024 Act.

32 “(2) \$5,000,000 for deposit into the Housing Accountability and Production Office Fund,  
33 established under section 4 of this 2024 Act, for the Housing Accountability and Production  
34 Office, established under section 1 of this 2024 Act, to provide technical assistance, including  
35 grants, under section 1 (2) of this 2024 Act and to provide required studies under section 5  
36 of this 2024 Act.

37 “SECTION 62. Appropriation to Housing and Community Services Department. In addi-  
38 tion to and not in lieu of any other appropriation, there is appropriated to the Housing and  
39 Community Services Department, for the biennium ending June 30, 2025, out of the General  
40 Fund, the amount of \$75,000,000, for deposit into the Housing Project Revolving Loan Fund  
41 established under section 35 of this 2024 Act.

42 “SECTION 63. Appropriation to Oregon Business Development Department. In addition  
43 to and not in lieu of any other appropriation, there is appropriated to the Oregon Business  
44 Development Department, for the biennium ending June 30, 2025, out of the General Fund,  
45 the amount of \$3,000,000, for deposit into the Housing Infrastructure Support Fund estab-

1 **lished under section 14 of this 2024 Act.”**

2 \_\_\_\_\_