

# Senate Bill 1521

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** This Act makes Portland-area cities and counties make up the usual costs to a builder when making the builder add low-cost homes. (Flesch Readability Score: 61.4).

Prohibits cities and counties within the Portland MSA from enforcing requirements that developers provide affordable units in multiunit dwellings unless the city or county first calculates the developers' average expected losses due to providing affordable housing and the city or county offsets those losses.

Becomes operative for rental housing on January 1, 2028.

Becomes operative for all housing on January 1, 2029.

## 1 A BILL FOR AN ACT

2 Relating to local requirements to develop affordable housing; creating new provisions; and amending  
3 ORS 197A.465, 320.195 and 456.766 and section 8, chapter 52, Oregon Laws 2016, section 2,  
4 chapter 112, Oregon Laws 2021, sections 9 and 10, chapter 552, Oregon Laws 2021, and sections  
5 8 and 9, chapter 330, Oregon Laws 2025.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1. Sections 2 and 3 of this 2026 Act are added to and made a part of ORS**  
8 **chapter 197A.**

9 **SECTION 2. (1) As used in this section and section 3 of this 2026 Act:**

10 **(a) "Affordable housing" means housing that is:**

11 **(A) Affordable for and made available to rent by households earning 80 percent of the**  
12 **area median income or less; or**

13 **(B) Affordable and made available to purchase, by the purchase of shares or units in co-**  
14 **operative housing or by other means, based on income restrictions as defined by the city or**  
15 **county.**

16 **(b) "Multiunit housing" means a structure that contains 10 or more dwelling units shar-**  
17 **ing at least one wall, floor or ceiling surface in common with another unit within the same**  
18 **structure.**

19 **(c) "Portland MSA" means the metropolitan statistical area comprising Columbia,**  
20 **Clackamas, Multnomah, Washington and Yamhill Counties and cities within those counties.**

21 **(2) Notwithstanding ORS 91.225, a city or county may adopt a land use regulation, or may**  
22 **impose a requirement as a condition for approving an application under ORS 215.427 or**  
23 **227.178, that has the effect of establishing the sales or rental price for new multiunit housing**  
24 **or that requires new multiunit housing to be designated for sale or rent as affordable hous-**  
25 **ing.**

26 **(3) A regulation or requirement under this section must provide developers with the op-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 tion to pay an in-lieu fee, in an amount determined by the city or county, in exchange for  
 2 providing the requisite number of dwelling units within the multiunit housing to be sold or  
 3 rented at below-market rates.

4 (4) A city or county that adopts or imposes a regulation or requirement described in this  
 5 section may not apply the regulation or requirement to any multiunit housing if, prior to the  
 6 operative date of the regulation or requirement:

7 (a) An application for a permit, as defined in ORS 215.402 or 227.160, has been submitted  
 8 and is deemed complete under ORS 215.416 or 227.178; or

9 (b) A building permit application has been submitted.

10 (5) This section does not restrict a local government from offering incentives, in addition  
 11 to any required by section 3 (1)(a) of this 2026 Act, on a voluntary basis to encourage a de-  
 12 veloper to:

13 (a) Increase the number of affordable dwelling units in a development.

14 (b) Decrease the price of dwelling units in a development, whether or not the units are  
 15 required to be affordable.

16 (6) A regulation or requirement adopted or imposed under this section may offer devel-  
 17 opers one or more of the following incentives to develop affordable housing, in addition to  
 18 any required by section 3 (1)(a) of this 2026 Act:

19 (a) Density adjustments.

20 (b) Expedited service for local permitting processes.

21 (c) Modification of height, floor area or other site-specific requirements.

22 (d) Other incentives as determined by the city or county.

23 (7) This section applies only to multiunit structures with:

24 (a) Twenty or more dwelling units; and

25 (b) Ten or more dwelling units if within the Portland MSA, but not within the City of  
 26 Portland.

27 (8) This section does not apply to the development of a CCRC, as defined in ORS 101.020,  
 28 that executes and records a covenant enforceable by the applicable city or county in which  
 29 the CCRC agrees to operate all units within its structure as a CCRC. Units within a CCRC  
 30 that are offered or converted into residential units not subject to ORS chapter 101 must  
 31 comply with regulations or requirements consistent with those applicable to new multiunit  
 32 housing under this section.

33 **SECTION 3.** (1) A regulation or requirement that is adopted or imposed under section 2  
 34 of this 2026 Act within the Portland MSA and is applicable to rental housing is not enforce-  
 35 able unless:

36 (a) The regulation or requirement requires the enacting city or county to offer to a de-  
 37 veloper of multiunit housing that elects not to pay an in-lieu fee pursuant to section 2 (3)  
 38 of this 2026 Act one or more of the following offsets in an amount totaling at least the ex-  
 39 pected marginal loss in value for the development as calculated under paragraph (b) of this  
 40 subsection:

41 (A) Immediate or structured cash payments.

42 (B) Full or partial exemption from ad valorem property taxes;

43 (C) Whole or partial waivers or reductions of fees, including impact fees or system de-  
 44 velopment charges, provided that those fees have been assessed for multiunit housing for at  
 45 least 30 of the 72 months preceding the date on which the regulation or requirement becomes

1   **operative.**

2       **(b) Within the previous six years, the governing body of the city or county has adopted**  
 3       **by ordinance an economic analysis of the regulation or requirement that calculates the av-**  
 4       **erage expected decrease in net present value of multiunit housing, by type, that would be**  
 5       **expected to result from compliance with the regulation or requirement.**

6       **(2) For the purposes of the economic analysis under subsection (1)(b) of this section, a**  
 7       **city or county:**

8       **(a) May use, for costs and benefits that would accrue over time, including lost rents from**  
 9       **below-market homes and multiyear tax abatements, a net present value calculation or a**  
 10       **comparison of capitalized valuations, or a combination of the two.**

11       **(b) May apply a discount rate on future benefits using a 10-year treasury bond rate plus**  
 12       **a risk-adjustment spread.**

13       **(c) If the city or county is using a risk-adjustment spread or capitalization rate, must**  
 14       **use a spread or rate that is informed by data or interviews about current market conditions.**

15       **(d) Must assume that the loss in value is equal to the net present value of the expected**  
 16       **change in rent.**

17       **(e) Must segment multiunit housing types by the numbers of bedrooms. If the analysis**  
 18       **is for a city that has a population of 75,000 or more, the analysis must also segment the types**  
 19       **by at least two geographic areas. Analyses may include segmentation by additional ge-**  
 20       **ographic areas or by other relevant factors.**

21       **(f) May estimate the loss in value on the basis of housing units or on the basis of square**  
 22       **feet.**

23       **(g) Is entitled to deference in its reliance on analyses, calculations, assumptions, factors,**  
 24       **consultants, experts or data that may be used by accepted economics industry standards or**  
 25       **that may reasonably be relied upon by an economist or analyst with relevant certifications**  
 26       **or expertise.**

27       **(3) A city's or county's adoption of an economic analysis under subsection (1)(b) of this**  
 28       **section:**

29       **(a) Is not a land use decision.**

30       **(b) May be appealed only by writ of review.**

31       **(c) May be appealed only within seven days following the adoption of the analysis or the**  
 32       **adoption of a regulation or requirement based upon the analysis. If a city or county prevails**  
 33       **on an appeal under this paragraph, the city or county is entitled to reasonable attorney fees.**

34       **(4) A city or county decision is reviewed as a limited land use decision, subject to sub-**  
 35       **section (5) of this section, if the decision:**

36       **(a) Applies an economic analysis adopted under subsection (1)(b) of this section to a de-**  
 37       **velopment application;**

38       **(b) Calculates the offsets to be offered to a developer; or**

39       **(c) Calculates the value of offsets provided to a developer.**

40       **(5) Notwithstanding ORS 197.195, for a decision made under subsection (4) of this section:**

41       **(a) Only the applicant may appeal the decision; and**

42       **(b) If the city or county prevails on an appeal, the city or county is entitled to reasonable**  
 43       **attorney fees.**

44       **SECTION 4. Section 3 of this 2026 Act is amended to read:**

45       **Sec. 3. (1) A regulation or requirement that is adopted or imposed under section 2 of this 2026**

- 1    Act within the Portland MSA [*and is applicable to rental housing*] is not enforceable unless:
- 2       (a) The regulation or requirement requires the enacting city or county to offer to a developer
- 3       of multiunit housing that elects not to pay an in-lieu fee pursuant to section 2 (3) of this 2026 Act
- 4       one or more of the following offsets in an amount totaling at least the expected marginal loss in
- 5       value for the development as calculated under paragraph (b) of this subsection:
- 6           (A) Immediate or structured cash payments.
- 7           (B) Full or partial exemption from ad valorem property taxes;
- 8           (C) Whole or partial waivers or reductions of fees, including impact fees or system development
- 9       charges, provided that those fees have been assessed for multiunit housing for at least 30 of the 72
- 10      months preceding the date on which the regulation or requirement becomes operative.
- 11       (b) Within the previous six years, the governing body of the city or county has adopted by or-
- 12       dinance an economic analysis of the regulation or requirement that calculates the average expected
- 13       decrease in net present value of multiunit housing, by type, that would be expected to result from
- 14       compliance with the regulation or requirement.
- 15       (2) For the purposes of the economic analysis under subsection (1)(b) of this section, a city or
- 16       county:
- 17           (a) May use, for costs and benefits that would accrue over time, including lost rents from
- 18       below-market homes and multiyear tax abatements, a net present value calculation or a comparison
- 19       of capitalized valuations, or a combination of the two.
- 20           (b) May apply a discount rate on future benefits using a 10-year treasury bond rate plus a
- 21       risk-adjustment spread.
- 22           (c) If the city or county is using a risk-adjustment spread or capitalization rate, must use a
- 23       spread or rate that is informed by data or interviews about current market conditions.
- 24           (d) Must assume that the loss in value is equal to the net present value of the expected change
- 25       in rent **or sales price**.
- 26           (e) Must segment multiunit housing types by the numbers of bedrooms. If the analysis is for a
- 27       city that has a population of 75,000 or more, the analysis must also segment the types by at least
- 28       two geographic areas. Analyses may include segmentation by additional geographic areas or by
- 29       other relevant factors.
- 30           (f) May estimate the loss in value on the basis of housing units or on the basis of square feet.
- 31           (g) Is entitled to deference in its reliance on analyses, calculations, assumptions, factors, con-
- 32       sultants, experts or data that may be used by accepted economics industry standards or that may
- 33       reasonably be relied upon by an economist or analyst with relevant certifications or expertise.
- 34       (3) A city's or county's adoption of an economic analysis under subsection (1)(b) of this section:
- 35           (a) Is not a land use decision.
- 36           (b) May be appealed only by writ of review.
- 37           (c) May be appealed only within seven days following the adoption of the analysis or the
- 38       adoption of a regulation or requirement based upon the analysis. If a city or county prevails on an
- 39       appeal under this paragraph, the city or county is entitled to reasonable attorney fees.
- 40       (4) A city or county decision is reviewed as a limited land use decision, subject to subsection
- 41       (5) of this section, if the decision:
- 42           (a) Applies an economic analysis adopted under subsection (1)(b) of this section to a development
- 43       application;
- 44           (b) Calculates the offsets to be offered to a developer; or
- 45           (c) Calculates the value of offsets provided to a developer.

1       (5) Notwithstanding ORS 197.195, for a decision made under subsection (4) of this section:  
 2       (a) Only the applicant may appeal the decision; and  
 3       (b) If the city or county prevails on an appeal, the city or county is entitled to reasonable at-  
 4       torney fees.

5       **SECTION 5.** ORS 197A.465 is amended to read:

6       197A.465. [(1) *As used in this section:*]

7       [(a) *“Affordable housing” means housing that is affordable to households with incomes equal to*  
 8       *or higher than 80 percent of the median family income for the county in which the housing is built.*]

9       [(b) *“Multiunit housing” means a structure that contains three or more housing units sharing at*  
 10       *least one wall, floor or ceiling surface in common with another unit within the same structure.*]

11       [(2) *Except as provided in subsection (3) of this section, a metropolitan service district*] **Metro** may  
 12       not adopt a land use regulation or functional plan provision, or impose **a requirement** as a condi-  
 13       tion for approving an application under ORS 215.427 or 227.178 [*a requirement*], that has the effect  
 14       of establishing the sales or rental price for a housing unit or residential building lot or parcel, or  
 15       that requires a housing unit or residential building lot or parcel to be designated for sale or rent  
 16       to a particular class or group of purchasers or renters.

17       [(3) *The provisions of subsection (2) of this section do*] **This section does** not limit the authority  
 18       of [*a metropolitan service district*] **Metro** to:

19       [(a)] (1) Adopt or enforce a use regulation, provision or requirement creating or implementing  
 20       an incentive, contract commitment, density bonus or other voluntary regulation, provision or re-  
 21       quirement designed to increase the supply of moderate or lower cost housing units; or

22       [(b)] (2) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

23       [(4) *Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional*  
 24       *plan provision, or impose as a condition for approving an application under ORS 215.427 or 227.178*  
 25       *a requirement, that has the effect of establishing the sales or rental price for new multiunit housing,*  
 26       *or that requires new multiunit housing to be designated for sale or rent as affordable housing.*]

27       [(5) *A regulation, provision or requirement adopted or imposed under subsection (4) of this*  
 28       *section:*]

29       [(a) *May not require more than 20 percent of multiunit housing units to be sold or rented as af-*  
 30       *fordable housing.*]

31       [(b) *May apply only to multiunit housing containing at least 20 housing units.*]

32       [(c) *Must provide developers the option to pay an in-lieu fee, in an amount determined by the city*  
 33       *or county, in exchange for providing the requisite number of housing units within the multiunit housing*  
 34       *to be sold or rented at below-market rates.*]

35       [(d) *Must require the city or county to offer a developer of multiunit housing, other than a devel-*  
 36       *oper that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the*  
 37       *following incentives:*]

38       [(A) *Whole or partial fee waivers or reductions.*]

39       [(B) *Whole or partial waivers of system development charges or impact fees set by the city or*  
 40       *county.*]

41       [(C) *Finance-based incentives.*]

42       [(D) *Full or partial exemption from ad valorem property taxes on the terms described in this sub-*  
 43       *paragraph. For purposes of any statute granting a full or partial exemption from ad valorem property*  
 44       *taxes that uses a definition of “low income” to mean income at or below 60 percent of the area median*  
 45       *income and for which the multiunit housing is otherwise eligible, the city or county shall allow the*

1    *multiunit housing of the developer to qualify using a definition of "low income" to mean income at or  
2    below 80 percent of the area median income.]*

3    *[(e) Does not apply to a CCRC, as defined in ORS 101.020, that executes and records a covenant  
4    with the applicable city or county in which the CCRC agrees to operate all units within its structure  
5    as a CCRC. Units within a CCRC that are offered or converted into residential units that are for sale  
6    or rent and are not subject to ORS chapter 101 must comply with regulations, provisions or require-  
7    ments adopted by the city or county that are consistent with those applicable to new multiunit housing  
8    under subsection (3) or (4) of this section.]*

9    *[(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section  
10   may offer developers one or more of the following incentives:]*

11    *[(a) Density adjustments.]*

12    *[(b) Expedited service for local permitting processes.]*

13    *[(c) Modification of height, floor area or other site-specific requirements.]*

14    *[(d) Other incentives as determined by the city or county.]*

15    *[(7) Subsection (4) of this section does not restrict the authority of a city or county to offer devel-  
16   opers voluntary incentives, including incentives to:]*

17    *[(a) Increase the number of affordable housing units in a development.]*

18    *[(b) Decrease the sale or rental price of affordable housing units in a development.]*

19    *[(c) Build affordable housing units that are affordable to households with incomes equal to or  
20   lower than 80 percent of the median family income for the county in which the housing is built.]*

21    *[(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in  
22   subsection (4) of this section may not apply the regulation, provision or requirement to any multiunit  
23   housing for which an application for a permit, as defined in ORS 215.402 or 227.160, has been sub-  
24   mitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit  
25   application has been submitted to the city or county prior to the effective date of the regulation, pro-  
26   vision or requirement.]*

27    *[(b) If multiunit housing described in paragraph (a) of this subsection has not been completed  
28   within the period required by the permit issued by the city or county, the developer of the multiunit  
29   housing shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided  
30   in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under  
31   the regulation, provision or requirement adopted by the city or county under subsection (4) of this sec-  
32   tion.]*

33    *[(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under sub-  
34   section (4) of this section shall adopt and apply only clear and objective standards, conditions and  
35   procedures regulating the development of affordable housing units within its jurisdiction. The stan-  
36   dards, conditions and procedures may not have the effect, either individually or cumulatively, of dis-  
37   couraging development of affordable housing units through unreasonable cost or delay.]*

38    *[(b) Paragraph (a) of this subsection does not apply to:]*

39    *[(A) An application or permit for residential development in an area identified in a formally  
40   adopted central city plan, or a regional center as defined by Metro, in a city with a population of  
41   500,000 or more.]*

42    *[(B) An application or permit for residential development in historic areas designated for protection  
43   under a land use planning goal protecting historic areas.]*

44    *[(c) In addition to an approval process for affordable housing based on clear and objective stan-  
45   dards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may*

1 *adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:]*

4 *[(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;]*

6 *[(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and]*

8 *[(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.]*

11 *[(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in new multiunit housing be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section must be related in a manner determined by the city or county to the required percentage of affordable housing units.]*

16 **SECTION 6.** ORS 320.195 is amended to read:

17 320.195. (1) As soon as practicable after the end of each fiscal quarter, a city or county that imposes a construction tax pursuant to ORS 320.192 shall deposit the construction tax revenues collected in the fiscal quarter just ended in the general fund of the city or county.

20 (2) Of the revenues deposited pursuant to subsection (1) of this section, the city or county may retain an amount not to exceed four percent as an administrative fee to recoup the expenses of the city or county incurred in complying with this section.

23 (3) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use the remaining revenues received under ORS 320.192 (2) as follows:

26 (a) Fifty percent to fund developer incentives **or offsets** allowed or offered pursuant to [ORS 27 197A.465 (5)(c) and (d) and (7)] **section 2 (5) or (6) or 3 (1)(a) of this 2026 Act;**

28 (b) Fifteen percent to be distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

30 (c) Thirty-five percent for programs and incentives of the city or county related to affordable housing as defined by the city or county, respectively, for purposes of this section and ORS 320.192.

32 (4) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use 50 percent of the remaining revenues received under ORS 320.192 (3) to fund programs of the city or county related to housing.

35 **SECTION 7.** ORS 456.766 is amended to read:

36 456.766. As used in ORS 456.766 to 456.828:

37 (1)(a) "Affordability restriction" means a limit on rents that a property owner may charge at a participating property or a limitation on the use of a participating property as set forth in a contract.

40 (b) "Affordability restriction" does not include the requirements under ORS 456.792.

41 (2) "Contract" means a written agreement entered into by a property owner under which a participating property becomes publicly supported housing that is subject to an affordability restriction. "Contract" includes, but is not limited to, a deed restriction, loan agreement, operating agreement or any other written agreement that results in an affordability restriction being placed 45 on the property.

1       (3) "Local government" means a city, county, public corporation or metropolitan service district.

2       (4) "Participating property" means property that is the subject of a contract by which the  
3 property becomes publicly supported housing that is subject to an affordability restriction and that  
4 is not eligible for withdrawal under ORS 456.814 (4).

5       (5) "Property owner" or "owner" means the owner or long-term lessee of a participating prop-  
6 erty, including a third-party purchaser of a property not eligible for withdrawal under ORS 456.814  
7 (4).

8       (6)(a) "Publicly supported housing" means a multifamily rental housing development of five or  
9 more units that receives or benefits from government assistance under:

10       (A) A contract for rent assistance from the United States Department of Housing and Urban  
11 Development, the United States Department of Agriculture or the Housing and Community Services  
12 Department that contains an affordability restriction; or

13       (B) A contract that is for any other type of government assistance or subsidy that includes an  
14 affordability restriction and that is identified in rules adopted by the Housing and Community Ser-  
15 vices Department.

16       (b) "Publicly supported housing" does not include a multifamily rental housing development:

17       (A) For which the development or developer receives only a construction excise tax waiver, a  
18 system development charge waiver, a fee waiver or a property tax abatement;

19       (B) That is part of an inclusionary housing program as defined by local government and au-  
20 thorized under [ORS 197A.465] **sections 2 and 3 of this 2026 Act**;

21       (C) That receives tenant-based federal rent subsidy payments under the Housing Choice Voucher  
22 Program authorized by 42 U.S.C. 1437f;

23       (D) That receives project-based rental assistance vouchers administered by a housing authority  
24 under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (o)(13)); or

25       (E) That receives tenant vouchers from the United States Department of Agriculture under  
26 section 542 of the Housing Act of 1949 (42 U.S.C. 1471).

27       (7) "Qualified purchaser" means a local government entitled to receive notices under ORS  
28 456.781, the Housing and Community Services Department or a designee appointed by the depart-  
29 ment under ORS 456.814.

30       (8) "Termination date" means the date upon which the affordability restrictions expire and the  
31 property is withdrawn from publicly supported housing as allowed under ORS 456.766 to 456.828 and  
32 the contract or expiration of the contract.

33       (9) "Third party" means a party that is not a qualified purchaser and that has made an offer to  
34 purchase, or has purchased, a participating property from a property owner.

35       **SECTION 8.** Section 8, chapter 52, Oregon Laws 2016, is amended to read:

36       **Sec. 8.** (1) The local government of a pilot project site selected by the Land Conservation and  
37 Development Commission under section 4, **chapter 52, Oregon Laws 2016**, [of this 2016 Act] may  
38 not plan or zone the site to allow a use or mix of uses not authorized under sections 2 to 9, **chapter**  
39 **52, Oregon Law 2016**, [of this 2016 Act] unless the local government withdraws the pilot project site  
40 from the urban growth boundary and rezones the site pursuant to law, statewide land use planning  
41 goals and land use regulations implementing the goals that regulate allowable uses of land outside  
42 urban growth boundaries.

43       (2) A local government may not use sections 2 to 9, **chapter 52, Oregon Laws 2016**, [of this  
44 2016 Act] to bring high-value farmland, as determined by the commission, within its urban growth  
45 boundary.

1       (3) The inclusion of pilot project sites dedicated to affordable housing within an urban growth  
2 boundary pursuant to sections 2 to 9, **chapter 52, Oregon Laws 2016**, [*of this 2016 Act*] does not  
3 authorize a local government to convert buildable lands within the urban growth boundary that are  
4 planned for needed housing, as defined in ORS [197.303] **197A.348**, to other uses.

5       (4) [*Notwithstanding ORS 197.309 (2),*] For a pilot project site selected under section 4, **chapter**  
6 **52, Oregon Laws 2016** [*of this 2016 Act*], and affordable housing developed on a selected pilot  
7 project site, a local government may take any action described in [*ORS 197.309*] **section 2 of this**  
8 **2026 Act** that has the effect of establishing the sales price for a housing unit or residential building  
9 lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated  
10 for sale to a particular class or group of purchasers.

11       (5) Sections 2 to 9, **chapter 52, Oregon Laws 2016**, [*of this 2016 Act*] do not constitute a stat-  
12 utory contract. A pilot project site selected under section 4, **chapter 52, Oregon Laws 2016**, [*of this*  
13 *2016 Act*] and affordable housing developed on a selected pilot project site remain subject to new  
14 or additional regulatory requirements authorized by law, statewide land use planning goals and land  
15 use regulations implementing the goals.

16       (6) As used in this section, “lot” and “parcel” have the meanings given those terms in ORS  
17 92.010.

18       **SECTION 9.** Section 2, chapter 112, Oregon Laws 2021, as amended by section 2, chapter 221,  
19 Oregon Laws 2023, is amended to read:

20       **Sec. 2.** (1) Sections 2, 3, 5, 6, 7[ 8] and 9, chapter 52, Oregon Laws 2016, are repealed on Jan-  
21 uary 2, 2028.

22       (2) Section 4, chapter 52, Oregon Laws 2016, as amended by section 1, chapter 32, Oregon Laws  
23 2019, section 1, chapter 112, Oregon Laws 2021, and section 1, **chapter 221, Oregon Laws 2023** [*of*  
24 *this 2023 Act*], is repealed on January 2, 2028.

25       **(3) Section 8, chapter 52, Oregon Laws 2016, as amended by section 8 of this 2026 Act, is**  
26 **repealed on January 2, 2028.**

27       **SECTION 10.** Section 9, chapter 552, Oregon Laws 2021, as amended by section 104, chapter  
28 13, Oregon Laws 2023, and section 46, chapter 38, Oregon Laws 2025, is amended to read:

29       **Sec. 9.** (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the  
30 Department of Land Conservation and Development shall approve Stevens Road planning amend-  
31 ments provided the department determines, in its discretion, that the Stevens Road planning  
32 amendments, with respect to the Stevens Road tract, include:

33       (a) An inventory of significant historical artifacts, cultural sites and natural resources.  
34       (b) Areas designated for recreational and open space.  
35       (c) Land use regulations for the protection and preservation of significant resources and desig-  
36 nated areas identified in paragraphs (a) and (b) of this subsection.  
37       (d) Land use regulations that comply with applicable wildfire planning and development re-  
38 quirements, including requirements in regulations adopted to implement a statewide planning goal  
39 relating to natural disasters and hazards.

40       (e) Areas designated for adequate employment lands that account for the city’s most recent  
41 economic opportunity analysis, including consideration of subsequent economic development activ-  
42 ities and trends.

43       (f) Within areas zoned for residential purposes, without counting the lands designated under  
44 subsection (2) of this section, land use regulations for housing that:

45       (A) Ensure adequate opportunities for the development of all needed housing types, sizes and

- 1     densities of market-rate housing, including middle housing as defined in ORS 197A.420;
- 2         (B) Exceed the proportions of single-unit attached and multiunit housing called for in the city's
- 3         most recently adopted housing needs analysis under ORS 197.296 (3) (2021 Edition);
- 4         (C) Exceed a minimum density standard of nine residential units per gross residential acre; and
- 5         (D) On the date the Stevens Road planning amendments are approved, comply with land use
- 6         regulations adopted by the city, or any minimum applicable rules adopted by the department, to
- 7         implement ORS 197A.420 and the amendments to ORS 197A.425 by section 7, chapter 639, Oregon
- 8         Laws 2019.
- 9         (g) Sufficient areas designated for mixed use development to support and integrate viable com-
- 10         mercial and residential uses along with transportation options, including walking, bicycling and
- 11         transit use.
- 12         (h) Land use regulations ensuring that:
- 13             (A) Adequate capacity is available, or feasible with development, for water, sewer and storm
- 14             water services; and
- 15             (B) Adequate consideration is given to the financing, scheduling and development of urban ser-
- 16             vices, as defined in ORS 195.065.
- 17         (i) Land use regulations for transportation that:
- 18             (A) Ensure the development of adequate infrastructure to support walking, bicycling, public
- 19             transit and motor vehicle movement; and
- 20             (B) Give adequate consideration to transportation networks that connect the Stevens Road tract
- 21             to other areas within the urban growth boundary of the city.
- 22         (j) The adequate consideration of the recommendations and comments received under section 8
- 23         (3) to (5), chapter 552, Oregon Laws 2021.
- 24         (2) The department may not approve the planning amendments under subsection (1) of this sec-
- 25         tion unless the planning amendments designate at least 20 net acres of land to be:
- 26             (a) Restricted so the area may be zoned, planned, sited or developed only for residential housing
- 27             units at a minimum density of nine residential units per gross acre;
- 28             (b) Conveyed to the city at a price per acre established under section 4 (2)(b), chapter 552,
- 29             Oregon Laws 2021; and
- 30             (c) Notwithstanding ORS 91.225 or [197A.465] **section 2 of this 2026 Act**, preserved for a period
- 31             of no less than 50 years as affordable to own or rent as follows:
- 32                 (A) At least 12 net acres made affordable to:
- 33                     (i) Households with incomes of 60 percent or less of the area median income, as defined in ORS
- 34                     456.270; or
- 35                     (ii) If part of an income-averaging program approved by the Housing and Community Services
- 36                     Department, households whose incomes average 60 percent or less of the area median income.
- 37                 (B) At least six net acres:
- 38                     (i) Made affordable to households with incomes of 80 percent or less of the area median income;
- 39                     and
- 40                     (ii) Made available, to the extent permitted by law, in a manner that gives a priority to house-
- 41                     holds in which at least one individual is employed by an education provider over other members of
- 42                     the public.
- 43                 (C) At least two net acres in which at least 80 percent of the units in each contiguous devel-
- 44                     opment tract are made affordable to households with 80 percent or less of the area median income,
- 45                     of which at least one net acre is made available, to the extent permitted by law, in a manner that

1 gives a priority to households in which at least one individual is employed by an education provider  
2 over other members of the public.

3 (3) Upon a partition or subdivision of the Stevens Road tract following the approval of the  
4 planning amendments under subsection (1) of this section establishing one or more lots or parcels  
5 described in subsection (2) of this section, the owner shall transfer those lots or parcels to the city.  
6 For a period of 99 years after the purchase of property under this section, if the city resells any lot  
7 or parcel, the city may recover only the city's costs of the purchase and resale of the property.

8 (4) Neither the city nor the Department of Land Conservation and Development is obligated to  
9 adopt any specific findings or evaluate any specific criteria in exercising its discretion with respect  
10 to any Stevens Road planning amendments under this section and may receive, solicit or consider  
11 information from any source.

12 (5) As used in this section, "education provider" means a school district as defined in ORS  
13 332.002, an educational program under the Youth Corrections Education Program or Juvenile De-  
14 tention Education Program as both are defined in ORS 326.695, or an education service district as  
15 defined in ORS 334.003.

16 **SECTION 11.** Section 10, chapter 552, Oregon Laws 2021, is amended to read:

17 **Sec. 10. (1) Sections [2 to 9 of this 2021 Act] 2 to 5, 7 and 8, chapter 552, Oregon Laws 2021,**  
18 are repealed on January 2, 2030.

19 **(2) Section 6, chapter 552, Oregon Laws 2021, as amended by section 103, chapter 13,**  
20 **Oregon Laws 2023, is repealed on January 2, 2030.**

21 **(3) Section 9, chapter 552, Oregon Laws 2021, as amended by section 104, chapter 13,**  
22 **Oregon Laws 2023, section 46, chapter 38, Oregon Laws 2025, and section 10 of this 2026 Act,**  
23 **is repealed on January 2, 2030.**

24 **SECTION 12.** Section 8, chapter 330, Oregon Laws 2025, is amended to read:

25 **Sec. 8. (1) A local government may not apply residential design standards to an application for**  
26 **the development of housing within an urban growth boundary unless the application is for the de-**  
27 **velopment of a [multifamily structure as defined in ORS 197A.465] multiunit structure as defined**  
28 **in section 2 of this 2026 Act or fewer than 20 residential units.**

29 (2) This section does not apply to land use regulations or requirements that are related to set-  
30 backs, building height, accessibility, fire ingress or egress, public health or safety, state or federal  
31 water quality standards, hazardous or contaminated site cleanup or wildlife protection or that im-  
32 plement statewide land use planning goals relating to natural resources, natural hazards, the  
33 Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean  
34 resources.

35 (3) As used in this section:

36 (a) "Residential design standards" means standards intended to preserve the desired character,  
37 architectural expression, decoration or aesthetic quality of new homes, including standards regulat-  
38 ing:

- 39 (A) Facade materials, colors or patterns;
- 40 (B) Roof decoration, form or materials;
- 41 (C) Accessories, materials or finishes for entry doors or garages;
- 42 (D) Window elements such as trim, shutters or grids;
- 43 (E) Fence type, design or finishes;
- 44 (F) Architectural details, such as ornaments, railings, cornices and columns;
- 45 (G) Size and design of porches or balconies;

1       (H) Variety of design or floorplan; or  
2       (I) Front or back yard area landscaping materials or vegetation.  
3       (b) "Residential units" means any new single-unit dwellings, manufactured dwellings and units  
4 of middle housing, as defined in ORS 197A.420.

5       **SECTION 13.** Section 9, chapter 330, Oregon Laws 2025, is amended to read:

6       **Sec. 9.** Section 8, **chapter 330, Oregon Laws 2025, as amended by section 12 of this 2026**  
7 **Act, [of this 2025 Act]** is repealed January 2, 2033.

8       **SECTION 14.** (1) **Sections 2 and 3 of this 2026 Act and the amendments to 197A.465,**  
9 **320.195 and 456.766 and section 8, chapter 52, Oregon Laws 2016, section 2, chapter 112,**  
10 **Oregon Laws 2021, sections 9 and 10, chapter 552, Oregon Laws 2021, and sections 8 and 9,**  
11 **chapter 330, Oregon Laws 2025, by sections 5 to 13 of this 2026 Act become operative on**  
12 **January 1, 2028.**

13       (2) **The amendments to section 3 of this 2026 Act by section 4 of this 2026 Act become**  
14 **operative on January 1, 2029.**

15       (3) **The Department of Land Conservation and Development may take any action before**  
16 **the operative date specified in subsection (1) of this section that is necessary for the de-**  
17 **partment to exercise, on and after the operative date specified in subsection (1) of this sec-**  
18 **tion, all of the duties, functions and powers conferred on the department by sections 2 and**  
19 **3 of this 2026 Act and the amendments to ORS 197A.465 by section 5 of this 2026 Act.**

20       **SECTION 15.** (1)(a) **Beginning on the operative date specified in section 14 (1) of this 2026**  
21 **Act, a city or county may not enforce any regulation or requirement that is not in compli-**  
22 **ance with section 2 or 3 of this 2026 Act or ORS 197A.465, as amended by section 5 of this**  
23 **2026 Act.**

24       (b) **Beginning on the operative date specified in section 14 (2) of this 2026 Act, a city or**  
25 **county may not enforce any regulation or requirement that is not in compliance with the**  
26 **amendments to section 3 of this 2026 Act by section 4 of this 2026 Act.**

27       (2)(a) **Sections 2 and 3 of this 2026 Act and the amendments to ORS 197A.465 by section**  
28 **5 of this 2026 Act do not affect any of the following actions taken under ORS 197A.465 as that**  
29 **statute was in effect before the operative date specified in section 14 (1) of this 2026 Act:**

30       (A) **The award of any incentive;**  
31       (B) **The imposition of any land use regulation or condition of approval; or**  
32       (C) **The interpretation or enforceability of any agreement between a developer and a city**  
33 **or county.**

34       (b) **The amendments to section 3 of this 2026 Act by section 4 of this 2026 Act do not**  
35 **affect any of the following actions taken under ORS 197A.465 as that statute was in effect**  
36 **before the operative date specified in section 14 (2) of this 2026 Act:**

37       (A) **The award of any incentive;**  
38       (B) **The imposition of any land use regulation or condition of approval; or**  
39       (C) **The interpretation or enforceability of any agreement between a developer and a city**  
40 **or county.**