

House Bill 2007

Sponsored by Representative KOTEK

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**.

Requires city or county to review and decide on applications for certain housing developments containing affordable housing units as first priority.

Establishes standards of review for city or county decision on application for certain housing developments containing affordable housing units.

Directs Housing and Community Services Department to develop and implement program to produce standard housing development designs. Requires department to submit designs to Department of Consumer and Business Services for review and approval.

Program becomes operative on September 15, 2017.

Directs Department of Consumer and Business Services to review and approve housing development designs produced under program within 30 days after submission.

Provides city or county with population of 25,000 or fewer with expedited review and approval process for applications for housing development design.

Requires city and county to allow nonresidential place of worship to use real property for affordable housing.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing development; creating new provisions; amending ORS 215.441 and 227.500; and
3 declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "affordable housing" means housing that is af-**
6 **fordable to households with incomes equal to or less than 60 percent of the median family**
7 **income for the county in which the development is built.**

8 (2) A city or a county shall review and make a decision on an application qualifying under
9 subsection (3) of this section prior to reviewing and deciding on any other application for a
10 permit, limited land use decision or zone change submitted under ORS 215.416 or 227.175.

11 (3) An application qualifies for priority under subsection (2) of this section if:

12 (a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

13 (b) The application is for a permit, limited land use decision or zone change for a housing
14 development;

15 (c) At least one housing unit included in the housing development will be sold or rented
16 as affordable housing; and

17 (d) The housing development is subject to a covenant appurtenant that restricts the
18 owner and each successive owner of the housing development or a housing unit within the
19 housing development from selling or renting any housing unit described in paragraph (c) of
20 this subsection as housing that is not affordable housing for a period of 60 years from the
21 date of the certificate of occupancy.

22 (4) This section does not apply to a city or a county with an existing housing stock con-
23 taining at least 10 percent affordable housing.

24 (5) A city or a county shall take final action within the time allowed under ORS 215.427

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 or 227.178 on any application for a permit, limited land use decision or zone change that does
 2 not qualify for review and decision as a first priority under subsection (3) of this section,
 3 including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427
 4 and 215.435 or ORS 227.178 and 227.181.

5 **SECTION 2.** (1) The Land Use Board of Appeals may reverse or remand a decision made
 6 under section 1 of this 2017 Act on any grounds identified in ORS 197.828 for reversal or re-
 7 mand of a limited land use decision.

8 (2) The board may reverse or remand a decision denying a permit application under sec-
 9 tion 1 of this 2017 Act if the board determines that the city or the county would have ap-
 10 proved the permit application but for objections raised during the design review portion of
 11 the application review process.

12 (3) If the board remands a decision made under section 1 of this 2017 Act to the city or
 13 the county pursuant to subsection (2) of this section, the governing body of the city or the
 14 county or its designee shall take final action on the permit application pursuant to ORS
 15 215.435 or 227.181, including:

- 16 (a) Granting any adjustments necessary to accommodate the housing development; and
- 17 (b) Approving the permit application for the housing development.

18 **SECTION 3.** (1) As used in this section:

19 (a) “Accessory dwelling unit” means an interior, attached or detached permanent struc-
 20 ture that is situated on the same lot or parcel as a single family dwelling, that is designed
 21 as independent living quarters and that contains permanent cooking, eating, sleeping and
 22 sanitary facilities.

23 (b) “Duplex” means a multifamily structure containing two dwelling units.

24 (c) “Dwelling unit” has the meaning given that term in ORS 90.100.

25 (2) The Housing and Community Services Department shall develop and implement a
 26 program to produce a series of housing development designs to expedite development of new
 27 dwelling units throughout this state.

28 (3) The program shall produce:

29 (a) A housing development design that is a single family dwelling with an accessory
 30 dwelling unit and that is affordable to households with incomes equal to or less than 80
 31 percent of the median family income for the county in which the development is built; and

32 (b) Five housing development designs that are affordable to households with incomes
 33 equal to or less than 60 percent of the median family income for the county in which the
 34 development is built, including:

35 (A) A single family dwelling;

36 (B) A duplex;

37 (C) An apartment building containing four dwelling units;

38 (D) An apartment building containing 10 dwelling units; and

39 (E) A housing development design that, in the discretion of the department, will meet a
 40 specific need for affordable housing in this state.

41 (4) The department shall adopt rules to implement and carry out the program, including:

42 (a) Establishing building and design standards for the housing development designs de-
 43 scribed in subsection (3) of this section;

44 (b) Consulting with the Department of Consumer and Business Services;

45 (c) Collaborating with experts in the fields of housing development, affordable housing,

1 architecture, engineering, construction, urban planning and land use;

2 (d) Creating a process to review and approve each housing development design produced
3 under the program;

4 (e) Reviewing and updating housing development designs produced under the program to
5 ensure compliance with the requirements of subsection (5) of this section; and

6 (f) Taking any other action necessary to fulfill the requirements of this section.

7 (5) The housing development designs described in subsection (3) of this section must:

8 (a) Adhere to all applicable state building code requirements and health and safety stan-
9 dards;

10 (b) Identify appropriate zones within which the design may be developed; and

11 (c) Be designed for development in a variety of cities throughout this state.

12 (6) Within 10 days after producing the housing development designs described under this
13 section, the department shall submit the designs to the Department of Consumer and Busi-
14 ness Services for review and approval as described in section 5 of this 2017 Act.

15 (7) An application for approval of a housing development design produced under this
16 section is eligible for expedited review and approval under section 6 of this 2017 Act.

17 **SECTION 4.** Section 5 of this 2017 Act is added to and made a part of ORS chapter 455.

18 **SECTION 5.** (1) The Department of Consumer and Business Services shall review and
19 approve the housing development designs described in section 3 of this 2017 Act within 30
20 days after submission by the Housing and Community Services Department.

21 (2) Upon review of each housing development design, the Department of Consumer and
22 Business Services shall:

23 (a) Approve the design as submitted; or

24 (b)(A) Amend the design to comply with the state building code and the requirements of
25 section 3 of this 2017 Act; and

26 (B) Approve the amended design.

27 (3) Department approval of a housing development design under this section is binding
28 throughout this state.

29 **SECTION 6.** (1) A city or a county with a population of 25,000 or fewer that receives an
30 application for development of a housing development design that is approved under section
31 5 of this 2017 Act shall review and approve the application within 30 days after the application
32 is deemed complete.

33 (2) A city or a county may not deny an application described in subsection (1) of this
34 section based on a finding that the project is inconsistent with:

35 (a) A provision of a comprehensive plan, zoning ordinance or land division ordinance;

36 (b) A local law, ordinance, regulation or rule; or

37 (c) A provision of an intergovernmental agreement.

38 (3) A city or a county that approves an application under this section may amend its
39 comprehensive plan or zoning designations to reflect the approval.

40 (4) A housing development for which an application is approved under this section is
41 subject to any building inspections necessary for issuance of a certificate of occupancy.

42 (5) A city or a county shall take final action within the time allowed under ORS 215.427
43 or 227.178 on any application for a permit, limited land use decision or zone change that does
44 not qualify for review and approval within 30 days under subsection (1) of this section, in-
45 cluding resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and

1 **215.435 or ORS 227.178 and 227.181.**

2 **SECTION 7.** ORS 227.500 is amended to read:

3 227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresiden-
 4 tial place of worship is allowed on real property under state law and rules and local zoning ordi-
 5 nances and regulations, a city shall allow the reasonable use of the real property for activities
 6 customarily associated with the practices of the religious activity, including [*worship services, reli-*
 7 *gion classes, weddings, funerals, child care and meal programs, but not including private or parochial*
 8 *school education for prekindergarten through grade 12 or higher education.*]:

9 **(a) Worship services.**

10 **(b) Religion classes.**

11 **(c) Weddings.**

12 **(d) Funerals.**

13 **(e) Meal programs.**

14 **(f) Child care, but not including private or parochial school education for prekindergarten**
 15 **through grade 12 or higher education.**

16 **(g) Providing housing or space for housing that is detached from the place of worship and**
 17 **that is affordable to households with incomes equal to or less than 60 percent of the median**
 18 **family income for the county in which the real property is located.**

19 (2) A city may:

20 (a) Subject real property described in subsection (1) of this section to reasonable regulations,
 21 including site review and design review, concerning the physical characteristics of the uses au-
 22 thorized under subsection (1) of this section; or

23 (b) Prohibit or regulate the use of real property by a place of worship described in subsection
 24 (1) of this section if the city finds that the level of service of public facilities, including transporta-
 25 tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship
 26 described in subsection (1) of this section.

27 (3) Notwithstanding any other provision of this section, a city may allow a private or parochial
 28 school for prekindergarten through grade 12 or higher education to be sited under applicable state
 29 law and rules and local zoning ordinances and regulations.

30 **(4)(a) As used in this section, “housing” includes but is not limited to single family**
 31 **dwelling, multifamily dwellings, manufactured dwellings, tiny homes, recreational vehicles,**
 32 **emergency shelters, dwelling accommodations, living accommodations, residential units and**
 33 **other dwellings.**

34 **(b) As used in this subsection, “tiny home” means a dwelling unit with an interior living**
 35 **space of 400 square feet or less that is constructed on a foundation or on a chassis without**
 36 **motive power and that contains permanent cooking, eating, sleeping and sanitary facilities.**

37 **SECTION 8.** ORS 215.441 is amended to read:

38 215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresiden-
 39 tial place of worship is allowed on real property under state law and rules and local zoning ordi-
 40 nances and regulations, a county shall allow the reasonable use of the real property for activities
 41 customarily associated with the practices of the religious activity, including [*worship services, reli-*
 42 *gion classes, weddings, funerals, child care and meal programs, but not including private or parochial*
 43 *school education for prekindergarten through grade 12 or higher education.*]:

44 **(a) Worship services.**

45 **(b) Religion classes.**

1 (c) Weddings.

2 (d) Funerals.

3 (e) Meal programs.

4 (f) Child care, but not including private or parochial school education for prekindergarten
5 through grade 12 or higher education.

6 (g) Providing housing or space for housing that is detached from the place of worship and
7 that is affordable to households with incomes equal to or less than 60 percent of the median
8 family income for the county in which the real property is located.

9 (2) A county may:

10 (a) Subject real property described in subsection (1) of this section to reasonable regulations,
11 including site review or design review, concerning the physical characteristics of the uses author-
12 ized under subsection (1) of this section; or

13 (b) Prohibit or restrict the use of real property by a place of worship described in subsection (1)
14 of this section if the county finds that the level of service of public facilities, including transporta-
15 tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship
16 described in subsection (1) of this section.

17 (3) Notwithstanding any other provision of this section, a county may allow a private or paro-
18 chial school for prekindergarten through grade 12 or higher education to be sited under applicable
19 state law and rules and local zoning ordinances and regulations.

20 (4)(a) As used in this section, “housing” includes but is not limited to single family
21 dwellings, multifamily dwellings, manufactured dwellings, tiny homes, recreational vehicles,
22 emergency shelters, dwelling accommodations, living accommodations, residential units and
23 other dwellings.

24 (b) As used in this subsection, “tiny home” means a dwelling unit with an interior living
25 space of 400 square feet or less that is constructed on a foundation or on a chassis without
26 motive power and that contains permanent cooking, eating, sleeping and sanitary facilities.

27 **SECTION 9.** Section 3 of this 2017 Act becomes operative on September 15, 2017.

28 **SECTION 10.** The Housing and Community Services Department shall produce the initial
29 housing development designs as required by section 3 of this 2017 Act no later than July 1,
30 2018.

31 **SECTION 11.** Sections 1, 2 and 6 of this 2017 Act and the amendments to ORS 215.441 and
32 227.500 by sections 7 and 8 of this 2017 Act apply to permit applications dated on or after the
33 effective date of this 2017 Act.

34 **SECTION 12.** This 2017 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
36 on its passage.

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