

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2001

By JOINT COMMITTEE ON WAYS AND MEANS

June 19

1 On page 2 of the printed A-engrossed bill, delete lines 7 through 15 and insert:

2 “(2) Except as provided in subsection (4) of this section, each city with a population of 25,000
3 or more and each county or city within a metropolitan service district shall allow the development
4 of:

5 “(a) All middle housing types in areas zoned for residential use that allow for the development
6 of detached single-family dwellings; and

7 “(b) A duplex on each lot or parcel zoned for residential use that allows for the development
8 of detached single-family dwellings.

9 “(3) Except as provided in subsection (4) of this section, each city not within a metropolitan
10 service district with a population of more than 10,000 and less than 25,000 shall allow the develop-
11 ment of a duplex on each lot or parcel zoned for residential use that allows for the development of
12 detached single-family dwellings. Nothing in this subsection prohibits a local government from al-
13 lowing middle housing types in addition to duplexes.”.

14 Delete lines 25 through 31 and insert:

15 “(5) Local governments may regulate siting and design of middle housing required to be per-
16 mitted under this section, provided that the regulations do not, individually or cumulatively, dis-
17 courage the development of all middle housing types permitted in the area through unreasonable
18 costs or delay. Local governments may regulate middle housing to comply with protective measures
19 adopted pursuant to statewide land use planning goals.”.

20 Delete line 38 and insert:

21 “(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or”.

22 On page 3, delete lines 10 through 13 and insert:

23 “(5) When a local government makes a legislative decision to amend its comprehensive plan or
24 land use regulations to allow middle housing in areas zoned for residential use that allow for de-
25 tached single-family dwellings, the local government is not required to consider whether the
26 amendments significantly affect an existing or planned transportation facility.”.

27 Delete lines 28 and 29 and insert:

28 “(4) A request for an extension by a local government must be filed with the department no later
29 than:

30 “(a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.

31 “(b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.”.

32 In line 30, after “section” insert “:

33 “(a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this
34 2019 Act.

35 “(b) Within 120 days of receipt of a complete request from a local government subject to section

1 2 (2) of this 2019 Act.”.

2 Delete line 31.

3 In line 39, delete “and”.

4 In line 40, delete the period and insert “; and

5 “(f) Establishing deadlines and components for the approval of a plan of action.”.

6 On page 4, line 37, restore “paragraphs (b) and (c)” and delete “paragraph (b)”.

7 In line 43, delete the second “and”.

8 After line 43, insert:

9 “(C) Market factors that may substantially impact future urban residential development; and”.

10 On page 5, line 1, delete “(C)” and insert “(D)”.

11 Restore lines 8 through 13.

12 In line 8, delete “for eco-”.

13 In line 9, delete “nomic cycles and trends”.

14 In line 31, after “and” insert “data in”.

15 In line 36, after “allow” insert “no greater than”.

16 In line 39, after “allow” insert “no greater than”.

17 In line 42, delete “215.416 and”.

18 On page 7, line 4, delete “197.307” and insert “197.295 to 197.314”.

19 In line 18, after the comma insert “as described in ORS 197.296 (3)(b),”.

20 Delete line 20 and insert “related to changes in each of the following factors since the last pe-

21 riodic or legislative review or six years, whichever is greater, and the projected future changes in

22 these factors over a 20-year planning period.”.

23 Delete line 26 and insert:

24 “(e) Housing costs.

25 “(3) A local government shall make the estimate described in subsection (2) of this section using

26 a shorter time period than since the last periodic or legislative review or six years, whichever is

27 greater, if the local government finds that the shorter time period will provide more accurate and

28 reliable data related to housing need. The shorter time period may not be less than three years.

29 “(4) A local government shall use data from a wider geographic area or use a time period longer

30 than the time period described in subsection (2) of this section if the analysis of a wider geographic

31 area or the use of a longer time period will provide more accurate, complete and reliable data re-

32 lating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this

33 section. The local government must clearly describe the geographic area, time frame and source of

34 data used in an estimate performed under this subsection.”.

35 In line 27, delete “(3)” and insert “(5)”.

36 In line 30, delete “(3)” and insert “(6)”.

37 On page 10, delete lines 24 through 40 and insert:

38 “(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate

39 approval of construction related to conversions of single-family dwellings into no more than four

40 residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy

41 approval prior to January 1, 2020. The standards established under this subsection must include

42 standards describing the information that must be submitted before an application for alternate ap-

43 proval will be deemed complete.

44 “(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an appli-

45 cation for alternate approval under subsection (8) of this section no later than 15 business days after

1 receiving a complete application.

2 “(b) A building official who denies an application for alternate approval under this subsection
3 shall provide to the applicant:

4 “(A) A written explanation of the basis for the denial; and
5 “(B) A statement that describes the applicant’s appeal rights under subsection (10) of this sec-
6 tion.

7 “(10)(a) An appeal from a denial under subsection (9) of this section must be made through a
8 municipal administrative process. A municipality shall provide an administrative process that:

9 “(A) Is other than a judicial proceeding in a court of law; and
10 “(B) Affords the party an opportunity to appeal the denial before an individual, department or
11 body that is other than a plan reviewer, inspector or building official for the municipality.

12 “(b) A decision in an administrative process under this subsection must be completed no later
13 than 30 business days after the building official receives notice of the appeal.

14 “(c) Notwithstanding ORS 455.690, a municipal administrative process required under this sub-
15 section is the exclusive means for appealing a denial under subsection (9) of this section.

16 “(11) The costs incurred by a municipality under subsections (9) and (10) of this section are
17 building inspection program administration and enforcement costs for the purpose of fee adoption
18 under ORS 455.210.”.

19 On page 11, delete lines 10 through 15 and insert:
20 “**SECTION 13. A provision in a recorded instrument affecting real property is not en-
21 forceable if:**

22 “(1) **The provision would allow the development of a single-family dwelling on the real
23 property but would prohibit the development of:**

24 “(a) **Middle housing, as defined in section 2 of this 2019 Act; or**
25 “(b) **An accessory dwelling unit allowed under ORS 197.312 (5); and**
26 “(2) **The instrument was executed on or after the effective date of this 2019 Act.”.**

27 Delete lines 25 through 31.
28 In line 32, delete “16” and insert “15”.
29 In line 34, delete “\$3,000,000” and insert “\$3,500,000”.
30 In line 40, delete “17” and insert “16”.
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