

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 2984**

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 197.308, as amended by section 4, chapter 47, Oregon
4 Laws 2022, is amended to read:

5 “197.308. (1) As used in this section[,]:

6 **“(a) ‘Affordable housing’** means residential property:

7 “[*a*] **(A)** In which:

8 “[*A*] **(i)** Each unit on the property is made available to own or rent to
9 families with incomes of 80 percent or less of the area median income [*as*
10 *determined by the Oregon Housing Stability Council based on information*
11 *from the United States Department of Housing and Urban Development*]; or

12 “[*B*] **(ii)** The average of all units on the property is made available to
13 families with incomes of 60 percent or less of the area median income; and

14 “[*b*] **(B)** Whose affordability is enforceable, including as described in
15 ORS 456.270 to 456.295, for a duration of no less than 30 years.

16 **“(b) ‘Area median income’ means the median income for the met-**
17 **ropolitan statistical area in which affordable housing or workforce**
18 **housing is located as determined by the Housing and Community Ser-**
19 **VICES Department and adjusted for household size based on informa-**
20 **tion from the United States Department of Housing and Urban**
21 **Development.**

1 “(2) A local government shall allow affordable housing[, *and may not re-*
2 *quire a zone change or conditional use permit for affordable housing,*] if the
3 proposed affordable housing is on property that is:

4 “(a) Owned by:

5 “(A) A public body, as defined in ORS 174.109; or

6 “(B) A nonprofit corporation that is organized as a religious corporation;

7 or

8 “(b) Zoned:

9 “(A) For commercial uses;

10 “(B) To allow religious assembly; or

11 “(C) As public lands.

12 “(3) **A local government shall allow the conversion of a building or**
13 **a portion of a building from commercial use to a residential use for**
14 **housing:**

15 “(a) **In which each unit on the property is made available to own**
16 **or rent to families with incomes of 120 percent or less of the area**
17 **median income; and**

18 “(b) **Whose affordability is enforceable, including as described in**
19 **ORS 456.270 to 456.295, for a duration of no less than 15 years.**

20 “[3] (4) [Subsection (2)] **Subsections (2) and (3)** of this section:

21 “[*a Does not Apply to the development of housing not within an urban*
22 *growth boundary.*]

23 “(a) **Prohibit the local government from requiring a zone change**
24 **or conditional use permit before allowing the use.**

25 “(b) [*Does*] **Do** not trigger any requirement that a local government con-
26 sider or update an analysis as required by a statewide planning goal relating
27 to economic development.

28 “[*c Applies on property zoned to allow for industrial uses only if the*
29 *property is:*]

30 “[*A Publicly owned;*]

1 “[B] *Adjacent to lands zoned for residential uses or schools; and*]

2 “[C] *Not specifically designated for heavy industrial uses.*]

3 “[d] (c) [Does] **Do** not apply on lands where the local government de-
4 termines that:

5 “(A) The development on the property cannot be adequately served by
6 water, sewer, storm water drainage or streets, or will not be adequately
7 served at the time that development on the lot is complete;

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

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

10 “(D) The development of the property is constrained by land use regu-
11 lations based on statewide land use planning goals relating to:

12 “(i) Natural disasters and hazards; or

13 “(ii) Natural resources, including air, water, land or natural areas, but
14 not including open spaces or historic resources.

15 **“(5) The development of housing under subsection (2) of this section
16 may occur only:**

17 **“(a) Within an urban growth boundary;**

18 **“(b) On lands zoned to allow for industrial uses only if the property
19 is:**

20 **“(A) Publicly owned;**

21 **“(B) Adjacent to lands zoned for residential uses or schools; and**

22 **“(C) Not specifically designated for heavy industrial uses.**

23 **“(6) The development of housing under subsection (3) of this sec-
24 tion:**

25 **“(a) Applies only within an urban growth boundary of a city with
26 a population of 10,000 or greater;**

27 **“(b) May not require the payment of a system development charge
28 as defined in ORS 223.299;**

29 **“(c) Must demonstrate how the affordability restriction will be en-
30 forced through liens, use restrictions, covenants, third party verifica-**

1 **tion or other strategies or through compliance with requirements of**
2 **a public program or contract; and**

3 **“(d) May not be subject to a minimum number of parking spaces**
4 **that is greater than:**

5 **“(A) The amount that may be required for the existing commercial**
6 **use; or**

7 **“(B) The amount that may be required in lands zoned for residential**
8 **uses that would allow the converted development.**

9 **“[(4)] (7)** A local government shall approve an application at an author-
10 ized density level and authorized height level, as defined in ORS 227.175 (4),
11 for the development of affordable housing, at the greater of:

12 **“(a)** Any local density bonus for affordable housing; or

13 **“(b)** Without consideration of any local density bonus for affordable
14 housing:

15 **“(A)** For property with existing maximum density of 16 or fewer units per
16 acre, 200 percent of the existing density and 12 additional feet;

17 **“(B)** For property with existing maximum density of 17 or more units per
18 acre and 45 or fewer units per acre, 150 percent of the existing density and
19 24 additional feet; or

20 **“(C)** For property with existing maximum density of 46 or more units per
21 acre, 125 percent of the existing density and 36 additional feet.

22 **“[(5)(a)] (8)(a)** Subsection **[(4)] (7)** of this section does not apply to hous-
23 ing allowed under subsection (2) of this section in areas that are not zoned
24 for residential uses.

25 **“(b)** A local government may reduce the density or height of the density
26 bonus allowed under subsection **[(4)] (7)** of this section as necessary to ad-
27 dress a health, safety or habitability issue, including fire safety, or to comply
28 with a protective measure adopted pursuant to a statewide land use planning
29 goal. Notwithstanding ORS 197.350, the local government must adopt
30 findings supported by substantial evidence demonstrating the necessity of

1 this reduction.”.

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