

Senate Bill 8

Sponsored by Senator COURTNEY

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 petitioners to pay costs and attorney fees, including on appeal, to prevailing intervening developers of affordable developments that were approved by local government.

A BILL FOR AN ACT

1 Relating to affordable development; creating new provisions; and amending ORS 197.311.

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

3 **SECTION 1. ORS 197.311 is added to and made a part of ORS chapter 197.**

4 **SECTION 2. ORS 197.311 is amended to read:**

5 197.311. (1) As used in this section:

6 (a) "Affordable housing" means housing that is affordable to households with incomes equal to
7 or less than 60 percent of the median family income for the county in which the development is built
8 or for the state, whichever is greater.

9 (b) "Multifamily residential building" means a building in which three or more residential units
10 each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

11 (2) Notwithstanding ORS 215.427 (1) or 227.178 (1), a city with a population greater than 5,000
12 or a county with a population greater than 25,000 shall take final action on an application qualifying
13 under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or
14 227.180, within 100 days after the application is deemed complete.

15 (3) An application qualifies for final action within the timeline described in subsection (2) of this
16 section if:

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

18 (b) The application is for development of a multifamily residential building containing five or
19 more residential units within the urban growth boundary;

20 (c) At least 50 percent of the residential units included in the development will be sold or rented
21 as affordable housing; and

22 (d) The development is subject to a covenant appurtenant that restricts the owner and each
23 successive owner of the development or a residential unit within the development from selling or
24 renting any residential unit described in paragraph (c) of this subsection as housing that is not af-
25 fordable housing for a period of 60 years from the date of the certificate of occupancy.

26 (4) A city or a county shall take final action within the time allowed under ORS 215.427 or
27 227.178 on any application for a permit, limited land use decision or zone change that does not
28 qualify for review and decision under subsection (3) of this section, including resolution of all ap-
29 peals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and
30 227.181.
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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 **(5) Notwithstanding ORS 197.830 (15), a person who petitions the Land Use Board of Ap-**
2 **peals to challenge a local government’s approval of development of affordable housing shall**
3 **pay to a prevailing intervening applicant, as described in ORS 197.830 (7)(b)(A), the**
4 **applicant’s costs and attorney fees, including any costs and attorney fees on subsequent ap-**
5 **peals from the board.**

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