

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Land Conservation and Development

660

Agency and Division

Administrative Rules Chapter Number

Amendment and adoption of new administrative rules interpreting statewide planning Goals 10 and 14 to encourage affordable housing.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amendment and adoption of administrative rules interpreting statewide planning Goals 10 and 14 to encourage the affordable housing.

Statutory Authority: ORS 197.040

Other Auth.: ORS 195.015 and 195.036; 197.309; 197.610 to 197.650; House Bill 2096 (2007)

Stats. Implemented: ORS 197.295 to 197.314

Need for the Rule(s):

New and amended rules are necessary to encourage local governments to plan and zone "sites dedicated to affordable housing," including manufactured dwellings and manufactured dwelling parks. The proposed rules are in response to 2007 legislation – House Bill 2096 (2007) – which requires DLCD to report to the 2009 legislature regarding the provision of sites for affordable housing development statewide, including sites for manufactured dwelling parks or mobile home parks, and also requires the department to report "regarding LCDC measures, if any, adopted to streamline land use requirements under OAR 660, division 24, relating to the expansion of urban growth boundaries (UGBs) so as to provide affordable housing, manufactured dwelling parks and mobile home parks." The proposed rules would establish "pilot projects" to test new ideas to encourage affordable housing. The proposed rules may make additional changes to housing rules with respect to local government requirements to meet Statewide Goal 10 regarding affordable housing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Documents Relied Upon, and where they are available: ORS 195 and 197, statewide planning Goals (OAR 660, division 015), and related administrative rules, especially OAR 660, division 24. These documents are available on the agency's web site at <http://www.oregon.gov/LCD/index.shtml> or by contacting Bryan Gonzalez at the Department of Land Conservation and Development at 503-373-0050, ext 322.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): The proposed amended rules will provide economic benefits to local governments, the public, and developers of affordable housing due to clarification of Goal 10 Housing provisions, possible streamlining of UGB amendment and related planning requirements and procedures to encourage affordable housing.

2. Cost of compliance effect on small business (ORS 183.336): The proposed amended rules will provide economic benefits to small businesses that either build or rely on affordable housing for their workforce. The proposal would ultimately benefit economic and property interests. The department cannot compute the actual cost savings, since this will vary widely among different urban areas throughout the state.

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Because these rules are intended to establish several “pilot projects”, the number of small business affected cannot be estimated.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Cannot be estimated until pilot program is underway and number of participating local governments is determined.

c. Equipment, supplies, labor and increased administration required for compliance: Cannot be estimated until pilot program is underway and number of participating local governments is determined.

How were small businesses involved in the development of this rule? These proposed rules were developed with the assistance of a work group that included a broad range of interests, including advocates for residential and other development interests. These advocates represent the interests of both large and small businesses. The department provides broad notice of the proposed rules, including notices to a range of business interests. Because the proposed amendments should be favorable to the economic development of Oregon communities, the department anticipates that small businesses will benefit from the rule proposals.

Administrative Rule Advisory Committee consulted?: Yes
If not, why?:

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007