



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

Building Codes Structures Board

Meeting agenda

Meeting date: February 7, 2024

Time: 9:30 a.m.

In-person attendance: Building Codes Division Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection information for the Zoom meeting at: [Oregon.gov/bcd/Pages/bcd-video.aspx](https://oregon.gov/bcd/Pages/bcd-video.aspx)

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [August 9, 2023](#)
- E. Date of the next scheduled meeting: May 1, 2024
- F. Formal farewell to board member Stephen Forster
- G. Welcome new member Chase Browning

II. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

III. Reports and updates

- A. Structural Program update
- B. Energy Program update

IV. Communications

[Housing Production Advisory Council Report \(HPAC\)](#)

V. Appeals

There are no appeals for this meeting.

VI. Unfinished business

There is no unfinished business at this time.



1535 Edgewater St. NW
P.O. Box 14470
Salem, OR 97304



503-378-4133



bcd.info@dcbs.oregon.gov



oregon.gov/bcd

VII. New business

A. [Proposed rulemaking process steps and timeline for the 2025 OSSC](#)

VIII. Announcements

The Board Chair or board members can make announcements during this time.

IX. Adjournment

Board meetings are generally adjourned by the Board Chair.

Interpreter services or auxiliary aids for persons with disabilities are available upon advanced request. For assistance, please contact Kaydi Milton at 503-428-4169.



State of Oregon
Building Codes Structures Board
Meeting Minutes
August 9, 2023

Agenda Item I.D.

Members Present: Eric Schmidt, chair, building official
Andrew Dykeman, vice-chair, three-plus stories general contractor
Eric Sandoval, architect
Steve Forster, fire protection agency representative
Gary Heikkinen, owner or manager of commercial office building
Marshall McGrady, building trade representative

Members Absent: Brenda Hartzog, energy supplier
Randy Samuelson, Oregon Disabilities Commission representative
Vacancy, heavy industry construction contractor

Staff Present: Alana Cox, administrator, Building Codes Division
Todd Smith, manager, Policy Technical Services
Richard Rogers, chief building official
Tony Rocco, structural program chief
Mark Heizer, mechanical and energy code engineer
Andy Boulton, senior policy analyst
Pierre Sabagh, policy analyst
Wendy McKay, outreach coordinator
Laura Burns, policy and technical services coordinator
Debi Woods, boards coordinator
Nathan Kramer, policy development coordinator

Guests Present: Eric Sandoval
Rose Herrera, Office of Developmental Disabilities Services
Alex Boetzel, Earth Advantage
Mark Whitmill
Chase Browning

I. Board business

- A. **Call to order:** Chair Eric Schmidt called the Building Codes Structures Board meeting to order at 9:44 am.
- B. **Roll call:** Five members were present with Vice Chair, Andrew Dykeman in person and four members connected by Zoom. Members Hartzog and Samuelson were excused.
- C. **Approval of agenda and order of business:** The chair ruled the agenda and order of business approved.
- D. **Approval of the draft board meeting minutes:** The chair ruled final the Feb. 1, 2023 minutes.
- E. **Date of the next scheduled meeting:** Nov. 1, 2023.
- F. **Formal farewell to member Eric Sandoval:**

Chair Schmidt welcomed former board member Eric Sandoval and made the following statement. Eric Sandoval was first confirmed to the Building Codes Structures Board (BCSB) for a four-year term that began July 1, 2015, through June 30, 2019, in the architect/engineer position.

Eric served as a member of the board until he was nominated for chair having no objections and no other nominations November 7, 2018. Then in July of 2019 Eric was confirmed for a second four-year term to the BCSB.

He chaired all the meetings successfully until he willingly stepped down from the position January 26, 2022, to allow other members to have the same opportunity and experience he had chairing the board.

Eric was also unanimously voted to sit on the Construction Industry Energy Board (CIEB) as representation from the BCSB January 26, 2022, replacing a leaving member until Eric formally resigned from the BCSB and CIEB May 2023 one month prior to the end of his second four-year term.

In addition to his years of service on the board, Eric sat on several code review committees and discussed a variety solvable issues with staff. He had an active role in the adoption processes for both the 2019 and 2022 iterations of the OSSC, and was instrumental in bringing several clarifying amendments to our codes.

On behalf of the board members who served the same time as Eric, and staff, our genuine appreciation, and thanks for his significant contributions goes out to him for his many years of service on the board.

Member Heikkinen thanked Mr. Sandoval for his service.

Vice-chair Dykeman said Eric has always been available to help understand the nuances of code. He thanked him for his service and partnership.

Chair Schmidt thanked Eric for his mentorship and has always been impressed by his wealth of knowledge and preparedness.

Eric Sandoval thanked the members and staff for the warm farewell.

II. Public comment

Pierre Sabagh, policy analyst, said Michael Anderson has requested time for public testimony.

Michael Anderson, introduced himself as a researcher with Sightline Institute, a regional sustainability think tank. The basic agenda is reducing energy use. When people live

closer together, they essentially cut their energy use in half voluntarily. HB 3395 includes looking at rules allowing a single stair exit for slightly larger units than the existing three floor, four unit per floor allowance. Around 1980 a second egress requirement was added and in the late 90's sprinklers. Seattle has had a code provision for over a decade. The intent is to look at how this is working in Seattle and the rest of world, and if it can be replicated safely in Oregon. There are similar processes ongoing in Washington and California.

Vice-chair Dykeman asked if any national level provisions are occurring. Mr. Anderson said they are starting at the state level, and generating data.

Chair Schmidt thank Mr. Anderson for his time.

III. Reports and updates

A. **Structural Program Update:** Mr. Rocco, structural program chief, informed the board the [current errata document](#) is posted on the commercial structures webpage. Mark Heizer and Kelly Thomas are in the process of updating Chapter 13 of the OSSC, the energy code provisions, ASHRAE 90.1. The process is directed through the CIEB and this board will continue to be updated. With the expansion of electric vehicle charging stations, the division has been monitoring the concern over electric vehicle fires. Currently the available published documentation have been limited to the vehicles themselves instead of the chargers. The division continues to monitor the issue.

Member Forster said this is a significant issue and there is work occurring on the 2027 International Code process. There is not a lot coming in 2024 but more will be included in the 2027 version.

B. **Legislative Update:** Andy Boulton, senior policy analyst, said there is a full summary in the [board packet](#). Full bill language and supporting documents are available on the Oregon Legislative Information System ([OLIS](#)). Increasing housing supply was a major theme of the session. The primary bills addressing this were: HB 2001, HB 2889, and HB 3395. The division has been asked to create a definition in rule for accessibility and visitability, as they relate to housing. This is so Housing and Community Services can include the number of qualified homes in a housing production dashboard. The division has been directed to consider updates to the OSSC to allow residential occupancies to be served by a single exit in certain circumstances, with a deadline of Oct. 1, 2025. The division intends to include the recommendations for consideration in the normal code development and adoption process. Any proposed changes will come before this board for approval.

Chair Schmidt asked about the unpassed HB 3414 and if the work will come forward to the next session. Mr. Boulton confirmed the subject matter is continuing to be worked on.

HB 2727 forms a workgroup to examine strategies to expand early learning and care facilities. One of the members will be a representative of DCBS with expertise in state and local building codes. One of the directives is exploring any code barriers.

HB 3409 is the climate greenhouse gas emissions bill and combines 15 earlier bills into one. The bill adds consideration of greenhouse gas emissions to the list of priorities the division must consider when executing agency actions. The division is directed to consult with the Environmental Justice Council when evaluating priorities that the division sets and actions it takes, to adapt to, and mitigate the effects of climate change. The division is exploring the best way to implement the consultation and will likely involve regular check-in with the council on pending agency action. The bill places into statute the previously existing reporting requirements from Executive Order No. 23-04. The division is directed to study the use of lower carbon building materials. The legislature funded 2 additional division positions and will contract with a third party to assist with the study. The division will consult with the Oregon Department of Energy on energy performance standards for covered commercial buildings.

IV. Communications – none

V. Appeals - none

VI. Unfinished business - none

VII. New business

Board review and recommendation of the division’s proposed amendments to the prescriptive basic wind speeds of the Oregon Structural Specialty Code (OSSC).

Pierre Sabagh, policy analyst, said at the request of the division, in 2022 and 2023, CPP Wind Engineering Consultants collected and analyzed meteorological data for the identified special wind regions throughout Oregon and provided recommendations for updating the associated design wind speeds.

These recommendations from both CPP Project 17587 Final Report and CPP Project 16166 Final Report are captured in the associated tables and figures in the attached proposed amendments to the OSSC and are provided in your board packet. Today’s board meeting also serves as the rulemaking advisory committee meeting for the proposed amendments to the 2022 OSSC.

Any motion to approve should include “the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.”

Chief Rocco, program chief, said these are common sense code amendments that increase accuracy, consistency, and predictability for wind speeds in the state. Jeremy Williams, structural program engineer worked to compile and develop information into the amendments. He worked with BCD staff Laura Burns on the illustrated figure 1609.3.

There are potential cost savings on projects throughout the state. This was also approved

by the RMSB last week to include in the 2023 ORSC. Approval would align the codes and the applicable column from table 1609.3 would be “Risk Category II”
Chair Hansen asked if the structural engineers association was consulted. Mr. Rocco said they are aware and anticipate its inclusion. Chair Hansen supports the added detail for engineers and asked for a motion.

MOTION by Vice-Chair Dykeman to approve the division’s recommended code amendments and forward to the administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources..

Roll call vote:

Yea: Steve Forster, Gary Heikkinen, Marshall McGrady, Vice-Chair Andy Dykeman, Chair Eric Schmidt.

Nay: none

Excused: Brenda Hartzog, Randy Samuelson

Motion carried.

VIII. Announcements - none

IX. Adjournment

Chair Schmidt adjourned the meeting at 10:19 a.m.

Respectfully submitted by Nathan Kramer, policy development coordinator.

**Housing Production Advisory Council
Recommendations Report**

**Agenda
Item
IV**

(Content version, 01/17/2024 draft)

DRAFT

Contents

Letter from HPAC Co-chairs.....	5
Executive Order 23-04.....	6
Council Members and Staff.....	10
Housing Production Deficit and Future Need	10
Council Objectives and Timelines	11
Shared Agreements and Principles	12
Process for Recommendation Development	14
Housing Production Policy and Program Recommendations.....	16
Availability of Land Work Group	16
Leverage State Owned and Leased Land for Housing Production	16
Provide Resources to Help Cities Overcome Infrastructure Barriers to Housing Production	16
Expedited UGB Expansion.....	16
Wetlands (<i>group A</i>)	17
Wetlands (<i>group B</i>)	18
Wetlands (<i>group C</i>)	18
Public Owned Land for Affordable Housing Production	19
Expand Capacity of Oregon Brownfields Program to Encourage Housing Production	19
Land Development Permit Applications Work Group.....	20
Expand State and Local Capacity for Plan Review and Site Inspections for Housing.....	20
Modify Cottage Cluster and Middle Housing Rules	20
Clear and Objective Plan Review of Site Civil and Building Permits for Housing	20
Enable By-right Adjustments for up to 20% from Specified Land Use Standards	21
Temporary Change to Land Use Review Process.....	22
Require Plan Review with Private Utility Designs Delays	23
ODOT Immediate Opportunity Fund for Housing	23
ODOT Priority Review for Housing	23
Expedited Land Use Appeals for Housing	23
Electronic Filing at LUBA	24
Early Feasibility Acceptance for Land Use Decisions.....	24
Establish 5-foot Wetland Buffer	24
Statewide clarification and enforcement of ORS 227.178 (120/100-day approval)	25
Codes and Design Work Group	25

Adjust Condominium Regulations and Requirements for Increased Production	25
Expand BCD Ready Build Program	25
Update the Process for Appeals Hearings.....	25
Modify Hearing Time Standards	26
Modify Trees Codes in Housing Development Situations	26
Allow Use of Single Stair for Buildings Up to 5 Floors.....	27
Allow BOLI Prevailing Wage Rate Exemption for Affordable Housing Up to 5 Floors	27
Allow Density Swap for Sites Partly Undevelopable for Housing.....	27
Update Middle Housing Statutes and Rules	27
Promote Visitability and Access to Accessible Living Units.....	28
Required Timelines for Franchise Utilities in Housing Projects Exceeding 10 Housing Units	28
Governor’s Office Facilitation of 3rd-party Assessment of CFEC-OHNA Rules Implementation.....	28
Establish 180-day Timeline for Annexation and Comprehensive Plan Changes	29
Modify Transportation Impact Analysis and Proportionate Share for Housing	29
Provide Training on Legislation and LUBA Case Review.....	30
Update Standards for Stormwater Permitting	30
Allow for General Contractor Utility Hookup.....	30
Financing Work Group	31
State of Oregon Infrastructure Fund	31
Provide a State SDC-backed Infrastructure Loan Fund	31
Establish OHNA Governance Structure	31
Establish an SDC Offset Incentive.....	32
Create a Middle-income Housing Fund.....	32
Capitalize an Insurance and Risk Pool	32
Generate New, State-level Revenue to Fund Critical Local Infrastructure	32
Catalyzing Portland Investments.....	32
Establish an Independent or Semi-independent Housing Finance Agency	33
Reform Oregon’s Tax System for Housing Production.....	34
Incentivize Modular Housing.	34
Fund a Housing Cash Bounty.....	34
Establish a Low-interest Loan Fund.....	34
Authorize Outside Transaction Counsel for OHCS	34
Capitalize a Housing Pre-development Program	35

Workforce Shortages Work Group	35
Modify Apprenticeship Ratio Standards	35
5-year Construction Workforce Development Program Connecting Workers with Jobs	35
Require Housing Insecurity Metric and Plan from Oregon Community Colleges	35
Establish a Coordinating Body for Housing Production Related Workforce Initiatives	36
Increase Capacity of Underrepresented and Underserved Communities in Trades	36
Establish a Housing Production Corps.....	36
Recommendations on Next Steps	37
Racial Justice Council Review and Feedback.....	37
Fair Housing Assessment	37
Overlapping Policy Objective Reconciliation.....	37
Fiscal, Legal, and Technical Reconciliation	37
Appendix A: Preliminary Adoption and Ratification Tracking	38
Appendix B: Work Group Prioritization.....	41
Appendix C: Work Group Timeframe, Feasibility, and Cost Assessment	45

DRAFT

Letter from HPAC Co-chairs

In drafting

DRAFT



EXECUTIVE ORDER NO. 23-04

**ESTABLISHING A STATEWIDE HOUSING PRODUCTION GOAL AND
HOUSING PRODUCTION ADVISORY COUNCIL**

WHEREAS, Oregon is experiencing a severe housing shortage, which increases housing costs and reduces housing affordability, is the primary cause of the homelessness crisis in the state of Oregon, hinders the State's economic prosperity, and prevents too many Oregonians from maintaining housing stability, which is the foundation to every family's health, well-being, and economic stability;

WHEREAS, the greatest shortage of housing is housing that is affordable to households earning below the median income;

WHEREAS, the Oregon Housing Needs Analysis (OHNA) estimated that there is a current shortage of almost 140,000 homes across the state;

WHEREAS, the OHNA also estimated that, in addition to addressing the current shortage of housing, the state needs to produce 443,566 homes over the next twenty years to keep pace with demand;

WHEREAS, addressing the current shortage and keeping pace with current need over the next ten years would require the production of 361,781 homes over the next ten years, or approximately 36,000 homes each year for the next ten years;

WHEREAS, over the past five years, the State has produced an average of 20,000 units per year;

WHEREAS, the state would need to approximately double its annual housing production each year to address the current shortage and keep pace with demand;

WHEREAS, more than fifty percent of the annual statewide production target of 36,000 homes must be affordable to households making less than 80 percent of Area Median Income (AMI) to meet the need;

WHEREAS, experts have determined that the production of housing affordable to people making less than 80 percent of AMI requires public subsidy;

WHEREAS, insufficient investment in affordable housing at all levels of government, and especially the federal level, has resulted in the severe shortage of affordable housing in the State of Oregon;

WHEREAS, all levels of government, especially the federal government, must significantly increase investment in affordable housing to meet the need;





**EXECUTIVE ORDER NO. 23-04
PAGE TWO**

WHEREAS, workforce challenges may slow the development of all needed housing;

WHEREAS, the shortage of housing across Oregon is a matter of vital statewide importance;

WHEREAS, expanding housing opportunities and solving the affordable housing crisis will require a new level of innovation and cooperation between the public, private, and non-profit sectors; and

WHEREAS, addressing the housing shortage and building enough housing to meet future demand will improve housing affordability in the State of Oregon and decrease the risk of and actual homelessness in the State of Oregon;

NOW, THEREFORE, I, TINA KOTEK, Governor of the State of Oregon, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Oregon, do hereby issue this order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The State of Oregon establishes an annual housing production target of 36,000 homes;
2. The Governor's Housing Production Advisory Council (the "Council") is established. The Council shall recommend an action plan to meet the State's annual housing production target of 36,000 homes per year for the next ten years. The recommended action plan shall include concrete executive actions, policies, and investments needed to meet this production target.
3. The Council shall consist of no more than twenty-five (25) members. All members of the Council must have a commitment to meeting the state's housing production targets at all levels of affordability. The members shall be selected as follows:
 - a. The Governor or her designee shall be a member;
 - b. The President of the Senate shall appoint two members of the Oregon State Senate, one from the majority party and one from the minority party, in consultation with each party's leadership;





EXECUTIVE ORDER NO. 23-04
PAGE THREE

- c. The Speaker of the House shall appoint two members of the Oregon Housing of Representatives, one from the majority party and one from the minority party, in consultation with each party's leadership;
 - d. The Director of Oregon Housing and Community Services or their designee shall be a member;
 - e. The Director of the Department of Land Conservation and Development or their designee shall be a member;
 - f. An Oregon tribal member shall be a member, appointed by the Governor;
 - g. The Governor shall appoint up to 17 additional members. These members may, at the discretion of the Governor, include representatives with expertise in the development and operations of housing, including affordable housing, permanent supportive housing, and market rate housing; representatives of rural and coastal communities, communities of color, and local governments; and representatives with expertise in land use, fair housing, permitting, workforce development, and construction.
4. The Governor shall designate two members of the Council as Co-Chairs. One co-chair must reside or work in an urban area. One co-chair must reside or work in a rural or coastal area.
 5. A quorum for the Council meetings shall consist of a majority of the appointed members. The Council shall strive to operate by consensus; however the Council may approve measures and recommendations based on an affirmative vote of a majority of the quorum.
 6. The Council shall provide a recommended plan framework to the Governor's Office no later than April 1, 2023, and a final recommended action plan no later than December 31, 2023. The report shall include the findings and recommendations of the Council.
 7. The Council shall be staffed by the Governor's Office. In addition, the following state offices and agencies shall provide necessary support to the Council:





EXECUTIVE ORDER NO. 23-04
PAGE FOUR

- a. Oregon Housing and Community Services
 - b. Department of Land Conservation and Development
 - c. Higher Education Coordinating Committee
 - d. Building Codes Division of the Department of Consumer and Business Services
8. The Directors of these agencies and divisions shall cooperate by providing information as needed and available, and by meeting with and reporting to the Council as needed.
9. The Council shall make specific recommendations for policy changes and investments for consideration by the Governor, in order that:
- a. The State meets its annual housing production target to meet the housing needs of Oregonians;
 - b. Housing affordability levels are prioritized by the scale of the deficit of each type; and;
 - c. Housing is produced spatially in a way that is equitable and affirmatively furthers fair housing.

Done at Salem, Oregon, this 10th day of January, 2023.

Tina Kotek
GOVERNOR

ATTEST:

Shemia Fagan
SECRETARY OF STATE



Council Members and Staff

Housing Production Advisory Council Members

Senator Kayse Jama	Erica Mills
Senator Dick Anderson	Ernesto Fonseca
Representative Maxine Dexter	Gauri Rajbaidya
Representative Jeff Helfrich (<i>pre-Oct.</i>)	Ivory Mathews
Representative Vicki Breese-Iverson (<i>post-Sep.</i>)	Joel Madsen
Director Andrea Bell	Justin Wood
Director Brenda Ortigoza Bateman	Karen Rockwell
Co-chair Damien Hall	Margaret Van Vliet
Co-chair J.D. Tovey	Natalie Janney
Daniel Bunn	Riley Hill
Deborah Flagan	Robert Justus
Elissa Gertler	Thomas Cody
Eric Olsen	

Housing Production Advisory Council Multiagency Staff

Alana Cox	<i>Department of Consumer Business Services Building Codes Division</i>
Ingrid Caudel	<i>Oregon Department of Land Conservation and Development</i>
Mari Valencia-Aguilar	<i>Oregon Department of Land Conservation and Development</i>
Thea Chroman	<i>Oregon Department of Land Conservation and Development</i>
Elise Cordle Kennedy	<i>Oregon Housing and Community Services</i>
Mitchell Hannoosh	<i>Oregon Housing and Community Services</i>
Samuel Thomas	<i>Higher Education Coordinating Commission</i>
Dagny George	<i>Office of Governor Tina Kotek</i>
Matthew Tschabold	<i>Office of Governor Tina Kotek</i>
Taylor Smiley Wolfe	<i>Office of Governor Tina Kotek</i>

Housing Production Deficit and Future Need

Oregon is experiencing a housing crisis. Decades of underproduction have driven up home prices and rents and left too many Oregonians without adequate housing choices. Too often, Oregonians can't afford housing at all. Further, the people suffering most acutely from the housing shortage are disproportionately lower income households and communities of color. The state's economic prosperity, and individual and family housing stability, health, and collective growth is at stake. Addressing this issue will require substantial increase in housing supply.

The pilot Oregon Housing Needs Analysis estimated Oregon’s housing shortage at 140,000 homes across the state. OHNA also estimates a need to add more than 550,000 units over the next 20 years to keep pace with housing needs. Of those units, 30 percent will need to house Oregon’s lowest income community members and will most likely require public funding or subsidy.

Currently, the state produces an average of 20,000 units per year. Addressing the current shortage and keeping pace with annual housing needs will require the state to double its annual housing production. In response, on her first day in office, Governor Tina Kotek signed [Executive Order 23-04](#) (EO 23-04). This order set an ambitious housing production goal of 36,000 homes per year and established the Housing Production Advisory Council. The annual housing production goal represents an 80 percent increase over current annual trends and sets Oregon on a path to build 360,000 additional homes over the next decade. The executive order requires that fifty percent of the annual statewide production target of 36,000 homes must be affordable to households making less than 80 percent of Area Median Income to meet the need.

Council Objectives and Timelines

The Housing Production Advisory Council, as outlined by Executive Order 23-04, was composed of 25 members charged with identifying and recommending changes to state policies to reduce barriers to housing production, thereby helping the state meet its annual housing production target for the next ten years. To do so, the Council was required to outline concrete and implementable actions, policies, and investments needed to meet this production target.

The specific recommendations for policy changes and investments were required to meet the following minimum requirements:

- A. Support the state’s annual housing production target.
- B. Prioritize housing affordability levels by the scale of the deficit of each housing type.
- C. Plan for production that is equitable and affirmatively furthers fair housing.

Executive Order 23-04 established a deadline for recommendations to the Governor’s Office of no later than December 31, 2023. The Housing Production Advisory Council ratified their recommendations on December 27, 2023.

The Executive Order outlined specific criteria for the Council’s composition. Membership included the Governor or her designee, two bipartisan members of the Oregon House appointed by the Speaker of the House, two bipartisan members of the Senate appointed by the President of the Senate, agency directors from Oregon and Housing and Community Services and Department of Land Conservation and Development, and an Oregon tribal member appointed by the Governor. The remaining 17 members were appointed by the Governor. Two members residing or working in urban and rural or coastal areas were designated as Co-Chairs by the Governor.

Council Members represented a broad range of expertise from housing developers with experience in permanent supportive, affordable, and market rate housing to experts in land use, fair housing, permitting, workforce development, and construction. The Council membership included representatives from rural and coastal areas, communities of color, and local governments.

The following outlines the Council’s membership:

Gubernatorial Appointments:

- A. Co-chair J.D. Tovey - rural Oregon and an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation - land use, building codes and housing development
- B. Co-chair Damien Hall - Metro- land use, and affordable and market housing development
- C. Daniel Bunn - Southern Oregon - land use and financing market housing
- D. Thomas Cody - Metro area - affordable and market housing development
- E. Deborah Flagan - Central Oregon - market housing development and construction
- F. Ernesto Fonseca - Metro area - affordable and market housing development and financing affordable housing
- G. Elissa Gertler - Oregon Coast - land use and financing affordable housing
- H. Riley Hill - rural Oregon - land use and market housing development
- I. Natalie Janney - Willamette Valley area - land use, market housing development
- J. Robert Justus - Metro area - affordable and market housing development
- K. Joel Madsen - Columbia Gorge - affordable housing development and financing
- L. Ivory Mathews - Metro area - affordable housing development and financing
- M. Erica Mills - Southern Oregon - financing affordable and market housing
- N. Eric Olsen - Willamette Valley area - construction, market housing development
- O. Gauri Rajbaidya - Metro area - affordable and market housing development
- P. Karen Rockwell - Oregon Coast - affordable and market housing development
- Q. Margaret Van Vliet - Metro area - financing market and affordable housing, and affordable housing development
- R. Justin Wood - Metro - construction and market housing development

Legislative and Agency Members:

- A. Senator Dick Anderson (R - Lincoln City)
- B. Senator Kayse Jama (D - Portland)
- C. Representative Jeff Helfrich (R - Hood River) (March 2023 to September 2023)
- D. Representative Vicki Breese-Iverson (R – Prineville) (October 2023 to January 2024)
- E. Representative Maxine Dexter (D - Portland)
- F. Director Andrea Bell, Oregon Housing and Community Services
- G. Director Brenda Ortigoza Bateman, Oregon Department of Land Conservation and Development

The Governor’s Office staff and staff from DLCD, OHCS, Higher Education Coordinating Commission (HECC), and Building Codes Division of the Department of Consumer and Business Services provided the Council support to ensure they meet their charge.

Shared Agreements and Principles

In March of 2023, the Housing Production Advisory Council established a set of principles to guide the council’s work, navigate participation and communication style, and elevate equity as both inherent to the process and the top priority.

Equity lens

An equity lens is a tool designed to analyze the impact of policies on communities of color and other under-served populations. As the Council approached the work of accelerating housing production for Oregonians, it acknowledged that it is critical to recognize and address the power dynamics and policies that systemically and disproportionately affect marginalized groups. The equity lens illuminates the ways in which even well-intended policies may have harmful impacts. It introduced a critical framework and a set of questions that help Council members center equity in both their process and goals. The questions

below, originally developed by OHCS, provided a lens for Council members to focus on the dimensions of their values, process, assumptions, and priorities that can shift outcomes from harm to equity.

Set Outcomes

What is the outcome/s we are hoping to create?

What assumptions are we bringing into the issue?

Engage Multiple Perspectives

Are you engaging multiple perspectives?

Are you engaging key stakeholders who are impacted by this policy, decision, or practice?

How will this increase or decrease racial equity?

Attend to Unintended Outcomes

What are the potential unintended outcomes or barriers to more equitable outcomes?

How will you address impacts or unintended outcomes?

Communicate

How will this decision be communicated?

How do you ensure communication takes place in an inclusive, culturally sensitive, and responsible manner?

Evaluate. Raise Racial Awareness

How will you evaluate your decision and who will you share your evaluation with?

How will you use evaluation to raise racial awareness and increase competence?

Shared agreements

Shared agreements allowed councilmembers to engage in discussion respectfully and productively by defining standards of conduct and emphasizing intended outcomes. These agreements, which were also developed by OHCS, guide members in navigating complex and uncomfortable conversation to reach a constructive conclusion.

- A. Stay Engaged
- B. Speak your truth responsibly
- C. Listen to understand
- D. Be willing to do things differently and experience discomfort
- E. Expect and accept non-closure
- F. Center the humanity of the people we serve

Affirmatively Further Fair Housing Mandate

For more than 300 years, racialized housing and land exclusion policies like redlining, segregation, blockbusting, racial steering practices, and much more, have restricted and denied communities of color, especially Black individuals, the opportunity to build generational wealth and have access to affordable and quality housing near high-performing schools, grocery stores, jobs, transportation, and clean air and water. Remnants of these racially motivated, discriminatory, and exclusionary policies from the past and from the present are still deeply felt in communities today.

In 1968, Congress passed the Fair Housing Act as an effort to end housing discrimination. Included in the Fair Housing Act was a provision called the Affirmatively Furthering Fair Housing (AFFH) mandate. This provision seeks to challenge the status quo of past and current harmful housing policies, redress inequities, and build a future where everyone can have a safe, stable place to call home.

Specifically, the U.S. Department of Housing and Urban Development (HUD) requires federal fund recipients to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected class (race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability).”

In 2020, by way of House Bill 2003, DLCD updated Oregon Administrative Rules to incorporate AFFH into Oregon’s land use planning system. Cities with populations with at least 10,000 must develop Housing Production Strategies that outline specific actions and policies they will undertake to address housing needs as identified by their Housing Capacity Analysis. The collective actions and policies must achieve fair and equitable housing outcomes regarding six factors including affirmatively further fair housing.

Additionally, Governor Kotek’s Executive Order 23-04 charged the Council with ensuring the policy changes and investments included in the Final Action Plan affirmatively further fair housing. The Council takes this directive as a core value and guiding principle.

Process for Recommendation Development

Governor Kotek appointed members to the Housing Production Advisory Council on March 6, 2023. Following appointments, the Council met 4 times in March to develop the first deliverable, the plan framework. The [plan framework](#) included the following 8 components identified to facilitate the development of housing production recommendations.

1. Council objectives
2. Objective timelines
3. Shared agreements and principles
4. Topics of focus
5. Work groups
6. Assignment of topics to work groups
7. Factors for work group prioritization of topics
8. Work group chairs and member assignments

Each of these components were either identified by Executive Order 23-04, developed during the March meeting series of the Council, or identified by the Governor and the Co-chairs. The plan framework was designed to provide guidance on topics, prioritization, and process to the Council, its work groups, its members, and the public.

Following the adoption of the plan framework, the Council work groups began meeting to work through topics, engage with subject matter experts, and develop potential recommendations for the full Council’s consideration. Within the plan framework, the Council identified factors for prioritization to guide work groups. The Council Co-chairs shared expectations that work group chairs work with staff and work group members to apply the factors to develop work plans.

The Council settled on 3 factors for prioritization that best matched the intent, context, and mandate of the Executive Order – impact potential on unit production, equity and racial justice, and feasibility of implementation. Each are described in more detail below. In addition, the Council emphasized the need for urgency and significant impact to scale up overall production, given the current housing crisis.

Impact potential

Impact potential refers to the number of housing units, including affordable housing units at 80% and below, that would result from the recommended policy change and/or investment. In

addition to raw number of units, this should also consider number of people who will be served by the units. As such, unit mix and type of housing are factors to consider as well (i.e., will the recommendation lead to many SRO units, or slightly less family sized units; entirely single family or a mix of different housing types).

Equity and racial justice

Equity and racial justice refer to improved housing outcomes for communities of color and other marginalized populations from the recommended policy change and/or investment. Specifically, improved housing outcomes means increased housing access, choice, and opportunity for these populations. This also incorporates business opportunities and investment that could be equitably provided to these same populations through the recommendation.

Feasibility

Feasibility refers to how feasible the recommended policy change and/or investment would be to implement and maintain in terms of cost, time, political support, and complexity. What are the easy wins versus the large structural changes that need to occur.

The Council Co-chairs developed standards for analysis for any recommended action brought before the full Council for consideration. This was to enable continuity across work groups and recommendations, and to ensure due diligence was performed on all topics. These standards included:

1. Clearly describing the housing production issue that the recommended action(s) would address.
2. Providing a quantitative, if possible, and qualitative overview of the housing production issue.
3. Assessing the issue and potential action(s), including subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.
4. Providing a quantitative, if possible, and qualitative overview of the outcome of the recommended action(s).
5. Providing an estimate of the time frame (*immediate, short, medium, long-term*), feasibility (*low, medium, high*), and cost (*low, medium, high*) for implementation of the recommended action(s).
6. Providing a general overview of implementation, the who and how for the recommended action(s).
7. Outlining the data and information needed for reporting to track the impact and implementation of the recommended action(s).
8. Identifying any major unknowns, tradeoffs, or potential unintended consequences.

The Council Co-chairs also outlined expectations regarding subject matter expert participation in the analysis of topics. Subject matter experts could have been identified by a Council member, work group chairs and members, agency staff, the Governor's Office, or major government, industry, and stakeholder associations. Work groups also included observers who were individuals who represented a major government, industry, or stakeholder association, where the association had requested to observe the full work group process.

To manage the volume of potential recommendations and provide opportunities to bring potential recommendations to the full Council throughout the year, the Co-chairs established a 3-reading process. In the first reading, work groups presented their potential recommendation and the associated analysis – as outlined in the standards of analysis. Council members asked questions, had initial discussion, and requested follow-up information or changes. During the second reading the Council provided an

opportunity for public and stakeholder comment on potential recommendations that had received a first reading. Finally, in the third reading, the Council discussed, modified, and voted on each potential recommendation. Any recommendation adopted was done so on a preliminary basis until the full set of recommendations were ratified at the December 27 meeting.

Housing Production Policy and Program Recommendations

Availability of Land Work Group

Leverage State Owned and Leased Land for Housing Production

- Declare State of Emergency for Housing Production: expand and extend Executive Order 23-02 (merge with EO 23-04) to include production of 36,000 housing units annually as an emergency order.
- Authorize Oregon Emergency Management (OEM) to expand land inventory process in EO 23-02 1.a.vi to include property suitable for housing development an accessible as a public facing available tool.
- Authorize the Department of Administrative Services (DAS) to expand the Enterprise Asset Management process to include analysis for potential housing production and an equitable disposition process for divesting properties suitable for housing production.
- Expand and extend EO-23-03 (merge with 23-04) to include directing state agencies to prioritize production of 36,000 units annually as an emergency, including expediting processes.
- Authorize State of Emergency Siting Procedures to expedite housing production on State Owned property.

[Complete recommendation form and detail](#)

Provide Resources to Help Cities Overcome Infrastructure Barriers to Housing Production

- Identify new infrastructure funding source to support 10-year housing production horizon.
- Expand Business Oregon Infrastructure and Facilities Inventory to include critical housing infrastructure to include sewer, water and transportation. Use inventory to guide new Business Oregon Housing Infrastructure Fund program.
- Prioritize infrastructure funding to cities who are producing housing at 80% AMI for 30 or more years.
- Prioritize infrastructure funding to cities who have identified infrastructure needs in their Housing Production Strategies.
 - Prioritize infrastructure funding to cities who have demonstrated implementation of multiple policy, regulatory, and funding tools to increase housing production.
 - Develop streamlined and equitable funding application and distribution process to allow cities with limited staff capacity to participate (consider program tranches—cities 100-1000, cities 10,000-25,000, cities 25,000 and up).
 - Limit eligible applicants to cities or counties, who can apply in partnership with special districts, private, or non-profit housing developers.

[Complete recommendation form and detail](#)

Expedited UGB Expansion

- Ask the Legislature to act urgently to allow cities an optional, one-time UGB amendment to provide additional land for housing to facilitate rapid housing production to meet the Governor’s housing production goals of 36,000 per year for the next 10 years.

- Require DLCD to invite members of each local government that opt to utilize the Expedited UGB Expansion to participate in OHNA rulemaking; either on the Rulemaking Advisory Committee, a Technical Advisory Committee, or in a stakeholder discussion.
- Encourage the Legislature to support the adoption of urban reserves: To include (1) appropriate funding to support establishing urban reserves and (2) provide prioritized support and direction to cities that opt into the one-time UGB amendment to subsequently adopt urban reserves (to be established no later than 5 years) with funding and technical support from DLCD, if they have not yet done so.
- Utilize Framework for HB3414 (2023) Section 14-24 as the basis for this Legislative action but with the following alterations:
 - Land will be made “development-ready” (i.e. annexed/zoned, served with infrastructure, and not encumbered by protective regulations) and the minimum affordability and development parameters will be achieved as outlined in bill.
 - Cities opting for a UGB expansion must show need by utilizing an objective metric that does not require a burdensome/onerous analysis.
 - Encouraging cities to be modest in their expansion; communities requesting less than 35 acres are not required to complete a master plan. Allowing for a typical development plan process including appropriate covenants, annexation, zoning, comp plan designation and demonstration of property owner and local government that ensure the land will be developed as set forth in the policy.
 - Commitment of partnership between permitting agencies and developers are a key component to an Expedited UGB Expansion. Required dialogue parameters to include; designating points of contact, required timelines for expedited review, expedited approval process of annexation/zoning, expedited land use approval, expedited public works review and expedited building permit reviews. Consolidated review and annexation procedures, including ministerial review is strongly suggested where appropriate.
- Change Section 15(2) to “Net residential acre” means an acre of residentially designated buildable land, not including nondevelopable rights of way for streets, roads or utilities. As used in this section, buildable land does not include land that:
 - Is encumbered by any applicable local, state or federal protective regulations;
 - Is severely constrained by natural hazards, including lands in the Special Flood Hazard Area;
 - Has slopes of 25 percent or greater
 - Is economically feasible to serve with public facilities; or
 - Is parceled at or below two acres.
- Out of the 10 cities in Metro that would qualify for the Expedited Urban Growth Expansion, no less than 6 cities should be allowed to apply for a maximum of 150 acres each totaling no more than 900 acres within Metro.

[Complete recommendation form and detail](#)

Wetlands (group A)

- Enable DSL to support and create wetland mitigation opportunities throughout the state with a priority focus on serving urban growth where the local jurisdiction(s) can identify and justify the need for wetland credits to support housing production goals. Opportunities include establishment of additional mitigation banks, expanding the existing In-Lieu Fee (ILF) program by seeking approvals from the Army Corps of Engineers, and allowing use of the existing Payment-In Lieu program to the extent possible. Additional funding shall be provided to DSL to carry out this recommendation.

- As an emergency measure to support the establishment of new wetland mitigation banks, for the next 5 years DSL will pay new mitigation bankers for credit reductions that are due to the soil temporal loss adjustments under OAR 141-085-0692. DSL will standardize the credit price across a region. DSL will provide payment after the mitigation bank instrument has been approved and use funds allocated to DSL for this purpose. Additionally, during these 5 years, studies shall:
 - Evaluate how the rule affects economic feasibility of new mitigation banks.
 - Provide guidance for measuring soil functions over time (e.g., soil temporal loss needs to be evaluated for improved function over time).
 - Evaluate whether the science behind the rule is consistent with the soil disturbance penalty.
 - Additional funding shall be provided to DSL to carry out this recommendation.
- As part of in-lieu fee programs outlined in 4.a. (ILF and PIL), DSL shall:
 - Utilize a competitive bidding process to the maximum extent possible for the building of wetland banks.
 - Provide the option to existing wetland bankers in markets (basins) where in-lieu fee becomes available to sell existing credits to DSL at fair market value.
 - To expedite the process and provide flexibility for DSL in the creation and management of new wetland banks and purchasing of existing banks, permit the agency to operate independent of the Department of Administrative Services (DAS).
 - To expedite the process and provide flexibility for DSL to disperse funds collected under the ILF and PIL programs, provide the agency grant making authority in ORS 196.650.
 - Additional funding shall be provided to DSL to carry out this recommendation.
- Direct DSL to remove obstacles and extend credits to projects to the maximum extent possible if allowable under the use of ORS 196.623, including funding programs under the Oregon Watershed Enhancement Board.
- DLCDD should analyze how the National Flood Insurance Program (NFIP) Federal Emergency Management Administration (FEMA) Biological Opinion (BiOp) will impact Oregon's housing production goals, including impacts to buildable lands. The Governor's Office should coordinate with Oregon's federal delegation to ensure FEMA considers impacts to housing development when implementing the BiOp.
- Permit a city to exclude from the city's 20-year available land inventory all wetlands and adjacent appropriate buffer areas which property owners and the city both agree to map and dedicate for preservation for at least 20 years.

[Complete recommendation form and detail](#)

Wetlands (group B)

- Through emergency order direct Department of State Lands (DSL) and the Department of Environmental Quality (DEQ) for a minimum of 5 years to adopt "Waters of the United States" (WOTUS) definition as the "Waters of the State" definition for residential properties within Urban Growth Boundaries of Cities. To assure water quality and mitigate environmental harm from loss of wetlands resulting from adoption of new "Waters of the State" definition, through DSL and DEQ, the state of Oregon at its own expense and discretion shall take measures which the state deems necessary to offset the loss of wetlands resulting from this recommendation.

[Complete recommendation form and detail](#)

Wetlands (group C)

- Expand the existing Payment-In-Lieu (PIL) programs for wetland mitigation. Through DSL, expand PIL/mitigation bank programs for all wetlands not protected by federal regulations and administered

by the DSL. Where DSL is the only jurisdiction over the wetland, emphasis should be given to replacing or enhancing FUNCTION within the basin, rather than focusing on not losing wetland area. Permit the PIL funds generated from wetlands protected only by state rules to be used for such activities as:

- Funding of local stormwater treatment facilities in cities in which the wetland was mitigated.
 - Flood control measures in regions where wetland mitigated.
 - Building of wetland banks.
 - Wetland enhancement.
- Additional funding shall be provided to DSL to carry out this recommendation.

[Complete recommendation form and detail](#)

Public Owned Land for Affordable Housing Production

- Declare State of Emergency for Housing Production:
 - Expand and extend Executive Order 23-02 (merge with EO 23-04) to include production of 36,000 housing units annually as an emergency order.
 - Authorize Oregon Emergency Management (OEM) to expand land inventory process in EO23-02 1.a.vi to include publicly owned parcels beyond those controlled by the State and are suitable for housing development.
 - Authorize the Department of Administrative Services (DAS) to expand the Enterprise Asset Management process to include analysis for potential housing production, direction to seek co-location (i.e. public works) of state and local services and an equitable disposition process for divesting properties suitable for housing production.
 - Allow affordable housing developers right of first option on publicly owned land.
 - Allow local agencies to write down the cost of the land to provide additional subsidy for affordable housing.
 - Preclude municipalities, special districts, local governments, etc. from charter, ordinance or other local legislation that could require additional processes to surplus or lease public land for housing development.
 - Ensure 'by-right' affordable housing on publicly owned land through legislation which also precludes municipalities from creating local legislation that could require additional processes to permit and approve housing development on publicly owned land.

[Complete recommendation form and detail](#)

Expand Capacity of Oregon Brownfields Program to Encourage Housing Production

- Recapitalize Oregon Brownfields Redevelopment Fund (BRF) and Brownfields Properties Revitalization Funds (BPRF). Modify the BPRF statute, ORS 275A.193-198, to allow additional loan forgiveness for development of housing at 80% -120% AMI or below.
- Modify the Brownfields Properties Revitalization Fund (BPRF) statute (ORS 285A 193 - 198) to make private prospective purchasers of brownfields eligible for BPRF forgivable loans.
- Consider funding additional staff capacity to manage the increased program interest and projects' complexity, and to assist and conduct outreach to affordable housing developers.
- Consider funding additional DEQ staff capacity to conduct necessary environmental review required to issue No Further Action Determinations as needed by developers and lenders.
- Consider expansion of DEQ's consent judgment and administrative settlement program to focus on housing production to address third-party liability. This program allows the state, on behalf of all potential claimants in an environmental action, to reach a settlement where they acknowledge that the remediation efforts are sufficient to absolve the responsible party of liability.

- Implement a Licensed Site Remediation Professional Program to supplement DEQ staff to review sites/plans for Brownfields. Allow qualified outside professionals to conduct and guarantee the review is to standard in order to facilitate faster turnaround of housing production on Brownfields sites.
- Convene multi-agency response teams that can facilitate equitable housing production on brownfield properties. In addition to Business Oregon and DEQ, include OHCS, DLCD, and OHA to address related environmental justice, land use, and community health concerns that may arise when developing housing on brownfield properties. This multi-agency response team should be housed in a Cabinet within the Executive Branch.

[Complete recommendation form and detail](#)

Land Development Permit Applications Work Group

Expand State and Local Capacity for Plan Review and Site Inspections for Housing

Expand the Building Codes Division and local jurisdiction capacity for streamlining plan review and site inspections to accommodate increased levels of housing production at the local level.

- Fund additional resources plan reviewers/inspectors/support staff to increase "in-house" capacity at Building Codes.
- Increase the number of qualified independent contractors (third parties) who are licensed by the state to provide plan review and inspection services for cities where capacity is not available.
- Increase the number of qualified individuals or entities who are certified by the state to provide plan review and inspection services for local jurisdictions.
- Tailor program to provide new state plan review and inspections services to:
 - Local jurisdictions which do not meet performance standards established by the Building Codes Division.
 - Affordable Housing projects in excess of 20 housing units where the local jurisdiction cannot meet plan review timeline specified by the Building Codes Division.
- Expand and fast-track the state's role in mediating disputes between design professionals and cities specifically relating to building, planning and public works.
- Provide resources including education to maximize the potential for virtual inspections with a target of (1) business day inspection anywhere in the state.

[Complete recommendation form and detail](#)

Modify Cottage Cluster and Middle Housing Rules

- Cottage cluster with five or less living units should not require a courtyard.
- Cottage clusters should not be required to have separate utilities for each unit if the units sharing utilities are either:
 - Part of an HOA which assumes responsibility for maintenance and costs associated with use of the utility.
 - Otherwise restricted by deed to assure maintenance and costs sharing associated with use of the utility.

[Complete recommendation form and detail](#)

Clear and Objective Plan Review of Site Civil and Building Permits for Housing

Residential construction (including higher density development) should be done in a way to promote the clear and objective criteria which are required under the needed housing statutes. In addition,

responsibility for design of site civil work and building design should fall upon the stamping design professional (i.e., the civil engineer or architect of record). To comply with these standards:

- The first review is a thorough review, stating all the issues with all plans/reports submitted. All issues should clearly reference the standards applicable.
- After the first round of comments are returned to the applicant, the jurisdiction and design team should meet to discuss all issues. This meeting is to be scheduled within 5 business days of returning the comments.
- All subsequent reviews can only address comments related to fire, life, safety. No new comments can be added unless they are directly related to substantial changes made after the previous revisions.
- Small changes that don't result in a substantial change in design should be allowed to be address after construction permits are issued.
- Reviewing jurisdictions are to develop clear and objective standards for plan review submittals.
- Cities can only have plans for 120 days before permit issuance. The 120-day total only applies for the time the city is reviewing the plans (i.e., four 30-day reviews). All agencies under state jurisdictions should also be held to the 120-day standard. When multiple agencies are involved in the approval of a project, jurisdictions should have 120 days to approve the portions of the project under their control. Building permits and public works permits would have their own timelines.
- Jurisdictions are to develop checklists which contain all the necessary paperwork, applications, signatures, documents, and submittals required to get through land use, construction permits, and building permits. Items can only be added to the list to address fire, life, safety requirements.
- Checklists for land use can be given to the applicant with pre-app notes. If the application is within substantial conformance with the plan submitted at the pre-app, the pre-app checklist is binding. If the submittal is not within substantial conformance, a revised checklist can be given with completeness review.
- Checklists for items required for construction permits/building permits are to be given after the first review, as previously outlined above.

[Complete recommendation form and detail](#)

Enable By-right Adjustments for up to 20% from Specified Land Use Standards

- Adjustments are available only if all the following conditions are met:
 - Applications are for a building permit or a quasi-judicial, limited or ministerial land use decision.
 - Development is on lands zoned for residential or mixed-use residential uses.
 - Development is within an urban growth boundary, not including lands that have not been annexed by a city.
 - Development is of net new housing units, including single-family or multifamily, mixed-use residential, manufactured dwelling parks, accessory dwelling units or middle housing as defined in ORS 197.758.
- A local government may not approve more than 10 distinct adjustments. Each development standard described below is considered a distinct adjustment. Adjustments meeting the criteria under this section shall be granted by a local government and may be resolved through an existing or new administrative process of the local government that allows for flexibility in addressing development or design standards for residential development.
- A local government shall grant an adjustment to the following development standards:
 - Side and rear setbacks and step backs, provided that the setbacks still comply with utility siting requirements.

- The amount of landscaped area, common area or open space area, for a reduction of up to 20 percent, provided that stormwater management requirements and tree codes are met and that there is no impact to tree canopy requirements or ground or surface water resources.
- Parking minimums.
- Minimum or maximum lot sizes, for up to a 20 percent adjustment.
- Minimum or maximum lot widths and depths, for up to a 20 percent adjustment.
- Minimum bicycle parking for up to a 20 percent adjustment.
- Minimum or maximum building lot coverage requirements:
 - For up to a 20 percent adjustment, for accessory dwelling units with a single-family detached house.
 - For up to a 20 percent adjustment, for multifamily, mixed-use residential and middle housing.
- FAR and unit density maximums.
- Building height maximums, in addition to existing applicable height bonuses, except for single-family detached houses or where denial of the variance is necessary to address a fire, life or safety issue, for an increase of the greater of:
 - One story; or
 - A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any.
- Prohibitions, on the ground floor of a mixed-use building, against:
 - Residential uses except for one face of the building that faces the street and is within 20 feet of the street.
 - Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.
- A local government shall grant an adjustment to design standards that regulate:
 - Façade materials, articulation, color, or pattern.
 - Roof forms and materials.
 - Entry and garage door materials and patterns.
 - Garage door orientation, except when the building is adjacent to or across from a school or public park.
 - Window material and design.
 - Window size or total window area, for up to a 20 percent adjustment.
 - Building orientation requirements, not including transit street orientation requirements.
 - Building height transition requirements, for up to a 20 percent adjustment from the base zone, except where necessary to address a fire, life, or safety issue.
 - Balconies, porches, recesses, and offsets.

[Complete recommendation form and detail](#)

Temporary Change to Land Use Review Process

- On a temporary basis, until Oregon emerges from the housing production emergency, all housing development will be exempt from public discretionary review or Type III Design Review or the review by the City Council, meanwhile providing a simplified Type II administrative process by the local jurisdiction to provide guaranteed approval of the design within the 120-day review period since the time of submittal.

- While this exemption is in place the clear and objective pathways will be reviewed to reduce the number of requirements.

[Complete recommendation form and detail](#)

Require Plan Review with Private Utility Designs Delays

- Prohibit cities from suspending plan review processes due to delays in design submission from private utility companies.

[Complete recommendation form and detail](#)

ODOT Immediate Opportunity Fund for Housing

- ODOT to be additionally funded (\$20,000,000 per year) to create an “Immediate Housing Opportunity Fund” to support housing production through roadway improvements, to support the significant housing unit production over the next 10 years. Cost sharing with private developers and/or cities should be encouraged to leverage the fund to the maximum extent possible.
- Actual dollar amount should be considered a placeholder until economic analysis indicate whether this level of funding is sufficient.

[Complete recommendation form and detail](#)

ODOT Priority Review for Housing

- All proposed housing projects which exceed 15 units, and which require ODOT design review as part of the development permit shall be elevated to “priority status” for prompt review. Additionally, residential projects which require ODOT review as part of a land use action (most often when exceeding a threshold of daily trips) shall be elevated to “priority status”.
- “Priority status” means that ODOT will assign a focused and specialized team of engineers and reviewers to fast track the project review, with a single point of contact for fast and reliable customer service.

[Complete recommendation form and detail](#)

Expedited Land Use Appeals for Housing

- Create expedited appeals process for Limited Land Use Decisions (existing), Expedited Land Use Decisions (existing), and Urban Housing Decisions (new category).
- An “Urban Housing Decision” shall be any land use action subject to LUBA review that meets all the following criteria:
 - Is wholly within an Urban Growth Boundary.
 - Is on land that permits residential development.
 - Primarily relates to the approval of residential development (such as plat approval, design review, CUP, etc.).
- The expedited appeals process shall consist of the following rules (which supersede standard LUBA rules where in conflict):
 - No interventions allowed other than applicant; LUBA shall administratively consolidate all appeals related to same housing decision.
 - Briefs to be limited to 250 words per assignment of error; filed and served electronically.
 - Record to be transmitted within 7 days of NITA; record limited to final decision including approved site plan.
 - Opening brief due within 7 days from record transmission; reply brief due within 7 days of opening brief; Oral argument at discretion of LUBA – to be ordered and held within 15 days of reply brief; decision within 21 days of oral argument.

- Standard for review to be “obvious error which is substantially prejudicial to appellant.”
- Applicant may elect to proceed under standard LUBA rules by so stating in their NITA or by filing a notice within 15 days of appellant’s initial brief.
- Remands shall be administratively resolved by local jurisdiction within 15 days.
- Appeals to COA subject to surety posting of \$1,000 per dwelling unit in the subject application; award of same amount + attorney fees for affirmation on appeal.

[Complete recommendation form and detail](#)

Electronic Filing at LUBA

- Create electronic filing system for LUBA with one of the following options:
 - Adding LUBA to the Appellate Case Management System (ACMS).
 - Creating a new, standalone filing system for LUBA.
 - Creating a new, state-managed filing system for all land use review bodies.

[Complete recommendation form and detail](#)

Early Feasibility Acceptance for Land Use Decisions

- Allow developers to seek Early Feasibility Acceptance prior to a complete application submittal. To apply, a developer must provide the following:
 - Specific list of all Early Feasibility Acceptance requests necessary for determining the viability of a project. Examples might be:
 - Zone change (Type 2)
 - Discretionary reviews
 - Exceptions to public works standards
 - Variances
 - Fire department approvals
 - Explanations of items listed to include:
 - Written explanation of why Early Feasibility Acceptance is necessary
 - Site plan (if required)
 - Number of housing units to be built
 - Supporting documents describing in detail each Early Feasibility Acceptance request
- Any Early Feasibility Acceptance is specific to the project under consideration. These decisions are not transferrable to another project with a different design to be built on the same property. If the project does not move forward, any decision (e.g., zone change) will not be applicable to a different design. Such approvals are valid for final applications filed within 18 months. Applicants may request an extension of an Early Feasibility Acceptance.
- Cities are permitted to request additional information from the applicant related to explanation requirements. Approved Feasibility Acceptance is subject to the adherence of the final application to the Early Feasibility Acceptance Application and any applicable code updates.

[Complete recommendation form and detail](#)

Establish 5-foot Wetland Buffer

- All non-federal jurisdictional wetlands shall be permitted a prescriptive path for soil disturbance within 5 feet of Waters of the State (not Waters of the US). Implementation of a prescriptive sediment reduction method shall rely on currently accepted practices necessary for the substantial reduction of sediment run-off into wetlands.

[Complete recommendation form and detail](#)

Statewide clarification and enforcement of ORS 227.178 (120/100-day approval)

- Direct permitting jurisdictions that clear and objective checklist must be provided to applicant.
- Once an application is submitted, it must be deemed complete within 30 days if all items on the checklist are provided.
- No additional items can be requested from Applicant, nor influence denial, after initial 30-day completeness check.
- Any item required by the jurisdiction that takes longer than the 30 days to complete, must be processed concurrently (submitted prior to completeness and reviewed within 120/100-day period) to the land use review.

[Complete recommendation form and detail](#)

Codes and Design Work Group

Adjust Condominium Regulations and Requirements for Increased Production

Update existing regulations and requirements for condominiums to make them easier to build and expand the types of construction that qualify to include smaller middle housing concepts.

- Reduce statute of ultimate repose to 6 years. BCD to develop on envelope inspection standards to be inspected by local jurisdictions as part of the building inspection process to help reduce risk of defects.
- Clarify rules and roles for condominium documentation to keep out of local jurisdiction (HB3395 2023). Provide information to cities and help amending code to remove local guidance (Real Estate Agency).
- Release of earnest money for construction.
- Provide more state resources for approval and training/code amendment, including staff.
- Do not require individual Limited Common Elements to be measured as part of the condo plat (outer boundary to be measured with individual elements within it to be listed, rather than measured).
- Air space condominiums shall be permitted for detached single family and townhomes.

[Complete recommendation form and detail](#)

Expand BCD Ready Build Program

Expand BCD's "Ready Build" plan program to include 4 market-driven housing types of varying densities suitable for typical +/- 5,000sf lot size and configurations across the State.

- Develop permit-ready plans for smaller scale, fee-simple "starter homes" and partner with jurisdictions to adopt and incentivize.
- Remove barriers and make it less complex to build smaller, more affordable homes.
- Explore additional by right zoning options.

[Complete recommendation form and detail](#)

Update the Process for Appeals Hearings

- Land Use procedures:
 - Require that appeals or call-up must be based on and required to state the specific approval criteria in question.
 - Appeals should be directed to hearings officers, rather than planning commissions or city councils.
 - In cities with no hearings officer, Council of Governments shall work to assign/contract hearings officers to provide the service around the state.

- Revise state law to remove requirement for one de novo hearing. Allow for jurisdictions to hear appeals either on the record or based on just the appeal issue(s).
- Previously approved applications under consideration with an appeal should have conditions of approval added/modified to address a denial/approval of the appeal issue, allowing an earlier approval of the project to still stand.
- Legislature should define “adequate findings” to eliminate the need to respond endlessly to public comment/questions.

[Complete recommendation form and detail](#)

Modify Hearing Time Standards

- In quasi-judicial land use hearings, the burden of proof falls on the applicant. To ensure housing projects can respond:
 - Allow equal time for applicant as staff gets (minimum 15 minutes).
 - Minimum of 5 minutes for rebuttal. Additional 1 minute of rebuttal time allowed for each person who gives public testimony.
 - If planning commission/city council ask questions of staff, the applicant also get a chance to answer the same questions during the hearing, even if the hearing has been closed.

[Complete recommendation form and detail](#)

Modify Trees Codes in Housing Development Situations

- On developed lots:
 - On platted less than 6,000 square feet where an increase in density from the current configuration of the lot is proposed. No city or jurisdiction shall deny a permit for the removal of trees less than 48” in diameter, nor shall they charge a fee-in-lieu for the removal. For trees larger than 48” in diameter, if the city or jurisdiction has a code regulating the preservation of trees, the city or jurisdiction must offer a program that allows for replacement trees to be planted or for a fee in lieu option, with reasonable caps on fees, when the replacement tree option is not feasible.
- On larger development sites:
 - Inside an urban growth boundary where land has already been counted as part of a city or jurisdictions buildable land inventory, where multi-family development or single-family development on lots less than 6,000 sf per unit on average is proposed, no city or jurisdiction shall deny a permit for the removal of a tree less than 48” in diameter, nor shall they charge a fee-in-lieu for the removal. For trees larger than 48” in diameter, if the city or jurisdiction has a code regulating the preservation of trees, the city or jurisdiction must offer a program that allows for replacement trees to be planted or for a fee in lieu option, with reasonable caps on fees, when the replacement tree option is not feasible. Trees, regardless of size that are in areas of needed streets, utilities, topography, grading and density, shall not be required to be preserved regardless of size.
- The above provisions shall not apply to trees in a riparian corridors or environmental protection areas.
- Where tree preservation is chosen to protect the trees on a site, cities must develop a prescriptive tree protection plan as a first option but also allow for protection plans to be developed by a licensed arborist. The arborist plan shall supersede any prescriptive protection plan.
- Nothing in this recommendation is intended to limit a jurisdiction’s ability to require tree planting, landscaping, or irrigation, consistent with their local codes.

- Sunset policy after 10 years in recognition of the emergency need for more housing in the state of Oregon.

[Complete recommendation form and detail](#)

Allow Use of Single Stair for Buildings Up to 5 Floors

- The following implementation standards shall apply:
 - Sprinklered buildings only
 - No more than 4 units per floor
 - Distance requirements (farthest unit to stair 125')
 - Operable windows required
- Additional enhancement to be considered but not required:
 - Sprinkler upgrade from NFPR 13R to NFPR 13.
- Fire, life, safety requirements to be considered including local jurisdictional response capacity (ex. volunteer fire vs. non etc.).
- For implementation, avoid pressurization of exit stair as that leads to additional cost and decreases efficacy of production targets. Avoid discretionary sign off – allowed via objective standards.

[Complete recommendation form and detail](#)

Allow BOLI Prevailing Wage Rate Exemption for Affordable Housing Up to 5 Floors

[Complete recommendation form and detail](#)

Allow Density Swap for Sites Partly Undevelopable for Housing

- For the development of housing, allow the applicant to apply for density swap that shall be approved when limitations render portions of sites undevelopable (i.e. floodplain, landslide hazard areas, topography, wetlands, trees, etc.) at or above 15% of the total property. May be done through density swap allowable outright or an increase in building height. Applicant is not required to build up to the maximum allowable density.
- When density swap is applied for, dimensional lot standards shall no longer apply to allow for density to be achieved without the use of a PUD process.

[Complete recommendation form and detail](#)

Update Middle Housing Statutes and Rules

- Remove state code provision requiring single service for each lot.
 - Allow for multiple water meters to be served off a single water tap, still allowing for one meter per lot.
 - Allow for shared sewer lateral.
 - Both can have maintenance agreements or other deed restrictions/escrow accounts for shared maintenance issues.
 - Allow for utility easements on private property.
- On a new subdivision using Middle Housing, jurisdiction shall allow for those to be included in the recording of the final subdivision plat, prior to construction of any homes at the request of the applicant.
- Cities to look at ability to provide maintenance on shared sewer lateral and charge owners.
- Middle housing to have the same setback/requirements as single-family housing.

[Complete recommendation form and detail](#)

Promote Visitability and Access to Accessible Living Units

- Provide incentives to single family/middle housing developments that provide visitability:
 - One time tax benefit/credit to the homeowner.
 - Reductions in rear and front yard setbacks.
 - Increase in lot coverage/FAR allowance.
- For multi-family development:
 - Increase the required percentage of Type A units to 5%
- Cities to report as part of their OHNA reporting the location and number of accessible units in each housing development. Cities also to keep track of new builds that would meet the visitability requirements. State to provide database of accessible units based on location and unit type (not availability).
- State database to provide connection between those with accessibility needs and landlords with accessible units. Examples of this might be providing a database people with accessibility needs can apply to that landlords can access when an accessible unit is available.
- Amend the building code to require backing be installed in all bathrooms on the ground floor of housing units for future installation of grab bars.
- Visitability is defined by having a zero-step entry, accessible route to the front door, doors with 36" opening, and a maneuverable bathroom on the first floor.

[Complete recommendation form and detail](#)

Required Timelines for Franchise Utilities in Housing Projects Exceeding 10 Housing Units

- Electrical: A Final Electrical Design shall be provided to an applicant within 60 days of receipt of civil engineering design.
- Natural Gas: A Final Natural Gas Design shall be provided to an applicant within 45 days of receipt of Final Electrical Design and civil engineering design.
- Communications: A Final Communications Design shall be provided to an applicant 45 days of receipt of Final Electrical Design and civil engineering design.
- Note: This recommendation generally applies to joint trench franchise utility installations.

[Complete recommendation form and detail](#)

Governor's Office Facilitation of 3rd-party Assessment of CFEC-OHNA Rules Implementation

- Request that the Governor's Office engage an objective third-party facilitator to work with DLCDC, impacted jurisdictions and housing developers to (1) examine the impacts of CFEC rules on housing policy; and (2) identify which CFEC rules could potentially conflict with objectives of OHNA, and stay those rules pending the completion of the OHNA rulemaking and subsequent agency action.
- Areas in the rules to examine include, but should not be limited to:
 - Whether there should be greater flexibility and/or clarity in land use regulations required of cities, so as not to interfere with affordable housing production goals and homeownership opportunities.
 - Whether there are ways to simplify the rules so that they can be implemented without taking time away from essential housing production planning and approvals.
 - Whether the rules related to transportation planning, performance standards for VMT reduction, and major TSP updates may create barriers to needed housing development and community growth.
 - Whether the land use rules increase risk of gentrification and displacement, and stronger requirements for mitigation.

[Complete recommendation form and detail](#)

Establish 180-day Timeline for Annexation and Comprehensive Plan Changes

- Annexations and Comprehensive Plan Changes/Zone Changes shall have a statutory timeline similar to the statutory timeline for limited land use cases. Instead of 120 days (as is the case for limited land use cases), timelines would be as follows:
 - Annexations shall have decisions and have paperwork forwarded to the State within 180 days.
 - Comprehensive plan map amendments shall have a timeline of 180 days.
- Annexations of land within UGB that meeting the criteria of ORS 222.127, Section (2) shall be a Type II review.
- Enclave annexations shall have a 120-day statutory timeline.
- LUBA shall have the right to review all annexation decisions.
- Direct a state entity to develop a set of broader recommendations to comprehensively reform annexation statutes (ORS 222), in consultation with developers, local governments, etc., with the goal to reduce the cost/delay to housing production associated with annexation.

[Complete recommendation form and detail](#)

Modify Transportation Impact Analysis and Proportionate Share for Housing

- For the purposes of this recommendation, housing is defined as single-family, middle housing, townhomes, condos, cottages, apartments, mixed use.
- Traffic Impact Analysis (TIA) practices for residential development shall be allowed to include the following:
 - Jurisdictions to develop and allow use of volume adjustment factors for when data is collected outside of school schedule. ODOT's Seasonal Adjustment Factor could be used or, if the city determines these factors don't adequately represent their system, the city to determine adjustment factors that can be used. Allow for traffic consultants to choose between collecting traffic count data when school is in session or choosing the adjustment factor for background counts.
 - When intersections don't meet operational standards, Cities to work with traffic consultant to determine what is causing the failure and determine if the failure is truly a safety issue or delay.
 - Develop standard of "severe operational or safety impact" such as unprotected left turn with insufficient gap.
 - Allow consultants to propose interim mitigations.
 - Interim mitigations shall be allowed if they provide a means for safe movement of traffic. Interim mitigations shall not have an arbitrary time limit if they allow safe movement.
- When a TIA is required for land use, the submission of the document shall satisfy the completeness review requirement. The review of the TIA is to occur during the 120-day land use process.
- When offsite mitigation is needed but is not determined to be an immediate safety issue or interim mitigation measures would satisfy the safety need, the developer shall be able to proceed with the development of housing while either working out the construction plans for the mitigation or pay their proportional share to the city.
- When offsite mitigation is needed because of severe operational impact/safety, the development of the housing project should proceed while the traffic mitigation construction plans/construction are being finalized. This includes recording of the plat and/or issuing of building permits. The developer shall post security of 200% of the estimated construction costs (based on the City accepted Engineer

of Record's Engineer's Estimate). The security can be released when the mitigation is constructed. No certificates of occupancy will be issued until the mitigation is constructed.

- Applicant shall be allowed to perform a sensitivity analysis to determine the number of units that can be occupied prior to the completion of the mitigation.
- When acquisition of property is required to service a public facility outside of the city limits (i.e., in the neighboring County), the city shall be able to acquire the property without the cooperation of the neighboring County. This only applies to property for public use and public ownership.
- When traffic mitigation is necessary, reimbursement for the project shall be completed within five years of the project completion. Proportional share can be dealt with via SDC credits or considered of the reimbursement at the request of the developer.
- When a reimbursement district is used to fund any infrastructure improvement, the reimbursement district shall have no expiration date.

[Complete recommendation form and detail](#)

Provide Training on Legislation and LUBA Case Review

- Training will cover:
 - For new legislation, the information should be focused on the purpose behind the legislation, an overview of the legislation, and the implementation moving forward.
 - For LUBA cases, the information should be focused on an overview of the LUBA case and the issues raised on appeal, a summary of LUBA's findings, and implications for case law moving forward.
 - New administrative rules.
- The training to be offered for both city planning/community development departments as well as land use attorneys, land use planners, developers, and engineers. Cities with populations over 10,000 shall have one representative attend the training (either in-person or virtual). Incentivize all cities to attend.
- Training summary to be sent to all cities. Online viewing of training to be considered.

[Complete recommendation form and detail](#)

Update Standards for Stormwater Permitting

- DEQ to provide clear and objective criteria for cities applying for MS4 permits.
- Stormwater standards shall not limit methods used for providing water quality and quantity controls unless specifically required by DEQ.
- On infill and middle housing subdivision lots, stormwater facilities shall be allowed to deviate from geometric dimensional standards to provide stormwater treatment and detention.

[Complete recommendation form and detail](#)

Allow for General Contractor Utility Hookup

- Update Statute to include the following: A General Contractor (RSG) CGC1), (CGC2) shall be licensed, authorized, and permitted to install onsite water lines, sewer lines and electrical conduit to a point that terminates not more than three feet into the building footprint.
- This proposal, specifically, does not allow the connection to or the installation of plumbing or electrical systems within the structure. Such installations shall continue to be installed by the appropriately licensed individuals.

[Complete recommendation form and detail](#)

Financing Work Group

State of Oregon Infrastructure Fund

- Create a State of Oregon Revolving Infrastructure Loan Fund that finances critical, local infrastructure through conditionally forgivable loans investing in public facilities that support the development of housing. Critical Infrastructure shall mean any improvements which will ultimately be dedicated to the public or transferred to a public utility in such a manner that is critical to housing development.

[Complete recommendation form and detail](#)

Provide a State SDC-backed Infrastructure Loan Fund

Create a subsidized funding instrument at the State level to allow cities to borrow against future revenues generated through SDC's for infrastructure projects which will increase future production and/or lead to greater affordability.

- The program would consist of the following:
 - Long term loan low or no-interest loans from the state to cities for essential infrastructure projects.
 - Repayment would be from of the following depending on the preference of the city:
 - A deeded property tax assessment for each new home monitored by and paid to the state over the course of 20 years.
 - State tax credit annually available for residents restricted at 120% AMI and below.
 - SDC's upon construction of the building unit.
 - State would incentivize Cities through the following:
 - Reduce interest rate on loans to cities that achieve production/affordability targets— first 5 years of all loans to be interest free.
 - Provide state grants for all engineering design work required for construction of the project scope specified in the loan agreement between the city and state.
 - Further, the program would:
 - Immediately reduce cost of housing.
 - Incentivize housing production through increased affordability and city incentives to pay back loans.
- The recommendation is a reorganization of how future infrastructure is funded. The “operating costs” of a residence would increase but the initial cost of a unit would decrease substantially. As an example, given a city with \$20,000 SDC's: A state loan amortized over 15 years at 3% interest would increase utility cost by \$136/Month. The savings to a consumer with a home which cost \$20,000 less at 6% (mortgage rate paid by consumer would be \$121/Month.) For a qualifying resident, the state would subsidize that property tax assessment.

[Complete recommendation form and detail](#)

Establish OHNA Governance Structure

- Create a new cabinet-level oversight body, and/or a new administrative coordinating agency within the executive branch to coordinate, collaborate, and solve problems within state government to support housing production across the entire market spectrum. This new entity should be charged with clearly articulating the tools, actions, and policies the state will employ to meet housing production targets. This recommendation was outlined in the [Oregon Housing Needs Analysis Legislative Recommendations](#).

[Complete recommendation form and detail](#)

Establish an SDC Offset Incentive

- A new incentive for middle income housing that provides for 100% SDC waiver for units affordable to people making 120% AMI or less. Affordability covenant required for 10 years.
- This is an interim measure to be replaced by an overhaul of local infrastructure funding. The decrease in local revenue must be offset so that local governments can continue to fund infrastructure (including reimbursement of privately constructed public improvements).

[Complete recommendation form and detail](#)

Create a Middle-income Housing Fund

- Create a \$300 million fund to provide gap financing for approximately 10,000 units of middle-income or workforce housing, serving renter and owner households between 60% and 120% of AMI. Estimated per-unit subsidy to range from \$25,000 - \$40,000.
- The State of Oregon has not previously provided direct capital subsidies for housing for this segment of the population. As discussed in this recommendation, the economics of housing development have changed in the past decade such that the private market is unable to feasibly produce middle-income housing.
- A similar recommendation was contained in the Oregon Housing Needs Analysis Recommendations Report, and was the subject of HB 2980 (2023).

[Complete recommendation form and detail](#)

Capitalize an Insurance and Risk Pool

- Provide resources to support the long-term needs of property and liability insurance for affordable housing. Potential actions include but are not limited to:
 - Creation of a state funded, first-loss risk pool for Rent Restricted/Affordable Housing providers (e.g., the State reimburses the insured for the first \$50,000; housing providers raise deductibles/SIRs which in turn lowers premiums).
 - Mandatory, binding arbitration for all landlord-tenant disputes under \$25,000; appeals to circuit court limited to matters of law (i.e., not a de novo trial of facts).
 - Study financial offsets for unexpected increases in insurance premiums.

[Complete recommendation form and detail](#)

Generate New, State-level Revenue to Fund Critical Local Infrastructure

- New revenue generation to be limited to duration of HPAC timeline (i.e., sunset in 2032) and in support of the related work plan topics described below. Potential sources include:
 - Revenue Source and Annual Revenue Generated (Legislative Revenue Office, 2023, p. B7, FY 23-24 dollars).
 - Increase all personal income tax brackets by ½ percentage point: \$699 Million
 - Establish Special \$1 per \$1,000 real property tax assessment outside of Measure 5: \$504 Million
 - Implement 0.5% Retail Sales Tax: \$501 Million
 - Implement 0.5% Payroll Tax: \$620 Million
 - Double Fuel Tax: \$686 Million

[Complete recommendation form and detail](#)

Catalyzing Portland Investments

- This recommendation, Catalyzing Portland, recognizes that Portland is a, if not the, determining factor in meeting the state's housing goals. The recommendation consists of 5 parts:

- Expand use of the Multiple Unit Limited Tax Exemption (MULTE).
- Expand the applicability of Systems Development Charge (SDC) and Construction Excise Tax (CET) Waivers.
- Suspend Type III Design Review, except for appeals of Type II decisions.
- Consolidate and expedite permitting functions into one Bureau or Office.
- Provide expedited permitting and permit and fees waivers for the conversion of office to residential in the Central City.
- State to provide COP with funding support for implementation.
- This should be a Statewide recommendation and not limited to Portland.

[Complete recommendation form and detail](#)

Establish an Independent or Semi-independent Housing Finance Agency

Create an independent or semi-independent Housing Finance Agency (HFA) governed and led by a commission of experts appointed by the Governor, and transfer OHCS's existing housing finance programs to the HFA for administration.

- Transferred programs to include all those related to the financing of real estate.
 - Single-family mortgage programs
 - Down payment assistance programs
 - Manufactured home replacement programs
 - Wildfire survivor home loans funded by federal disaster relief funds (CDBG-DR)
 - Multifamily rental housing programs
 - State and federal tax credits
 - Bond and loan programs
 - Conduit bonds
 - Elderly and disabled bonds
 - Gap financing programs and funding sources
 - LIFT
 - GHAP
 - Document recording fees
 - HOME
 - Manufactured housing park finance programs
 - Wildfire-related housing production funded with federal disaster relief funds (CDBG-DR)
 - Loan servicing and asset management
- This recommendation, which would require considerable analysis, study, and stakeholder engagement in order to carry out, would essentially split OHCS as it's known today into two separate entities: one focused on the specialized housing finance arena with a mandate to expedite production of low- and moderate-income housing of all types; and the other providing grant funding to anti-poverty and homeless services programs, which requires its own focus and expertise. It would eliminate the need for a separate disaster recovery division within OHCS.
- The thesis for how this recommendation would serve to expedite housing production is provided in the body of this document. The Finance Workgroup identified some key questions for additional study but recognized that fuller analysis falls outside the scope of what the HPAC workgroup process can reasonably provide.

[Complete recommendation form and detail](#)

Reform Oregon's Tax System for Housing Production

Reform Oregon's tax system to encourage development of needed housing and provide adequate revenue for local governments to support housing production.

- Taxes are both a tool to raise revenue for government and to shape taxpayer behavior. Attaining the Governor's desired housing production goals will require significant new revenue; this recommendation highlights actions that can address revenue shortfalls and encourage a shift in taxpayer behavior to support housing production.
- Potential actions include (but are not limited to):
 - Targeted Measure 50 Reform:
 - Increase annual Maximum Assessed Value change to 5%.
 - Authorize voters to increase the permanent levy of their local jurisdiction.
 - Exempt Cities and Counties from compression.
 - Adopt Land Value Tax
 - Eliminate Mortgage Interest Deduction for Second Homes (i.e., abolish income tax deduction for interest paid on second homes).
 - Enact temporary property tax exemption for new housing at 120% AMI or below.
 - Reduce or Eliminate Tax Expenditures (i.e., tax exemptions) not related to housing.

[Complete recommendation form and detail](#)

Incentivize Modular Housing.

- State fund a \$20,000/unit modular housing rebate program to catalyze in-State manufacturing of modular units

[Complete recommendation form and detail](#)

Fund a Housing Cash Bounty

- To financially assist and incentivize cities to build more housing units, the state will pay cities \$10,000 for every housing unit built within the annexed city limits over the next 10 years. Use of the funds will be unrestricted but are intended to accommodate housing growth.

[Complete recommendation form and detail](#)

Establish a Low-interest Loan Fund

- Create a new revolving loan fund with below-market interest rates to lower borrowing costs on needed housing development up to 120% AMI and soften the impact of rising interest rates charged by traditional private sector lenders.
- The fund should also be structured with slightly less stringent underwriting standards than regulated banks to counter the impact of tightening private sector credit availability.

[Complete recommendation form and detail](#)

Authorize Outside Transaction Counsel for OHCS

- Require that OHCS utilize outside legal counsel with experience in affordable housing finance to prepare, negotiate, and close all affordable rental housing transactions rather than relying on Oregon DOJ attorneys.
- Include attorneys' fees in closing costs.

[Complete recommendation form and detail](#)

Capitalize a Housing Pre-development Program

- Create a pre-development grant program - up to \$250,000 per award - to advance deed restricted affordable housing production that may ultimately be funded through OHCS resources.

[Complete recommendation form and detail](#)

Workforce Shortages Work Group

Modify Apprenticeship Ratio Standards

- Expand licensed construction trade apprenticeship opportunity by establishing state-wide minimum standards for apprenticeship ratios of no less than two apprentices per one journey-level worker.
- Establish state-wide standards allowing ratios of up to four apprentice-level workers who hold an Indirect Supervision card, to one journey-level worker.

[Complete recommendation form and detail](#)

5-year Construction Workforce Development Program Connecting Workers with Jobs

- Invest \$77 million over five years to generate 6,000 new trained, skilled construction workers around the state whose participation in the construction workforce to fill in 50% of the gap identified by the state's Office of Economic Analysis of construction workers to meet the Exec Order housing production goals.
- Adoption of BOLI curriculum statewide. Develop a statewide standardized curriculum for construction trades training through adoption of BOLI-approved curriculum for apprenticeships and pre-apprenticeship programs.
- Create new curriculum to support related fields. Create a curriculum for construction related jobs such as surveyors, building inspectors, permit technicians, etc., to build this secondary workforce necessary for rapid housing production.
- Local Workforce Development Boards responsible for statewide program. Fund and use the state's 9 local Workforce Development Boards to serve as hubs of coordination, recruitment, and administration of regional construction workforce development training programs. The boards will be responsible for partnering with local employers, community colleges, ESD and regional construction programs (i.e., Youthbuild, Adjudicated Youth, etc.), to coordinate, recruit, and connect the governmental agencies (HECC, BOLI and Department of Education), to ensure that the community-based organizations/regional needs are met. Boards will hire state and regional program coordinators and be the funnel for direct funding to local pre-apprenticeship and apprenticeship programs.
- Fund workers to build affordable housing. Provide dollars to local contractors to encourage affordable housing to be built by hiring apprenticeship students and pay them a living wage. The contractors will receive a wage reimbursement fund to encourage hiring apprenticeships to work on affordable housing projects increasing the number of apprentices.
- Support community colleges directly. Pay for creation of mobile construction training units, staffing, and consumables for construction trade and pre-/apprenticeship related education for community college in rural areas.
- Support education service districts and CTE classes. Fund high school level programs with capital for staffing, consumables, equipment, and facility needs.

[Complete recommendation form and detail](#)

Require Housing Insecurity Metric and Plan from Oregon Community Colleges

- The Oregon Legislature shall expand the Oregon Housing Needs Analysis to include specific analysis related to student housing at Oregon's 17 Community colleges. Community Colleges shall be

specifically considered in Regional Housing Needs Analysis, Housing Production Strategies, and Funding and Finance Strategies within their local jurisdictional and state-wide analyses.

[Complete recommendation form and detail](#)

Establish a Coordinating Body for Housing Production Related Workforce Initiatives

- Establish a multi-agency public private partnership coordinating body to identify, promote, implement, and direct housing production related workforce initiatives. This coordinating body shall investigate current workforce development strategies, pathways, partners, funding streams, and any other components related to housing production workforce development, to identify and resolve barriers, silos, failure points, and missed opportunities. The coalition shall convene related and supporting agencies to identify and resolve redundancies and gaps to ensure a streamlined and straight forward system of workforce development pipelines which can optimize use of federal, state, and local resources to build a robust workforce.
- Participant agencies shall include, but shall not be limited to: HECC, BOLI, Department of Education, DLCDC, Workforce Development Boards, WorkSource Oregon, Trade Associations, CBOs focused on economic and workforce development, OSATC.
- Housing Production Workforce shall include, but shall not be limited to, fields such as trades and construction, architects and engineers, planners, community development specialists, appraisers, building inspectors, land surveyors, and any other fields related to housing production.
- This body or advisory council shall provide high-level oversight, cross-collaboration, and coordination between state agencies, non-profit organizations, and private sector. This body will also take the lead in marketing and promotion of career pathways in K-12 settings.

[Complete recommendation form and detail](#)

Increase Capacity of Underrepresented and Underserved Communities in Trades

Increase capacity and participation of employers who are committed to hiring underrepresented and/or underserved populations in licensed trade apprenticeships by prioritizing investments in firms that demonstrate need and commitment to successful employment for underrepresented populations.

- Establish financial subsidy to compensate minority owned, women owned, rural, small and emerging businesses as Apprenticeship Sponsors and Employers who have identified financial barriers for first and second-year Apprentice worker wages.
- Establish financial subsidy to compensate minority owned, women owned, rural, small and emerging business Apprenticeship Sponsors and Employers for administrative burdens and expenses experienced as a result of employing Apprentice level workers and/or for employee participation in JATC, TATC, OSATC, or other Apprenticeship related administrative capacities.

[Complete recommendation form and detail](#)

Establish a Housing Production Corps

- A workforce development “boot camp” to fast-track potential workers into productive jobs within all areas of the housing production related work industry.
- The state may work with the US Department of Labor to expand Job Corps programming, and/or build/expand existing programs within the State such as Constructing Hope, OregonServes, Reentry programs, and reemployment programs.
- Job training opportunities shall include career options which fast-track candidates into construction trades and building/planning professional careers to assist in the achievement of Governor Kotek’s housing production goals.

[Complete recommendation form and detail](#)

Recommendations on Next Steps

The Governor's Executive Order 23-04 established an ambitious timeline and deliverable for the Housing Production Advisory Council. The Council embraced the Governor's direction to consider bold and significant recommendations and identified 59 recommendations over the course of 9 months that could support increased housing production in Oregon. As the Governor and her team work through the recommendations to determine which she is willing to consider, the Council recommends the following key next steps also be included.

Racial Justice Council Review and Feedback

The Council, the Co-chairs through their guidance and the standards of analysis, and the work groups incorporated racial equity and justice analysis to varying degrees for different recommendations. The Council discussed and is aware that there are those who have more expertise or lived experienced in understanding how policy and program structures benefit or burden different communities. To that effect, the Co-chairs engaged with the RJC Housing and Homelessness Committee Co-chairs to understand how the committee would like to engage on the recommendations. The RJC Committee Co-chairs asked to have the opportunity to review and comment on recommendations after they had been finalized by the Council, but prior to any being implemented. To that end, the Housing Production Advisory Council recommends that the RJC Committee have the opportunity to provide this feedback accordingly.

Fair Housing Assessment

Like the incorporation of racial equity and justice analysis, the Council understand the obligation to affirmatively further fair housing in accordance with the Fair Housing Act. The Fair Housing Council of Oregon grounded the Council the racist history of housing policy and programs in the United States and Oregon in March 2023, as the Council was developing the plan framework and work plan. The Council through its process also worked to incorporate this analysis but recommends that the Fair Housing Council of Oregon review and comment on any recommendations prior to implementation.

Overlapping Policy Objective Reconciliation

The Council extensively talked about the impacts of recommendations on other policy issues and policy goals held by the State of Oregon. From the perspective, their specific charge was to identify options for the Governor and Oregon Legislature to consider that would increase housing production. The Council acknowledged that the balancing test between competing policy objectives, political feasibility, or limited resources were responsibilities of the Governor and legislators, not the Housing Production Advisory Council. Therefore, the Council intentionally chose not to limit or scale back the ratified recommendations with the understanding that those questions would be taken up as any recommendation made its way through the post-Council process.

Fiscal, Legal, and Technical Reconciliation

Finally, the Council understood that it did not have the time and capacity to fully consider or develop all fiscal, legal, or technical issues with any individual recommendation. Like the overlapping policy objective reconciliation, the Council acknowledged and recommended that this body of work be a part of the post-Council process, for any recommendation that moves forward.

Appendix A: Preliminary Adoption and Ratification Tracking

	1st Reading	2nd Reading	3rd Reading	Daniel Bunn	Deborah Flagan	Elissa Gertler	Eric Olsen	Erica Mills	Ernesto Fonseca	Gauri Rajbaidya	Ivory Mathews	Joel Madsen	Justin Wood	Karen Rockwell	Margaret Van Vliet	Natalie Janney	Riley Hill	Robert Justus	Thomas Cody	Senator Kayse Jama	Senator Dick Anderson	Representative Maxine Dexter	Representative Helfrich	Representative Breese-Iverson	Director Andrea Bell	Director Brenda Ortigoza Bateman	Co-chair Damien Hall	Co-chair J.D. Tovey	
Availability of Land (work group complete)																													
Leverage State Owned and Leased Land for Housing Production	14-Jul	11-Aug	11-Aug	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	Y	-	-	NA	Y	Y	Y	Y	
Provide Resources to Help Cities Overcome Infrastructure Barriers to Housing Production	25-Aug	8-Sep	8-Sep	Y	-	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	-	Y	Y	Y	
Expedited UGB Expansion	25-Aug	8-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	-	-	NA	-	Y	Y	
Wetlands (group A)	8-Sep	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	Y	-	-	-	Y
Wetlands (group B)	8-Sep	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	Y	-	-	-	Y
Wetlands (group C)	8-Sep	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	Y	-	-	-	Y
Public Owned Land for Affordable Housing Production	13-Oct	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	A	-	-	-	Y
Expand Capacity of Oregon Brownfields Program to Encourage Housing Production	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	Y	Y	Y	
Land Development Permit Applications (work group complete)																													
Expand State and Local Capacity for Plan Review and Site Inspections for Housing	14-Jul	11-Aug	25-Aug	Y	Y	-	-	Y	-	Y	Y	Y	-	Y	Y	Y	Y	Y	-	A	Y	Y	-	NA	-	Y	Y	Y	
Modify Cottage Cluster and Middle Housing Rules	25-Aug	8-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	A	Y	Y	
Clear and Objective Plan Review of Site Civil and Building Permits for Housing	25-Aug	8-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	A	Y	Y	
Enable By-right Adjustments for up to 20% from Specified Land Use Standards	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	A	Y	Y	
Temporary Change to Land Use Review Process	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	A	Y	Y	
Require Plan Review with Private Utility Designs Delays	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	A	Y	Y	
ODOT Immediate Opportunity Fund for Housing	13-Oct	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	A	-	-	-	Y
ODOT Priority Review for Housing	13-Oct	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	-	NA	A	-	-	-	Y
Expedited Land Use Appeals for Housing	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	Y	A	Y	
Electronic Filing at LUBA	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	Y	Y	Y	
Early Feasibility Acceptance for Land Use Decisions	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	-	-	NA	-	Y	Y	Y	
Establish 5-foot Wetland Buffer	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y	NA	Y	Y	A	Y	Y	
Statewide clarification and enforcement of ORS 227.178 (120/100-day approval)	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NA	Y	Y	Y	Y	Y	

	1st Reading	2nd Reading	3rd Reading	Daniel Bunn	Deborah Flagan	Elissa Gertler	Eric Olsen	Erica Mills	Ernesto Fonseca	Gauri Rajbaidya	Ivory Mathews	Joel Madsen	Justin Wood	Karen Rockwell	Margaret Van Vliet	Natalie Janney	Riley Hill	Robert Justus	Thomas Cody	Senator Kayse Jama	Senator Dick Anderson	Representative Maxine Dexter	Representative Helfrich	Representative Breese-Iverson	Director Andrea Bell	Director Brenda Ortigoza Bateman	Co-chair Damien Hall	Co-chair J.D. Tovey	
Codes and Design (work group complete)																													
Adjust Condominium Regulations and Requirements for Increased Production	14-Jul	11-Aug	11-Aug	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Expand BCD Ready Build Program	8-Sep	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Update the Process for Appeals Hearings	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Modify Hearing Time Standards	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Modify Trees Codes in Housing Development Situations	25-Aug	29-Sep	13-Oct	Y	Y	Y	Y	Y	-	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Allow Use of Single Stair for Buildings Up to 5 Floors	27-Oct	3-Nov	17-Nov	Y	Y	-	-	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Allow BOLI Prevailing Wage Rate Exemption for Affordable Housing Up to 5 Floors	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Allow Density Swap for Sites Partly Undevelopable for Housing	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Update Middle Housing Statutes and Rules	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Promote Visitability and Access to Accessible Living Units	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Required Timelines for Franchise Utilities in Housing Projects Exceeding 10 Housing Units	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Governor's Office Facilitation of 3rd-party Assessment of CFEC-OHNA Rules Implementation	13-Oct	27-Oct	8-Dec	Y	Y	N	Y	Y	-	-	-	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Establish 180-day Timeline for Annexation and Comprehensive Plan Changes	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Modify Transportation Impact Analysis and Proportionate Share for Housing	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Provide Training on Legislation and LUBA Case Review	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Update Standards for Stormwater Permitting	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Allow for General Contractor Utility Hookup	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Financing (work group complete)																													
State of Oregon Infrastructure Fund	14-Jul	11-Aug	25-Aug	Y	Y	-	-	Y	-	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Provide a State SDC-backed Infrastructure Loan Fund	29-Sep	13-Oct	27-Oct	Y	Y	Y	Y	Y	-	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Establish OHNA Governance Structure	13-Oct	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Establish an SDC Offset Incentive	13-Oct	27-Oct	3-Nov	Y	N	Y	Y	N	-	-	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Create a Middle-income Housing Fund	13-Oct	27-Oct	3-Nov	Y	Y	Y	Y	Y	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Capitalize an Insurance and Risk Pool	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Generate New, State-level Revenue to Fund Critical Local Infrastructure	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Catalyzing Portland Investments	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Establish an Independent or Semi-independent Housing Finance Agency	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reform Oregon's Tax System for Housing Production	27-Oct	3-Nov	17-Nov	Y	N	-	A	N	-	A	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Incentivize Modular Housing.	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	N	-	Y	Y	-	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fund a Housing Cash Bounty	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Establish a Low-interest Loan Fund	27-Oct	3-Nov	17-Nov	Y	Y	-	Y	Y	-	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Authorize Outside Transaction Counsel for OHCS	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Capitalize a Housing Pre-development Program	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

	1st Reading	2nd Reading	3rd Reading	Daniel Bunn	Deborah Flagan	Elissa Gertler	Eric Olsen	Erica Mills	Ernesto Fonseca	Gauri Rajbaidya	Ivory Mathews	Joel Madsen	Justin Wood	Karen Rockwell	Margaret Van Vliet	Natalie Janney	Riley Hill	Robert Justus	Thomas Cody	Senator Kayse Jama	Senator Dick Anderson	Representative Maxine Dexter	Representative Helfrich	Representative Breese-Iverson	Director Andrea Bell	Director Brenda Ortigoza Bateman	Co-chair Damien Hall	Co-chair J.D. Tovey
Workforce Shortages (work group complete)																												
Modify Apprenticeship Ratio Standards	25-Aug	13-Oct	27-Oct	Y	Y	Y	Y	Y	-	Y	Y	-	-	Y	Y	Y	-	Y	Y	A	Y	-	-	NA	Y	A	Y	Y
5-year Construction Workforce Development Program Connecting Workers with Jobs	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	NA	Y	Y	Y	Y	Y
Require Housing Insecurity Metric and Plan from Oregon Community Colleges	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	NA	Y	Y	Y	Y	Y
Establish a Coordinating Body for Housing Production Related Workforce Initiatives	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	NA	Y	Y	Y	Y	Y
Increase Capacity of Underrepresented and Underserved Communities in Trades	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	NA	Y	Y	Y	Y	Y
Establish a Housing Production Corps	3-Nov	17-Nov	8-Dec	Y	Y	Y	Y	Y	-	-	-	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	NA	Y	Y	Y	Y	Y
Preliminary Recommendation Ratification																												
			27-Dec	Y	Y	Y	Y	Y	-	-	Y	Y	Y	-	Y	Y	Y	Y	Y	-	A	-	-	A	-	-	Y	Y

Notes:

Director Brenda Bateman was excused from the November 3rd meeting due to a conflicting meeting of the Land Conservation and Development Commission. Outlined below are her positions on recommendations considered at that HPAC meeting.

- Wetlands (group A) – Supportive
- Wetlands (group B) – Not supportive
- Wetlands (group C) – Not supportive
- Public Owned Lands for Affordable Housing Production – Supportive
- ODOT Immediate Opportunity Fund for Housing – No position
- ODOT Priority Review for Housing – No position
- Expand BCD Ready Build Program – Supportive
- Establish OHNA Governance Structure – Supportive
- Establish an SDC Offset Incentive – Supportive
- Create a Middle-income Housing Fund – Supportive

Appendix B: Work Group Prioritization

For work groups who opted to prioritize recommendations, those are outlined below.

Availability of Land

Based on the prioritization factors outlined in the initial HPAC framework that best matched the intent, context and mandate of the Executive Order, the Land Availability recommendations stand as submitted:

1. **Leverage State Owned and Leased Land for Housing Production:** builds on existing work and capability of state agencies, focuses on land inside UGB's that already has needed services and infrastructure. Can be implemented programmatically, no legislative action needed.
2. **Provide Resources to Help Cities Overcome Infrastructure Barriers to Housing Production:** provides the programmatic details to be added to Legislative direction on funding to unlock land inside UGB's where housing can be developed quickly.
3. **Expedited UGB Expansion:** broad stakeholder support and momentum to move forward in the upcoming legislative session, focuses on cities that have demonstrated readiness to build housing. Legislative action needed, utilizes DLCD existing programmatic capacity.
4. **Wetlands (group A):** has state agency and stakeholder support, can move forward quickly.
5. **Wetlands (group B):** Implements federal decision, building consensus with state agencies is key
6. **Wetlands (group C):** builds on a successful model, building consensus with state agencies is key
7. **Public Owned Lands for Affordable Housing Production:** focuses on public agencies that have demonstrated willingness to utilize land for housing.
8. **Expand Capacity of Oregon Brownfields Program to Encourage Housing Production:** builds on existing work and capability of state agencies, focuses on land inside UGB's that already has needed services and infrastructure. Legislative action needed to amend statutes, but Business Oregon already has existing programmatic capacity.

The work group would like to acknowledge the importance of the recommended next steps, outlined in the final report, and suggest that a review and feedback is included from the Racial Justice Council, a fair housing assessment, reconciliation of overlapping policy objectives, and fiscal, legal and technical reconciliation prior to implementation.

Land Development Permit Applications

The work group chose to highlight recommendations within two categories, those with the greatest impact and those that are most immediate.

Greatest Impact

- Modify Cottage Cluster and Middle Housing Rules
- Clear and Objective Plan Review of Site Civil and Building Permits for Housing
- Enable By-right Adjustments for up to 20% from Specified Land Use Standards
- Temporary Change to Land Use Review Process
- Statewide clarification and enforcement of ORS 227.178 (120/100-day approval)

Most Immediate

- ODOT Priority Review for Housing
- Electronic Filing at LUBA
- Early Feasibility Acceptance for Land Use Decisions

Codes and Design

The Design and Code work group has compiled 17 recommendations which we believe will work to reduce barriers to producing housing. In a perfect world, all 17 recommendations could be put into action tomorrow. Since that is not feasible, the following recommendations have been identified to provide the greatest impact for increasing housing production. These have been split into three categories: (1) recommendations for greatest impact, (2) recommendations for immediate impact, and (3) quick and painless recommendations.

Recommendations for Greatest Impact

- **Modify Trees Codes in Housing Development Situations:** In order to make the greatest use of the land we have within the UGB, we need to be able to develop it with the greatest efficiency. While trees are a resource, they are not a finite resource like land. Trees are a commodity that can be, and are, harvested and replanted throughout the state. Trees within the urban setting should be viewed with a similar lens.
- **Governor's Office Facilitation of 3rd-party Assessment of CFEC-OHNA Rules Implementation:** This recommendation does not do anything to address reducing current barriers to housing, but rather ensures that CFEC and OHNA do not conflict with one another and cause unintended delays to housing production. In speaking with representatives from cities in Oregon, several expressed concern that the CFEC rules and timelines were going to impact how housing could be built. Since DLCD and some cities are in disagreement about the conflicts, having a third-party facilitator is the most unbiased way of assessing where the two policies may conflict. The Governor can decide from there how best to resolve the conflict.
- **Modify Transportation Impact Analysis and Proportionate Share for Housing:** Offsite improvements needed to service new housing developments also usually have a life/safety aspect that necessitates they be in place prior to the construction of homes. Homes require sewer and water, and flooding risks need to be mitigated. However, offsite traffic mitigation, while needed for optimum system function, may not always be needed for safety. In an effort to discern between the two scenarios, additional analysis should be allowed to be performed. When the mitigation is not required for safety, the development should be allowed to proceed with a fee in lieu. When the mitigation is needed for safety, the process for designing and construction the mitigation should follow a simultaneous path to the rest of the development. This means that the plat and/or building permits process should proceed while design and construction are happening, since the safety need isn't present until the housing units are occupied. This could save a year in the development process.

Offsite improvements are often needed to extend utilities to a project area to serve the new housing. Often, these improvements are SDC eligible or outright reimbursable. But the process for getting the money back takes a lot of time and negotiation. In addition, there are expiration dates on these repayments which means the developer may never get their money back. Repaying developers within a finite amount of time would allow them to reinvest the money in their next project. It also helps to reduce uncertainty about the investment they have to make

to design and construct the improvement which benefits not other their project, but also the public.

Recommendations for Immediate Impact

- **Update Middle Housing Statutes and Rules:** Middle housing standards have been adopted by several jurisdictions within the State of Oregon. The market has taken some time to figure out how to build this type of housing, but early Middle Housing projects have identified some issues with the model code and how Middle Housing is being implemented. Some cities have been trying to troubleshoot these issues for a while. It makes sense for these issues to be addressed at the state level, so it is consistent from city to city.

This recommendation had a fair bit of discussion with subject matter experts and would not require many fiscal resources to implement. But ironing out some ways to make this more affordable type of housing quicker to develop would help achieve the Governor's goal.

- **Update the Process for Appeals Hearings:** For projects that are properly zoned and within the UGB, the ability for projects to be delayed through the current appeal process is too frequently employed. Opponents of a project are able to file appeals for limited to no cost, without stating a reason or relevant criteria for the appeal, and then the case is taken to a planning commission or city council where projects can often be judged on things that aren't criteria based. This can result in additional requirements being placed on projects that are not within the approval criteria, increasing costs and reducing the number of housing units.

Implementing this recommendation still allows for the public to be included in the land use process, but it lowers uncertainty about delays and additional conditions from baseless appeals.

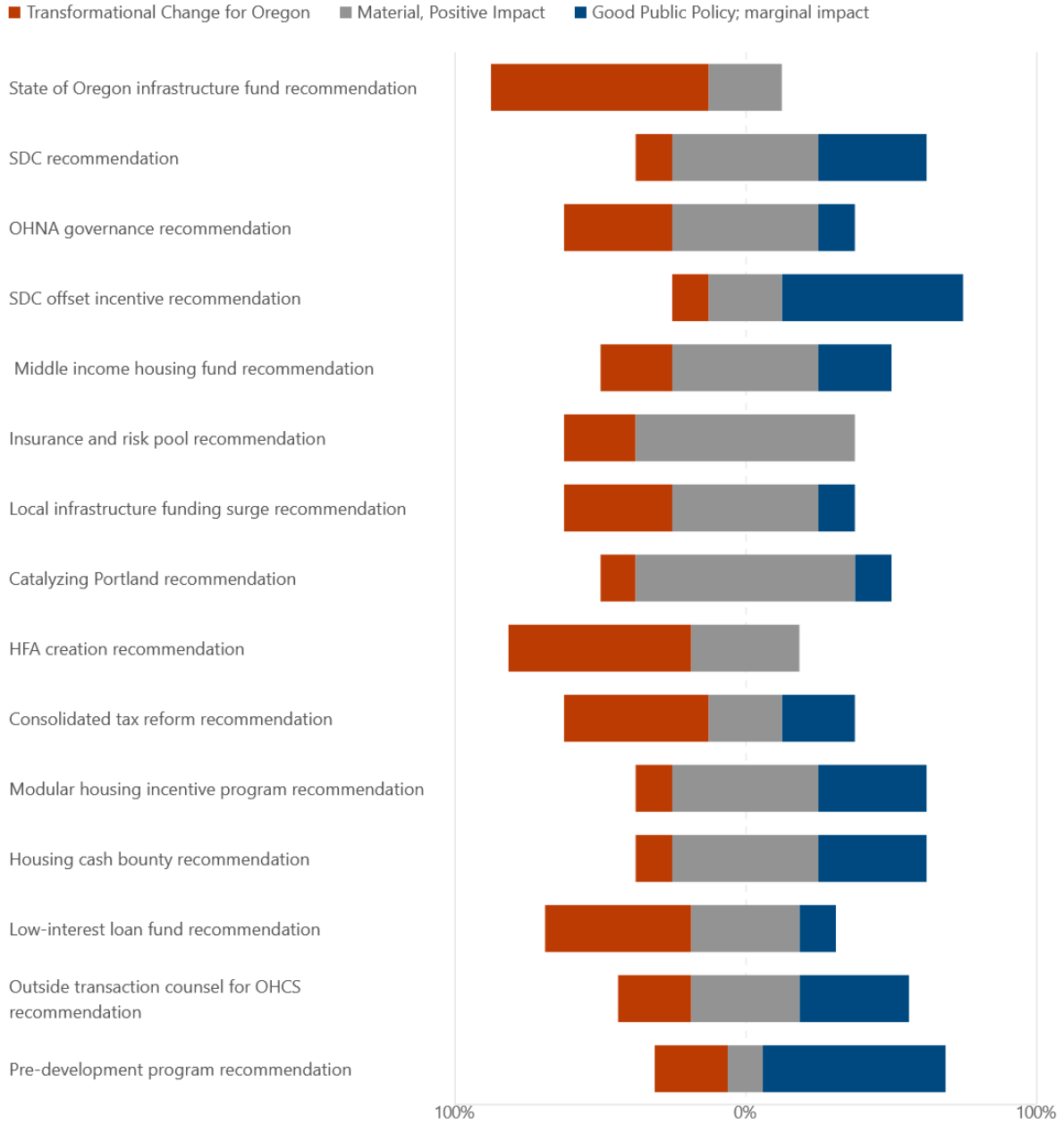
- **Allow for General Contractor Utility Hookup:** Allowing the general contractor to make the utility connection to within 3 feet of the building would help prevent delays in construction, especially in parts of the state where licensed plumbers are in short supply. In addition, it reduces additional costs from paying the plumber to come to the project twice.

Quick and Painless Recommendations

- **Allow Use of Single Stair for Buildings Up to 5 Floors:** This recommendation is in line with passes legislation. The City of Seattle currently allows for this provision. Direction BCD to amend the building code to align with this recommendation would allow for more efficient/affordable multi-family housing design. The recommendation for allowing BOLI wage exemptions for affordable housing up to 5 stories should also be explored, since requiring BOLI wages can make a project unfeasible or cause projects to have fewer units so as to avoid this requirement.
- **Expand BCD Ready Build Program:** Include 4 mark-driven housing types of varying densities suitable for typical 5,000 sf lot size and configurations across the State. This would allow for contractors to obtain building permits throughout the state with minimal housing design and engineering. This could expedite the building process, especially in rural parts of the state, where design professionals and building plan reviewers are extremely busy.
- **Adjust Condominium Regulations and Requirements for Increased Production:** The general consensus is that condominium requirements need to be updated. Lowering the statute of repose to match Washington's should encourage the construction of more condo projects since

the liability will be lower. In addition, the changes proposed in the recommendation allow for condo plats to be recorded quicker, as there is clarification on the timing of common elements.

Finance



Appendix C: Work Group Timeframe, Feasibility, and Cost Assessment

	Estimated Timeframe			Estimated Feasibility			Estimated Cost		
	Short	Medium	Long	Low	Medium	High	Low	Medium	High
Availability of Land									
Leverage State Owned and Leased Land for Housing Production	x					x	x		
Provide Resources to Help Cities Overcome Infrastructure Barriers to Housing Production	x					x			x
Expedited UGB Expansion		x				x	x	x	
Wetlands (group A)		x				x		x	
Wetlands (group B)		x				x		x	
Wetlands (group C)		x			x				x
Public Owned Land for Affordable Housing Production		x			x		x		
Expand Capacity of Oregon Brownfields Program to Encourage Housing Production					x				x

	Estimated Timeframe			Estimated Feasibility			Estimated Cost		
	Short	Medium	Long	Low	Medium	High	Low	Medium	High
Land Development Permit Applications									
Expand State and Local Capacity for Plan Review and Site Inspections for Housing	x	x	x			x		x	
Modify Cottage Cluster and Middle Housing Rules	x	x	x			x	x		
Clear and Objective Plan Review of Site Civil and Building Permits for Housing		x			x		x		
Enable By-right Adjustments for up to 20% from Specified Land Use Standards	x					x	x		
Temporary Change to Land Use Review Process									
Require Plan Review with Private Utility Designs Delays	x	x	x			x	x		
ODOT Immediate Opportunity Fund for Housing			x			x		x	
ODOT Priority Review for Housing		x				x	x		
Expedited Land Use Appeals for Housing	x					x	x		
Electronic Filing at LUBA	x	x	x		x	x	x	x	
Early Feasibility Acceptance for Land Use Decisions	x					x	x		
Establish 5-foot Wetland Buffer	x					x	x		
Statewide clarification and enforcement of ORS 227.178 (120/100-day approval)	x					x	x		

	Estimated Timeframe			Estimated Feasibility			Estimated Cost		
	Short	Medium	Long	Low	Medium	High	Low	Medium	High
Codes and Design									
Adjust Condominium Regulations and Requirements for Increased Production	x					x	x		
Expand BCD Ready Build Program		x				x		x	
Update the Process for Appeals Hearings	x					x	x		
Modify Hearing Time Standards	x					x	x		
Modify Trees Codes in Housing Development Situations	x					x	x		
Allow Use of Single Stair for Buildings Up to 5 Floors	x					x	x		
Allow BOLI Prevailing Wage Rate Exemption for Affordable Housing Up to 5 Floors	x					x			
Allow Density Swap for Sites Partly Undevelopable for Housing	x					x	x		
Update Middle Housing Statutes and Rules	x					x	x		
Promote Visitability and Access to Accessible Living Units		x				x		x	
Required Timelines for Franchise Utilities in Housing Projects Exceeding 10 Housing Units	x					x	x		
Governor's Office Facilitation of 3rd-party Assessment of CFEC-OHNA Rules		x			x		x		
Establish 180-day Timeline for Annexation and Comprehensive Plan Changes	x		x			x		x	
Modify Transportation Impact Analysis and Proportionate Share for Housing	x				x			x	
Provide Training on Legislation and LUBA Case Review	x					x		x	
Update Standards for Stormwater Permitting		x				x	x	x	
Allow for General Contractor Utility Hookup	x			x			x		

	Estimated Timeframe			Estimated Feasibility			Estimated Cost		
	Short	Medium	Long	Low	Medium	High	Low	Medium	High
Financing									
State of Oregon Infrastructure Fund	x	x			x	x			x
Provide a State SDC-backed Infrastructure Loan Fund									
Establish OHNA Governance Structure		x				x	x		
Establish an SDC Offset Incentive	x					x		x	
Create a Middle-income Housing Fund	x	x				x		x	
Capitalize an Insurance and Risk Pool			x		x				x
Generate New, State-level Revenue to Fund Critical Local Infrastructure	x	x	x	x	x				
Catalyzing Portland Investments	x					x		x	
Establish an Independent or Semi-independent Housing Finance Agency			x						
Reform Oregon's Tax System for Housing Production	x	x		x	x		x		x
Incentivize Modular Housing.	x					x		x	

Fund a Housing Cash Bounty	x					x			x
Establish a Low-interest Loan Fund	x		x						
Authorize Outside Transaction Counsel for OHCS	x					x	x		
Capitalize a Housing Pre-development Program	x					x		x	

	Estimated Timeframe			Estimated Feasibility			Estimated Cost		
	Short	Medium	Long	Low	Medium	High	Low	Medium	High
Workforce Shortages									
Modify Apprenticeship Ratio Standards	x			x			x		
5-year Construction Workforce Development Program Connecting Workers with Jobs		x	x		x			x	
Require Housing Insecurity Metric and Plan from Oregon Community Colleges	x				x		x		
Establish a Coordinating Body for Housing Production Related Workforce Initiatives	x						x		
Increase Capacity of Underrepresented and Underserved Communities in Trades	x							x	
Establish a Housing Production Corps		x					x		x

DRAFT

**Agenda
Item
VII**

State of Oregon

Board memo

Building Codes Division

February 7, 2024

To: Building Codes Structures Board

From: Pierre Sabagh, policy analyst, Policy and Technical Services

Subject: Proposed Rulemaking Timeline for the 2025 Oregon Structural Specialty Code

Action requested:

- Board review and determination on the division's proposed process and timeline for developing and adopting the 2025 Oregon Structural Specialty Code.

Background: ORS 455.020 requires that the division, with the approval of the Building Codes Structures Board, adopt minimum standards for the construction, reconstruction, alteration and repair of buildings and other structures, as well as the installation of mechanical devices and equipment. These standards are adopted as the Oregon Structural Specialty Code. The division works with building officials, technical committees, advisory boards, and the public to adopt, amend, and interpret the provisions of the OSSC. The division's goal is to have the 2025 Oregon Structural Specialty Code (OSSC) in place by Oct.1, 2025 with a six-month phase-in period.

The division's anticipated timeline for this adoption process:

- February 7, 2024: Building Codes Structures Board reviews and approves Division's proposed timeline for the 2025 OSSC.
- March 4 – March 21, 2024: Committee Member Solicitation. The division will post a notice on the division website requesting interested parties to apply to participate as a member of the code review committee.
- March 4 – April 2021, 2024: Public code amendment proposal period. The division will post a notice explaining how to submit a code amendment proposal. The notice will also be sent out through email to all those who have signed up for email updates on the division website.
- May 1, 2024: BCSB Board Meeting. The Building Code Structures Board will select and approve the committee members.
- June – August 2024: Code Review Committee. There are usually 4-5 code review committee meetings for the OSSC. The committee will review public code amendment proposals, model code

standards, and existing Oregon amendments to make a recommendation to the Building Codes Structures Board for adoption.

- August 7, 2024: BCSB Board Meeting. The Building Codes Structures Board will review the code review committee's recommendations and approve a final recommendation to the division for adoption.
- October 2, 2024: RMSB Meeting. The Residential and Manufactured Structures Board will review the Building Codes Structures Board's low-rise apartment recommendations and approve a final recommendation to the division for adoption
- TBD: Public Rulemaking Hearing. The division will hold a public hearing where interested parties can provide testimony about the proposed code provisions. The division will work towards having a codebook available before the effective date of the code.
- October 1, 2025: Anticipated effective date. The 2025 OSSC has an anticipated effective date of Oct. 1, 2025 with a six-month phase-in period.
- April 1, 2026: Anticipated end of phase-in period. The 2025 OSSC is anticipated to have a six-month phase-in period where use of the 2022 OSSC or the 2025 OSSC will be permitted.

Options:

- Approve the division's proposed code adoption process steps and timeline for adopting the 2025 Oregon Structural Specialty Code.
- Amend and approve the division's proposed code adoption process steps and timeline for adopting the 2025 Oregon Structural Specialty Code.
- Disapprove the division's proposed code adoption process steps and timeline for adopting the 2025 Oregon Structural Specialty Code, and provide guidance as to how the board wishes the division to proceed.

Oregon Structural Specialty Code

2025 edition

Anticipated timeline of adoption

Code development	<p>March 4 – 17, 2024</p> <p>Committee member solicitation</p> <p>The division will post a notice on the division website requesting interested parties to apply to participate as a member of the code review committee.</p>
	<p>March 4 – April 21, 2024</p> <p>Public code amendment proposal period</p> <p>The division posts a notice explaining how to submit a code amendment proposal. The notice will also be sent out through email to all those who have signed up for email updates on the division website.</p>
	<p>May 1, 2024</p> <p>Building Codes Structures Board meeting</p> <p>The Building Codes Structures Board will select and approve the committee members.</p>
Code review	<p>June – August 2024</p> <p>Code review committee meetings</p> <p>There are usually 4 to 5 code review committee meetings.</p> <p>The committee will review public code amendment proposals, model code standards, and existing Oregon amendments to make a recommendation to the Building Codes Structures Board for adoption.</p>
	<p>Aug. 7, 2024</p> <p>Building Codes Structures Board meeting</p> <p>The Building Codes Structures Board will review the code review committee’s recommendation and make a final recommendation to the division for adoption.</p>
	<p>Oct. 2, 2024</p> <p>Residential and Manufactured Structures Board meeting</p> <p>The Residential and Manufactured Structures Board will review the Building Codes Structures Board’s low-rise apartment recommendations and approve a final recommendation to the division for adoption.</p>
Rulemaking	<p>TBD</p> <p>Public rulemaking hearing</p> <p>The division will hold a public hearing where interested parties can provide testimony about the proposed code provisions.</p>
	<p>Oct. 1, 2025</p> <p>Anticipated effective date</p> <p>The 2025 Oregon Structural Specialty Code will be available for use and posted on the division’s website.</p>
	<p>April 1, 2026</p> <p>Anticipated end of phase-in period</p> <p>The 2025 OSSC is anticipated to have a six-month phase-in period where use of the 2022 OSSC or the 2025 OSSC will be permitted.</p>