

## HOUSING



This Legislative Summary Report highlights Housing policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [ ✓ ] or not enacted [ ✗ ]; and a brief description of the measure.

### Housing policy sub-topics:

- Financing
- Homelessness/Sheltering
- Homeownership
- Land Use and Development
- Landlord/Tenant
- Local Planning/Permitting
- Manufactured Dwellings
- Rental Assistance
- Other Legislation

### Financing

- |          |   |   |
|----------|---|---|
| SB 82    | ✗ | Would have created Individual Development Account Fund. Would have increased maximum allowable matching funds accrual and allowable uses of savings in individual development accounts.   |
| SB 148   | ✗ | Would have extended tax credit for individual development account contributions from January 1, 2022 to January 1, 2028.  |
| SB 155   | ✗ | Would have extended tax exemption for nonprofit properties used as low-income housing from July 1, 2022 to July 1, 2028.  |
| SB 276   | ✗ | Would have allowed Oregon Housing and Community Services to award grants to eligible entities for programs that subsidize repair and rehabilitation of low-income households.   |
| SB 330 A | ✗ | Would have created income tax credit for landlords equal to amount of unpaid rent forgiven as condition of accessing Landlord Compensation Fund.  |
| SB 414 A | ✗ | Would have directed Multnomah County to create pilot program to provide grants for local community cleanup projects.  |
| SB 852   | ✗ | Sought to prohibit deduction of mortgage interest from personal income tax liability for residences other than principal residences, with certain exceptions. Limited or prohibited deduction of mortgage interest for principal residences |

## Financing, cont'd

based on federal adjusted gross income and created Oregon Housing Opportunity Account for Oregon Housing and Community Services.

- HB 2095 ✓ Aligns the timing of an affordability restriction for publicly supported housing with the timing of notice delivery that owner intends to withdraw a property from publicly supported housing. Requires a publicly supported housing owner to directly notify a tenant of the owner's intent to withdraw a property, and inform the tenant of safe harbor provisions or other available resources.
- HB 2096 B ✗ Would have increased available tax credits for agriculture workforce housing projects from \$3.625 million per year to \$16.75 million per biennium.
- HB 2446 ✓ Extends the sunset on the tax exemption available for properties of nonprofit corporations that are used for low-income housing from June 30, 2022 to June 30, 2028.
- HB 2584 B ✗ Would have increased the annual tax credit available to affordable housing lenders from the current cap of \$25 million to \$35 million per year, applicable to tax years beginning on or after January 1, 2022. Sought to modify project affordability requirements for qualified borrowers, clarified limit of period in which tax credit is allowed for a qualified loan, and expanded purchase of qualified bonds to include those issued on behalf of a housing authority.
- HB 3275 ✓ Provides property tax exemption for the land under a home that is subject to an affordable housing covenant of 99 years, and a partial exemption for a condominium unit under a similar affordable housing covenant, subject to certain conditions.

## Homelessness/Sheltering

- SB 81 ✗ Would have corrected two references in state law to federal antipoverty programs administered through community action agencies, so they would have been consistent with federal language.
- SB 410 A ✗ Would have required that homeless persons' unclaimed personal property in Multnomah County be given to local social services workers, law enforcement, or personnel authorized to issue citations, and that the property be stored within six blocks of a public transit station. (See [HB 3124](#)).
- SB 850 ✓ Requires that a report of death for a homeless decedent to indicate the decedent's residence address as "Domicile Unknown."
- HB 2004 ✓ Appropriates \$9.7 million in general fund moneys for the acquisition, retrofitting, and operation of converted hotels and motels for use as emergency

## Homelessness/Sheltering, cont'd

shelters for people experiencing homelessness or housing instability throughout the state.

- HB 2006 ✓ Reduces barriers to local government approval of emergency shelters and expands allowances for overnight vehicle camping on any publicly or privately owned property. Directs Oregon Housing and Community Services to expend Emergency Housing Account funds for technical assistance for organizations to develop and operate emergency shelters or transitional housing accommodations, and allows the Department of Administrative Services to award grants to local governments to develop, construct, and operate navigation centers on or before July 1, 2022.
- HB 2100 ✓ Requires Oregon Housing and Community Services to consult with specified entities in the administration of federal antipoverty grants, and clarifies that eligible grantees must demonstrate culturally responsive services to best serve the needs of diverse client populations, including communities of color. Establishes the Task Force on Homelessness and Racial Disparities to address racial disparities in the provision of and access to homeless services programs across the state.
- HB 2367 ✗ Would have established the Oregon Right to Rest Act and declared that a person experiencing homelessness has certain rights.
- HB 3115 ✓ Requires local laws on outdoor public spaces be objectively reasonable with regards to persons experiencing homelessness.
- HB 3124 ✓ Increases the notice required from 24 hours to 72 hours before law enforcement officials may remove homeless individuals from an established camping site. Clarifies requirements for the removal, storage, or disposal of unclaimed personal property, and provides that locally established laws and policies providing greater protections to homeless individuals preempt any contrary state provisions.
- HB 3261 ✓ Requires local governments to allow motel and hotel properties to be converted to emergency shelters and later to affordable housing, if the property is inside an urban growth boundary and on land not designated for heavy industrial use. Local governments may require that conversion projects comply with applicable building codes, occupancy limits, design or siting, or natural resource mitigation standards.

## Homeownership

- SB 79 ✓ Authorizes Oregon Housing and Community Services to use funds from Home Ownership Assistance Account to offer grants and technical assistance to

## Homeownership, cont'd

organizations working to increase homeownership access for low-income individuals and people of color.

- SB 329 ✓ Allows homeowners and condominium associations to conduct meetings electronically.
- SB 829 ✓ Reorganizes and clarifies the process for eviction in foreclosure proceedings, applying appropriate cross-references in judicial and nonjudicial eviction statutes.
- HB 2007 ✓ Establishes the Joint Task Force on Addressing Racial Disparities in Home Ownership, which sunsets December 31, 2022. Expands continuing education requirements for mortgage loan originators to include information on implicit bias and racial bias.
- HB 2009 ✓ Renews temporary mortgage payment deferral and foreclosure protections for specified borrowers during emergency through June 30, 2021. Prohibits default for nonpayment if borrower notifies lender of lost income due to COVID-19 during emergency.
- HB 2283 ✗ Would have required certain cities to allow land division of lots or parcels for the development of duplexes, triplexes, quadplexes, cottage clusters, and townhouses, and would have established development review guidelines for cities regarding approval criteria, public notice, application review period, fees, and appeals. ([see SB 458](#))
- HB 2409 ✓ Allows a homeowner to request notification that a homeowners association intends to apply pesticides to their property, and prohibits homeowners associations from requiring an owner to apply pesticide to their property unless it is necessary for ecological or public health.
- HB 2534 ✓ Requires homeowners associations for planned communities, and condominiums with residential units, to review and remove discriminatory language related to protected status from governing documents on or before December 31, 2022.
- HB 2578 ✗ Would have prohibited a mortgage interest deduction from personal income taxation for a residence other than the taxpayer's principal residence, subject to certain exceptions, and would have directed the Department of Revenue to transfer revenue attributable to restrictions on the deduction of mortgage interest to a newly established fund for homeownership and homeless prevention programs.
- HB 2951 ✗ Would have prohibited homeowners associations, managers, or other owners from retaliation or discrimination against an owner who has lawfully exercised their right to a violation.

## Homeownership, cont'd

- HB 3209 A ✗ Would have directed Oregon Housing and Community Services to allocate grant moneys to nonprofit organizations, housing authorities, or government agencies for the provision of housing counseling services to borrowers at risk of foreclosure.
- HB 3322 A ✗ Would have prohibited the governing documents of planned communities from containing provisions that ban gardening, hen-keeping or beekeeping on an owner's lot, but would have allowed homeowners association to regulate these activities.
- HB 3368 A ✗ Would have allocated \$10 million in grant moneys for three shared-equity homeownership pilot projects for affordable tiny homes designated for low- or very low-income tenants who are homeless or at risk of becoming homeless.

## Land Use and Development

- SB 8 ✓ Requires local governments to allow, without requiring a zone change or conditional use permit, the development of affordable housing projects on lands inside an urban growth boundary not zoned for residential use, subject to certain zoning, property ownership, and land use requirements.
- SB 141 ✓ Clarifies, for vertical housing development projects, the calculation for property tax exemption is determined by dividing the total square footage dedicated to residential use by the average floor area of the project.
- SB 391 ✓ Allows counties to authorize owners of lot or parcel in rural residential zones to construct one accessory dwelling unit (ADU) on lot or parcel, subject to certain conditions and compliance with local land use regulations. Requires counties to establish regulations regarding setback requirements when a property is adjacent to land zoned for resource use, to address water access and use, and to work with local fire protection service providers to ensure the ADU is accessible in any wildfire mitigation efforts.
- SB 458 ✓ Establishes conditions under which local governments must approve divisions of real property for new middle housing development on lots and parcels in residential zones. Allows local governments to impose certain conditions of approval in reviewing middle housing land division applications.
- SB 838 ✗ Would have required Secretary of State to create statewide registry of real property owned by certain corporate entities and rented or used for commercial purposes.
- HB 2008 ✓ Provides a property tax exemption for religious organizations that provide affordable housing on their property to low-income individuals. Limits local

## Land Use and Development, cont'd

governments from imposing certain zoning restrictions or conditions of approval on an affordable housing development application by a religious organization.

- HB 2160 ✓ Allows the Land Conservation and Development Commission to consider an affordable housing pilot project nominated by the City of Pendleton, subject to certain conditions. Sunsets the affordable housing pilot program on January 2, 2028.
- HB 2336 ✗ Would have directed the Department of Consumer and Business Services (DCBS) to establish an appendix to the Oregon Residential Specialty Code consistent with standards on Type C or “visitable” units as adopted by the American National Standards Institute.
- HB 2558 ✗ Would have required local governments to allow the development of residential multifamily buildings located within one-eighth of a mile of a fixed guideway corridor stop, subject to certain conditions and affordability requirements.
- HB 2655 ✗ Would have prohibited counties from establishing a minimum lot size of more than one acre for a lot or parcel that is zoned for rural residential use.
- HB 2705 ✗ Would have authorized counties to allow a property owner in a rural residential zone to construct an accessory dwelling unit on the same lot or parcel under specified conditions for approval.
- HB 2708 ✗ Would have allowed the Department of Land Conservation and Development to approve urban growth boundary expansion areas of no more than 50 acres proposed by local governments, subject to certain conditions.
- HB 2766 ✗ Would have established a Task Force on the Use of Surplus Public Lands for Housing.
- HB 2778 ✗ Would have expanded the definition of historic home to include single-family dwellings built before January 1, 1974 for the purpose of converting a historic home to an accessory dwelling unit on the same lot or parcel as a newly constructed single-family home in an area zoned for rural residential use.
- HB 2918 ✓ Requires local governments to submit a survey of surplus real property owned by the agency or district to Department of Land Conservation and Development on January 1 of each even-numbered year. Requires city councils to consider, in the sale of city-owned real property, the potential of a given parcel for affordable housing development. Appropriates \$68,000 to DLCD to develop and implement an online database

## Land Use and Development, cont'd

- HB 3072 A ✗ Would have allowed a local government, upon a petition from a landowner, to expand its urban growth boundary for the development of workforce housing or combined workforce housing and workforce commercial uses, subject to certain conditions and applicable local government land use processes. Required that any development on land rezoned for workforce housing or workforce commercial use be subject to an affordable housing covenant of no less than 60 years.
- HB 3154 ✗ Would have excluded manufactured dwelling parks or lands with multifamily structures of more than eight units from the buildable lands inventory required of cities in identifying residential infill or redevelopment opportunities.
- HB 3155 ✓ Requires cities within a metropolitan service district and with a population greater than 10,000 to conduct an inventory every six years of buildable lands and an analysis of housing supply needs for the next 20 years. Requires certain cities to develop a housing production strategy and amend local plans and land use regulations to support the development of needed housing. Allows cities with a population of 10,000 or less to conduct a housing needs analysis and develop a production strategy to address housing supply needs.
- HB 3335 ✓ Appropriates \$1 million to the Hacienda Community Development Corporation to expand the accessory dwelling unit community pilot program to areas outside of Portland for eligible low-income homeowners and eligible low-income tenants.

## Landlord/Tenant

- SB 282 ✓ Extends expiration of grace period from June 30, 2021, to February 28, 2022, for repayment of residential rent accrued during emergency period of April 1, 2020, through June 30, 2021. Prohibits, until March 1, 2022, landlord from enforcing maximum occupancy limits lower than required by federal, state, or local law, or from limiting maximum duration of a guest's stay.
- SB 291 ✓ Requires landlords to conduct an individualized assessment and consider supplemental evidence from applicant before denying an application for housing on the basis of criminal history. Prohibits landlords from considering previous arrests if applicants entered into a diversion program or received a deferred judgment, or if the applicant's conviction was for conduct that is no longer illegal under Oregon law.
- SB 327 ✗ Would have allowed landlords to increase water or sewer bill based on submeter reading. Would have established what tenants may recover if landlords fail to comply with utility billing and notice requirements.

## Landlord/Tenant, cont'd

- HB 2372 ✗ Would have prohibited termination of a residential tenancy without cause and clarified a tenant's right to damages upon a landlord's unlawful termination of tenancy or upon a fraudulent claim of landlord-cause termination of tenancy.
- HB 2427 ✗ Would have directed Oregon Housing and Community Services to develop and maintain a uniform, online rental application system, in consultation with a stakeholder advisory committee, and would have prohibited landlords from charging a screening fee greater than \$10 total for applicants who submit a uniform application and screening report using the new system.
- HB 2484 A ✗ Would have prohibited landlords from restricting tenant's use of a residential dwelling as a family child care home if the home is authorized by the Office of Child Care and the tenants notified the landlord.
- HB 2736 B ✗ Would have required landlords of residential complexes with 11 units or more to inform existing and new tenants of antidiscrimination laws, including how to file discrimination complaints, as provided by the Bureau of Labor and Industries (BOLI).
- HB 3113 ✓ Clarifies that the state cap on rent increases does not apply to dwelling units regulated as affordable housing if a tenant's share of rent does not increase, or if the rent increase is required by the particular program or triggered by a change in tenant income.
- HB 3306 ✗ Would have allowed a residential landlord and tenant to agree that the tenant may pay a recurring charge in lieu of a security deposit, subject to certain requirements and terms of use.

## Local Planning/Permitting

- SB 805 ✓ Allows Construction Contractors Board to establish a voluntary certification program for residential general master builder of vertical homeownership structures. Allows board to define vertical homeownership structure by rule, determine certification standards by structure type, and charge applicant fees to cover program administrative costs.
- SB 866 ✓ Permits a municipality or Department of Consumer and Business Services to contract with a person to administer and enforce a building inspection program and act as a building official, while addressing the legal safeguards discussed in the Opinion.
- HB 2522 ✓ Allows the Oregon Department of Transportation (ODOT) to provide optional titling for park model recreational vehicles and vehicles that no longer meet the definition of park model recreational vehicle, but previously met the definition



## Local Planning/Permitting, cont'd

as originally manufactured and were first used as living quarters on or before January 1, 2021. Clarifies that once an optional title is issued, ODOT does not have liability for suitability, fitness, safety, quality, or lawfulness of a vehicle's use as a living space or for transportation.

- HB 2583 ✓ Prohibits local governments from establishing or enforcing maximum occupancy limits in residential dwellings based on familial or nonfamilial relationships among occupants.
- HB 2761 A ✗ Would have required a landlord of a manufactured dwelling park to notify an existing or prospective tenant, or prospective purchaser, that, upon request, a rental agreement and an application for occupancy will be provided by the landlord in any of the state's top five most commonly spoken languages other than English, as published by the Secretary of State on the secretary's website and updated at least once every 10 years, per the most recent American Community Survey from the U.S. Census Bureau.
- HB 2953 ✓ Clarifies the definition of community-based structured housing to make it explicit that staff do not provide residential care, and distinguishes such housing from publicly supported housing. Removes references to the Department of Human Services, leaving the Oregon Health Authority as the only regulatory entity, and increases the maximum possible financial penalty that may be imposed for noncompliance.
- HB 3260 ✗ Would have established a local government technical assistance program within Oregon Housing and Community Services, and would have required Land Conservation and Development Commission to enter into intergovernmental agreement with League of Oregon Cities and Association of Oregon Counties to develop regional work plans to assist local governments in providing needed housing.

## Manufactured Dwellings

- HB 2364 ✓ Requires a residential dwelling facility owner to consider, in good faith, an offer from a tenants committee or entity associated with tenants to purchase the facility upon timely formation and response to owner's notice of intent to sell the facility. It allows tenants to recover 10 percent of the sale price of facility if the owner does not negotiate in good faith, to be divided equally between the Manufactured Parks Account within Oregon Housing and Community Services and the prevailing party.

## Manufactured Dwellings, cont'd


- HB 2580 ✗ Would have prohibited a landlord from increasing the rent for a prospective purchaser of a manufactured dwelling or floating home except as part of a facility-wide increase for all tenants inside a facility, subject to the rent increase requirements provided in current statute.
- HB 2761 A ✗ Would have required a landlord of a manufactured dwelling park to notify an existing or prospective tenant, or prospective purchaser, that, upon request, a rental agreement and an application for occupancy will be provided by the landlord in any of the state's top five most commonly spoken languages other than English, as published by the Secretary of State on the secretary's website and updated at least once every 10 years, per the most recent American Community Survey from the U.S. Census Bureau.
- HB 3218 ✓ Authorizes Oregon Housing and Community Services to utilize loan and grant funds to support the repair or reconstruction of manufactured dwellings and manufactured dwelling parks destroyed by a natural disaster.

## Rental Assistance



- SB 278 ✓ Prohibits residential landlords from pursuing eviction actions against a tenant for nonpayment for a 60-day period from the time that a tenant has provided a landlord with documentation of application for rental assistance, beginning July 1, 2021. Directs Oregon Housing and Community Services (OHCS) to reimburse landlords participating in the Landlord Compensation Fund for the 20 percent of past-due rent that was forgiven and compensate new qualifying applicants for 100 percent of past-due rent that accrued during COVID-19 emergency period.
- HB 2101 ✓ Removes the requirement for landlords to obtain a court judgment before applying for assistance from the Housing Choice Landlord Guarantee Program, and instead requires that landlords submit an application directly to Oregon Housing and Community Services (OHCS). The measure also replaces a \$5,000 per-landlord cap with a \$5,000 per-request cap for parties participating in the Rent Guarantee Program administered by OHCS.
- HB 2163 ✓ Establishes a long-term rental assistance program within Oregon Housing and Community Services to support individuals younger than 25 years of age who are or have recently been homeless. The measure also establishes the Long-Term Rent Assistance Fund and appropriates \$4.5 million in General Fund moneys for the biennium beginning July 1, 2021.
- HB 2842 ✓ Establishes the Healthy Homes Program within Oregon Health Authority, for the purpose of awarding grants to eligible entities which provide financial assistance to low-income households and communities disproportionately

**Rental Assistance, cont'd**

affected by environmental pollution or other hazards, and to landlords for the repair and rehabilitation of residential dwelling units. It establishes the Healthy Homes Repair Fund and allocates \$20 Million in General Fund dollars to the Fund to provide grants and cover administrative costs. It also establishes the Interagency Task Force on Healthy Homes to propose and evaluate solutions to address health hazards in housing.

- HB 3184 A  Would have directed Portland State University's Homelessness Research and Action Collaborative to conduct a study on the costs, benefits, and policy choices of providing long-term rental assistance to Oregonians who are severely rent burdened, homeless, or at risk of becoming homeless.

**Other Legislation**

- SB 622  Authorizes issuance of \$10 million in lottery bonds for deposit in Levee Project Grant Fund.
- SB 742 A  Would have restricted local governments from prohibiting certain alarm systems or battery-charged fences.