

To: Representative Maxine Dexter, Chair, and Members
House Committee on Housing and Homelessness

From: Al Johnson
Retired land use attorneyⁱ

Re: House Bill 2889, February 7, 2023 public hearing

Date: February 5, 2023

Greetings, Chair Dexter and Committee Members:

I hope you will be able to send this important bill to the floor with a do-pass recommendation with amendments that

1. Maintain and reinforce Oregon's statewide Housing Goal, now nearing its 50th year, including clear direction to DLCD and LCDC to demonstrate, in their performance metrics and legislative reports, that they are enforcing Goal 10 in all its dimensions, including affordable homeownership.
2. Maintain and reinforce existing requirements of your Needed Housing statutes and LCDC's statewide Planning Goal that jurisdictions "demonstrate," based on an "adequate basis in fact," that they have adequate land supplies to address their housing needs for the "next 20 years" consistent with their Housing Needs Analyses and the requirements of the Statewide Housing Goal.
3. Maintain and reinforce existing safeguards, including meaningful judicial oversight, that assure the continuing constitutionality of SB 100's broad delegation of your legislative powers.
4. Maintain and reinforce the existing requirement of Oregon's Housing and Urbanization Goal that the ability of candidate urban growth boundary expansion areas to meet identified 20-year housing needs is a key "social" and "economic" consequence under the Urbanization Goal's "social, economic, energy, and environmental consequences" factor.

Thank you all for your continuing commitment to fully realizing the vision of Oregon's 50-year-old statewide housing goal sooner than later in its second half-century.

ⁱ Statewide practice 1974-2010. Wide range of clients, public and private, for-profit and non-profit.

Represented prevailing party in leading cases enforcing Oregon's statewide housing goal and needed housing statutes, including:

Opus v. Eugene (requiring cities to account for impacts of site review standards on housing inventories)

Jaqua v. Springfield (limiting type and scale of nonresidential uses on urban residential lands)

Creswell Court v Creswell (prohibiting city from excluding manufactured home parks without coordinating with nearby cities)

Homebuilders/Eugene Chamber v Eugene (2002 Eugene code update (requiring cities to account for losses to residential lands inventories from amendments overlaying up to 200,000 density-reducing tree buffers on inventoried 20-year residential land supply).

Served as LCDC hearings official in 1970's. Drafted early LCDC statewide housing goal decisions including **Seaman v Durham** (explaining least cost, regional fair share requirements of Goal 10) and **Kneebone v Ashland** (restricting downzoning of residential lands). Also co-edited, with DOJ's Jim Mattis, the Oregon State Bar's Administrative Law handbook.

Housing related volunteer work has continued, including:

Co-chair, Bend Residential Lands Technical Advisory Committee, during 2014-201 BLI-HNA-UGB update.

Member, Steering Committee, Wild Rivers Coast Alliance (focus on workforce housing inside coastal UGBs).

Member, DLCD Housing Capacity work group

Alternate, DLCD Climate-Friendly and Equitable Communities rulemaking advisory committee