

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

From: Al Johnson
Retired land use attorneyⁱ

Re: House Bill 3151, March 2, 2023, Public Hearing
Supplemental testimony

Date: March 3, 2023

Greetings, Chair Dexter and Subcommittee Members:

I would like to respond briefly to the written testimony submitted by the Park Owners' Alliance concerning permanent improvements. The bill speaks of improvements that "**cannot** reasonably be owned by the tenant at the termination of the tenancy." The park owners' letter apparently assumes that "cannot" means "**does not.**" It worries about siding, window frames, and other improvements which are part of the site tenant's manufactured home and obviously can be owned by the tenant.

ⁱ Statewide practice 1974-2010. Wide range of clients, public and private, for-profit and non-profit, residential, commercial, industrial, governmental. Several low-income housing projects approved over neighborhood opposition with help of Oregon's needed housing statutes and statewide housing goal.

Housing related volunteer work has continued since retirement, 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 Regional Housing Needs Analysis (OHNA) advisory committee and Housing Capacity work group
Alternate, DLCD Climate-Friendly and Equitable Communities rulemaking advisory committee.

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 density reductions). Co-editor of Oregon State Bar Administrative Law handbook.

Represented prevailing party in leading cases enforcing Oregon's statewide housing 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).