

## HB 2001: Single Family Zoning

The 2019 session of the Legislative Assembly made a sharp change to the land use laws in Oregon. IN adopting HB 2001, the legislature, in perhaps overly simplistic terms, prohibited large and medium cities from restricting residential zones to one single family dwelling per lot. Over the next few years, these cities must adopt rules which permit duplexes, and in some case triplexes and quadplexes, in areas now zoned for single family housing.

The legislation, which intentionally overrides local planning rules, was, and is, controversial. No place illustrates this better than the Springfield/Eugene metropolitan area, where the Eugene City Council on September 9, 2019, approved a motion to direct the City Manager to seek repeal, while the City of Springfield has already begun to move proactively to implement the legislation.

The October 3 Springfield City Club program focused on the law, its impacts, and how Springfield is moving forward. Our panel consisted of Kaarin Knudson, an architect whose is a founder of Better Housing Together, an organization lobbying for more affordable housing, Mark Rust, a Senior Planner for the City of Springfield who is leading the City's update of its development code, and Laurie Hauber, a legal aid attorney who represents clients on housing issues.

Ms. Knudson explained that HB 2001 was the latest step in a package of legislative actions to address the crisis in affordable housing



that exists in Oregon today. In the 2017 session, the legislature approved bills requiring that cities allow for the placement of “auxiliary dwelling units” – relatively smaller and more affordable housing structures, on lots zoned for single family residences. That was followed, in the current session, by Sent Bill 608, which City Club discussed in September. That bill regulates the rental housing market by imposing restrictions on tenant evictions and limits on rental rate increases. House Bill 2001 takes the process a step further, she said, by providing for increased density on areas zoned for single family residences. Although the bill started out as an attempt to allow all forms of housing on land zoned for single family residences, as ultimately approved, the law takes two major steps:

- 1) In all cities outside of Portland Metro with a population between 10,000 and 25,000, (medium cities) duplexes will be allowed “as of right” in all single-family zones; and
- 2) In cities over 25,000 (large cities) all middle housing types (duplexes, triplexes quadplexes, cottage clusters and townhouses) will be allowed.

The new rules become effective in stages. For “large” cities implementation must occur by June 30, 2022. For “medium” cities implementation must occur by June 30, 2021. While cities may adopt clear and objective standards to regulate siting and design, these must not discourage the development through unreasonable cost or delay. While there is a process for getting an extension on

implementation to address inadequacy of infrastructure. Mr. Rust said there was no reason to believe Springfield would wish to take advantage of that process.

In fact, he added, since Springfield is already in the midst of a complete update of its land development code, the City hopes to be proactive in working to implement the rules, and has offered to be a source for the model code which Department of Land Conservation and Development staff must develop by December 31, 2020. That model code, when created, will become mandatory for cities who have not created their own ordinances.

The panel agreed that even though the changes are major, it is unlikely that there will be rapid massive shifts in housing types. Redevelopment is a slow piecemeal process, and unless an existing single-family dwelling becomes derelict, there may be little incentive to remove it and replace it with a denser form of housing. More rapid development could occur in greenfield areas, when new subdivisions might be expected to take advantage of the new rules to build denser housing (which would probably prove to be more profitable for developers).



Ms. Hauber observed that not only is there concern among some cities who seek to reverse the intrusion into their local decision making on land use and housing, but even supporters of the legislation continue to have some concerns. For example, a mandate in the bill to consider waiver or deferral of systems development charges (which are often a significant additional cost in residential construction) is at cross-purposes with the mandate of the law authorizing SDCs, which demands that those charges be constructed to match the allocation of cost among units of construction – meaning

any waiver results either in inadequate funding for capital or use of general fund dollars to backfill. Also, there is some concern that applying the new rules has the potential to displace vulnerable populations, who now occupy low cost rental housing (or mobile home facilities).