

Middle Housing Metro and Beyond



Home Builders Association
of Metropolitan Portland

Oregon Middle Housing Legislation

- House Bill 2001 (2019)
- Senate Bill 458 (2021)



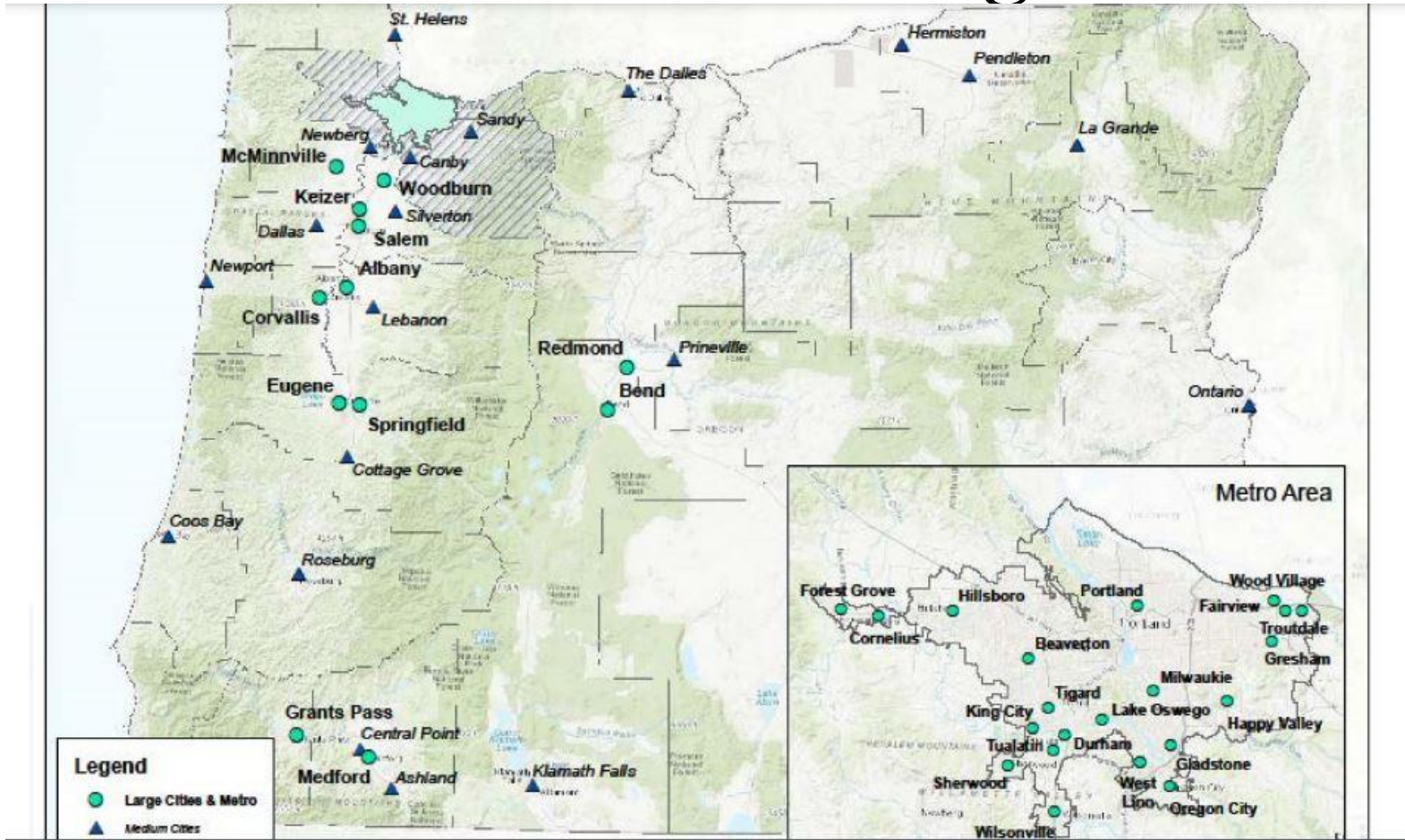
House Bill 2001

- Allows more housing types on lots zoned for single dwellings
 - Duplexes – Quadplexes
 - Cottage Clusters
 - Townhomes
- Response to housing shortage and affordability concerns
- Designed to offer housing choice, diversity and supply
- Acknowledges historic and current exclusionary zoning practices

Removing Barriers to Middle Housing

- Regulations may not discourage middle housing development through unreasonable costs or delay.
- Jurisdictions must apply the same approval process to middle housing as to detached single family dwellings in the same zone.
- ORS 197.307(4) requires cities to adopt clear and objective standards, conditions and procedures regulating the development of housing.

HB2001- Medium & Large 'Cities'



HB2001 Applicability & Effective Dates

- **Medium Cities:** Effective June 30, 2021

- 10K population cities
- Allows **duplexes on all lots and parcels** that allow for single family detached dwellings

- **Large Cities:** Effective June 30, 2022

- 25K population + all cities/county areas 1K population in Metro's Urban Growth Boundary
- Allows **all middle housing types in AREAS** that allow for single family detached dwellings

- Some extensions and exceptions allowed

- Prevents Covenants, Conditions and Restrictions (CC&Rs) that restrict **future** middle housing.

HB2001 Housing Types Defined

- “**Duplex**”: two attached dwelling units on a Lot or Parcel. Cities may define a Duplex as two detached dwelling units on a Lot or Parcel.
- “**Townhouse**”: a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.

HB2001 Housing Types Defined

- “Triplexes” and “Quadplexes”: may be defined by large cities as any configuration of attached or detached dwelling units on one lot or parcel.
- “Cottage Cluster”: a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. Units may be located on a single Lot or Parcel, or on individual Lots or Parcels.

Middle Housing Minimum Lot Sizes

Housing Type	Minimum Lot Size – Not to Exceed (SF)
Duplex	Same as Single Dwelling Detached
Triplex	5,000 or same as Single Dwelling Detached
Quadplex	7,000 or same as Single Dwelling Detached
Townhome	1,500 (AVERAGE)*
Cottage Cluster	7,000 or same as Single Dwelling Detached

*Internal, external, corner lots may have different lot sizes but must average 1500 SF.

Senate Bill 458

Ordered by the Senate April 12
Including Senate Amendments dated April 12

Sponsored by Senators FREDERICK, KNOPP; Senators GOLDEN, HANSELL, KENNEMER, PATTERSON (at the request of Habitat for Humanity) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows land division to separate dwelling units for new middle housing allowed in cities. **Applies to divisions permitted on or after July 1, 2022.**

Prohibits homeowners associations or restrictive covenants from forbidding partition. Delays applicability of limits on private middle housing restrictions.

- **Expedited Land Division for Middle Housing**
- **Allows More Home Ownership Opportunities**

SB458 Land Division Timeline

- Allows jurisdictions 21 days to deem applications complete
- Allows 63 days to make a decision (vs. 120)
- Decision may not reduce density of middle housing application
- Limited appeal process and timeline governed by [ORS 197.360-380](#)
 - 7-day period to notice entities with standing
 - 42 days for referee decision
- Appeals do not go to LUBA. Referee decision can be appealed to Court of Appeals.

SB 458 Key Take-Aways

- Units must meet the Oregon Residential Specialty Code + jurisdiction's middle housing siting & design standards
- Resulting lots must have their own utilities
- Additionally, lots must have necessary easement agreements
 - Access to units, parking, common areas, maintenance
- 1 dwelling unit per resulting lot or parcel
- Local gov't may condition no further division of lots
- Local gov't not required to allow ADU on resulting lots

Middle Housing Resources

- **HB2001**

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2001>

- **HB2001 Administrative Rules / 'Minimum Compliance' Standards**

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5988>

- **HB2001 Model Codes for [Medium Cities](#) + [Large Cities](#)**

- **HB2001 Jurisdictional Tracking Sheet**

https://www.oregon.gov/lcd/UP/Documents/HB_2001_Implementation_Status.pdf

- **SB458**

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0458/Enrolled>

Questions?

Roseann Johnson, Roseannj@hbapdx.org

Ryan Makinster, Ryanm@hbapdx.org



Home Builders Association
of Metropolitan Portland