



The League of Women Voters of Oregon is a 99-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

February 11, 2019

To: House Committee on Human Services and Housing
Representative Alissa Keny-Guyer, Chair
Members of the Committee

Email: hhs.exhibits@oregonlegislature.gov

Re: **HB 2001** – Addressing the “missing middle” and other provisions – **Comments/Concerns**

The League of Women Voters of Oregon first studied land use in 1959 and has been active since in supporting our statewide land use planning program with local implementation. We believe that Goal 1 requires open access to the land use process and that all residents have a stake in the development of their communities. **As we plan our cities and counties, we are deciding where we will all live, work, shop, play and how we’ll get there.**

The League recognizes the need to provide a range of housing for all and commends the Speaker for continuing to have this important conversation. However, there are elements in HB 2001 that are at odds with the League’s positions on how we get there. Without significant amendments, we cannot support this bill. Our comments are below (**HB 2001 language in bold and italics**):

SECTION 3. No later than December 31, 2020: (1) Notwithstanding ORS 197.646, each local government subject to section 2 of this 2019 Act shall update its comprehensive plan and land use regulations to implement section 2 of this 2019 Act. The League believes that December 2020 is too short a time for local governments to have conversations with the public, for Planning Commission volunteers to hold hearings, and for City Councils to act. **We do NOT believe that this bill should address land use changes in Counties, including Urban Growth Boundaries where urban services are not currently provided such as sewer and water.** Cities over 50,000 may have enough staff to provide these code updates in the proposed timeline, but it is important to understand that each local jurisdiction has its own code—they are not all alike—and, even providing a model code, demands some modifications in order for these provisions to be included in their individual codes. We would propose amendments that would set requirements around over 50,000 population, between 49,999 and 25,000 population and between 24,999 and 10,000 population, each being given a more realistic timeline for these proposed changes. We would leave it up to these cities to provide potential reasonable dates.

(3) A local government that has not adopted its own comprehensive plan and land use regulations under subsection (1) of this section shall directly apply the model code developed by the commission under subsection (2) of this section under ORS 197.646 (3). Again, the League recognizes that each local code is different and directly applying any model code will often make a local code unreadable or not understandable. We understand the desire to assure that these adoptions occur, but there needs to be another mechanism for enforcement that is realistic.

SECTION 6. A local government may not require that a system development charge for middle housing, as defined in section 2 of this 2019 Act, be paid prior to the issuance of an

occupancy permit for the dwelling. The local government may enforce the system development charge by an encumbrance against the property, but may not charge any interest on the system development charge prior to the issuance of the occupancy permit. Until the legislature addresses our broken property tax system that funds our cities OR finds adequate revenues to assist in paying for needed infrastructure, the League believes this provision should be a local decision. We do not oppose the concept, but this should be a decision by local taxpayers.

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read: (B) “Reasonable local regulations relating to siting and design” does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking. We ask that this provision be deleted so that local jurisdictions can meet the concept of our statewide land use planning system with local implementation. This provision oversteps the state’s role in our statewide system and will not lead to significant additional housing.

SECTION 8. Section 2 of this 2019 Act is amended to read: (3) An applicant whose proposal to develop middle housing under this section is denied is entitled to attorney fees if the applicant is the prevailing party on an appeal to the Land Use Board of Appeals. Our land use planning system depends on public or community enforcement. This provision should be struck, allowing Goal 1 to continue to guide our program. This provision seems to violate Oregon’s anti-SLAPP provisions as well.

The League appreciates consideration of our concerns and looks forward to working with the Speaker, this Committee and others to continue to address Oregon’s housing needs.

Thank you for the opportunity to discuss this legislation.



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