

# Primer on Implementation of Oregon's Middle Housing Initiative

Oregon City  
May 11, 2021



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# Oregon's 2019 Housing Initiatives

Housing Choice  
(*HB 2001*)

Housing Needs and  
Production (*HB 2003*)

Housing Program  
Webpage:  
<https://www.oregon.gov/lcd/UP/Pages/Housing-Resources.aspx>

# Why these bills?

General lack of housing that households can afford across Oregon

Severe rent burden rates are increasing in the region

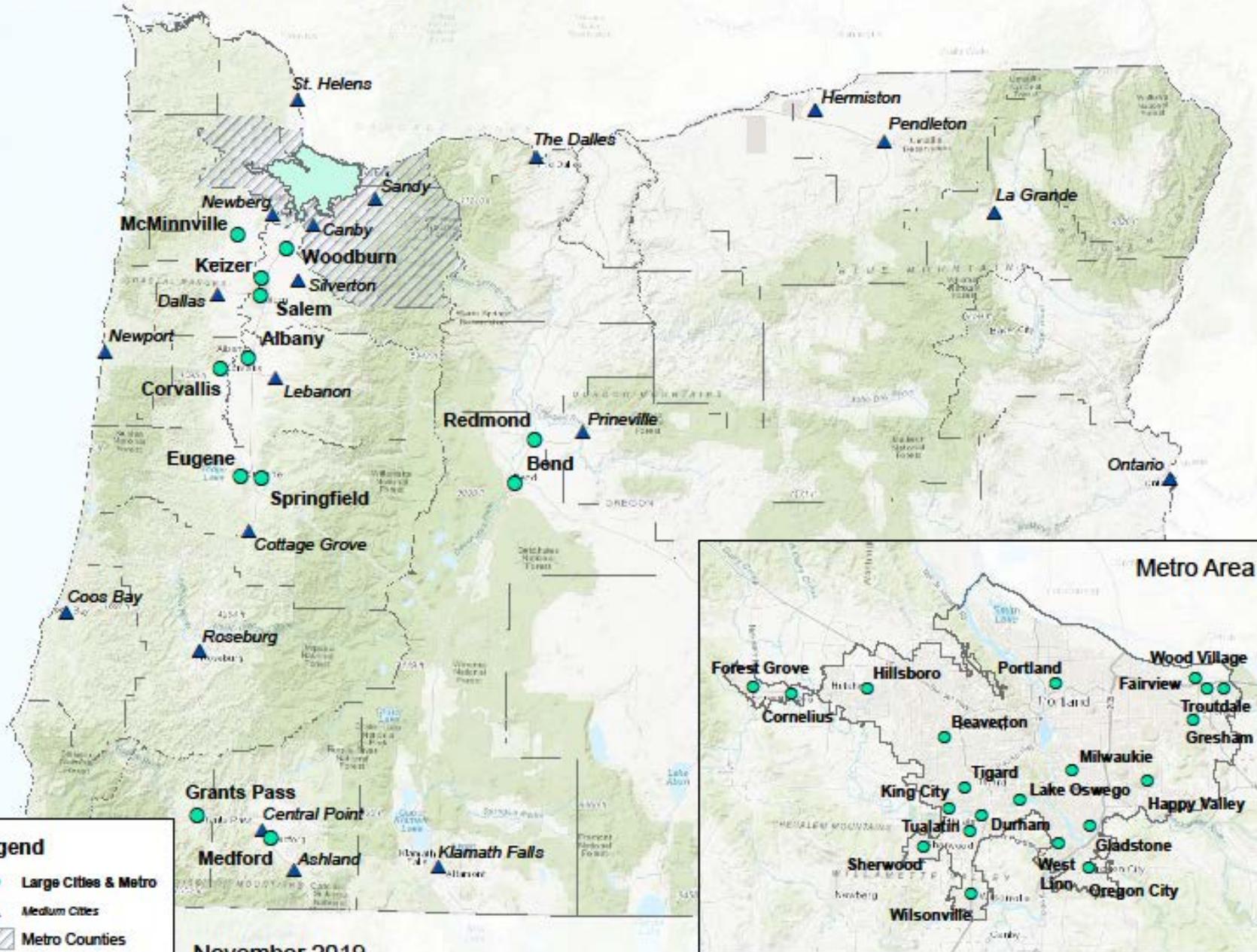
Need for more housing supply and choice

Current system perpetuates patterns of exclusion



# House Bill 2001

## Cities and Counties Affected by HB 2001



## Legend

- Large Cities & Metro
- ▲ Medium Cities
- Metro Counties

November 2019

# Requirements for “Medium Cities”

“**Medium cities**” are all Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.

Allowance for duplexes on all lots and parcels that allow detached single family dwellings.

# Requirements for “Large Cities”

*By June 30, 2022*

## **“Large Cities” must:**

Allow **duplexes** on every  
lot and parcel that allow  
single family detached  
dwellings

- AND -

Allow **triplexes,**  
**quadplexes, townhouse,**  
**and cottage clusters in**  
areas that allow single  
family detached dwellings

# Requirements for “Large Cities”

*By June 30, 2022*

**“Large Cities” must:**  
regulate siting and design of Middle Housing such that the standards don’t cause “unreasonable cost and delay” to the development of middle housing.

“Reasonableness” is measured by comparing the relative cost and delay of a standard applied to middle housing to the cost and delay of a standard applied to other housing types, particularly single family detached houses

# State Rulemaking Process

## **“Large Cities” must:**

update development codes and land use regulations to comply the HB 2001.

On December 9, 2020 LCDC adopted rules for Large Cities:

1. HB 2001 applicability, definitions, review process;
2. Minimum Compliance Standards; and
3. Middle Housing Model Code

Oregon Administrative Rules Chapter 660, Division 46  
*Middle Housing in Medium and Large Cities*

# Rulemaking Results

Oregon Administrative Rules Chapter 660, Division 46  
*Middle Housing in Medium and Large Cities*

Purpose, Applicability,  
Definitions, Process, etc

Minimum Compliance Standards

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Minimum Compliance Standards

Spectrum of Reasonable Siting and Design  
Standards



# Rulemaking Results

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Purpose, Applicability,  
Definitions, Process, etc

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Spectrum of Reasonable Siting and Design  
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Large Cities Model Code

# Rulemaking Results

# Model Code v.s. Minimum Compliance Framework

## Model Code:

- Set of specific standards
- Written such that cities can apply it directly
- Modular Implementation

## Minimum Compliance Standards:

- Flexibility for cities
- Defines reasonable standards
- Standard by which development codes will be measured for compliance with HB 2001 intent

# Reasonable Siting and Design Standards

**Siting Standards:** related to the position, bulk, scale, or form of a structure

- Minimum Lot Size
- Maximum Density
- Setbacks
- Building Height
- Off-Street Parking

**Design Standards:** aesthetics, number, and orientation of features of a structure

- Front Entry Orientation
- Façade Improvements
- Window Glazing

# “In Areas”

Duplexes allowed on each lot or parcel

Higher Level Middle Housing allowed in areas

Cities can limit Higher Level Middle Housing in the following areas:

- Goal protected lands
- State/Federal regulatory lands
- Lands without sufficient infrastructure
- Master Planned Communities

# “In Areas”

**Minimum Compliance Standards** sets the “where” of higher level middle housing through a series of clear and objective standards

– OR –

## Performance Metric

Can apply different minimum lot size or maximum density standards provided:

- 80% of lots allow Triplexes
- 70% of lots allow Quadplexes
- 70% of lots allow Cottage Clusters
- 60% of lots allow Townhomes
- Equitable distribution throughout neighborhoods

# Paths to Compliance

## Model Code

- Wholesale/Modular Adoption,
- Inaction, or
- Noncompliance

## Minimum Compliance

Apply all reasonable minimum compliance standards

Apply different minimum lot size or maximum density

1. Must meet Performance Metrics

2. Must meet Equitable Distribution

# Compliance

# Implementation Logistics

Large Cities have until **June 30, 2022** to update local codes to comply with HB 2001.

DLCD offered technical assistance and funding to cities to do some of this work.

Legislature considering additional funding assistance to begin on July 1, 2021.

*DLCD staff is ready and available to help with interpretation and rule related issues.*

# Infrastructure-Based Time Extension Requests (IBTER)

Allows additional time for implementation in areas with infrastructure limitations.

Cities will need to demonstrate the constraint and develop a plan of action and timeline to address it.

Rules adopted. Effective August 7, 2020

Large Cities Application Deadline: June 30, 2021



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**Thank you!  
Questions?**

***Please direct questions or  
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