



American Planning Association
Oregon Chapter

PO Box 28454 Portland, OR 97228
PHONE: (503) 626-8197

oapa@oregonapa.org • <http://www.oregonapa.org>

Making Great Communities Happen

March 16, 2015

RE: Testimony from the Oregon Chapter of the American Planning Association on HB 2564

Dear Chair Keny-Guyer and Committee Members:

I am writing on behalf of the Oregon Chapter of the American Planning Association (OAPA), which represents over 800 professional and citizen planners in Oregon. The organization supports state policies and legislation that fosters good community planning.

Our organization supports HB 2564, which would remove the preemption on adoption of inclusionary zoning as a tool to advance affordable housing in our state. As you probably know, only Oregon and Texas have such a prohibition, which is unnecessary and counter to the ability of local governments to resolve their housing needs at the local level.

We are sure the Committee has received a great deal of advice on this bill. We do not wish to duplicate the many reasons thus far articulated in support of this legislative proposal; however, we do want to add our professional perspective to this discussion.

There are some who have argued that repealing of the ban on inclusionary zoning is somehow incompatible with our State planning system. Nothing could be further from the truth. Goal 10 (Housing) requires that:

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

To assure that this objective is realized, the legislature has imposed an obligation on most local governments to plan and provide for "needed housing," namely housing types:

* * * determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

Further, through ORS 197.296 and .299 to .301, the legislature has set stringent review processes to track the amount of buildable land and requires larger jurisdictions to assess and address housing deficiencies where found. These statutes place a heavy burden on many cities, counties and Metro to confront affordable housing within their boundaries. The deficiency in Oregon's housing and land use statutes is the denial of the use of an essential tool to meet the obligations created by statute. There is nothing incompatible with giving these local governments a complete toolbox, as has happened in states from New Jersey to California, as well as holding them responsible to meet these legislative objectives.

We planners face affordable housing issues every day of our working lives. Homebuilders and developers are quick (and correct) to claim the advantage of a planning system in which needed housing must be provided for and subject only to clear and objective conditions. However, all involved in the housing field must do their part to meet state expectations – the public and the private sectors, Metro and La Grande and Ashland and Bend.

We do not expect that all local governments will choose to meet their housing obligations through the use of inclusionary zoning; however, the manner of meeting housing obligations should be a matter of local choice. The legislation before you does not compel a local government to adopt inclusionary zoning. It is regrettable that those cities that have considered the use of this tool have been rebuffed by interests groups who have asserted the current ban as a means of avoiding their own obligations to affordable housing. The current ban imposed by ORS 197.309 was not part of SB 100. It has no necessary connection with the Oregon planning system; in fact, it places obstacles to realization of a primary goal of that system – to provide the means by which the housing needs of Oregonians may be met.

We ask that the Committee report HB 2564 to the full House with a “do pass” recommendation. We look forward to assisting the Committee with this task.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Franklin".

Jason Franklin, AICP, President
Oregon Chapter of the American Planning Association