

SB 458 A STAFF MEASURE SUMMARY

House Committee On Housing

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 5/4

WHAT THE MEASURE DOES:

Establishes conditions under which local governments must approve divisions of real property for new middle housing development on lots and parcels in residential zones. Applies to cities with a population greater than 25,000, counties within a metropolitan service district, and cities not within a metropolitan service district with a population of more than 10,000 and less than 25,000. Allows local governments to impose certain conditions of approval in reviewing middle housing land division applications. Applies provisions of this act to land division permitted on or after July 1, 2022. Disallows planned communities and restrictive covenants from prohibiting land divisions.

Senate Vote: Passed. Ayes, 25; Nays, 4--Heard, Prozanski, Taylor, Thomsen

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2019, the Legislative Assembly enacted House Bill 2001, requiring cities and counties within a metropolitan service district to allow the development of middle housing on lands zoned for detached single-family residential use within an urban growth boundary. "Middle housing" includes duplexes, triplexes, quadplexes, cottage clusters, and townhouses, but not large apartment complexes. The measure required cities and counties to amend their comprehensive plan and land use regulations to conform with the requirements, or to use a model ordinance developed by the Department of Land Conservation and Development (DLCD).

The intent of House Bill 2001 was to create new housing types and homeownership opportunities for first-time homebuyers. The measure allowed local governments to regulate the siting and design of middle housing, but it did not address regulatory barriers to selling, for example, both units of a duplex as two individual homes when the real property was not subdivided or partitioned into two discrete lots or parcels.

Senate Bill 458 A establishes utilities and land use conditions under which local governments must approve divisions of real property for new middle housing development on lots and parcels in residential zones in counties or cities within metropolitan service districts, cities with 25,000 residents or more, and cities outside metropolitan service districts with between 10,000 and 25,000 residents. The measure establishes certain conditions cities and counties may impose during review and approval of middle housing land division plans. In addition, Senate Bill 458 A disallows planned communities from prohibiting land divisions, regardless of restrictive covenants or other conditions on a given lot.