

**SB 458 STAFF MEASURE SUMMARY**

**Senate Committee On Housing and Development**

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**Meeting Dates:** 2/18

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**WHAT THE MEASURE DOES:**

Requires cities to approve land divisions for new middle housing 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. Restricts use of additional approval criteria, appeals, and application charges. Prevents homeowner associations or restrictive covenants from prohibiting land divisions.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In 2019, the Legislative Assembly passed House Bill 2001, requiring cities and counties within a metropolitan service district to allow the development of middle housing on lands zoned for residential use within an urban growth boundary. Middle housing includes duplexes, triplexes, quadplexes, cottage clusters, and townhouses. The measure required cities and counties to amend their comprehensive plan and land use regulations to conform with requirements, or to use a model ordinance developed by the Department of Land Conservation and Development.

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

Senate Bill 458 requires cities to approve land divisions for new middle housing 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 also prevents the use of additional approval criteria, the ability for individuals to appeal land divisions, and the levying of application fees beyond the actual cost of approval. In addition, Senate Bill 458 prohibits homeowner associations and restrictive covenants from obstructing allowance of land divisions.