



May 4, 2021

Representative Julie Fahey, Chair
House Committee on Housing

The Oregon Home Builders Association (OHBA) and Habitat for Humanity of Oregon support SB 458A, the middle housing land division bill. Earlier this legislative session we were in front of you presenting the same concept in HB 2283. We have since amended the concept in the Senate. Thank you for the opportunity to submit updated testimony.

Today we are happy to share the results of our collaborative work with the League of Oregon Cities and Association of Oregon Counties: SB 458A. We have listened to concerns in both the House and the Senate. Your concerns combined with suggestions for changes from city planning directors and county staff served as the foundation for the engrossed senate bill.

SB 458A provides clear review criteria, sideboards and application and appeal processes with reasonable timelines. The clarifications will make it possible for cities and counties to implement and approve middle housing land divisions. The following is a summary of the changes compared to the previously discussed concept in HB 2283:

Review Criteria

Under Section 2 (2): a middle housing land division application must:

- Comply with Oregon residential specialty code
- Comply with local siting and design regulations adopted per HB 2001
- Propose separate utilities for each dwelling unit
- Include proposed easements for utilities, pedestrian access, common use areas, driveways and parking

Sideboards

- Section 2(2)(d): the applicant must propose exactly one dwelling unit on each resulting lot or parcel, with the exception of lot, parcel or tract for common area.
- Section 2(3): the local government may condition the tentative plan.
- Section 2(6): the local government is not required to allow an accessory dwelling unit on the resulting lot or parcel.

Process

Under Section 6 through Section 9 the proposed middle housing land division process follows an existing expedited land division process in statute, ORS 197.365 through ORS 197.380. The process clearly describes the application submittal, review, appeal process and timeline.

Timeline

The -3 amendment proposes a reasonable timeline by utilizing the existing expedited land division process in statute. Cities and counties have 21 days to deem an application complete. The city or county must make a decision within 63 days from when the local government deems the application complete. With notice to the applicant the city or county may extend the time period.

Thank you for your consideration and your input. Please support SB 458A to expand homeownership opportunities for Oregonians.

Sincerely,

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