



Development Code Update Project:

Fact Sheet # 2 Middle Housing Legislation - Oregon House Bill 2001

In 2019, the Oregon Legislature passed House Bill 2001, requiring cities to allow more types of housing in residential areas, particularly in more traditionally single-family neighborhoods where housing choices are limited. Revising Springfield’s Development Code to comply with House Bill 2001 will shape how our community develops and expand opportunities for where people can choose to live and what type of home they live in.

Background

Oregon is in a housing crisis. Springfield and other cities in Oregon are facing a housing affordability crisis. Oregon is one of the fastest-growing states in the U.S.; however, housing production has not kept up with the demand. Oregon under built over 150,000 housing units between 2000 and 2015. As a result of the strong demand for housing outpacing supply, home prices and rents have risen rapidly. Over 23% of Springfield households are considered Severely Rent Burdened, pay over 50% of their income on rent; and 51% of renters and 34% of homeowners are Cost Burdened, paying over 30% of their income on housing. Low vacancy rates, rising housing prices, and lower than state average wages are creating a dynamic that leaves both existing and new community members struggling to find local housing that meets their basic needs at a price they can afford. This has put a particular strain on lower-income households, which have fewer choices in where to live.

What is the purpose of House Bill 2001?

In recognition of this statewide issue, the Oregon Legislature passed House Bill 2001 (HB 2001) in August 2019 to help provide Oregonians with more housing choices, especially housing choices that more people may be able to afford in the long term. The Bill requires cities to let people build certain traditional housing types— duplexes, triplexes, fourplexes, cottage clusters, and townhomes, collectively known as “middle housing”—in areas where they otherwise might only be allowed to build single-family detached housing. Building up the supply of housing will make homes more affordable and help meet the housing needs of many younger people, older people, and people who can’t afford a large detached house of their own.

Implementation of HB 2001 through amendments to the Springfield Development Code is an important component in the City’s ongoing work related to housing and the Development Code Update Project to

further the efforts to reduce barriers to development of the housing the community needs. Updating our regulations to reduce barriers can allow our community to build new housing more quickly, in more places, with less cost, and increase social equity and diversity.





What is “middle housing”?

Middle housing, or sometimes what is called “missing” middle housing, refers to a range of smaller housing types that are typically built at a similar scale as single-family detached houses. (see below for an examination of the term “single-family.”) The term “missing middle housing” was coined by urban planner Daniel Parolek to refer to housing that fits in between single-family homes and larger apartment buildings but that’s largely been missing from most cities’ neighborhood patterns for the last 70 years. Middle housing can include duplexes, triplexes, fourplexes, townhouses, cottage clusters, accessory dwelling units (ADUs), courtyard apartments, and other similar housing.

Why is it missing?

Middle housing is considered “missing” because relatively little of this housing has been built since the 1940s. Middle housing was common in neighborhoods in most communities prior to World War II. There are many local examples of middle housing in Springfield’s pre-war neighborhoods. Post-war prosperity and federal policies led to a building boom that ushered in an age of auto-dependent suburban development with large areas devoted to primarily single-family homes on large lots. Middle housing types were prohibited or significantly limited in single-family neighborhoods through zoning codes that categorized them as “multifamily housing”. Even today, a large percentage of Springfield’s neighborhoods do not allow most middle housing as an outright permitted use. Meanwhile in multifamily areas, developers generally build larger and denser housing such as apartment complexes. As a result, most residents must choose between detached single-family homes or apartments. There aren’t many choices in the middle.

EXAMINING THE TERM “SINGLE-FAMILY”

House Bill 2001 and most zoning codes refer to standalone houses as “detached single-family dwellings.” However, Springfield and other communities are working to move away from the term “single-family” because the word “family” is difficult to define, fails to reflect the wide variety of possible household arrangements—such as multigenerational households—and potentially has fair housing implications. Further, attached homes on individual lots (i.e., rowhouses) can also be considered “single-family” housing—but are not the type of homes most people associate with that term. Use of more neutral terms such as “single unit dwelling” has gained momentum in recent years, and this is the direction the City of Springfield intends to head with its development code.

Advantages of Middle Housing

Beyond expanding housing options in neighborhoods, middle housing has many advantages:

- Provides options that are accessible to both renters and owners at more income levels;
- Has a scale and appearance that can fit in well within neighborhoods;
- Helps meet the needs of a more diverse and inclusive cross-section of the community; provides choices for households of different age, size, and income;
- Supports walkable neighborhoods.

REQUIREMENTS OF HOUSE BILL 2001

HB 2001 requires the City of Springfield and other “Large Cities” with over 25,000 residents to amend their Development Codes to allow:

- Duplexes on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and
- Triplexes, fourplexes, cottage clusters, and townhouses in areas zoned for residential use that allow for the development of detached single-family dwellings.

The City “may regulate siting and design of middle housing.” However, it may not adopt standards or requirements that result in unreasonable cost or delay in the development of middle housing. The Department of Land Conservation and Development (DLCD) has adopted minimum standards for compliance with HB 2001 as well as a model code for middle housing. The state’s model code is even more prescriptive than the minimum standards that must be followed if Springfield adopts our own new standards. The City of Springfield is required to adopt standards that are consistent with state regulations by June 30, 2022. The City has developed a set of draft standards. If Springfield does not meet the state deadline, the state’s model code will automatically apply to Springfield.

How much flexibility does the City have in adopting middle housing regulations?

The state standards for complying with HB 2001 will be fairly prescriptive in defining what cities can and cannot do. The City does have flexibility to make certain decisions related to its Development Code updates.

What can the City regulate?

Siting Standards

The City can adopt specific siting standards for middle housing, within certain limits. The state’s rules specifically limit certain siting standards, such as minimum lot size requirements and how many parking spaces the code can require. The limitations for duplexes are a bit stricter than for other middle housing types. The draft rules state that duplex standards cannot be more restrictive than those applicable to detached single-family dwellings.

Design Standards

The City also can adopt specific design standards for middle housing (other than duplexes). However, unless it sticks to design standards in the Middle Housing Model Code, adopts standards that are less restrictive than those in the Model Code, or applies the same design standards to middle housing that are applied to detached single-family dwellings, the City will need to justify any new design standards and demonstrate how they do not cause unreasonable cost or delay (based on a set of factors determined by the state’s rules).

What are Siting Standards?

Siting Standards, also known as development standards, regulate the size and location of buildings and other features on a site.

Examples include:

- Setbacks, how far a structure must be from the street or other property lines
- Maximum building height
- Maximum lot coverage, the portion of a lot covered by buildings

What are Design Standards?

Design standards regulate the appearance of buildings and other features on a site.

Examples include:

- Building orientation, where the main entry faces
- Architectural design requirements such as minimum window area

What can the City not regulate?

Housing Types

HB 2001 dictates what types of middle housing must be allowed: duplexes, triplexes, quadplexes, townhouses, and cottage clusters. The Bill also has specific definitions for “townhouse” and “cottage cluster.”

Zones

HB 2001 also prescribes where the middle housing must be allowed in the city. Duplexes must be allowed on every residential lot that allows detached single-family dwellings. Other “higher-level” middle housing types are proposed to be allowed within all R1, R2 and R3 land-use districts formerly LDR, MDR and HDR zones. It should be noted that the state’s rules limit cities’ flexibility in determining which portions of the residential zones could allow higher-level middle housing. As such, if the City decides to limit development of middle housing other than duplexes on certain lots in its residential zones, it will need to provide the state with a strong justification for doing so.

Number of Dwellings in an Area (Density)

The Development Code currently limits the number of dwellings that are allowed within a certain area in its residential zones. The state’s rules say that these limitations cannot apply to middle housing (except for townhouses). For example, since a quadplex must be allowed on a single-family lot, the Development Code will need to allow up to four times the number of dwellings compared to what is currently allowed on that lot, depending on the minimum lot size in the zone. Springfield will also need to amend its Comprehensive Plan to ensure consistency between the City’s Development Code and Comprehensive Plan and to comply with HB 2001.

Design Standards for Duplexes

The state’s rules say cities must apply the same design standards to duplexes that apply to single-family detached dwellings.

Additional Limitations

Also as noted above, the state’s rules place specific limitations on many of the siting and design standards that the City may adopt for middle housing. These limitations are too detailed to summarize here, but you can read the draft rules on the State of Oregon website:

<http://oregon.gov/lcd/LAR/Pages/Housing.aspx>

How do I get involved or stay informed?

You can visit the web page for the Development Code Update project at:

<https://bit.ly/DevCodeUpdate>

Click the “Sign Up Now” button under the Interested Parties heading to get on our e-update list to receive project information periodically.

Para obtener información en español, comuníquese con Molly Markarian al 541.726.4611



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