

Hello Mr. Walker,

Thank you for your email.

You are correct about HB 2001 requiring city compliance with the provisions established in Division 46. It is, of course, also accurate to say that HB 2001 compels DLCD to draft a model code for middle housing in both medium and large cities throughout the state. However, one additional layer that is important here is that DLCD also is the State department that is tasked to ensure that a city's land use regulations are in compliance with the 19 Statewide Planning Goals and Chapter 197 of Oregon Revised Statute. To do this work, the Department reviews all Comprehensive Plan and local development code changes made by cities in the State through a process called a "post-acknowledgement plan amendment". Due to the passage of HB 2001, cities are compelled to adopt new land use regulations and possibly update comprehensive plan documents to be in compliance with the bill. Those updates will come to DLCD for review through the "post-acknowledgement plan amendment" process. Division 46 is what DLCD will use to ensure cities are in compliance with the intent and policy of HB 2001. Without the rules in Division 46, the department is left with only the middle housing model codes to compare local codes against to ensure compliance with HB 2001. This is not a good policy outcome as the model code is a set of best practices. Using it as the barometer to which cities are held would give cities little to no flexibility to adopt their own preferred standards for middle housing.

Some additional background about Division 46 that may be helpful here: Division 46 defines the "floor and ceiling" for what constitutes an "unreasonable siting and design standard" for middle housing. Put another way - the standards outlined in Division 46 have been vetted as "reasonable" and create a range of standards a city can feel confident are in compliance with HB 2001 and do not cause unreasonable cost or delay to the development of middle housing.

Parking standards are considered in the Division 46 because they represent a siting standard that often times tips the scales in terms of development feasibility for middle housing. Research conducted by our consultant team found that requiring more than one parking space per unit in a middle housing development significantly diminishes the feasibility of middle housing. In other words, requiring too many off-street parking spaces creates an unreasonable cost to the development of middle housing and is therefore not acceptable under HB 2001. One important nuance here is the use of the word "require". This is different than "allow". Division 46 states that cities may not *require* more than one off-street parking space per unit but it says nothing about how many parking spaces a city might *allow*. In the situation where a property owner wants to build two four-bedroom units in a duplex, they may seek to provide more off-street parking than what is required in order to sell or rent those units on the market. This is an acceptable outcome.

To your question about Statewide Planning Goal #1 – DLCD only drafts the rules by which cities will need to comply. How cities choose to comply with Division 46 and HB 2001 is to be determined at the local level with the involvement of the community. Once DLCD adopts the rules by the end of 2020, medium cities will have until June 30, 2021 to adopt their own local codes and large and metro cities will have until June 30, 2022 to adopt their own local codes. I encourage you and others in your neighborhood association to get involved in your city's process to comply with HB 2001 and Division 46.

I hope I've answered your questions and provided some clarity on the rulemaking process and HB 2001 in general. If you have more questions or if something I provided above is still unclear, please let me know.