



1000 Friends of Oregon
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March 3, 2025

Rep. Pam Marsh, Chair, and Members
House Committee on Housing and Homelessness
State Capitol
Salem, OR

Re: HB 2138 - Middle and Infill Housing

Dear Chair Marsh and Committee Members:

1000 Friends of Oregon **supports HB 2138**, as modified by the -1 amendment. We understand there will be a -2 amendment, with technical changes and a few refinements, and we look forward to working on these with the Governor's office and others.

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice. 1000 Friends of Oregon has long been involved in advocating for the full implementation of Goal 10, the statewide land use planning goal that sets the Housing objectives for our towns and cities to reach in their land use planning:

“To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

Oregon passed groundbreaking legislation allowing middle housing (duplexes, three- and fourplexes, cottage clusters, townhomes, and accessory dwelling units, often called ADUs) in most neighborhoods, which other states and regions are now following. However, as that legislation has rolled out, some local barriers remain that need to be removed or changed to truly allow these housing choices. House Bill 2138 does that.

We have worked with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural areas since 1974.

House Bill 2138 helps everyone live closer to schools, stores, parks, and jobs by removing local barriers to building the types of homes that give people more diverse and affordable home options in every neighborhood. This means more housing well-located for first-time home buyers, multi-generational living, older adults who want to remain in their neighborhoods, and for those who work in our communities like teachers, medical technicians, and store clerks. Here are some of the ways in which HB 2138-1 does this:

- Adds flexibility for the various “plex” homes to be attached or detached.¹
- Increases the home size for cottage cluster developments.²
- Provides a density bonus for housing that is affordable or meets “Type A” accessibility requirements.³
- Clarifies and simplifies the path to retain an existing house on a lot while locating middle housing on the remainder.⁴
- Makes it easier to develop small homes with shared communal facilities.⁵
- Removes private and economically exclusionary restrictions and hurdles to middle housing development.⁶
- Makes it easier to site manufactured middle housing types and ADUs.
- Removes or simplifies various local procedural hurdles.⁷

One provision in the bill seems to have drawn opposition, and that is the provision regarding contributing houses in neighborhoods listed on the National Register of Historic Places. Some of that opposition is understandable, because the current bill language is a bit unclear. However, the intent of the bill is clear and needed. 1000 Friends supports preserving historic structures and areas as part of a vibrant community. And Goal 5 of the land use program *already provides for that* - through a public process with public hearings and a decision by the local publicly elected body, weighing and balancing all policy interests. However, state rules also allow an *undemocratic* process - if an area is listed only on the federal National Register of Historic Places, the state restrictions on demolition or significant remodeling still fall into place, *without going through the local Goal 5 land use process*. HB 2138 removes this undemocratic method for imposing restrictions in historic districts, a method that makes it more challenging to redevelop with more diverse and affordable housing.

Oregon’s land use planning program is designed to balance sometimes competing interests through public transparency, processes, and application of criteria. That’s what the Goal 5 process for historic designations does. Use of the National Register of

¹ HB 2138 Section 1; HB 2138-1, p. 2 lines 2-26.

² HB 2138-1, p. 2, lines 4-5.

³ HB 2138 Section 3; HB 2138-1, p. 5, lines 11-30 to p. 6, lines 1-14.

⁴ HB 2138-1, p. 4, lines 4-15.

⁵ HB 2138 Section 6; HB 2138-1, p. 9, lines 11-30 to p. 10, lines 1-6.

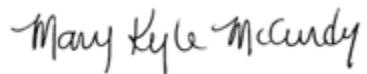
⁶ HB 2138, Sections 7-11 and 22(1)(f); HB 2138-1, p. 13, lines 6-8

⁷ HB 2138, Sections 14-21.

Historic Places to put in place hurdles to redevelopment intentionally subverts this. The community should have a say in whether some portion of it plays by different rules.

We urge your support for HB 2138-1. We need to remove remaining barriers to actually producing middle and infill housing in existing neighborhoods, so everyone can live closer to schools, stores, parks, and jobs.

Thank you for consideration of our comments.

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is fluid and cursive, with "Mary" and "Kyle" connected at the top, and "McCurdy" written below them.

Associate Director