

PANEL

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# Legislative Strategies to Further Fair Housing

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## State & Local Strategies to Furthering Fair Housing

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1000 Friends of Oregon

# Housing in Oregon's 2019 Legislature

## Big Picture

- Over **2000** bills introduced
- About **100** relate to affordable, work force, agricultural work force, or diverse types of housing

# Legislative Topics

- Funding
- Tenant Rights
- Planning
- Land Use



Oregon  
Housing Alliance

2019 Housing Opportunity Agenda

# Sampling of Housing Bills

- Increase funding for LIFT
- Increase funding for Emergency Housing Account (EHA) and the State Homelessness Assistance Program (SHAP)
- Renewal of property tax exemption for multi-unit housing
- Home Ownership Assistance Program technical fix
- Foreclosure counseling
- Expansion of program to preserve existing affordable housing
- Renewal and expansion of the Agricultural Workforce Housing tax credit
- Earned Income Tax Credit renewal and expansion
- Targeted resources to address child and family homelessness

# Statewide Planning Goals

- **Goal 1: Citizen Involvement (1974)**
- **Goal 2: Land Use Planning (1974)**
- **Goal 3: Agricultural Lands (1974)**
- **Goal 4: Forest Lands (1974)**
- **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (1974)**
- **Goal 6: Air, Water, and Land Resources Quality (1974)**
- **Goal 7: Areas Subject to Natural Hazards (1974)**
- **Goal 8: Recreational Needs (1974)**
- **Goal 9: Economic Development (1974)**
- **Goal 10: Housing (1974)**
- **Goal 11: Public Facilities and Services (1974)**
- **Goal 12: Transportation (1974)**
- **Goal 13: Energy Conservation (1974)**
- **Goal 14: Urbanization (1974)**
- **Goal 15: Willamette River Greenway (1975)**
- **Goal 16: Estuarine Resources (1976)**
- **Goal 17: Coastal Shorelands (1976)**
- **Goal 18: Beaches and Dunes (1976)**
- **Goal 19: Ocean Resources (1976)**

# *Goal 10 - Housing*

“To provide for the housing needs of citizens of the state.”

“... 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.**”

# *Needed Housing: What does it mean?*

*'All housing on land zoned for residential use or mixed...use that is determined to meet the need shown for housing within a UGB at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes.'*

*This includes:*

- attached and detached single-family housing
- multiple family housing
- manufactured homes and mobile home parks
- government assisted housing
- farmworker housing
- whether occupied by owners or renters



# 5 Housing & Land Use Bills + 1

- HB 2001
- HB 2003
- SB 10
- SB 595
- HB 2075
- SB 608

# HB 2001- Middle Housing

- Defines middle housing: 2-, 3- , and 4- plexes and cottage clusters
- Cities over 10,000 must allow a least 1 middle housing type on each lot that allows a SF detached house
- State adopts model middle housing code
- Deadline for cities to comply
- Building code changes to make internal conversions easier
- Reasonable local siting & design regulations
- For ADUs: “reasonable” siting & design regulations do not include off-street parking or owner occupancy requirements (unless latter part of vacation rental regulations)

# 4-plex



# 3-plex

Northeast Portland

PCRI- Portland Community Reinvestment Initiatives





# Cottage Cluster

Salish Ponds, in Fairview OR

Ross Chapin Architects



# HB 2003-Housing Planning & Production

## I. Regional Housing Needs Analysis

- Oregon Office of Economic Analysis:
  - Develops Regional HNA methodology to identify the total # of housing units – by type and affordability level – to meet housing need in each city and region over 20 years

## II. Housing Strategy

- Local jurisdictions in UGBs:
  - Every 8 years, estimate housing need for next 20 years
  - If housing shortage, within 12 months adopt a housing strategy of actions to meet housing need
  - Best practices & policies developed by DLCD and OHCS for local use

### III. Support & Oversight

- LCDC identifies 10 priority cities for technical assistance or financial resources to implement Housing Strategy
- Enhanced review of housing strategy implementation
- DLCD reports to legislature annually

### IV. Miscellaneous

- Affordable housing by-right on some land zoned for public use if compatible with surrounding zoning
- SDC audits
- Attorney fees allowable if affordable housing approval appealed to Court of Appeals from LUBA and affirmed
- Density reductions from allowed zoning must be for health, safety, habitability

# SB 10 – Transit Priority Housing

- Applies to:
  - cities in Metro
  - cities over 10,000 in other MPOs
  - cities over 10,000 anywhere
- Defines “priority transit corridor”
- Cities may not “impose a maximum density limit” over a certain density level **per acre**
- Density level depends on city and whether area within  $\frac{1}{4}$  or  $\frac{1}{2}$  mile from priority transit corridor



## **Metro cities:**

- 75 units/acre within  $\frac{1}{4}$ : *5-story apartment building*
- 45 units/acre within  $\frac{1}{2}$  mile: *3-story apartment building*

## **Light Rail Stations:**

- 140 units/acre within  $\frac{1}{4}$  mile: *7-story apartment building*

## Cities over 10,000 in other MPOs:

- 50 units/acre within  $\frac{1}{4}$  mile: *4-story apartment building*
- 25 units/acre within  $\frac{1}{2}$  mile: *3-story garden apartments*

## Other cities over 10,000:

- 25 units/acre within  $\frac{1}{4}$  mile: *rowhomes, 3-story garden apartments*
- 14 units/acre within  $\frac{1}{2}$  mile: *middle housing*

# SB 595- Funding Workforce Housing

## Transient Lodging Tax, currently:

- Local option to adopt and set rates for TLT
- Assessed on hotels, short term vacation rentals, etc.
- For TLTs adopted after 2003, 70% must go to fund tourism promotion, infrastructure, or debt on tourism infrastructure, and 30% of the TLT goes to the general fund.

## SB 595:

- Local option to use up to 30% of TLT funds currently dedicated to tourism for affordable workforce housing. The remaining 40% must would still be dedicated to tourism.

# HB 2075 – Funding to Plan for Housing

- Establishes Development Readiness Fund at DLCDC
- Requests \$1.35 million to support local government housing and economic development.
- Continues work begun in @ 50 cities of HNAs and housing audits.
- Fills technical gaps in local government planning capacity through direct services.
- Should focus on implementation of HNAs and audit in existing cities and adding new cities

# SB 608- Tenant Protection

## FOR-CAUSE EVICTION

- Establishes a for-cause eviction standard after the 1st year of occupancy.
- Landlords can continue to evict for a tenant-based cause
- Adds new landlord-based for-cause reasons to evict a tenant (sale to a person who will move in, landlord or family member move-in, repair or renovate, and demolish or remove unit from residential use), but notice and relocation expenses required

## **MONTH-TO-MONTH TENANCIES**

- For the 1st 12 months, landlord may terminate the tenancy without cause with a 30-day notice.
- After the 1st 12 months, landlord may evict only for cause

## **FIXED-TERM TENANCIES**

- For the 1st 12 months, landlord may terminate without cause by giving a 30- day notice.
- After the 1st 12 months of occupancy, fixed-term lease will automatically roll over to month-to-month unless reason to terminate.

## ANNUAL RENT INCREASE

- May increase by no more than 7% + CPI in a 12-month period.
- Maintains current law prohibiting rent increases in 1st year of month-to-month tenancy and requires 90-day notice of rent increases.
- **Exceptions**
  - ✓ **New Construction:** May increase rent more if the certificate of occupancy was issued less than 15 years ago.
  - ✓ **New Tenancy:** If previous tenant vacated voluntarily or their tenancy was terminated in compliance with law, landlord may reset rent on new tenancy without limitation.

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## State & Local Strategies for Furthering Fair Housing

Andy Silver, Health & Innovation Partnership

“Who am I; why am I here?”



James Stockdale, retired Vice Admiral of the Navy  
Vice-presidential Running Mate

# Housing and Health Innovation Partnership

HHIP works to strengthen and expand integrated housing, services, and treatment options for people with complex behavioral and/or physical health conditions



# Housing Initiative LLC

- Affordable/Supportive Housing Development Company for:



- Also, works on local and statewide zoning/land use policy

# What's The Problem?

- Hard for mission-driven developers to compete in the market for limited land
  - Land priced at most profitable use/sellers are impatient
- The more the housing supply lags behind demand the less the market serves people with complex behavioral/physical health needs
  - Tightened screening criteria/use of no cause notice to vacate
- Housing, homeless services, physical health, behavioral health, and long-term care are broken into silos that are difficult to align
  - Massively complex systems with different rules and aims serving the same people

# Examples of Solutions

- Hard for mission-driven developers to compete in the market for limited land
  - Land priced at most profitable use/sellers are impatient
- Vancouver City Council votes to allow affordable housing in commercial zoning without any commercial component within 1,000 feet of high capacity bus routes



# Examples of Solutions

- The more the housing supply lags behind demand the less the market serves people with complex behavioral/physical health needs
  - Tightened screening criteria/use of no cause notice to vacate
- HB 1923 – increasing urban residential building capacity
  - Changes to growth management act to increase residential building and affordability
  - Statewide standards around parking/density for transit-oriented affordable housing
- HB 1656/SB 5733 – requiring cause to terminate tenancy



# Examples of Solutions

- Housing, homeless services, physical health, behavioral health, and long-term care are broken into silos that are difficult to align
  - Massively complex systems with different rules and aims serving the same people
- Oops, we are out of time



# Examples of Solutions

- Housing, homeless services, physical health, behavioral health, and long-term care are broken into silos that are difficult to align
  - Massively complex systems with different rules and aims serving the same people
- Supportive housing combining Housing Choice Vouchers and Medicaid supportive housing benefit
- Assisted living in supportive housing model for people with complex behavioral health
- Network of community-based housing/facilities

# THANK YOU

## Housing and Health Innovation Partnership



# 2019: the year of zoning reform

Local action against exclusionary zoning, from  
Vancouver to Austin

Michael Andersen, Sightline Institute  
Housing Land Advocates Annual Conference  
Friday, March 1, 2019

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Map drawn by Cynthia Thomas on the basis of forest data in Conservation International, Ecotrust, and Pacific GIS, "Coastal Temperate Rain Forests of North America," Portland, 1995. See also David D. McCloskey, "Cascadia," Cascadia Institute, Seattle, 1988.

# Zoning reform: re-legalizing cities



Cincinnati, Travis Estell



### Percent of Unit Types by City

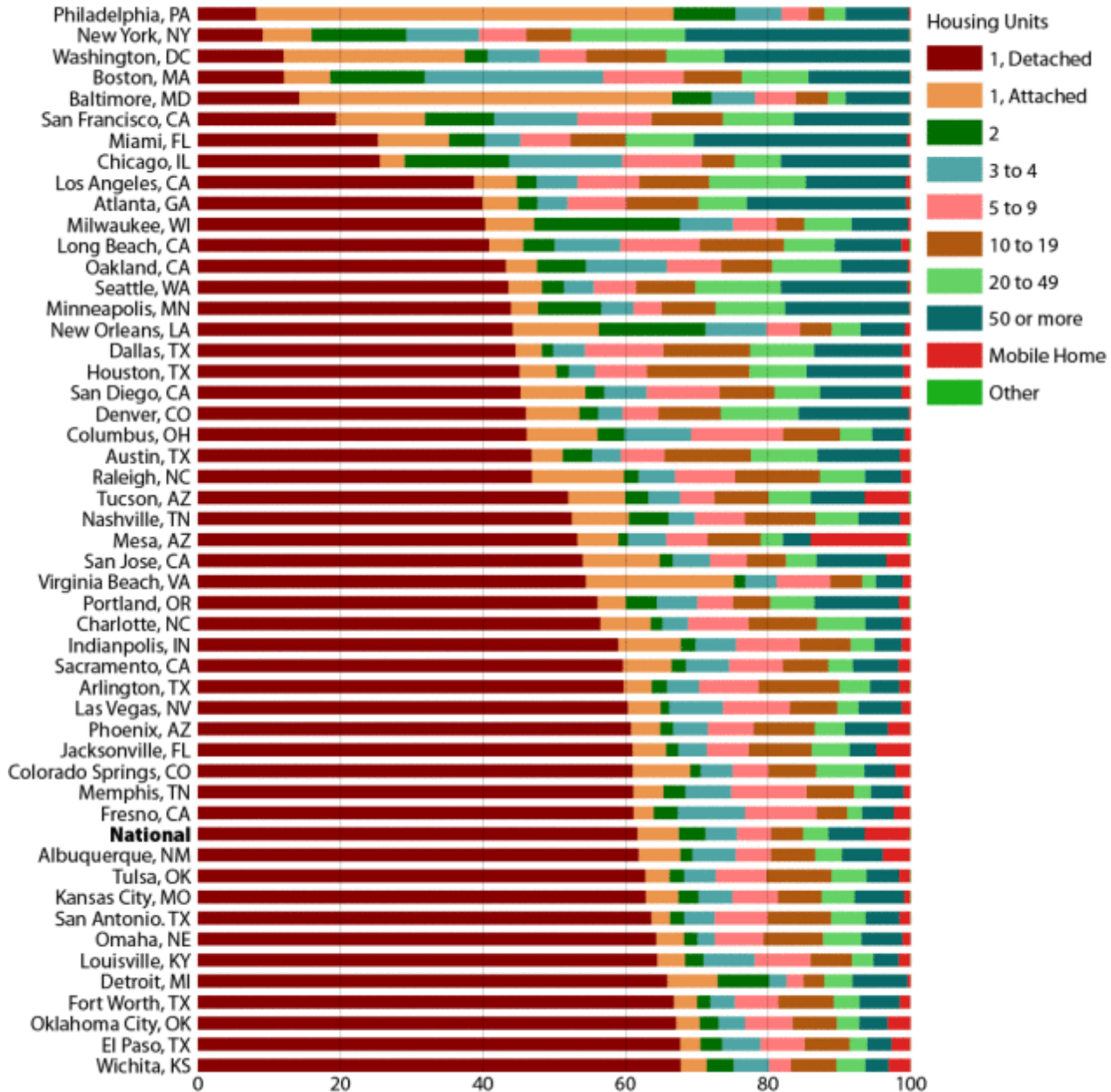


Image: MunsonsCity.com. Data: U.S. Census.

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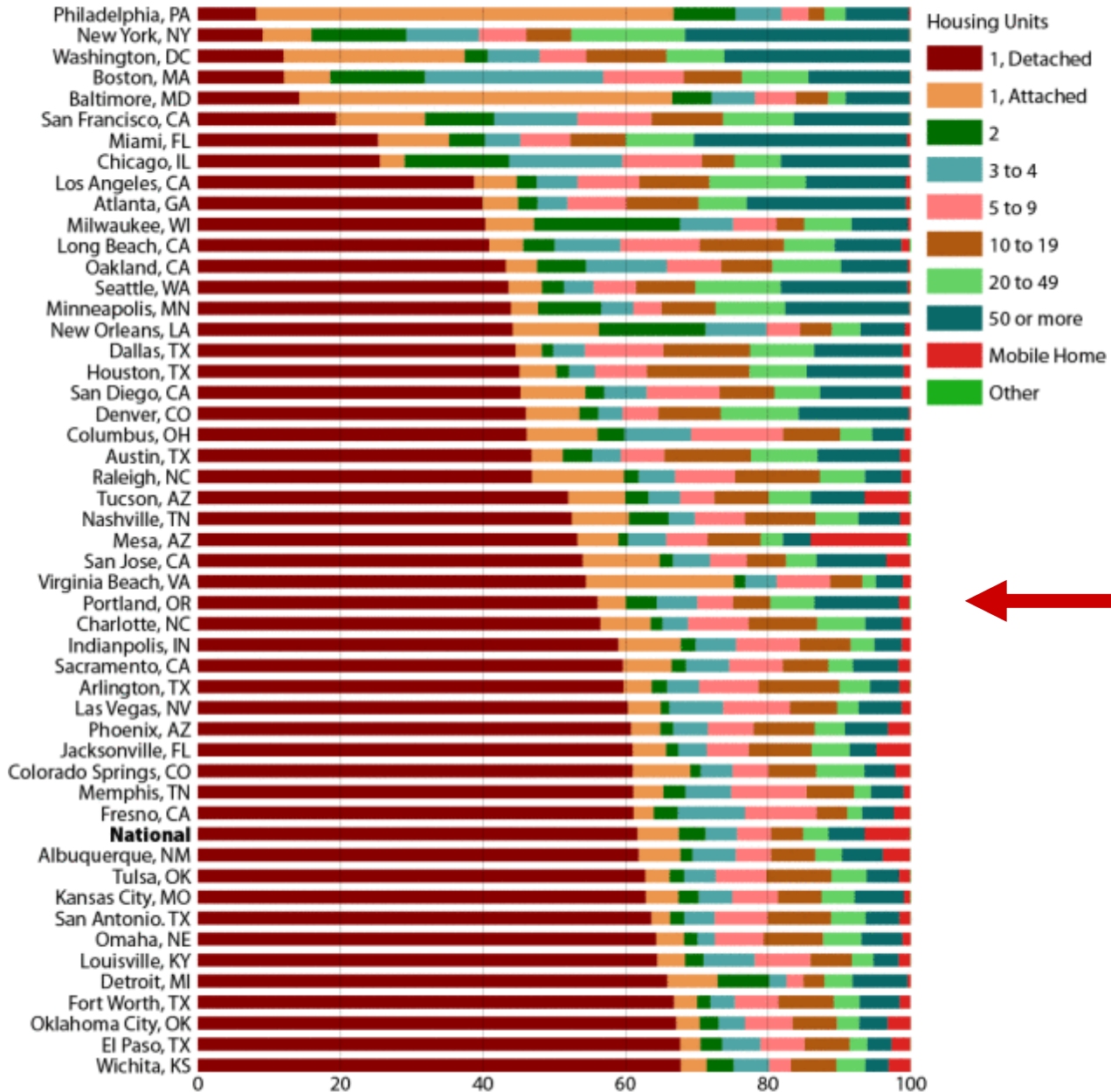


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# California, January 2018: apartments near transit



San Francisco, John Gillespie

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- Would have lifted bans on apartments up to four or five stories near frequent transit
- Died in committee on a 4-6 vote
- Back in 2019 with a revised proposal that requires mixed-income buildings, exempts redevelopment of properties that have recently been rentals



# Vancouver BC, last September: duplexes



duplex, Dan Bertolet



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- **Maximum size** for one-unit buildings also applies to duplexes
- **First step** in a planned larger process called "Making Room" that may include triplexes, larger buildings

# Minneapolis, last December: triplexes



lawn signs, Neighbors for More Neighbors

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- **Higher unit counts** are to be allowed along transit corridors and in central areas



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sixplex, Urban Development Group

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- **Follows the failure of a market-rate zoning reform last year**

# Washington & California, right now: double ADUs



ADU, Rainbow Valley Construction

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- **Two California bills, AB 68 and 69**, would allow "junior ADUs" on urban lots and amend building code to make three-unit structures more viable
- **Washington bill, SB 5812**, would allow two cottages per urban lot. Would also ban parking quotas near transit and renter-occupancy discrimination in major cities



# There's something happening here.



Seattle, office of Teresa Mosqueda





These slides are online at [bit.ly/ZoningReform19](https://bit.ly/ZoningReform19)

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# Questions