

February 11, 2019
1720 SE 44th Ave.
Portland, OR 97215

To: Human Services and Housing Committee Members
Re: Testimony on HB2001 for February 11, 2019 Public Hearing

Dear Human Services and Housing Committee Members:

I am a retired public and private planner with over 30 years of professional planning experience. Plus, I volunteer with two fair housing advocacy groups and a statewide planning organization. My testimony to you now, however, is my own.

I respectfully request that you **table action** on HB2001 pending modifications to this bill, and, that HB2003 be permitted to go ahead of HB2001 in legislative review. I will explain my rationale for this request as follows.

1. **The need for HB2001 is unproven.** The ability of HB2001 to provide for needed affordable housing is unproven and debatable. Just because it is modeled after Portland's Residential Infill Project (RIP), which has not been adopted or even gone to City Council hearing yet, is no reason to adopt it for imposition statewide. Portland's RIP is roughly based on a memo from Johnson Economics which examined the potential for creating new units if zoning densification occurred within lower density zones in Portland which permit single family homes (houses). The memo and figures were highly speculative and suggested a wide range of possibilities, largely depending on the marketplace and development potential. The memo did not address single family house ownership, accessory dwelling or cottage occupancies. It only addressed rental and condo uses. The Johnson memo, in essence, was limited in its scope and does not justify either RIP or HB2001. Portland's RIP and HB2001 are also somewhat based on similar action just passed (in December 2018) by the City of Minneapolis. The Minneapolis program, however, is only being applied within the City of Minneapolis (not statewide), is unproven as yet, and is only proposing to include duplexes and triplexes (not fourplexes) within single family zoned areas.

2. **HB2001 does not address the principle causes for the current housing crisis in Portland and the State of Oregon as a whole.** Neither does RIP in relation to Portland's housing crisis. On the other hand, HB2003 does begin to address the problems. The primary problem is this, the failure of land use planning in the State of Oregon to adequately address State Housing Goal 10 when it encourages identification of housing needs for a variety of housing types and prices. The City of Portland failed miserably to address housing need at the same time it was spearheading gentrification in north Portland creating massive displacements and producing substantial inequities when the displaced were unable to find affordable substitute housing. Portland planners have told me that the Portland Plan update **did not address** medium density housing needs (the missing middle, if you will). And the combination of Portland's gentrification and ineffective housing needs assessments created (what I am loosely calling) a knee jerk response to the missing middle via their RIP program. Revised housing needs assessments as called for by HB2003 are needed first, before the extreme measures of HB2001 should be considered, otherwise there are no guarantees that housing needs and affordability are actually being addressed. In essence, adoption of HB2001 before HB2003 puts the "cart before the horse."

3. **No guarantees are provided for affordable housing creation.** As mentioned above, both RIP and HB2001 carry no guarantees that adequate new housing and affordability will be created. A new MIT study in Chicago dealt with the results of densification and housing affordability:

<https://48hills.org/2019/01/yimby-narrative-wrong/>. This study showed that densification and use expansion resulted in higher prices for housing, largely because of increases in property values. The implication is the same for Portland with its RIP program and statewide with HB2001. Of note, similar observations have been made in both San Francisco and Seattle for several years. Densification in these cities has not only caused increases in housing costs, but has actually created a shortage of single family housing. That's not good planning and does nothing to alleviate Oregon's housing needs.

4. **Metro and LCDC/DLCD share blame for Oregon's lack of affordable housing.** Both of these agencies are supposed to be providing oversight as to how cities and counties address and comply with the Statewide Planning Goals. That the majority of jurisdictions are not adequately addressing Goal 10 (Housing) is because of inadequate oversight, and, vague Goal 10 guidance. HB2003 language suggests it would help to clarify the oversight problem. It should precede HB2001 so as to correct the problems with goal language and oversight responsibilities.

5. **Misinformation alleges that all single family zoning is racist.** Such allegations are in error and/or greatly taken out of context. Yes, Oregon and Portland in general, have historic backgrounds in racism. However, all acknowledge the illegality of such. Zoning, in fact, originated in the early 1900's as a tool to separate potentially incompatible uses and to allow for a realistic transition of density. This practice was acknowledged by the US Supreme Court in *Euclid v. Amber Realty* in 1926. That is where the term Euclidian Zoning originated. Over time, there have been instances where the application of zoning or zoning standards have resulted in racist and/or exclusionary situations. Zoning racism has been thoroughly discussed in "The Color of Law" by Richard Rothstein. Such zoning was deemed illegal by the US Supreme Court in 1917 via *Buchanan v. Warley*. Exclusionary zoning is, for the most part, illegal and is rare today, although still in existence especially in class related situations. People who want to buy a house in low density zoned areas are not precluded from doing so by the zoning. The limiters are moreso ones of the economy and financing, which are beyond zoning controls. In essence, zoning is not inherently racist. In fact, most zoning in Oregon (and the US for that matter) was originally applied to reflect existing land use patterns. Housing tracts became single family zoning and higher density apartment developments became medium and high density residential. How those zones are changes depend on the direction the particular city or county decides to take in meeting future growth needs.

6. **HB2001 does nothing to address classism or equity.** Zoning has, at times, been classist. This occurs when standards are imposed as part of a zoning designation which require a particular level of affluence to administer. For example, a zone where housing must be a certain minimum floor area that is larger than the norm, or, where architectural standards are imposed which are unique (and therefore costly) to provide. Such classist standards are not typical and not prevalent in Portland's current single family zoning. And since classism and racism are not regular occurring in today's zoning, equity is not a zoning issue. Rather, equity has to do with the economy and financing, which HB2001 does not address.

7. **Gentrification in Portland is both racist and classist in scope.** Portland's push for gentrification was not intended to be either of these, but the results speak such has occurred. Gentrification in North Portland has caused the displacement of at least 6000 families who are predominantly people of color. Most of these people are in lower income brackets and have had difficulty locating affordable housing. Gentrification also contributed to the subsequent excessive increases in housing rents and artificial rent

increases of from 10-100% area wide. Gentrification has also contributed to homelessness. The result of gentrification has been a wild scramble by the City of Portland and many other public and private entities to address affordable housing and homelessness more meaningfully. However, nothing appears to be happening to address the impacts that gentrification causes for these issues. HB2001 does not address the impacts of gentrification. It should be modified to do so, at least to the extent that known gentrification projects should identify affordable housing necessary to accommodate those displaced.

8. HB2001 throws Oregon's planning processes and Housing Goal out the window. Although cities did not adequately address Goal 10 in meeting housing needs, especially in the accommodation of missing middle housing, HB2001 doesn't correct the situation. HB2001 eliminates citizen involvement in the planning process (State Goal 1) by government mandate and coercion. HB2001 also does not adequately address how single family zoning density increases are to be implemented. No consideration is given as to compatibility of the differing housing types. For example, a fourplex can be 4 times the bulk and scale of a single family house. Yet such considerations as compatibility are not included in HB2001. Most jurisdictions actually classify fourplexes as a multifamily structure, not single family. This means HB2001 is mandating a hodge podge housing zone which includes a mix of dissimilar housing types. This impacts livability and property values. Of note, even the City of Minneapolis removed fourplexes from its density upgrades for single family areas as they, too, felt fourplexes mixed in with single family created incompatibilities.

9. Why is this being applied statewide and to all cities over 10,000 in population? This bill is violating home rule rights by creating a legislative mandate over normal land use planning processes. Has an evaluation been done to identify whether this is necessary or even desired statewide?

In conclusion, please table this bill pending further study and modifications, and, please push HB2003 ahead as it tends to deal better with the problem at hand.

Sincere regards,

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cc: Speaker Tina Kotek,
Damian Syrnyk, OAPA Legislative and Policy Committee Chair