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Statement of Robert Roth in Opposition to House Bill 2001

Before the House Committee on Human Services and Housing

March 26, 2019

As an editorial in the Eugene Register-Guard points out, the most likely outcome in Eugene of HB 2001's passage would be a spike in demolition permits and a rash of cheap student housing going up around the University of Oregon. This would make life in my present neighborhood unlivable. More generally, the real winners if HB 2001 passes will be developers, not people who can't afford a home.

The Register-Guard editorial is sympathetic to the presumably good intent behind HB 2001, and addresses more of the issues it raises than I can discuss here. I therefore copy it at the conclusion of my statement, under the title "**Leave single-family housing alone,**" and wish to incorporate it here by this reference.

General objections:

The idea that the State should force all Oregon cities to rezone their residential neighborhoods is quite radical, with no certain benefit for housing affordability but plenty of negative impacts on neighborhoods and cities. HB 2001 mocks the ideas of citizen participation, local control, and planning. It is essentially an "anti-neighborhoods" bill.

According to the testimony of Eben Fodor to this Committee, HB 2001 not only violates Statewide Goal 1, which requires public involvement (in local planning), but it completely undermines the requirement of Statewide Goal 2 for comprehensive and coordinated planning. It mandates increased density without any planning or funding for necessary roads, parks, sewers, and schools. The bill would essentially gut basic and fundamental elements of planning – and, I would add, of neighborhoods – in Oregon.

The case for "missing" middle housing (MMH) appears to be purely rhetorical, with no factual evidentiary basis: no evidence it will produce housing more affordable than existing housing; no evidence it will produce affordable housing needed for low-income residents; no evidence of demand for more MMH than is already being built; and no surveys showing MMH demand is unmet. It naturally follows that the bill has had no cost-benefit analysis.

The MMH model has no offstreet parking; instead it relies on parking on the street in front of other people's homes. It thus fails to accommodate current parking/travel behavior amid record new car sales reported for 2018 (mostly SUVs). This is already a personal problem for me, as I mention briefly below.

My personal experience and perspective, as an Oregon/Eugene resident since 1992:

My wife and I worked for twenty years to buy a home affording reasonable privacy, tolerable traffic levels, and relative quiet, all necessary for the development of a sense of security and community in the generalized chaos of the modern world. The increased density HB 2001 would cause would destroy each of these conditions.

My situation affords something of a microcosm of what we could expect from HB 2001's passage. Since my wife and I bought our home, our formerly mixed owner-rental neighborhood has become dominated by rentals. Two buildings have been built in the backyards of houses on the other side of the street, resulting in additional residents on the block. Since that happened, there are now often so many vehicles parked on the street that it's often difficult to invite friends to visit, as there is little or no free parking space. At times my garbage and recycling bins have to be placed blocking the entrance to my own driveway, as there is no unfilled room on the street in front of my house. There is at times the noise of late-night partying as close as next door and across the street.

The situation is suboptimal, but livable. But any additional housing units on my block, let alone one or more buildings intended for multiple unrelated occupants, would render life in the area frequently or constantly annoying, lacking the amenities of privacy and quiet my family and I sought when we bought our place, and quite unlivable.

Zoning is a form of contract.

Zoning restrictions are a form of contract in which the governing body of a city promises buyers of properties that the essential nature of the neighborhood surrounding a property will be maintained. Property rights are not absolute: A property owner can't lawfully stand on his or her property and shoot someone passing by; we're not allowed to burn things on our property when that would render the surrounding air unhealthy. For similar reasons, it's fair to restrict owners from building additional structures that would uncomfortably increase density, traffic and noise.

Why don't we have enough affordable housing?

The shortage of affordable housing is in my view one of the results of the maldistribution of wealth and income in our society, the lack of living wage jobs, the failure of governments to tax business interests equitably, and other aspects of the larger economy. Resulting homelessness won't be fixed, and we shouldn't try to fix it, by allowing speculators to build and sell or rent additional housing on lots now zoned for single-family homes – with no consideration of off-street parking availability or owner occupancy, and a flat-out prohibition on requiring system development charges to be paid by the developer – and thus destroying the livability of a neighborhood.

HB 2001 can't be saved by amendment.

House Bill 2001 appears to be the latest effort to push us onto the slippery slope toward transforming the nature and quality of life in Oregon. I was touched when the mayor of Springfield said her goal was to accommodate growth while maintaining Springfield's "hometown" quality. Our State Government should take a similar approach. One step in that direction would be to respectfully but firmly oppose House Bill 2001 and take all possible measures to prevent it, or anything like it, from becoming law.

I understand amendments to HB 2001 are in the works, but when your core proposal is a "one-size-fits-all" solution to a complex problem, when it would destroy neighborhoods all over Oregon, with no assessment of the costs and no evidence of likely benefit, I don't believe the proposal can be saved by amendment.

Thank you very much for your time and consideration. In conclusion I copy immediately below my name the editorial I mentioned at the outset of this statement.

Respectfully submitted,
Robert Roth

Editorial From the Eugene, Oregon Register-Guard, March 25, 2019, posted online at <https://www.registerguard.com/opinion/20190325/leave-single-family-housing-alone>:

Leave single-family housing alone

Many communities in Oregon face an affordable housing crisis, but doing away with single-family zoning statewide won't fix the problem. It will make it worse.

Oregon House Speaker Tina Kotek introduced [House Bill 2001](#) with the best intentions: increasing the supply and diversity of affordable housing in neighborhoods statewide. Cities with more than 10,000 residents and counties with more than 15,000 would have to allow greater density in neighborhoods zoned for single-family homes. Cities with more than 25,000 residents — which includes Eugene and Springfield — would have to allow duplexes, triplexes, townhouses and “cottage clusters.”

Proponents of the measure refer to that denser development as “missing middle” housing because they fill a perceived gap between single-family homes and apartment buildings. The hypothesis is that smaller units packed tightly onto single lots will be cheaper to rent or buy. People who might not be able to afford a single-family home could still find a place to live in a neighborhood.

The problem with a lot of hypotheses is that they wind up incorrect, and Oregon can't afford to experiment with something so critical.

To start, neighborhoods might not be able to handle denser development, and nothing in the bill requires that infrastructure be in place to support additional housing units. Sewer and water lines large enough to handle a street of single-family homes might not have enough capacity for denser development. Drop some triplexes and garden apartments into the mix, and they could overwhelm those pipes, not to mention parks, streets and schools. Cities and their taxpayers would bear the cost.

Likewise, there's no requirement for parking at these projects. Supporters of missing middle housing see that as a feature. They don't want driveways and garages taking up space that could be one more unit. In their dense utopia, everyone takes the bus. In the real world, residents park their cars on neighborhood streets, causing all sorts of conflicts.

The real winners if HB2001 passes will be developers, not people who can't afford a home. The bill doesn't require that the new missing middle homes actually be affordable. The type of new construction that would happen under these zoning changes would be compact, modern multi-family buildings that

take up entire lots. So long lawns and trees. Meanwhile, neighbors risk declining property values when noise increases, privacy decreases and an absentee landlord doesn't care.

The end of single-family zoning could even wind up being counterproductive, reducing the supply of affordable housing in many places. Developers looking to make a profit will target older homes for demolition. They will then replace them with nice new apartments and duplexes that maximize their profit. But those older homes are the places most likely to be affordable now.

This is a one-size-fits-all solution to a complex problem. Missing middle housing is in vogue in Oregon because Portland is considering a similar local rule. They call it the Residential Infill Project.

And if it's good enough for Portland, it's good enough for Oregon, right? Wrong.

Eugene and other cities need to find creative ways to encourage more affordable housing. Those can't be some grand scheme hatched in Portland and championed by a House speaker whose district is in that city. As [Eugene City Councilor Jennifer Yeh](#) noted in written testimony to lawmakers, "Different communities experience different challenges and have different needs and each community should have the freedom to plan accordingly."

Eugene's greatest need isn't just-right middle housing. It's [greatest deficit is the most affordable housing that costs less than \\$625 per month](#). There's actually a surplus of other housing.

Developers aren't building the most-affordable housing units in Eugene because there's not enough incentive. Only two developers have taken advantage of the city's Multi-Unit Property Tax Exemption (MUPT), and neither project is close to completion.

If HB 2001 becomes law, the most likely outcome in Eugene will be a spike in demolition permits and a rash of cheap, student housing going up around the University of Oregon.

More must be done, but it must be done thoughtfully. There's a place for missing middle housing, but probably not in every neighborhood. There's also a place for single-family housing. If the goal is diverse housing options, which is a good goal, then that should include single-family neighborhoods, mixed-use neighborhoods and high-density neighborhoods with transitions between them. Localities, not the Legislature, are best able to create and manage such zoning plans.