



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

Frequently Asked Questions

1. What is House Bill 2001? Why are you calling it the “Middle Housing” project?

[House Bill 2001](#) (HB 2001) is a law passed by the Oregon Legislature in 2019 to increase housing choice and supply. The law requires large cities, including Eugene, to amend their land use regulations to allow more housing types like duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas where single-family homes are allowed, by June 30, 2022. These housing types are often called “middle housing” because they are between a single-family house and an apartment building in terms on number of units. For more information about the requirements of HB 2001, visit the [Requirements of HB 2001 fact sheet](#). For more information about what led to Oregon adopting the bill and middle housing types, visit the [Project Overview fact sheet](#).

2. What parts of Eugene will be affected by HB 2001?

All residentially zoned areas within the city limits that currently allow single-family homes will be affected. In Eugene, this includes the following zones: R-1 Low Density Residential, R-2 Medium Density Residential, R-3 Limited High Density Residential, R-4 High Density Residential, and certain Special Area Zones (including Chambers, Chase Node, Downtown Westside, Elmira Road, Historic Blair, Jefferson Westside, Royal Node, Whiteaker, and Walnut Station special area zones). Land that is not zoned for residential use, including but not limited to commercial, industrial, agricultural and public land are not affected. In addition, land that is outside of the city limits (not annexed) is also not affected by HB 2001 (but will be, once inside the city limits).

3. What is a “zone” and how do I find out the zoning of a specific property?

Land within Eugene is divided into different areas called “zones.” These are intended to provide areas suitable for certain types of development or uses (examples include commercial, residential or industrial). Each zone provides a set of regulations governing the uses and development of a property within that zone, and includes such regulations as maximum building height or minimum building setbacks. To find out the zoning of a specific property in Eugene, use the City’s searchable [zoning map](#). To learn more about what uses are allowed in a specific zone, you can check out [Eugene’s land use code](#) or visit our [project website](#). While all middle housing types are currently allowed in Eugene, not all middle housing types are allowed in all residential areas and often times extra process steps are required to build it.



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

4. Can I still build a single-family home?

Yes. House Bill 2001 does not prohibit single-family homes or make it more difficult to build single-family homes where they are currently allowed, rather it allows middle housing types to be built in the same residential areas where single family homes are allowed.

5. Some properties have CC&Rs (Covenants, Conditions, and Restrictions) or other agreements between private parties that do not allow for the construction of multiple units or certain types of units. Does HB 2001 override CC&Rs? How do I know if a property has CC&Rs?

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Lane County Deeds & Records.¹ If you own property, the title report produced when you purchased your property should disclose any CC&Rs. If you are buying property, realtors are required to disclose existing CC&Rs before you purchase the property. The City of Eugene does not enforce CC&Rs or other such private agreements.

6. If House Bill 2001 rules are written for the entire state, how do we make sure the implementation meets Eugene's specific needs?

The Oregon Land Conservation and Development Commission adopted [new rules](#) that include three ways or choices for cities to comply with House Bill 2001: a model code, minimum compliance standards, and a performance metric approach. The model code is a set of ready-made land use regulations that cities can directly apply; the minimum standards are, at minimum, actions that cities must take to comply with the house bill; and the performance metric requires that middle housing be allowed on a certain percentage of lots around the city and within census tracts. The new rules were adopted on December 9, 2020 and contain some prescriptive requirements (such as parking standards) as well as areas where cities have flexibility in implementation. Staff are still reviewing the new rules but are anticipating using the minimum standards rather than the model code because it will allow more flexibility that is tailored to Eugene. More information on this topic will be available in early 2021. If cities do not adopt land use regulations that comply with HB 2001 by the June 2022 deadline, then the model code will directly apply.

¹ Lane County Deeds and Records does not contain all CC&R information.



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

7. When will the public know what kind of code concepts the city is considering?

As noted above, the state adopted final rules on December 9, 2020 and staff is beginning to determine what these mean for Eugene. Staff will begin exploring possible code concepts informed by the public involvement work of Fall 2020 and bring them to the public in early 2021. The code concepts will be options for different ways we can comply with the bill.

8. Has any other city or state done this before?

Middle Housing isn't a new thing! These housing types were more prevalent before World War II, as can be seen in many historic districts and older neighborhoods. Locally, you can find older examples of middle housing in the Skinner Butte area, in and around downtown, and near the [University of Oregon](#). However, allowing middle housing as contemplated by HB 2001 throughout postwar single-family neighborhoods is pretty new. In 2019, [Minneapolis, Minnesota](#), was the first city to adopt a city-wide policy to allow middle housing, by right, in all residential zones. Then, following close behind, Oregon was the first state to pass such a bill. Other cities in Oregon, such as Bend adopted new land use regulations prior to the passage of HB 2001 to allow for middle housing types to be built in more areas.

9. Who are the decision makers in this process?

Because this project will result in changes to Eugene's land use regulations (which requires a legislative process), the Eugene City Council will be the decision-maker. Staff will provide a recommendation on the changes to the Eugene Planning Commission, based on public engagement and consultant input to bring forward to a formal adoption process. The formal adoption process for any new or changed land use regulations includes a public hearing before the Planning Commission, who will make a recommendation to City Council. Then, City Council will hold a public hearing and make the final local decision.

10. What outreach efforts are happening?

There are quite a bit of community involvement and engagement opportunities happening including, but not limited to: Boards and Commissions Roundtable, Local Partners Roundtable, Healthy Democracy Panel, Equity Roundtable, student outreach, a community-wide survey, and meetings in a box. More information about public engagement activities can be found in the [Public Involvement Plan](#), which was reviewed by City Council and approved by the Planning Commission in August 2020.



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

11. What is a “roundtable”? How were the Boards and Commissions, Local Partners and Equity Roundtable groups formed?

A “roundtable” is a form of discussion. Participants agree on a specific topic to discuss and debate. Each person is given equal right to participate, as illustrated by the idea of a circular layout referred to in the term “roundtable.” The groups participating in the roundtables were identified in the [Public Involvement Plan](#). A initial list of groups was identified by staff and expanded based on Planning Commission and City Council feedback, and subsequently approved by the [Planning Commission](#) when they approved the final plan. The roundtables do not have decision-making authority, rather their role is to be advisory to staff. For the Boards and Commissions roundtable, staff invited six official city boards and commissions to provide representatives. For the Local Partners Roundtable, staff invited local organizations or groups including participants in the Housing Tools and Strategies process, neighborhood leaders, builders and developers, environmental advocates, realtors, and housing advocates to provide representatives. Lastly, for the Equity Roundtable, staff invited groups or organizations doing equity-based work serving underrepresented community members to provide representatives.

12. What is the Healthy Democracy Panel? Does the panel have decision-making authority?

In support of inclusive public engagement, staff is collaborating with the Portland-based group Healthy Democracy. Healthy Democracy is a nonpartisan nonprofit that designs and coordinates innovative deliberative democracy programs. Their purpose is to involve community members who are representative of the community and compensate them for their time engaging in public policy issues. The creation of an advisory group designed to reflect the broad needs and interests of the community provides perspectives that otherwise would not be included in project implementation.

Letters were mailed to 7,500 random Eugene households in October to solicit a broadly diverse panel across seven demographic categories. Several of the demographic categories, include race and ethnicity, were based on the makeup of the school aged population in the 4-J and Bethel school districts, in an effort to reflect the greater diversity of our future generations. The panelists were selected in early November via a live selection event and shortly thereafter began meeting and hearing background information from experts in land use, planning, housing, and more. The panel is kind of like “Eugene in a room.” The panelists will meet a total of 14 times through spring 2021 and will provide a truly democratic lens to the project. The panel does not have decision-making authority, rather their role is to be advisory to staff. All large-group



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

sessions are broadcast live and can be watched on the [Healthy Democracy YouTube channel](#). For more information, see [Healthy Democracy Panel](#).

13. When and how will you involve the general public? How can neighborhood associations or other groups get involved?

We want to hear from everyone! There are ongoing opportunities for the public to learn more about the project and provide input. The best places to start are the [project website](#) and the interactive [Engage Eugene](#) site. For project updates and opportunities to engage, sign up for the project's [Interested Parties Email List](#). Starting in early 2021, we will be releasing a community-wide survey and printable, digital educational materials for community members or groups to host their own discussion and input session about middle housing implementation that we're calling a "meeting in-a-box." For more information or to provide input, community members are encouraged to contact project staff.

14. The website and Public Involvement Plan talk about equity. What does social and racial equity have to do with housing policy?

The Public Involvement Plan for this project has an intentional focus on equity and inclusion. These areas of focus mean we are adding new ways for community members to engage, in addition to the variety of existing methods we have in our public engagement toolkit. Planning projects affect the entire community; however, traditional engagement efforts face challenges in reaching certain parts of the community. This structure has created disproportionate representation in the planning process and has resulted in exclusion of some people and groups who are directly impacted by plans and policies.

As summarized by Oregon Land Conservation and Development (LCDC) Commissioner Anyeley Hallova during a [rulemaking meeting](#) on the House Bill, "before racial segregation through zoning, some neighborhoods had more diverse housing types with mixed incomes that are part of our beloved neighborhood fabric. As intentional as racially segregating housing policy was, we need to be as equally intentional about providing equitable housing outcomes for all."

Across the country, we have a difficult history of exclusion to grapple with, and our intent with this project is to acknowledge that history, and move forward with a focus on inclusion for all, including renters, low income people, people with disabilities, young



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

people, seniors, and Black, Indigenous, and People of Color. For more information, you can review the History of Residential Zoning [fact sheet](#) and visit the [project webpage](#).

15. What if I have concerns with the requirements of House Bill 2001?

As noted above, the House Bill was passed in 2019 by the Oregon Legislature and is now Oregon law. Changes to the language of HB 2001 can only be made by the Oregon Legislature. The City of Eugene must comply with HB 2001 and the newly adopted rules by June 30, 2022, or the state model code will apply directly. However, we recognize that people will have questions and concerns about implementation. As staff, we want to hear what you think – please reach out. We can help explain what things the City has control and choice over during implementation, and what things are predetermined by the house bill and new rules. See the [fact sheets on the project webpage](#) for more information on the scope and requirements of the bill.

16. Will new middle housing be affordable?

There is a difference between true “Affordable Housing” and “naturally occurring affordable housing.” Affordable Housing is housing that is directly subsidized by an organization or the government. This housing usually has waitlists and serves people with specific income ranges and housing needs. Naturally occurring affordable housing is market-rate housing that is usually older, smaller, or both. Newly constructed middle housing is anticipated to be sold or rented at market rate, and it will have a wide range of prices. New housing, however, tends to have a higher price tag than older housing, simply because it’s new. A new house that is very similar to a house 30 years old is likely to command a higher price, because of that lack of wear and tear. The newer house will have a higher up-front cost but will have lower maintenance costs. Middle housing can be ‘affordable by design.’ Middle housing tends to be relatively small, which leads to lower operating and long-term maintenance costs. A 1,500 square foot house is likely to cost its occupants much less than a 2,500 square foot house. There’s less square footage to heat, a smaller roof to maintain, less exterior space to paint. The cost of housing includes maintenance costs, not just the upfront price.

As part of implementation of House Bill 2001, the City will be required to consider ways to increase the affordability of middle housing. We know that housing affordability is an issue of importance for our community, as has been reiterated during the public engagement for this project. We will be looking for ways to address affordability to the degree possible in this project, as well as connecting the policy decisions made for HB 2001 to other city policies affecting affordability.



MIDDLE HOUSING CODE AMENDMENTS

Expanding housing options for Eugene

17. Doesn't new market-rate housing cause gentrification, so prices in the neighborhood increase?

Some people worry that new market-rate apartment buildings in gentrifying neighborhoods raise nearby rents and accelerate gentrification. The concern is that new buildings could change nearby amenities or neighborhood reputation, increasing demand for the neighborhood enough to offset the effect of increasing supply. Research by economists at the Upjohn Institute have shown that new market-rate apartment buildings in low-income areas do not accelerate gentrification.² Instead, they slow rent increases in nearby apartments. This implies that new developments serve mainly to absorb existing demand for an area rather than to generate new demand. In turn, this reduces pressures on nearby rents because many high-income households move to the new building rather than outbidding lower-income households for nearby apartments. New developments are associated with gentrification, but they follow it rather than precede it. Stay tuned for more information on economic impacts of HB 2001 implementation.

18. Who can I contact if I want to know more?

You can contact the City's project manager [Terri Harding](#) and public engagement lead [Sophie McGinley](#). You can also visit [our webpage](#) and share your thoughts on the [project Engage Eugene](#).

² <https://www.upjohn.org/research-highlights/new-construction-makes-homes-more-affordable-even-those-who-cant-afford-new-units>