



# House Bill 2001

## The Complete Survival Guide for Single-Family Neighborhoods

Presented by

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[TrustTheNeighbors.org](http://TrustTheNeighbors.org)

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# Introduction and Logistics

- ▶ **Thank You!** Scott Landfield for making Tsunami Books available for this seminar.
- ▶ Please place cell phones on “stun”
- ▶ Restrooms are ...
- ▶ Feel free to leave at any time
- ▶ A copy of the presentation slides will be posted at [TrustTheNeighbors.org/seminar](https://TrustTheNeighbors.org/seminar)
- ▶ Please support **Community Supported Shelters**
  - ▶ Leave a donation here or directly to CSS.  
<https://communitysupportedshelters.org/>

# Please help provide safe shelter in our neighborhoods



Community Supported Shelters

Pre-Housing Shelter Services for People In Homelessness



# What you can expect after tonight

- You will understand the upzoning provisions dictated by House Bill 2001.
- You will have learned about reliable evidence and critical analyses of HB 2001's potential impacts.
- You will understand how upzoning could harm residents in some areas of Eugene's single-family neighborhoods.
- You will know where to find additional resources to better understand the potential impacts of HB 2001.
- You will have learned about multiple actions you can take to ensure your neighborhood area's livability.

## In a “nutshell”

- HB 2001 forces Eugene to upzone large areas to allow multiple dwellings, up to fourplexes, on single-family lots.
- HB 2001 will not improve affordability of housing for “housing cost burdened” households.
- HB 2001 will increase rent and housing prices in some areas of existing lower-cost housing.
- HB 2001 may allow serious loss of privacy, looming structures, congestion, etc. in areas.
- Eugene City Council can either worsen or mitigate the negative impacts of HB 2001.

HB 2001

*Miracle or Monster?*

# Why are we here?

- HB 2001 imposes forced upzoning of all single-family neighborhoods in Eugene.
- The upzoning will allow up to four dwellings on a lot.
- Proponents of HB 2001 misleadingly describe this as “re-legalizing so-called ‘missing middle housing’.”
- Advocates of “missing middle housing” rely on nostalgic images of the kinds of plexes that were typical decades ago in transition areas between low-scale commercial and single-family neighborhoods bordering streetcar lines.
- Here’s what forced upzoning causes in today’s cities:
  - Portland did a comparable upzoning in the past couple of years.
  - Eugene upzoned an R-2 neighborhood in the 1980s and 1990s.

# The nostalgic sales pitch for “middle housing”



# A supposed “middle housing” fourplex that would result from HB 2001



# The Reality: Scenes from Portland

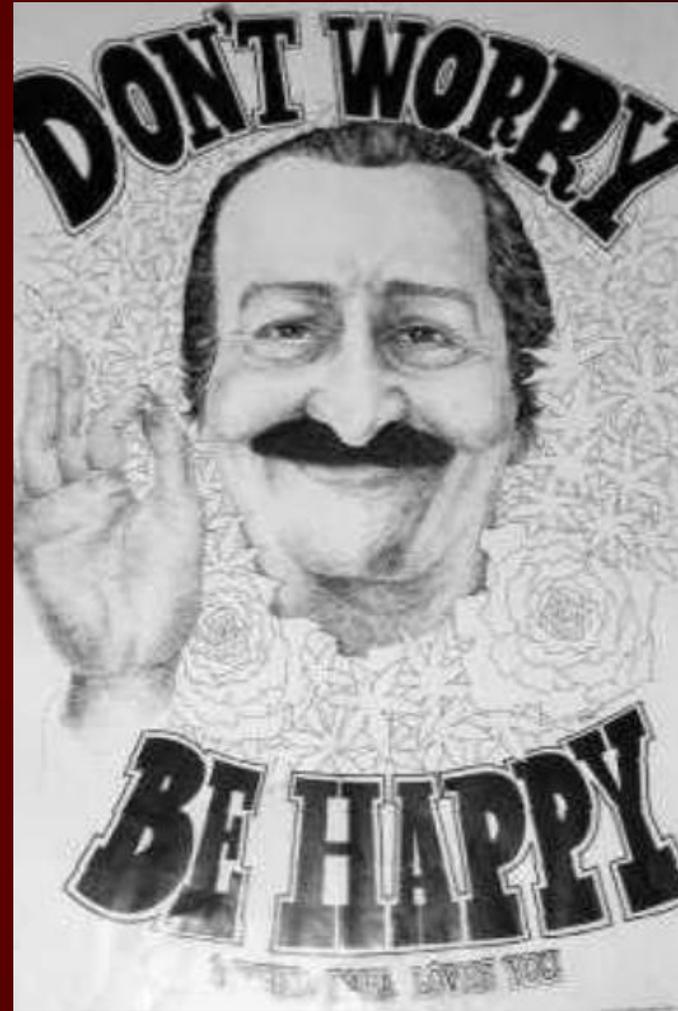


<https://youtu.be/Uqo-M8eFNXo>

Alarmist! This isn't going to happen in Eugene!



Alfred E. Neuman



Meher Baba

# The reality in Eugene: R-2 upzoning for 4-plexes



West 11<sup>th</sup> Ave.

# Affordable housing ... Scraped off two lots



West 11<sup>th</sup> Ave.

# The “charm” viewed from an adjacent backyard



Van Buren St.

HB 2001 is only about “choice” ... for real estate investors.  
HB 2001 affords adjacent homeowners and residents no choice, at all.

# The Reality: Impacts on decent residents



<https://trusttheneighbors.files.wordpress.com/2019/12/peoplenotbuildingsvideo.mp4>

Video starts at 5:45

# A charming R-2 “middle-housing” triplex in Eugene



West 11<sup>th</sup> Alley.  
In rear yard of  
house on W. 11<sup>th</sup>.  
Four dwellings  
jammed on a  
single-family lot.

The wall that  
faces the  
small house's  
dining room



- Shuts out morning sunlight
- Eliminates privacy
- Increased noise and dust from cars on the alley
- Mid-block traffic increases pedestrian risk
- Worsens storm runoff

# The history of “R-2” upzoning in Eugene

- **1948:** R-2 Two-Family Residential District. Duplexes and ADUs allowed. Apartments allowed abutting a commercial district.
- **1962:** R-2 Limited Multi-Family District. Apartments allowed. Max density 14.5 dwelling units per net acre (du/na).
- **1982:** R-2 Density increased to 19.3 du/na.
- **2000:** R-2 Medium-Density Residential District: **28 du/na.**
- *The 4-plexes & triplex examples created under R-2 zoning.*
- **2009:** R-2 max height over 40' & interior setbacks only 5'.
- **2010:** Jefferson-Westside Special Area Zone ended this abuse.

*"Those who cannot remember the  
past are condemned to repeat it."  
-- George Santayana*



# Eugene City Council may repeat the R-2 travesty

- Local individuals and organizations are working hard to replace R-1 zoning criteria with standards like the R-2 zone.
- Much **higher density** & much more **intensive development**.
- **WECAN** and **Better Housing Together (BHT)** supported the most extreme provisions of HB 2001 (e.g., Eugene can no longer require that an owner reside on the same property as an ADU).

If you don't want to see the kinds of incompatible development in your R-1 single-family neighborhood that were, *and still are*, allowed under the R-2 zone ...

**Get engaged!**

Do we have your attention now?



# Zoning provisions in HB 2001

Details from the adopted bill, available at:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>

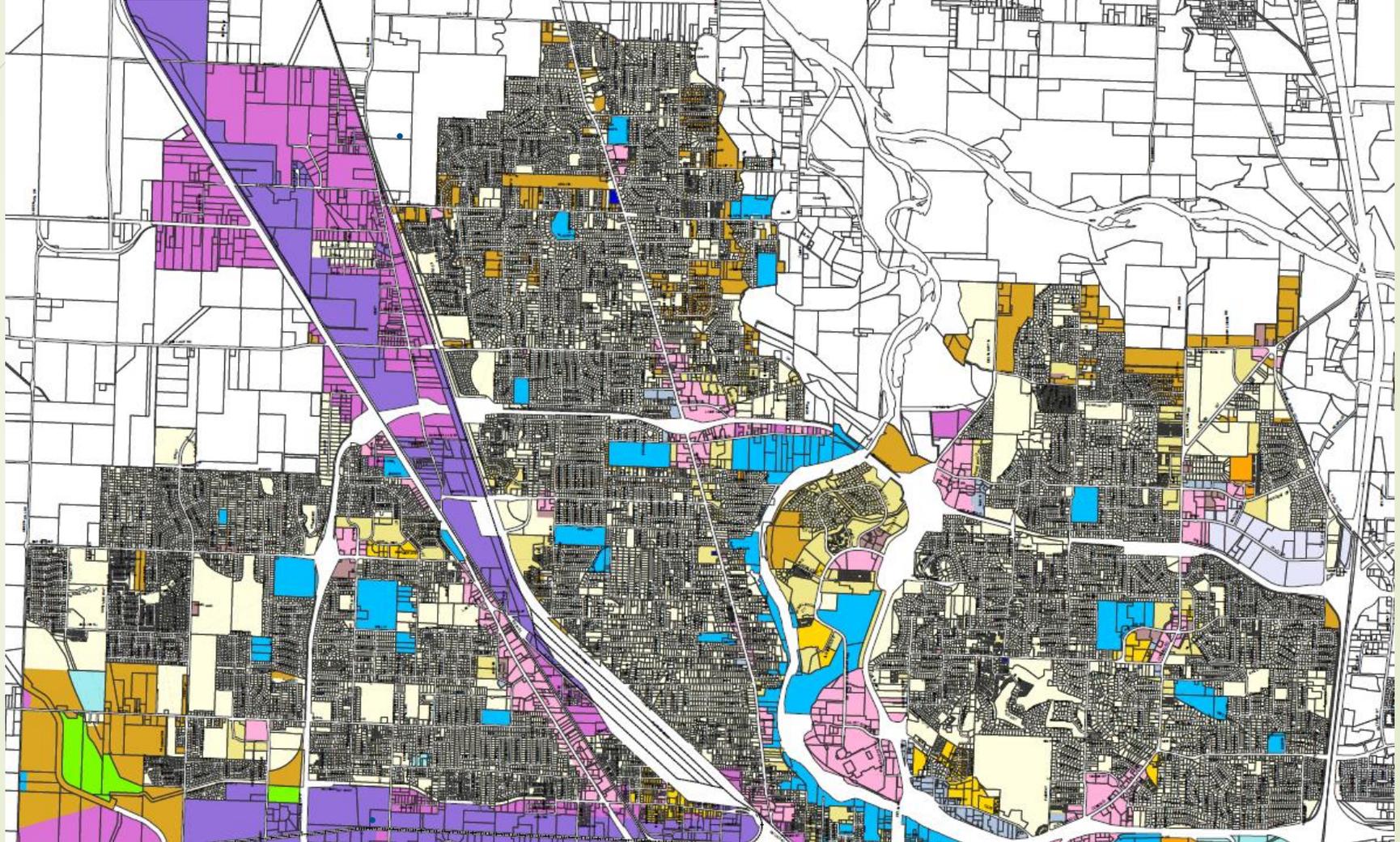


And at **TrustTheNeighbors.org**

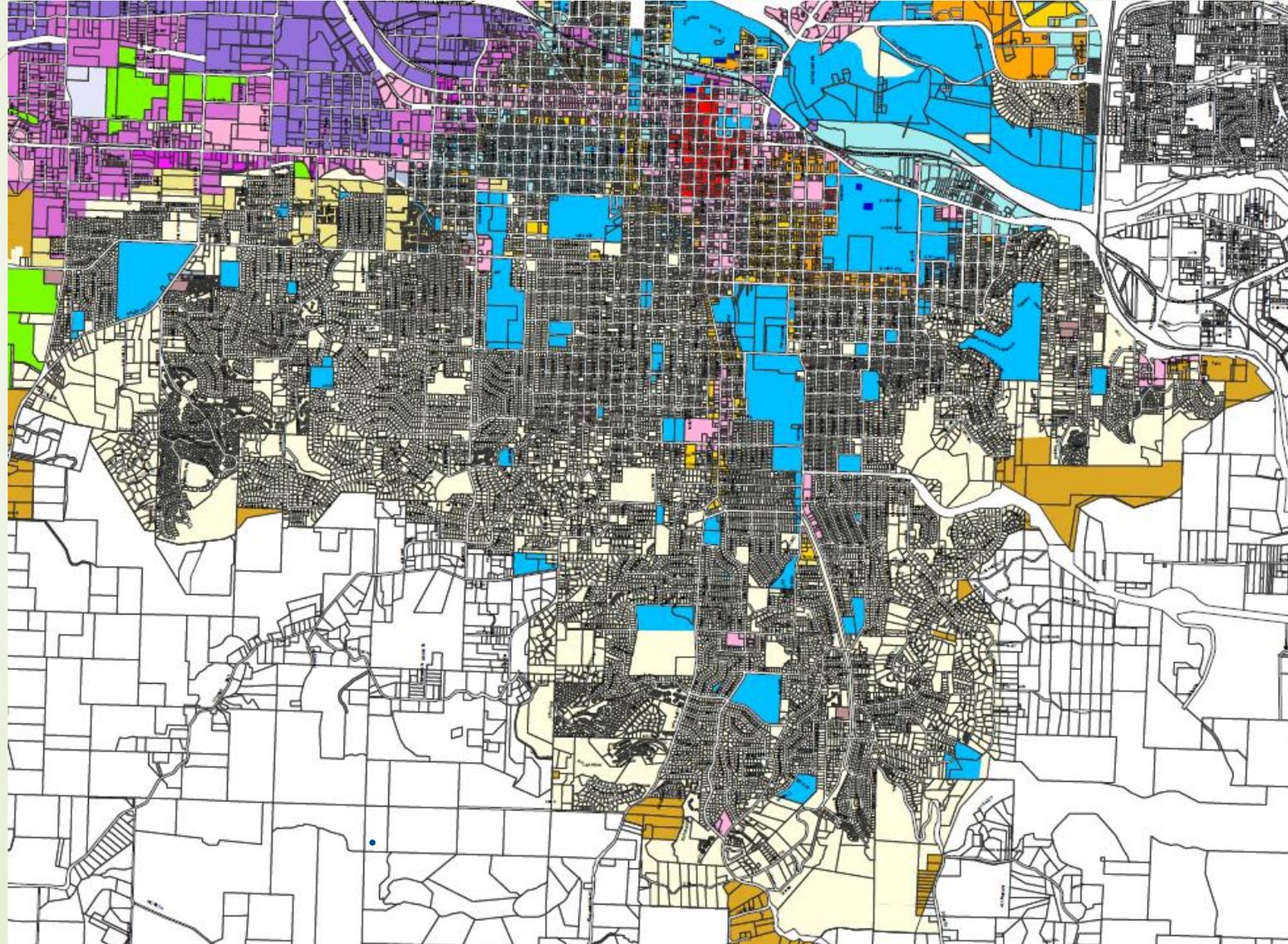
# Impactful HB 2001 Dictates – **by June 30, 2022**

- **Eugene must amend its zoning code for the following zones** that have been largely built-out with single-family, detached houses plus some accessory dwelling units (ADUs) and duplexes.
  - **R-1 Low-Density Residential**
  - **Special Area Zones: Blair Blvd., Chambers, Jefferson-Westside, Royal, Whiteaker**
- **Areas with restrictive CC&Rs (Covenants, Conditions & Restrictions) are exempt.**
- **Amended code must allow:**
  - A **duplex** on every lot, no matter how small or lacking code-compliant vehicle access
  - **Triplexes** and **fourplexes** (in up-down or side-by-side form), as well as “**cottage clusters**”
  - A **second detached dwelling** (with no owner-occupancy)
  - HB 2001 appears to allow the City to adopt some **siting and design criteria** for all the dictated housing types, except any code that would prohibit a duplex while allowing a single-family dwelling.

# North Eugene Zoning



# South Eugene Zoning



# JWN Zoning

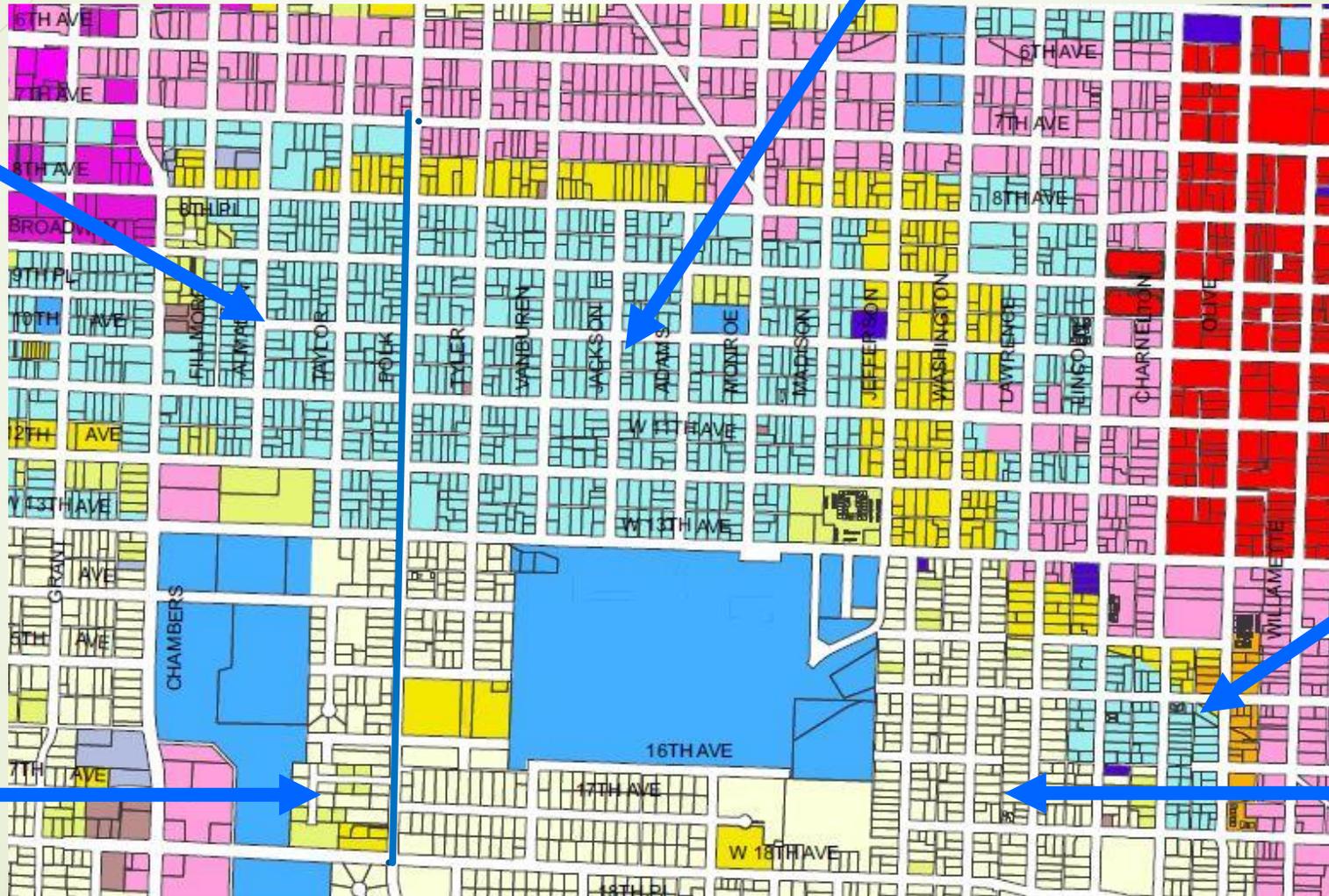
Chambers  
SAZ

Jefferson-  
Westside  
SAZ

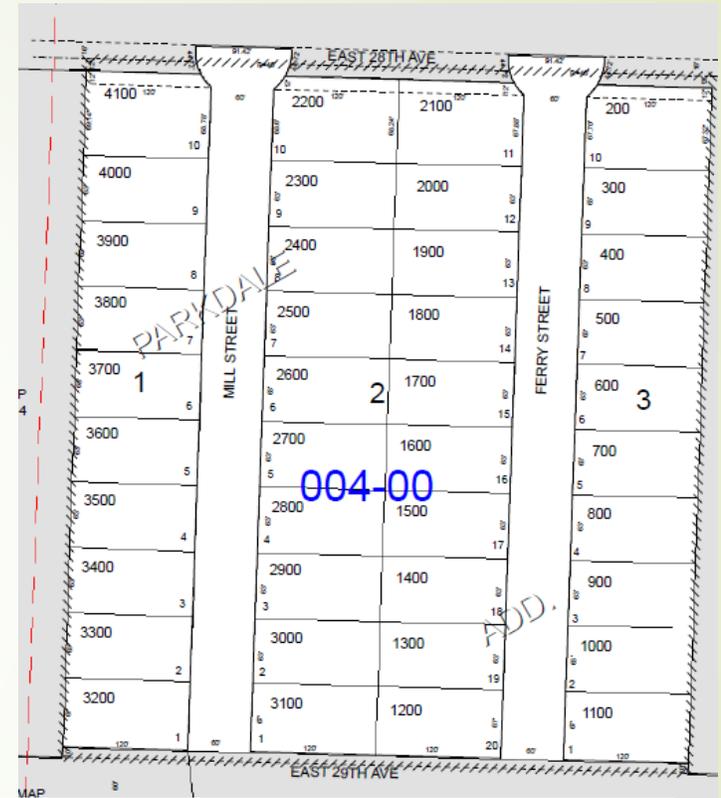
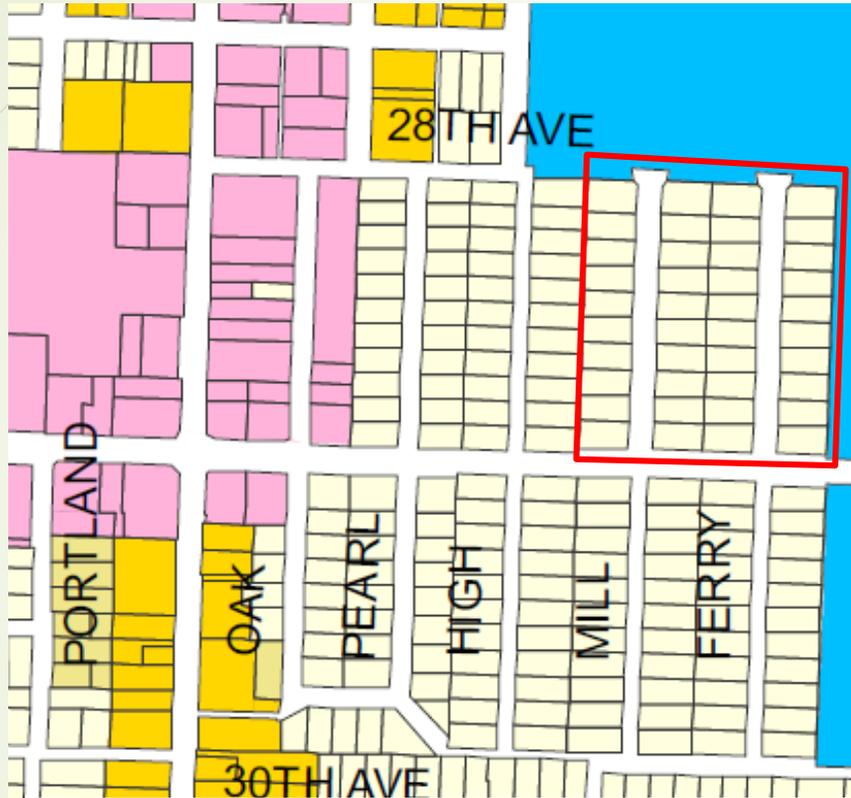
R-1

Jefferson-  
Westside  
SAZ

R-1



# CC&Rs example – “Parkdale”



All of the lots in PARKDALE ADDITION TO EUGENE, as platted and recorded in Volume 17, Page 8, Lane County Oregon Plat Records.

1. Each and every of the lots in the above described subdivision shall be used for residential purposes only. Not more than one detached family dwelling not to exceed 1-1/2 stories in height; and not more than one, one or two car garage and not more than two accessory buildings shall be constructed or placed upon any one of said lots.

# How to find CC&Rs

- Download Tax map from: <https://ormap.net/>  
Select “Map Viewer” and enter a street address.
- When the area map is displayed, double-click the map number to select it. Click the “>” and then click the map number from the displayed list.
- Download the PDF file and examine the map for subdivision name(s), such as PARKDALE.
- Lookup the subdivision name at: <https://www.westerntitle.com/ccr>
- A plat includes a map and, optionally CC&Rs. Some plats reference a separate document, filed with Lane County.



# Questions about HB 2001 provisions?



# Impacts of HB 2001

An analysis based on evidence and research

All assertions are based on data, research and credible expert opinions that can be viewed in the following document:

[Annotated HB 2001 References](#)

at [TrustTheNeighbors.org](http://TrustTheNeighbors.org)

# HB 2001 Reality Check

- ⚡ HB 2001 **upzones land for more intensive residential development.**
- ⚡ **HB 2001** does not create any new housing at all.
- ⚡ The **real estate market** – investors & developers – will determine:
  - How many new dwellings are built
  - The type and design of dwellings
  - The purchase price or rent of new dwellings
  - The location of new dwellings

***HB 2001 doesn't have any direct or indirect provision that requires or encourages investors and developers to create housing that is affordable to households that are "housing-cost burdened."***



# Only very low-income households lack adequate supply of affordable housing

➤ From the latest Census data for Eugene ...



There is a **surplus** of affordable housing for all households with **income over \$25,000**.



There is a **large deficit** of affordable housing for households with **incomes below \$25,000** (“Very Low Income” – “VLI”)



**90% of these households have incomes below \$15,000**  
 (“Extremely Low Income” – “ELI”)

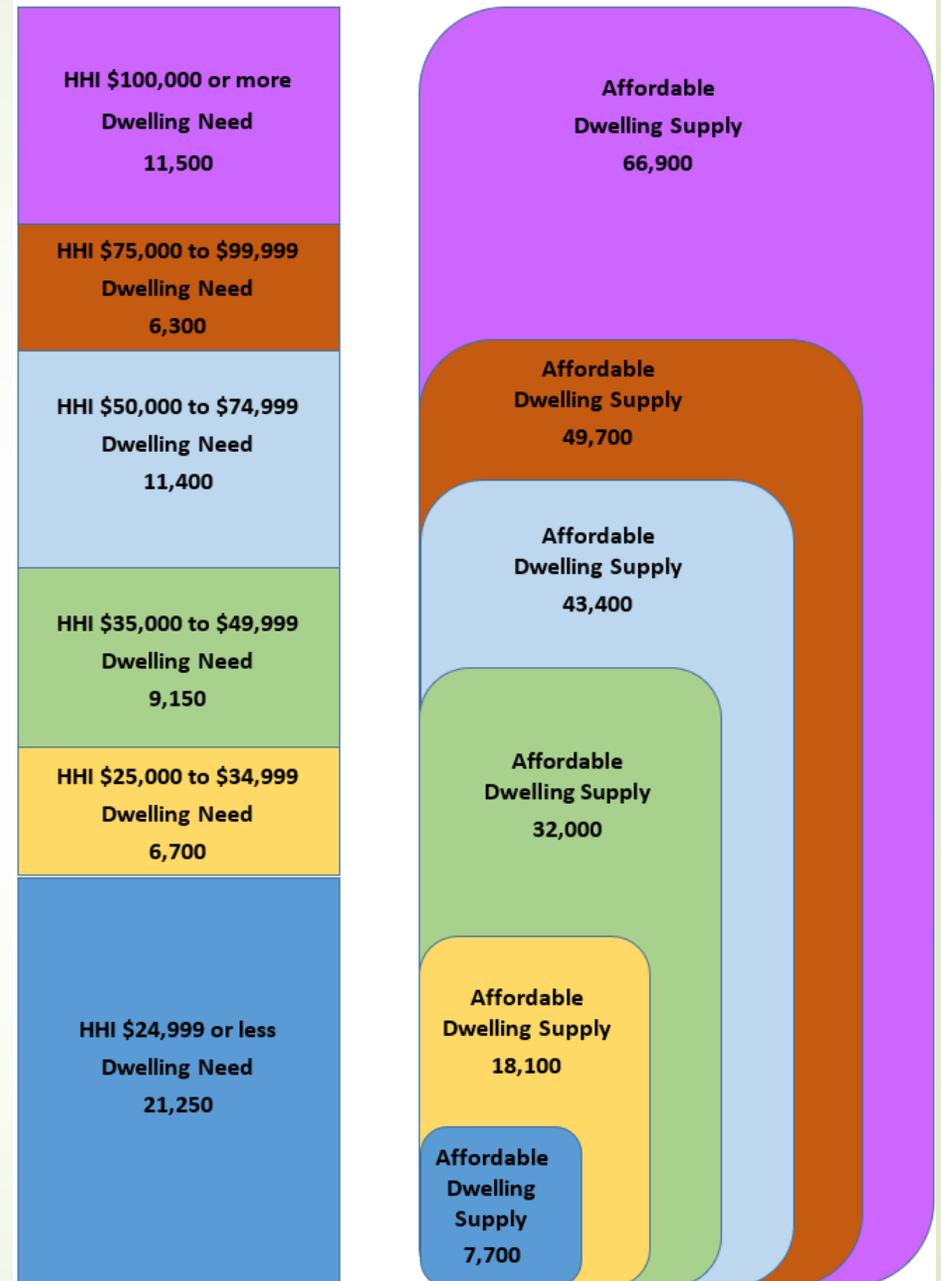
- **FACT:** Market rate housing cannot produce housing that VLI and ELI households can afford to purchase or rent. (**National Low Income Housing Coalition** research)
- **FACT: Subsidized housing**, specifically apartments with access to good **public transportation**, is the only viable solution to the real “housing crisis” in Eugene.
- **FACT:** Eugene could use the **Multiple-Unit Property Tax Exemption (MUPTE)** for subsidized apartments on the W. 6<sup>th</sup> & 7<sup>th</sup> Aves. **EmX route**.

# Supply of affordable housing

Compare the height of an income category with the aggregate height of affordable housing; e.g., “green” to “green.”

The ONLY deficit is “blue,” less than **\$25,000** income.

*About 90% of the shortfall of affordable dwelling supply is in a subcategory of less than \$15,000 income.*





## A Simple Fact

Increasing the supply of market-rate housing  
will not lower the price/rent for housing  
that VLI and ELI households can afford.



# There is no “trickle-down” benefit

- ▶ HB 2001 **upzones land** and leaves the price/rent of housing that is built up to the market.
- ▶ The market won't support “affordable housing” for VLI & ELI households.  
“I also agree that **filtering does not reach the lowest rungs of the income distribution**. That is clear.” – Josh Lehner **Oregon Office of Economic Analysis**
- ▶ Research & local Eugene developments show: The market will produce mid- to high-cost housing for multi-dwelling condos and rentals.
- ▶ Research: The housing market is **location-dependent** and **segmented**; more supply creates downward pressure only on adjacent ranges.  
 **Adding supply of mid- to high-price dwellings will not lower the rental rates for ELI and VLI households.**
- ▶ In contrast, under conditions where all the deficit is in the VLI and ELI categories, adding supply (subsidized housing) in these categories has a “trickle-up” effect. (Because households that have been forced to “buy up” move out of the market for more expensive housing.)

# Illustrative redevelopment proformas

- Tentative Eugene financial proformas in R-1 Zone
  - Area Median Income (household): Approx. \$45,000
- 9,300 s.f. lot with single-family home @ \$250,000
- Add 1,000 s.f. units (total of 3 units in both cases)
- Case 1 – Add 2 units (duplex or townhouse)
  - Price per unit: \$277,875 (800 s.f. & Alt. factors: \$210,134)
  - Minimum monthly rent: \$1,654 (\$1,250)
  - Affordable to income at least: **\$74,160** (\$58,032)
- Case 2 – Demolish and build triplex or townhouse
  - Price per unit: \$368,750
  - Minimum monthly rent: \$2,194
  - Affordable to income at least: **\$95,797**

# The Reality: A Developer's Analysis



2/ 5,500 sf homes  
Plus 2/ ADU's of 1,125 SF  
1.8 million each, 1 million profit

2 duplexes for 700,000 per side or  
1.6 million profit

7 cluster units, 1,100 SF Each,  
3.5 million, 1.2 million profit

<https://youtu.be/O3LnoZTxx3A>



# Upzoning land increases price/rent and causes displacement

- HB 2001 upzones land without restrictions or affordable housing requirements
- The land becomes more valuable and thus, more expensive.
- ⚡ **In upzoned, single-family neighborhoods of color and poorer neighborhoods, the land is more valuable, but the homes are not.**
- In such areas that are close to amenities, investors buy lots that have low improvement (home) value, but high investment return potential for redevelopment with multiple, mid- to high-price/rent condos and rentals.
- ⚡ **This selective redevelopment potential leads to increased rents for lower range of rentals and increased purchase price for lower-cost houses, which forces lower-income households to move.**
- SUPPORTING FACTS: NE Portland and major research in Chicago.

<https://youtu.be/sFwSk6wQFoU>

Portland Commissioner Baugh



## Who benefits from HB 2001?

- ⚡ HB 2001 benefits “**commodity**” real estate investors
- ⚡ HB 2001 does not benefit households that are “housing cost burdened”

**BURN THIS FACT INTO YOUR BRAIN**



**HB 2001 upzoning is  
racially and economically  
inequitable and elitist.**

# Debunking the false narratives



# Eugene's R-1 Zone is not "exclusionary"

- No structural elements that exclude buyers or renters based on race or economics.
- Eugene has large areas of R-1 zoning with relatively low-price housing.
- ⚡ **The #1 "exclusionary" factor in Eugene is private "CC&Rs" – Covenants, Conditions & Restrictions" that are recorded when land is platted into individual lots.**
- ⚡ **Many CC&Rs prohibit more than one dwelling on a lot. Such lots are *exempt* from HB 2001 dictates.**
- Who is protected: Julie Fahey – the Eugene State Representative who sponsored HB 2001. Jennifer Yeh, a Eugene City Councilor pushing for upzoning.

# Opponents of HB 2001 are not “NIMBYs”

- Most resident single-family homeowners, as well as renters, care about their neighborhood and are welcoming to diverse households and housing types.

 Referring to one’s neighbors as “NIMBYs” simply shows that a person both lacks respect for his or her neighbors and has no sound evidence or arguments.

 The *Jefferson-Westside Special Area Zone* demonstrates how a neighborhood can handle higher density, a variety of housing types and maintain a high degree of livability. (That may be a later seminar.)

# Upzoning is not just “more choices.”

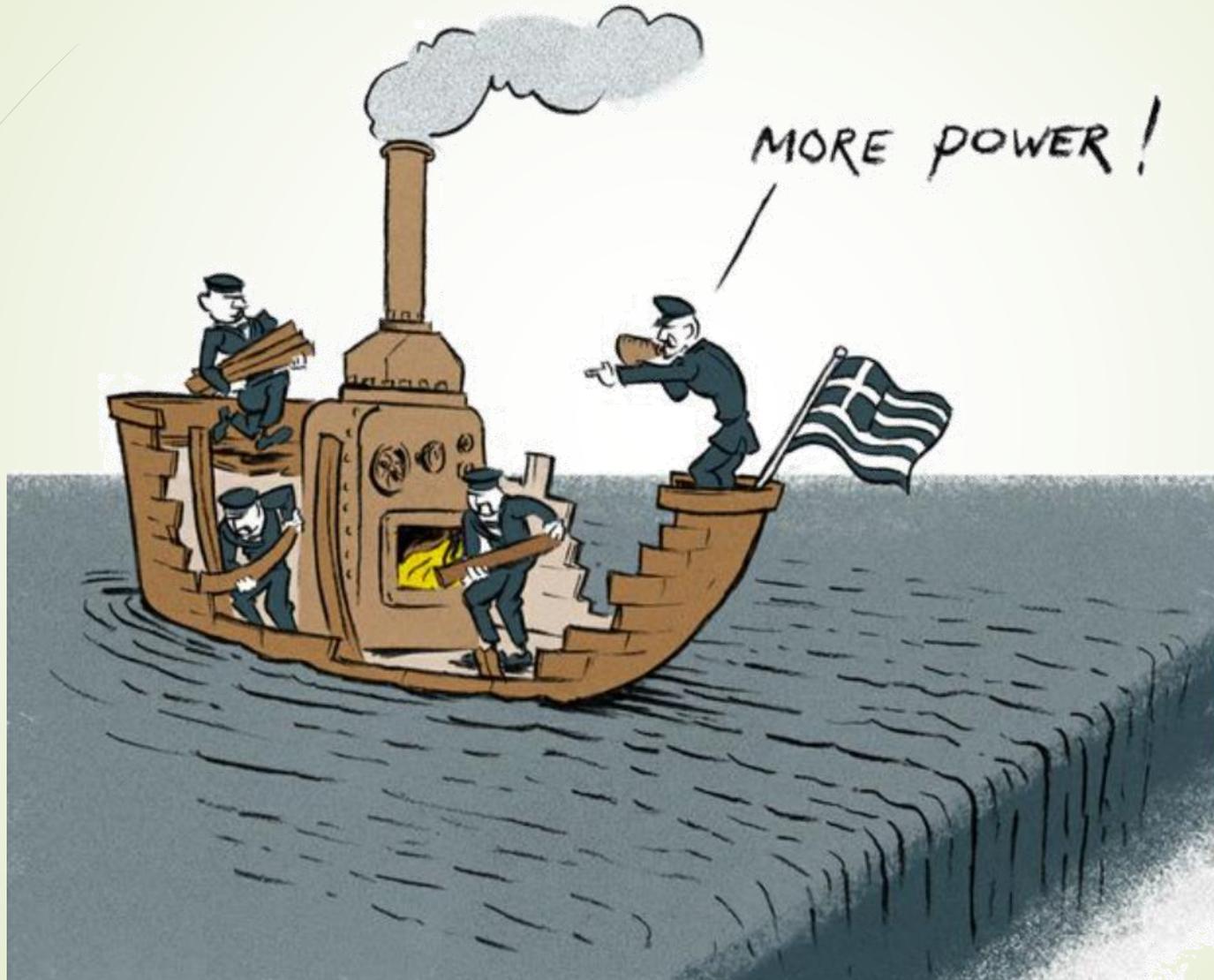
⚡ HB 2001 provides investors a lot more choices, but it tramples on the choices that many homeowners made when they purchased their homes in an area that was developed mainly as single-family homes and authentic ADUs.

⚡ The Oregon Legislators rammed HB 2001 through without any credible engagement of homeowners or local elected officials.

Why? Because they didn't want citizens to have a choice.

⚡ *Most importantly – It is unethical to create “choice” for higher-income households by forced, blanket upzoning of neighborhoods of color and poorer neighborhoods that will cause displacement of lower-income residents.*

# What could possibly go wrong with HB 2001?





# A partial list of HB 2001 negative impacts

## Already touched on in this presentation:

- Degrades the livability and stability of neighborhoods
- Increases housing cost for low-income households
- Displaces residents in neighborhoods of color and poorer neighborhoods

## Additional harmful outcomes:

- Investment funds replace local home owners
- Throws local infrastructure and services into chaos
- Worsens climate change
- Impedes government investment in public mass transit
- Increases sprawl to Junction City, Creswell and other towns



# Investment funds replace local residents as the owners of homes in formerly single-family neighborhoods

- Healthy neighborhoods depend on the right mix and balance of housing types and ownership.
- ⚡ **Investors – including commodity real estate funds, Zillow, Trulia, Expedia, Travelocity, etc. are making huge purchases of single-family properties for both rental and AirBnBs.**
- ⚡ **HB 2001 makes such corporate ownership for redevelopment as multi-unit short- and long-term rentals much more financially attractive.**

# Throws local infrastructure & services into chaos

- HB 2001 takes away cities' ability to plan in which areas new housing is concentrated.

**⚡ Without knowing where residential density is going to increase and how much (e.g., from none to four times), cities can't predict where new infrastructure or substantial infrastructure replacement will be necessary.**

**⚡ Similarly, it will be impossible to plan where new police, fire and emergency medical stations will be necessary for public safety.**

*\*\*\* show city zoning map*

# Increases sprawl to Junction City, Creswell and other commuter towns



The following nearby commuter towns are exempt from HB 2001:

- Junction City
- Creswell
- Veneta
- Coburg
- Harrisburg
- Monroe
- Brownsville
- Pleasant Hill
- Lowell
- Oakridge

Households, especially young families with children, will exercise their “choice” to live in an outlying single-family neighborhood.



# **Impedes government investment in public mass transit**

- EmX and other transit depend on higher density housing and concentrations of businesses.
- Lower-income households need affordable apartments near frequent and extensive public transportation.

 **By promoting future housing as low-density plexes, diffused across huge areas that aren't near transit routes, HB 2001 will greatly undermine "Transit-Oriented Development."**

# Worsens climate change

- ▶ The most important action Eugene (and other towns) can take is to reduce the use of cars and trucks.
  - ▶ That requires two main things:
    - ▶ Providing viable alternative transportation, mainly through public mass transit; and
    - ▶ Minimizing the additional delivery truck miles in neighborhoods arising from on-line purchasing.
  - ▶ Perhaps even worse, HB 2001 will increase automobile use by commuters who chose to live in an outlying commuter town.
  - ▶ In addition, significantly increasing the number of car-owning residents in neighborhoods with inadequate street and/or off-street parking will create congestion, which generates more GHG per mile travelled
-  **By promoting future housing as low-density plexes, diffused across huge areas that aren't near transit routes, HB 2001 will substantially worsen the per capita production of green house gasses and exacerbate climate change.**

Time to Get in the Game!



# Which developed areas are most vulnerable?

- Not covered by protective CC&Rs
- High appeal from location and/or amenities
- Only one existing dwelling on the lot
- Proportionately low value of existing improvements
- Basically any location where the risk is low and a conservative financial proforma shows an excellent profit
- Examples (there are plenty of others)
  - University areas, particularly with lower value homes
  - “Willamazon” and south of E. 29<sup>th</sup> Ave. where no CC&Rs
  - East and west of Fairgrounds
  - Laurel Hill Valley
  - River Road & Santa Clara
  - Older/less expensive housing around Coburg and Harlow Roads



# What do we need to accomplish?

## **Matthew 25:40**

*“Whatever you did for one of the least of these brothers and sisters of mine, you did for me.”*



Determine what criteria would protect low-income households from predatory redevelopment and the rent increases and displacement that would result.

Those criteria would also provide reasonable protection for most neighborhood areas.

# Key residential approval criteria (1)

- ▶ Lot configurations
  - ▶ Do not lessen minimum lot size (4,500 s.f. for 1 dwelling in R-1)
  - ▶ Eliminate flag lots
  - ▶ Do not allow alley access only lots
  - ▶ Other constraints to avoid “gerrymandering”
- ▶ Do not lessen R-1 maximum dwelling density
  - ▶ Currently 14 dwelling units per acre
  - ▶ Count Accessory Dwelling Units (ADUs) in calculating dwellings
  - ▶ Round down the calculation to determine max
- ▶ Incorporate maximum bedrooms criterion (options)
  - ▶ As part of max dwelling density calculation (see S-JW Zone)
  - ▶ For additional dwellings, based on lot size (e.g., duplexes)

# Key residential approval criteria (2)

- **Incorporate maximum dwelling square footage**
  - For ADUs: Maintain lesser of 800 s.f. or 10% of lot size
  - For duplexes on lots less than 6,100 s.f. or on alley-access only lots: Each limited the same as ADUs, with at least 400 s.f. allowed for each.
  - For other cases of multiple dwellings on a lot, a max per unit and max total, based on lot size.
- **Parking**
  - Minimum based on dwellings and bedroom count
  - Allow adjacent 20-foot curbside parking space to count
- **Maximum lot coverage**
  - Count structures' footprint
  - Count vehicle use areas
  - Max percentage of lot covered
  - Minimum square footage not covered

# Key residential approval criteria (3)

- **Max height**
  - One, one-and-a-half, and two stories for multiple dwellings, base on area and lot size.
  - Sloped setbacks (larger setbacks for higher sections of structures)
  - Different scale based on impacts on adjacent properties
  - “Fungible” – allow easement agreements between adjacent property owners
- **Treat multi-lot development as if a single lot.**
- **“Bonuses” (more density and/or flexibility) for 60-year “affordable” rent covenant**
- **Demolition restrictions and fees**
  - Must be careful to not encourage disinvestment or arson
  - Require dwellings over 1 to be comparable rent/price

# Current state and local processes

- ▶ **2020 Legislative Session – January 13 to March 8, 2020**
  - ▶ No chance of repeal; limited chance of amendments
  - ▶ “Short session” – Limited number of bills can be introduced (e.g., 2 per State Representative)
  - ▶ Nonetheless, contact your representative and senator
- ▶ **Department of Land Conservation and Development (DLCD)**
  - ▶ “Rule making” – CRITICAL – March to September 2020
  - ▶ May attempt to “legislate” (by rules) to prevent Cities from adopting mitigating zoning criteria (e.g., maximum density)
- ▶ **Eugene City Council – 2020**
  - ▶ Analysis of legal framework, impacts, housing needs, market forces, etc.
  - ▶ Drafting R-1 (and other zoning) code amendments

# Legislature – What you need to know

## ➤ Objective:

- Possible amendments (see list on TrustTheNeighbors.org)
- In any case, contact your representative and senator

## ➤ General information

<https://www.oregonlegislature.gov/>

## ➤ Find your legislators

<https://www.oregonlegislature.gov/FindYourLegislator/leg-districts.html>

## ➤ Get involved in 2020 elections!

# DLCD – What you need to know

## ➤ Objective:

- Prevent DLCD rules from prohibiting critical zoning code criteria
- Ensure DLCD rules are limited to administrative items, not legislative policy

## ➤ Department of Land Conservation and Development (DLCD)

<https://www.oregon.gov/lcd>

## ➤ Rule making information and comments

[https://www.oregon.gov/lcd/Commission/Documents/2019\\_09\\_Item\\_5\\_Rulemaking\\_HB\\_SR.pdf](https://www.oregon.gov/lcd/Commission/Documents/2019_09_Item_5_Rulemaking_HB_SR.pdf)

Search the DLCD website (above) for “HB 2001” for additional documents.

# Eugene City Council – What you need to know

- Objective:
  - City Council requires staff to do impartial, legitimate analysis:
    - Restrictive CC&Rs map and data
    - Projected indirect and induced displacement
    - Proformas for redevelopment in different areas
  - City Council adopts code amendments that protect vulnerable neighborhoods from predatory redevelopment
- Actions
  - Submit e-mails and letters to the Council and your councilor:  
[mayorcouncilandcitymanager@ci.eugene.or.us](mailto:mayorcouncilandcitymanager@ci.eugene.or.us)
  - Councilor contacts:  
<https://www.eugene-or.gov/537/Mayor-and-City-Council>
  - Present comments at the Council meetings' "public forum"
- Get involved in 2020 elections!
  - Mayor, Wards 1 (Semple), 2 (Taylor), 7 (Syrett), 8 (Pryor)
  - Demand your councilor support Envision Eugene protections.

# Envision Eugene “Livability” Pillar

The graphic features a blue sky with white clouds. In the top left, there is a green square icon containing a white house silhouette. In the top right, there is a blue bird silhouette. The text "Envision Eugene" is written in white in the top right. The main title "Protect, Repair & Enhance Neighborhood Livability" is written in large, bold, green letters with a white outline. Below the title, there is a photograph of three people sitting on a bench: a man in an orange jacket, a woman in a grey jacket, and a man in a grey jacket and cap. Below the photograph, there is a paragraph of text.

As new development brings change throughout Eugene’s neighborhoods, we will undertake the following strategies to help ensure a high level of livability, avert negative impacts, and make positive changes:

- No increase in density unless in accordance with the goals and recommendations of the Infill Compatibility Standards Task Team – i.e.:  
***“preventing negative impacts and promoting positive impacts of residential infill development on neighborhoods.”***

# Your Neighborhood – What you need to know

## ➤ Objective:

- Conduct a robust process to inform and involve your neighborhood organization members in developing recommendations to City Council for zoning code amendments that fulfill the Envision Eugene policy

## ➤ Actions

- Become a board member or ensure capable and supportive neighbors are elected to your board.
- Help recruit your neighbors to become involved.
- If your neighborhood organization is dysfunctional, and reforming the board is infeasible in 2020 – organize your own *ad hoc* group with a small steering committee.

# Some final words – How can we help?

- The true “housing crisis” in Eugene, Oregon and the nation is among low-income households.
- The “market” cannot deliver scalable solutions.
- The solution is more funding for subsidized, mostly multifamily housing.
- The immediate opportunity in Eugene is to provide “Multiple-Unit Property Tax Exemptions” (MUPTE) for affordable housing development along the W. 6<sup>th</sup> and 7<sup>th</sup> EmX corridors.
  - Engage the bordering neighborhoods: Jefferson Westside Neighbors and Whiteaker Community Council
  - Update the refinement plans for the target areas
  - This would provide not only housing, but the public transportation that is essential for low-income households.

Thank you!  
Paul Conte  
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