



Reply Requested: Clarifications on HB 2583

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To: Rep Fahey <Rep.JulieFahey@oregonlegislature.gov>, Rep.PamMarsh@oregonlegislature.gov

Cc: Rep Kotek <Rep.TinaKotek@oregonlegislature.gov>, Rep.PaulHolvey@oregonlegislature.gov, Sen Prozanski <Sen.FloydProzanski@oregonlegislature.gov>

Representatives Fahey and Marsh,

Please accept this as testimony.

While I appreciate the anti-discriminatory intent of the HB 2583 amendments and the existing ORS 659A.421 provisions, there are several potentially problematic elements for which I would appreciate your clarification.

Regarding: "SECTION 1. A maximum occupancy limit may not be established or enforced for any residential dwelling unit, as defined ..." and "SECTION 2. ... (7) ... (d) Nothing in this section limits the applicability of any [*reasonable local, state or*] federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

1. How is "a person" defined? (In other ORS, "person" encompasses a much more extensive list of entities than "an individual.")
2. By removing "local" restrictions, does the amended ORS prohibit a local jurisdiction from adopting "reasonable" restrictions, e.g., related to fire code or other safety and habitability criteria?
3. Is there no upper limit to this prohibition? E.g., If a purchaser will share occupancy of the dwelling with 20 friends, must that be allowed?

Existing SECTION 2 provisions:

1. Definitions:
 1. "Dwelling" refers to "... as a residence by one or more families."
Is there a distinction between "occupancy" by a "family" versus "occupancy" by "not a family"? If a dwelling is designed as a student "quad" (for bedrooms and baths with shared kitchen) or as a 'Single-Room Occupancy' (*aka* "boarding house"), is it therefore not a "Dwelling."
 2. Specifically, does this prohibit providing subsidized housing for occupancy by only households with children? Subsidized housing (including vouchers) for "child-friendly housing" (*aka* "family-friendly housing") is an important focus of housing advocates (including the United Nations). Child-friendly housing has particular characteristics to support the safety and mental and physical health needs of children. These characteristics (such as low-rise structures on low-traffic streets) would also appeal to other "purchasers," including single individuals. This would effectively eliminate the value of investment beyond the lowest-common-denominator if there were no way to allocate such investments to those in need.
2. "A person may not, because of ... source of income of any person."
Does this mean that a "means test" cannot take into account whether the person is (e.g.) working a fulltime job, versus living off of investment income?
3. "'Source of income' does not include income derived from a specific occupation or income derived in an illegal manner."
What is encompassed by "income derived from a specific occupation"? Isn't it common to have such income, e.g., a barber derives income from the specific occupation of "barber."

I believe this entire ORS section, including the proposed amendments needs much more careful scrutiny to avoid harmful unintended consequences.

Thank you for your consideration.

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- * Sustainable Homes Professional
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