

What the heck is middle housing?

What HB2001 is all about and how it could change Keizer

CHARLES GLENN

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Middle housing in Keizer

The term “middle housing” is something Keizer residents will be getting used to hearing in the coming years. It refers to duplexes, triplexes, quadplexes, cottage-cluster designs and other variations – basically any kind of housing other than a single-family home or an apartment complex.

In order to comply with looming state laws, city officials decided to re-write the current local code applying to the seven square miles of Keizer. The city’s planning department has a technical advisory role in this process, and has reached the public-inquiry phase – a key step of which is a public hearing scheduled for April 13, at 6 p.m. in the city council chambers.

Officials have until the end of June to complete the process.

The department, headed by Shane Witham, has been working closely with Portland-based Angelo Planning Group (APG) since October, 2021, to bring the city’s codes into compliance while maintaining local priorities and interests.

Each step of the project is available electronically at keizer.org in the planning commission section of the website: keizer.org/KeizerMiddleHousingProjectHB2001.

The assistance from APG was funded through a Department of Land Conservation and Development (DLCD) grant, and Witham said it has been tremendously helpful.

“APG has been great,” he said. “It’s just me and one other person (on this project) with the city, so their help was invaluable.”

Each month since October of last year, APG has submitted a new section of rewritten code for approval by the city council, and the last section was completed in March. The entire 175-page document is available at the link above, including the red-lined changes from each iteration.

The reason for the hustle, according to Witham, is because without the project, the city would effectively cede its ability to control future housing development in Keizer.

“The state has a model code which is more generous (toward middle housing development) than the law requires,” said Witham, who said it would go into effect automatically at the end of June – overriding the current one – unless the city updates its own.

Either way, Keizer isn’t likely to be overrun with quadplex-development sites by next Summer, of course, and both would remove many of the single-family-home-only restrictions that shaped the community’s neighborhoods since its incorporation in 1982.

“Our code won’t create any housing by itself – it doesn’t mandate any construction,” said Witham. “It just creates the conditions necessary for the developers to build different kinds of homes.”

Witham noted that Keizer was never exclusively zoned for single-family housing, and in fact many parts of the city already have duplex homes, so it’s not exactly a revolution in local housing – but it will change new and existing home construction, going forward.

Making the changes locally – with the critical step of getting input from Keizer residents – allows the city to regulate the siting and design of future construction without deterring its development.

“Middle housing isn’t always more affordable,” said Witham. “Our duty is to the people of Keizer, even though in some ways we’re being compelled to make these changes, we’re determined to do it in a way that serves the city’s best interests.”

Oregon addresses its dark past

Long before terms like “middle housing” were part of any city planner’s lexicon, cities and counties across Oregon were passing laws restricting new construction to either single-family homes or apartments.

It’s not the state’s proudest moment, since much of it was driven by a resurgence of post-Reconstruction racism and bigotry, when in 1922 the state elected a Ku Klux Klan-sponsored governor and house speaker. These men, along with several Klan-sponsored members of the

state legislature, helped get the 1923 Alien Land Bill passed, restricting Japanese-Americans from owning property in Oregon.

Fast-forward to 2019: Oregon House Speaker Tina Kotek led a powerful coalition of special interest groups and local non-profits in sponsoring the historic HB2001 in order to address some of these issues. It sailed through the state legislature on a wide bipartisan vote, and effectively prevents municipalities of over 25,000 from banning middle housing.

One of those non-profits, the Portland chapter of Habitat for Humanity, says the new law addresses a long-standing, systemic problem in Oregon surrounding housing and race. They cite Portland's much-publicized historic outrages, such as the Alien Land Bill and others, which they say led to the widespread normalization of ethnic-based housing codes at the city and county level.

“In the years between 1910 and 1940, [housing laws] pressed more than half of Portland's Black population (over 1,900 people) into the underfunded and undeveloped Albina neighborhood,” the chapter's website claims.

These events in Oregon were only one small part of a nation-wide movement to allow racial discrimination and segregation to determine housing codes. To varying degrees, communities across the nation were implementing such laws through both world wars and well into the 1960s.

It was no match for the civil rights movement, though, and by the late 1990s, cities all over the country began to question laws banning middle housing, which by then had morphed into a more complex set of development codes that no longer mentioned race or ethnicity.

The current debate and its impact on Keizer

The current debate centers around property values, affordability and housing options. Advocates of middle-housing bans say the issue isn't racial, it's constitutional. The politically conservative Cato Institute's Randal O'Toole says single family zoning is a form of property right.

“Such restrictions increase the price of developable land and allow cities to impose development restrictions without fear that developers will go outside the urban growth boundaries ... it increases labor costs as home construction workers fight to find affordable housing along with everyone else,” O'Toole claimed in a recent Cato policy brief.

On the other side of the debate, studies done by Sightline Institute, and others, offer strong evidence that middle housing is greener, more fair (an official term in the housing industry) and less expensive than just single-family homes and apartments.

“It’s basic economics that if we build more housing units, the average cost of housing units will go down,” said Anthony Sanders of the Center for Judicial Engagement – one of the organizations advocating for nation-wide middle-housing. “Thus, reforming these policies can lead to more units, which leads to more affordable housing.”

“Most cities in Oregon already allow duplexes in certain circumstances,” said Ethan Stuckmayer, Senior Housing Planner at Oregon's Department of Land Conservation and Development. “House Bill 2001 requires Oregon's medium-sized cities to allow duplexes on each lot or parcel zoned for residential use that allows for the development of single-family homes.”

For Keizer, the changes are primarily issues such as how many square feet are on a given plot of land and how much parking can be made available. A step-by-step log has been kept by APG and the city planners since October. It can be found on the Keizer middle housing project page at keizer.org.