

## **HB 2283 -1 STAFF MEASURE SUMMARY**

### **House Committee On Housing**

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**Meeting Dates:** 1/28, 2/2

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#### **WHAT THE MEASURE DOES:**

Requires certain cities to allow land division of lots or parcels for the development of duplexes, triplexes, quadplexes, cottage clusters and townhouses. Applies to cities with a population greater than 25,000, counties within a metropolitan service district, and cities not within a metropolitan service district with a population of more than 10,000 and less than 25,000.

Clarifies eligible projects must be permitted on or after the effective date of this Act, and have not been constructed, are under construction, or were substantially completed no earlier than two years and occupied for less than 12 months prior to the application.

Establishes development review guidelines regarding approval criteria, public notice, application review period, fees, and appeals.

Clarifies that individual parcels which share a common wall or joint property have the legal right to private right of way on shared portion the property, as in an easement, unless otherwise determined by the rules of a planned community or a recorded agreement between property owners.

Restricts prohibition of land partition or subdivision in the development of certain housing types on or after January 1, 2021.

Allows lot division in a planned community when the proposed division does not exceed maximum density allowances.

#### **ISSUES DISCUSSED:**

- Opportunity for entry-level homeownership and wealth creation
- Desire for consistent development review processes for affordable housing developers
- Effective implementation on the part of local governments related to design criteria, siting criteria and building and safety codes
- Accessibility of fee-simple ownership vs. condominiums

#### **EFFECT OF AMENDMENT:**

-1 Requires a city or county to approve a plan for a land division that is in compliance with state building codes as well as local land use regulations and design criteria. Clarifies that approval criteria may not include additional requirements such as vehicle access, parking or be subject to a planned community or shared maintenance agreement. Allows appeal on applications under certain conditions, and requires that a land division application must receive final approval within three years of a tentative approval. Clarifies eligible projects must be permitted on or after the effective date of this Act.

#### **BACKGROUND:**

House Bill 2001 (2019) required cities and counties within a metropolitan service district to allow the development of middle housing on lands zoned for residential use within an urban growth boundary. The bill required cities and counties to amend their comprehensive plan and land use regulations to conform with

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requirements, or to use a model ordinance developed by the Department of Land Conservation and Development.

The intent of HB 2001 was to create new housing types and homeownership opportunities for first-time homebuyers. It allowed local governments to regulate the siting and design of middle housing. Yet it did not address the regulatory barriers to selling, for example, both units of a duplex as two individual homes, if the land has not been subdivided or partitioned into two lots or two parcels.

House Bill 2283 requires certain cities to allow land division of lots or parcels for the development of duplexes, triplexes, quadplexes, cottage clusters and townhouses. Applies to cities with a population greater than 25,000, counties within a metropolitan service district, and cities not within a metropolitan service district with a population of more than 10,000 and less than 25,000. It establishes development review guidelines for cities regarding approval criteria, public notice, application review period, fees, and appeals. The measure also prohibits homeowner associations and restrictive covenants from prohibiting partitions.