



OREGON PROPERTY OWNERS — ASSOCIATION —

House Committee on Housing OPOA Testimony in Support of the HB 4118 and the dash-1 Amendment

February 13, 2022

Chair Fahey and Committee Members:

We write in support of HB 4118 – both the base bill and the dash-1 amendment.

DLCD and OHCS recently published an interesting report on Oregon’s housing crisis and possible causes for that crisis. By now, we all know the statistics – they’ve been discussed multiple times in this committee and elsewhere. We know there’s a problem.

In their report, the agencies offered a candid assessment of current Oregon housing policy, acknowledging:

1. Our current land use/housing policies “perpetuates geographic patterns of racial and economic segregation, exclusion, and inequity.”
2. City efforts to provide more land or different types of housing are “generally resolved through expensive, time-consuming litigation.”
3. There are numerous ways for neighbors, activists, and advocacy groups to “delay or obstruct needed housing production that are not agreeable to some in the community.”
4. Some Oregon cities face chronic land constraints within their urban growth boundaries.

I have worked with DLCD on various legislation for 25 years, and served on numerous rule advisory committees with the agency. In that time, this is the most frank and open acknowledgment I have seen from the agency, and I thank DLCD and OHCS for their assessment.

We support HB 4118. It is a small but important concept that would give the 13 cities and the cities within the Metro UGB that have adopted urban reserve areas an opportunity to provide a modest amount of workforce housing quickly, in areas where both the city/Metro and LCDC have already acknowledged that the development potential of the property is the policy goal, not natural resource use. Contrary to some testimony, this bill does not pit farmland vs. development. To the contrary, the “farmland v. development” argument was resolved when the land was included in the urban reserve, a decision acknowledged by LCDC.

Requiring a true partnership between the city and the property owner, HB 4118 would allow a property owner and city with land constraints to provide modest amounts of workforce housing by eliminating the opportunity to “delay and obstruct” development that DLCD acknowledges, and eliminating the

“expensive, time-consuming litigation” DLCD laments, which is an unfortunate hallmark of our current land use system.

To address the issue on a more global scale, however, we also support the dash-1 amendment, which removes the base bill and creates a task force to look at both the benefits and burdens of the land use system that impact our housing policies.

The goal of the task force is to ask the questions that DLCD/OHCS identify in their report. The agencies acknowledge the issues, but the Ways & Means Committee budget note and appropriation that the agencies received in HB 5006 (2021) does not authorize the agencies to address issues beyond a determination of a need for a regional housing needs analysis, rather than a local analysis.

Consequently, without a legislative change in the scope of their work, which would also necessitate a new work group with vastly expanded membership and expectations, the agencies can't tackle this problem. Nor should they – this issue is so critical to Oregon's future that it should be addressed by the legislative branch directly, not punted to an agency.

We have seen the many form letters in opposition to the bill on OLIS – they are obviously the result of some group's “action call” or “call to arms” or “do something now” request, as they raise nearly identical (if not exactly the same) talking points. It's easy to complain, but much harder to participate and offer solutions, which these letters don't.

The dash-1 amendments don't change the law in any manner. They task a group composed of members with decades of expertise to ask hard questions, and more importantly, the task force is asked to address all the questions. If the task force was charged with only looking at some of the issues, the same groups complaining that the task force issues are too broad might complain that the amendments pick and choose between issues with the hope of seeking a predetermined outcome and ignoring the benefits to housing from our current policies. DLCD/OHCS have already made a candid assessment – to deny that or refuse to address those issues and fix them is only contributing to the problem the agencies identified.

We have heard, however, from groups that are opposed to the current bill that have reached out and offered to work with Rep. Zika on amendments to address their issues while still enabling the bill to move forward this session. You will likely hear from them. In my experience, that is the way good policy is made. If asked, we would be happy to work with those groups on task force language that addresses their issues. Knowing the short deadlines in this process, if the committee wishes to move forward with the bill, we request that the bill be referred to the House Rules Committee while the amendments are quickly negotiated and prepared.

We have gotten to the point where the problem can no longer be ignored or delayed and where legislators of all views and agencies directed to address these issues are acknowledging that land use plays a role in both the problem and the solution. We can no longer be so fearful of the answers that we don't ask the questions.

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