



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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March 14, 2023

Chair Dexter
Committee on Housing and Homelessness
Oregon State Legislature
900 Court Street NE
Salem, Oregon 97301

RE: [HB 3442](#) – Development of Affordable Housing in the 100-Year Floodplain

Dear Chair Dexter and Members of the Committee:

The City of Portland strongly opposes HB 3442, which would allow the development of affordable housing within the 100-year floodplain, for several reasons.

First, such development is a health and safety issue. Allowing housing to be constructed on properties within the 100-year floodplain and natural hazard areas would subject those living in such housing to losing their homes, possessions, and potentially their lives when a flood occurs. Today, over 29,000 people live in Portland's floodplains. The City's 2019 vulnerability assessment of people living in floodplains demonstrated that, in some areas of the City, such as Johnson Creek, nearly 40% of the people living in the floodplain are people of color, over 70% do not have a four-year degree, and 47% are low income families. The consequences of flooding to these vulnerable communities is acute. Portland has witnessed firsthand the devastation that massive floods create, and their disproportionate impact on low-income communities and communities of color.

The Vanport flood wiped out an entire community in minutes. That community was comprised almost exclusively of Black families who had built their lives in the flood-prone area on the Columbia River as they built ships during World War II. The first-hand accounts of the flood victims describe them literally fleeing with what possessions they could grab and fearing for their lives as they tried to outrun the massive wall of water heading towards them. They lost everything in that flood. This bill would set up, not just the potential, but the likelihood, of such a disaster occurring again and impacting the State's most vulnerable residents. In addition, Portland more recently experienced floods along the Willamette River in 1996 and floods in Johnson Creek in 2012 and 2015. These floods provide insight into the degree of potential harm that exceeds the 100-year flood predictions.

The ongoing cost of housing burden is higher for people living in the floodplain. The National Flood Insurance Program (NFIP), which Portland participates in, offers federally backed flood insurance to homeowners and businesses in the floodplain. Nationally, the NFIP is currently over

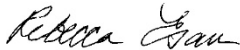
\$20 billion in debt due to the increase in frequency and intensity of natural disasters across the country. To better align the true cost of insurance, the Federal Emergency Management Agency (FEMA) changed how it determines flood insurance rates for the first time in 50 years, resulting in double digit percentage annual increases for many families who can least afford it. This additional and increasing housing cost burden must be accounted for with HB 3442.

Second, HB 3442 potentially violates a recent FEMA Biological Opinion in which the National Marine Fisheries Service concluded Oregon's floodplain development standards under the NFIP conflict with the Endangered Species Act. Over 200 communities in Oregon must further restrict development and increase protections for salmon and steelhead in the floodplain in order to continue to qualify for the NFIP.

Finally, the bill as written undermines local control and would likely add costs to such housing developments as projects must be designed to meet higher building, seismic and infrastructure code requirements. These added costs would negate any other benefits this bill might otherwise have provided.

In summary, The City of Portland opposes, and urges you to vote no on, HB 3442. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Esau".

Rebecca Esau, Director
Portland Bureau of Development Services