

Submitter: Camron Settlemer  
On Behalf Of:  
Committee: House Committee On Rules  
Measure: HB3414

I am strongly opposed to HB 3414. It is poorly worded and irresponsible, unless the only objective is to maximize short term developer profit. There are no metrics, checks, or rules to make sure the mandated variance approvals are for needed or affordable housing. It is a blank check to let developers do as they please. And for-profit developers, by their very definition, are building to maximize profit, not provide the best and highest use of land, nor be compatible to their community landscape. HB 3414 is unconstitutional. It strips the rights of local governments to implement land use decisions that are in the interest of the general public. It strips the rights of individuals to appeal variance decisions, and further weakens justice by strengthening developers as a special protected class when it comes to LUBA attorney fees. This gives rights to developers that are not equally allowed to local governments and individual citizens such as myself. This legislation is a violation of the Equal Protection Clause of the Fourteenth Amendment to the US Constitution. HB 3414 is also a violation of Oregon Constitution Article 1 Bill of Rights, Section 20 which says "Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens." It also destroys Goal 1 of the Oregon Land Use system: citizen involvement. By-right adjustments undermine citizens faith in Salem and government in general.

Of special concern is the lack of protections for Statewide Planning Goal 5: Historic Resources. Even though Historic Resources take up only a small percentage of both land and housing area, HB3414 strips away the local government's (and the citizens they serve) ability to protect these areas for future generations. This is a very short-sighted approach under the guise of housing affordability. But the most affordable housing is the older smaller homes that need protection from variances, and this bill will encourage their replacement with less affordable housing. It also supports the gentrification of existing neighborhoods. A study on Historic Preservation and Affordable Housing by Place Economics (<https://www.placeeconomics.com/wp-content/uploads/2016/08/placeeconomicspub2003b.pdf>) shows that 32% of households below the poverty line, 31 % of black homeowners, 24% of Hispanic homeowners and 29% of elderly homeowners live in older and historic homes. The study also notes that if we had to replace older and historic homes currently occupied by households below the poverty level, it would cost \$335 Billion. I encourage you to read the entire study for a better understanding of how historic housing stock supports affordable housing. As noted by the City of Los Angeles Planning Department ([https://planning.lacity.org/odocument/e315c7f3-e066-470d-be31-bb05a01b0f42/Top%20Ten%20Myths\\_0.pdf](https://planning.lacity.org/odocument/e315c7f3-e066-470d-be31-bb05a01b0f42/Top%20Ten%20Myths_0.pdf)) "...historic preservation is typically

more cost effective than new construction.” The cheapest and greenest house is the one already built, but by removing variance protections from the local government’s tool chest means developers will remove affordable historic housing, that not only destroys the character and heritage of communities, but also reduces the availability of affordable housing stock as new construction is more expensive than the housing it demolished.

HP 3414 is unconstitutional, it is unethical, it is only for developer and investor profit at the expense of due process. It strips local government decision making for their jurisdiction, and will result in existing affordable housing being destroyed not created, and spur increased gentrification of older neighborhoods.

Camron Setlemier