



Chair Marsh, Vice-Chairs Breese-Iverson and Andersen, and members of the committee,

Sightline Institute is an independent, nonpartisan think tank working to make the Pacific Northwest a global model of sustainability. When people choose to live closer to one another, they cut their energy use roughly in half. Giving everyone the opportunity to make this choice benefits all of us, including the many who will not make that choice.

HB 2138 builds on the good work of HB 2001 to lower costs by removing various regulatory barriers to infill housing. It draws on best practices from around the state and nation to build them into Oregon's statewide zoning standards. None of its provisions will dramatically change the state; instead, they will allow land uses to gradually evolve to suit our changing needs as Oregonians.

Because it has drawn meaningful opposition, one passage is worth special attention: Section 22(1)(f), dealing with "contributing structures" in National Register historic districts. These "contributing structures" are typically houses that are not themselves unique, but that have been found to be historic because of their interaction with (or simply their similarity to) other buildings nearby.

There are reasonable arguments to be made for such designations. However, when more than a thousand structures stretching over many acres of a district are being recognized as "contributing," it becomes important to identify some sort of democratic process that can weigh historic significance against other policy goals—energy conservation, economic growth, housing affordability—before conferring top-level land use protections on such structures.

Unfortunately, **the National Register designation process at no point offers the chance for any level of government to weigh different policy goals against each other**, because it was never designed by the federal government as a land-use process. Instead, NR designation can be initiated by property owners in a potential district; can be stopped only by collecting notarized objections from other property owners, a process that gives no voice either to the interests of tenants or to property owners from anywhere else; is reviewed by a board that is forbidden from weighing any factors other than historic significance; and is irreversible by local democratically elected bodies.

In recent years, this is exactly what some anti-housing homeowners in Oregon have done. **Organizations such as Historic Laurelhurst and the Eastmoreland Neighborhood Association explicitly suggested that**

**new districts would essentially nullify zoning reforms.** Anti-housing homeowners in other neighborhoods and cities have noticed the effectiveness of these districts at overriding democratically approved zoning and have recently considered following this example.

There is a simple solution here, and it's in HB 2138: Remove the state's administrative **mandate** of discretionary demolition review for contributing structures to a National Register district. This would not prohibit jurisdictions from keeping these currently mandatory protections for "contributing structures" if they want to, nor would it prevent jurisdictions from creating local historic districts via democratic processes that could weigh different policy goals against each other.

The people arguing to remove Section 22(1)(f) from HB 2138 are not only arguing that some structures deserve top-level protections even if they are not unique or historic in their own right. **They are also arguing for a process that gives their own neighborhood zoning an escape hatch from democracy.**

Please support HB 2138, including Gov. Kotek's amendments to it, and with these important changes to 22(1)(f) that would move historic designations into a local democratic process.

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