

Housing

Housing is a significant issue in our community. Listed below are activities that the City of Troutdale is engaged in with regards to this topic. For more information on these topics, please click on the link below or contact us at planning [at] troutdaleoregon.gov (subject: Housing) ().

- [2019 Housing Study](#)
- [Middle Housing \(HB 2001\)](#)
- [Rent Burdens](#)
- [Accessory Dwelling Units](#)



2019 Housing Study

Oregon's [Statewide Land Use Planning Goal 10](#) requires most cities to regularly analyze its existing housing inventory and plan for future housing needs for a 20 year period. Communities like Troutdale must also:

- commit to allowing for a variety of housing types,
- consider housing affordability, and
- establish policies related to addressing housing needs.

In 2019, the City of Troutdale launched a Housing Study effort to update its **Buildable Lands Inventory** (BLI) and [Housing Needs Analysis \(HNA\)](#) in order to have an up-to-date snapshot on the housing situation in our community. Recent growth pressures in the metro region and state legislation have compelled many cities to re-look at their policies and to update these studies in the past two years.

A Housing Committee, comprised of the [Troutdale Planning Commission](#) and additional ad-hoc members (with knowledge and experience in housing) was formed to provide feedback to the work of staff and consultants who are updating the BLI and HNA. From this feedback, housing policies will be forwarded on to City Council through a plan amendment process to

update Goal 10 of the City's **Comprehensive Land Use Plan**. The study that includes the aforementioned activities was completed in February 2020 and data in the form of Housing Needs Analysis report was adopted by Troutdale City Council at their June 23, 2020 meeting.

The State of Oregon passed House Bill 2003 in 2019, which will require cities within the Metro region to update their BLI and HNA every six years to ensure that comprehensive planning remains up-to-date. The City began its update prior to this bill being passed.

Middle Housing (HB 2001)

In 2019, the State of Oregon passed into law House Bill 2001, which requires cities of a certain size to allow for "middle housing" within traditional single-family zoned areas. **Middle housing** as defined by the bill includes duplexes, triplexes, quadplexes, and cottage cluster development. Listed below are some common questions that the City has received on this bill.

Which areas of Troutdale are affected by this law?

- Properties not within a subdivision and are in a single-family residential zoning district (R-20, R-10, R-7, and R-5)
- Established subdivisions with covenants (CC&Rs) that have no listed restrictions on housing types
- Subdivisions that are under construction but have not been platted on August 8, 2019
- Future subdivisions that are platted on or after August 8, 2019.

Which areas of Troutdale are not affected by (or exempted from) this law?

- Properties that are in the R-4 or A-2 residential zoning districts (middle housing already allowed by code)
- Non-residential zoning districts, including residential uses in commercial zoning districts
- Subdivisions with covenants (CC&Rs) that **specifically restrict** development to only single-family detached dwellings are understood to be exempted from this law, provided the CC&Rs were recorded with Multnomah County and in effect prior to August 8, 2019.

How will I know if my subdivision is affected by the law?

Troutdale will be researching the anticipated impact across the City and expects to have a report in 2020 on which areas of the City are affected. In the meantime, property owners can also look for their CC&Rs to determine their impact by contacting their Homeowners Association or neighborhood management company. CC&Rs are also usually included with closing

documents when a real estate transaction occurred.

Does HB 2001 prohibit the construction of a single-family house?

No. Contrary to some reports, detached single-family residential structures may still be built in the zoning districts that are affected by this law. However, middle housing types now must be allowed in all residential zoning districts unless otherwise prohibited by restrictive covenants.

What is the immediate effect of the law?

The law went into effect immediately on August 8, 2019, though the impact to cities like Troutdale at the moment is minimal.

The most immediate effect in Troutdale are changes to accessory dwelling unit (ADU) standards. Standards that had required off-street parking and owner occupancy for properties with ADUs can no longer be upheld.

In addition, any CC&Rs that are to be filed with a subdivision under construction on August 8, 2019 or any future subdivision's CC&Rs cannot exclude middle housing types. At the time the law was established, there were three active projects for subdivision development.

What is the long-term effect of the law?

The State of Oregon's **Department of Land Conservation & Development** (DLCD) will have to perform several tasks in 2020 in order to guide cities on their responsibilities to update their codes. The state **Building Codes Division** (BCD) is also tasked with updating state building codes to allow for the easier development or conversion of middle housing types.

Troutdale--along with most communities within the Metro region--will be required to update its Development Code by June 30, 2022 to incorporate the changes required by law. The City has not received formal guidance yet from the State to begin this effort and is not expected to begin the code amendment process until 2021.

Is the City required to use standards developed by the State of Oregon?

Technically no, however if the City elects to write its own code provisions rather than use the state's "model code" or standards, they do have to be reviewed by the state for compliance with the law.

Can Troutdale come up with specific standards to regulate middle housing?

Yes, to a degree. Standards that are locally imposed do have to be "clear and objective" from a legal sense and cannot be considered deliberately punitive or against the spirit and intent of HB 2001.

What happens if the City doesn't update its Development Code by June 30, 2022?

The state's model code supersedes the city's code and the City is forced to follow the state standards without locally developed standards or preferences.

Can property owners or HOAs take action to change their covenants to restrict middle housing?

No.

Are historic landmarks or historic resources subject to this law?

At this time, it remains unclear without further guidance and rule-making standards from the state.

What has been the City's position on the law?

The City Council passed a [resolution](#) prior to the bill's passage in opposition of the bill. City staff had also expressed its concerns about the bill to state representatives and agencies. In addition to the City's position, the League of Oregon Cities and several dozen cities across the state were in opposition.

Rent Burdens (HB 4006)

Did you know one third of the households that rent in Troutdale pay 50 percent or more of their income towards rent? According to the Census Bureau, one in three households in the City is considered rent-burdened.

In 2018, the State of Oregon passed House Bill 4006, which requires certain cities (including Troutdale) with a high rent burdened population to consider the causes and consequences of severe rent burdens within the city, barriers to reducing rent burdens and possible solutions to reduce the number of rent burdened households. The direction given is that cities should host an annual community meeting and report back to the state on the discussion held.

2018 Rent Burden Meeting

In December 2018, the Troutdale [Citizens Advisory Committee](#) hosted the first rent burden meeting. From that meeting, the City documented the conversation of renters, landlords, and other interested parties. The biggest result from meeting was a commitment to update its Housing Needs Analysis in 2019 as part of a larger [housing study](#).

2019 Rent Burden Meeting

The Citizens Advisory Committee hosted the [annual rent burden meeting](#) on Wednesday, December 4, 2019.

Listen to the meeting recording by clicking this link

Accessory Dwelling Units (SB 1051)

The State of Oregon passed Senate Bill 1051 in 2017, requiring cities of a certain size to allow for accessory dwelling units (ADUs) in zoning districts that allowed for single-family residential dwellings. SB 1051 also required cities to have clear and objective standards when reviewing applications for ADUs.

In Troutdale, ADUs have three basic classifications:

- a separate structure (detached ADU),
- an extension to a primary dwelling (attached ADU), or
- built within a primary dwelling (interior ADU).

Attached and interior ADUs follow a "Type I" land use review procedure, whereas detached ADUs follow a "Type II" land use review procedure that requires neighbor notification. Full details on ADU standards can be found in Section 5.900 of the [Troutdale Development Code](#).

Supporting Documents

Troutdale Housing Needs Analysis Report 2020 4.07 MB

Troutdale Housing Summary 9.19 MB