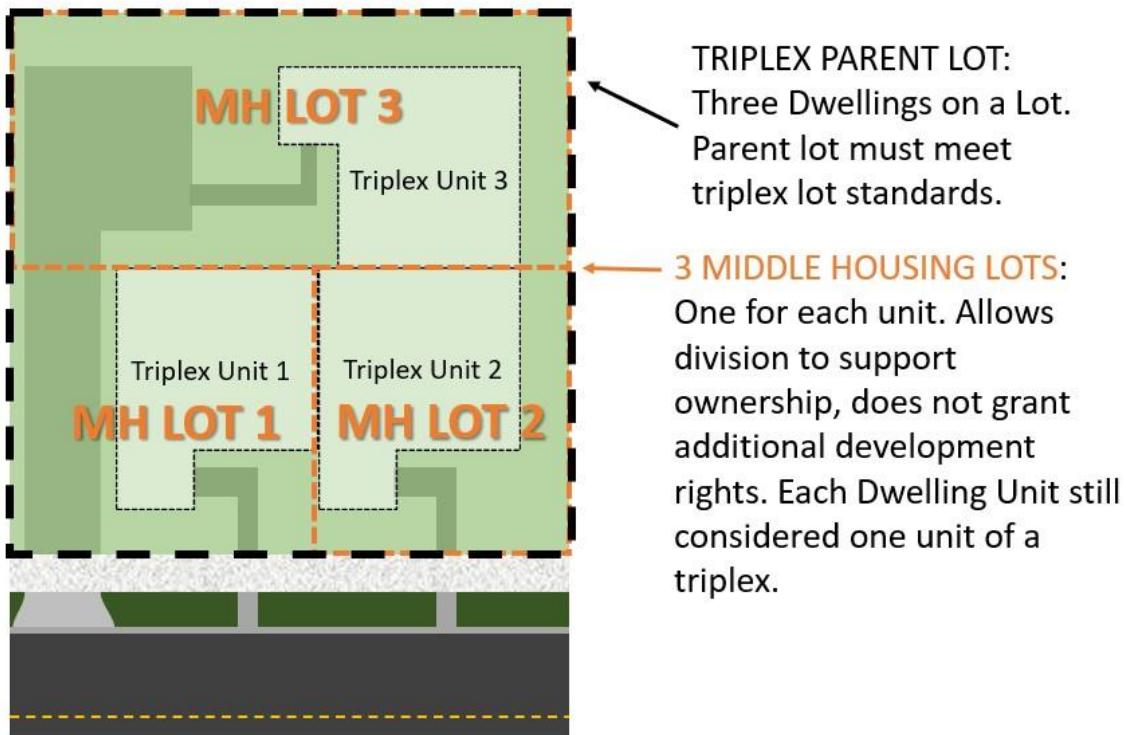


## Middle Housing Land Division (SB 458) Frequently Asked Questions



### What is Senate Bill 458?

Senate Bill 458 was adopted by the Oregon Legislature in 2021. The bill allows lot divisions for middle housing that enable them to be sold or owned individually.

Essentially, Senate Bill 458 allows for lot divisions of a “parent lot” solely for ownership opportunities of middle housing units. For example, if a side-by-side duplex used the lot division, you could purchase one side of the duplex and the land around it.

### How does this bill relate to the Middle Housing project?

The bill is a follow-up to House Bill 2001 - the bill that legalizes middle housing in many cities throughout the state. Senate Bill 458 requires jurisdictions to allow middle housing lot divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with ORS 197.758.

### When does it go into effect?

Senate Bill 458 applies to middle housing land divisions permitted on or after June 30, 2022.

### Does Senate Bill 458 only apply to new construction?

SB 458 requires a middle housing lot division application submit: “A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5)”. This means that any lot division proposal will need to demonstrate compliance with both applicable building code and HB 2001 middle housing code in order to be eligible for a lot division under SB 458. While middle housing built after implementation

will meet these criteria, middle housing built prior to implementation may not be eligible.

**How would this work if the City allowed detached middle housing units?**

The Senate Bill lot division would work the same with detached middle housing as it would for attached middle housing. So long as the “parent lot” met the Middle Housing criteria (including frontage, lot size, lot coverage, etc), then the lot could be divided for ownership opportunities.

**What is the difference between a Partition and Senate Bill 458?**

A Partition is a type of land use process that creates new legal lots. Those new legal lots would be granted full development rights. The Senate Bill 458 lot division allows the creation of new lots within a legal “parent lot” solely for the purpose of ownership opportunities. The new lots created from Senate Bill 458 are not granted additional development rights and must be maintained to meet the criteria applicable to the “parent lot”.

**Could I add an ADU on a lot to my unit of Middle Housing?**

No, the Senate Bill 458 lot division does not grant additional development rights to the middle housing lot. Even if you owned a unit of middle housing on its own lot, it would still be considered middle housing—not as a new single detached unit.

**Could I add additions to my house? Such as increasing the square footage?**

You could add additions if the development would still meet criteria applied to the “parent lot”. This includes criteria such as height, lot coverage, and open space requirements.

**Has anywhere else done this?**

Yes, one example is the City of Seattle. The State of Oregon is the first state to enact such legislation, though.

**Does SB 458 require local jurisdictions to approve vertical divisions (i.e. divisions in which one or more units of middle housing is not on the ground floor) of middle housing in addition to horizontal divisions?**

No, Senate Bill 458 does not speak to vertical divisions of middle housing and requires that each resultant lot or parcel contain exactly one unit. Therefore, cities are not required to allow vertical divisions of middle housing.