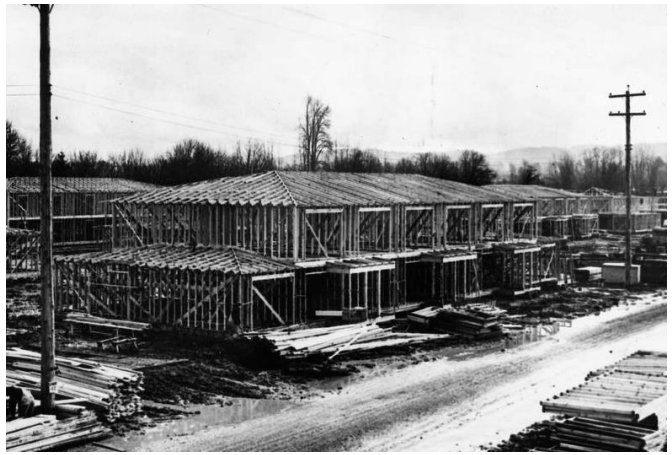






OREGON

Department of Land Conservation & Development



HB 2138: Reducing Barriers to Middle Housing

Coastal Planners Network Meeting

Jena Hughes, Housing and Growth Management Analyst

June 2, 2026

Overview

- House Bill 2138 and upcoming rulemaking
- Discussion:
  - What trends in middle housing are you seeing in your community?
  - In your experience, what are the main barriers to developing middle housing?

Legislative History

HB 2001 (2019)

- Cities 10,000 - 25,000 in population must allow duplexes on land zoned for single-detached housing
- Cities greater than 25,000 people must allow all middle housing types

HB 3395 & SB 406 (2023)

- Extends duplex allowance requirement to cities greater than 2,500 in population
- Requires local governments to allow single room occupancies (SROs) in zones that allow single-detached housing
- Extends middle housing requirements to Tillamook County cities and communities

HB 2138 (2025)

- Broadens allowances for middle housing
- Extends middle housing requirements to urban unincorporated land

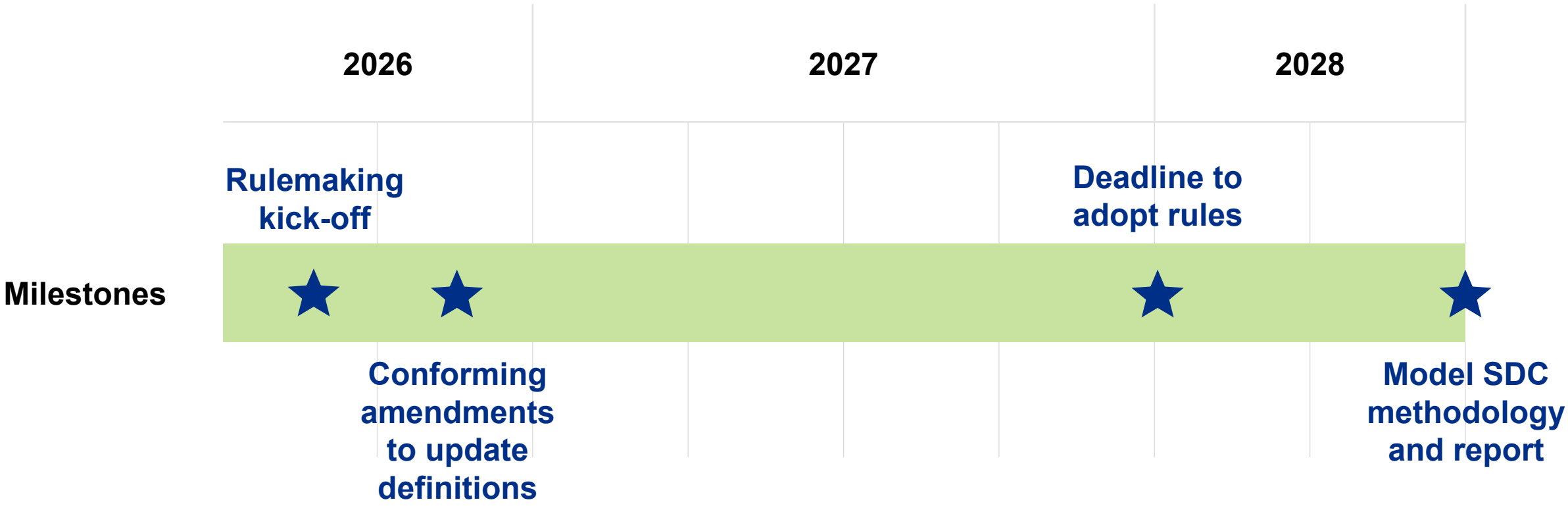
House Bill 2138 – Overview

- **Middle Housing**
  - Updates definitions – Applicable local governments must comply by Jan 1, 2027
  - Limits traffic review
  - Bonus for affordable, accessible units
- **Middle Housing Land Divisions**
  - Expedited review process; consolidated MHLD and subdivision/partition review
- **Other Housing Laws**
  - SROs – number of units allowed; parking requirements
  - Clear & objective tree removal codes for housing development
- **Invalidates existing CC&Rs** that prohibit middle housing or ADU development
- **Directs rulemaking**, to be concluded by January 1, 2028

HB 2138 – Rulemaking Direction

1. Amend siting and design parameters for **middle housing types**
2. Amend siting and design standards for **manufactured, site-built or prefabricated** middle housing
3. Regulate **cottage clusters** to incentivize smaller, less expensive housing, shared community amenities and other public benefits and including implementing the term “small footprint or floor area”
4. Establish parameters for siting and design standards for **accessory dwelling units** and **single room occupancies**
5. Amend **permissible discretionary criteria** applied by local government in evaluating housing under ORS 197A.400 (3)
6. Develop **model system development charges** for residential development types for optional adoption or incorporation by local governments

Rulemaking Timeline



Discussion









1. **What trends in middle housing are you seeing in your community?**
   - Are you seeing certain types being built or not built?

2. **In your experience, what are the primary barriers to middle housing development?**





DLCD

Department of Land Conservation & Development

June 2, 2026

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Thank you!