



## HISTORY OF MIDDLE HOUSING AND EXCLUSION IN ZONING

### What is “missing middle” housing?

Middle housing refers to a range of smaller attached or clustered housing types that are typically built at a similar scale as single-family detached houses. (See page 3 for an examination of the term “single-family.”) The term “missing middle” housing was coined by urban planner Daniel Parolek to refer to housing that fits in between single-family homes and larger apartment buildings but that’s largely been missing from most cities’ neighborhood patterns for the last 70 years. Middle housing can include duplexes, triplexes, quadplexes, townhouses, cottage clusters, accessory dwelling units (ADUs), courtyard apartments, and other similar housing.

### Why is it missing?

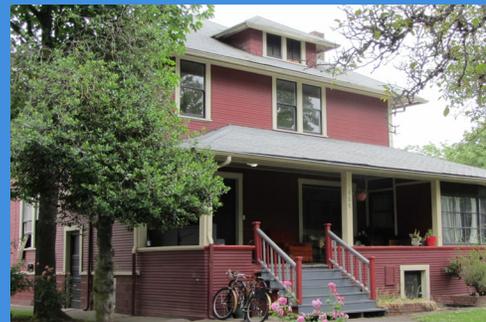
Middle housing is considered “missing” because relatively little of this housing has been built since the 1940s. Middle housing was common in neighborhoods in most communities prior to World War II. There are many local examples of middle housing in Eugene’s pre-war neighborhoods (see sidebar). As noted in the following section, “redlining” and other discriminatory lending practices were used to exclude non-white residents from many of these neighborhoods.

Post-war prosperity and federal policies led to a building boom that ushered in an age of auto-dependent suburban development with large areas devoted to only single-family homes on large lots. Middle housing types were prohibited or significantly limited in single-family neighborhoods through zoning codes that categorized them as “multifamily housing” (see more on zoning exclusion below). Even today, a large percentage of Eugene’s neighborhoods do not allow most middle housing as an outright use. Meanwhile in multifamily areas, developers generally build larger and denser

housing such as apartment complexes. As a result, most residents must choose between detached single-family homes or apartments.

### MISSING MIDDLE HOUSING IN EUGENE

Eugene’s pre-war neighborhoods have plenty of examples of middle housing mixed in with single-family homes.



*Plex, Downtown Neighborhood*



*Courtyard Units, Jefferson Westside Neighborhood*



*Regency Revival Quadplex, Downtown Neighborhood*



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## History of Exclusion in Residential Zoning

Beyond the exclusion of middle housing from many neighborhoods, we must also acknowledge actions by governments in the past that have harmed and excluded members of our community. Residential Zoning has a complex history that resulted in cities excluding low-income, black, indigenous, and other people of color from certain neighborhoods. In Oregon, this history was especially harmful as the state directly excluded non-white people from 1844 until the passage of the 14th amendment in 1866, when this law was rendered moot. However, it remained in the Oregon Constitution until 1926. Although those exclusions are illegal today, their negative impacts are still affecting our community through the legacy of exclusionary zoning. Housing policy and code changes are an opportunity to mitigate those impacts.

In the book *The Color of Law*, author Richard Rothstein explains how early zoning ordinances specifically banned Blacks from certain neighborhoods. Rothstein notes that while the Supreme Court outlawed that practice in 1917, in many cities the aim was still, “to prevent lower-income African Americans from living in neighborhoods where middle-class whites resided, local and federal officials began ... to promote zoning ordinances to reserve middle-class neighborhoods for single-family homes that lower-income families of all races could not afford.”

## Other Discriminatory Practices

Beyond zoning, housing discrimination was also carried out through racially restrictive covenants, discriminatory lending practices (redlining), and urban renewal.

**Racially Restrictive Covenants** – Racial covenants were legal clauses written into a deed restricting who could own or live on the property based on race. Racially restrictive covenants were a national practice beginning in the early 1900s but were declared unenforceable in 1948 by the U.S. Supreme Court. Covenants were commonly used by developers when creating entire new developments before the first zoning codes were adopted. They also restricted uses of property and thereby served as a form of privatized zoning. Racial covenants can still be found on existing deeds of many homes today, in Eugene and across Oregon.<sup>i</sup>

## EUGENE'S FERRY STREET COMMUNITY

In Eugene, the Black community was not allowed to own property until Oregon passed its Fair Housing act in 1957.<sup>1</sup> Until 1949, a small number of Black families lived in the Ferry Street Settlement just north of the Willamette River, outside of city limits. Due to absence of city services and infrastructure, residents faced challenging conditions including a lack of running water or electricity and seasonal flooding. The tight-knit Ferry Street community was forcibly pushed out and their houses were demolished to make way for construction of the Ferry Street Bridge, leaving no physical evidence of the former settlement. The community was dispersed and struggled to find new homes, though many families settled in West Eugene.<sup>2,3</sup>

**Redlining** – This refers to the discriminatory practice of denying loans and other financial services to certain areas based on their racial or ethnic composition. Beginning in the 1930s, the federal government and lenders would literally draw a red line on a map around the neighborhoods they would not invest in based on demographics alone. Black neighborhoods were most likely to be redlined. Redlining maps were drawn mostly for large cities, but the impact of discriminatory practices in mortgage lending and real estate transactions were felt all over the country. Redlining was an important factor in preserving racial segregation, intergenerational poverty and the wealth gap between whites and Black, Indigenous, and People of Color (BIPOC).<sup>ii</sup>

**Urban Renewal** – Starting in the 1950s, the federal urban renewal program was created to clear urban “slums” and “blight” and provided funds for the redevelopment of improved housing. Urban renewal in downtown Eugene in the 1970s led to the demolition of 112 buildings.<sup>iii</sup> Urban Renewal projects around the country typically had a disproportionate impact on Black and other minority communities. In Eugene, the demolition of the Ferry Street Settlement for the construction of a new bridge in the 1940s had a similar motivation and led to similar displacement of the Black Community.



These racist and discriminatory practices served to perpetuate racial exclusion and their effects can still be felt in Eugene’s neighborhoods to this day, as seen by the low percentage of Black residents. Expanding housing choices in Eugene will not right these historic wrongs, but it is a step toward inclusion and undoing this culture of segregation and exclusion.

**For additional resources about the history of exclusion in planning and zoning, visit the project website.**

<sup>1</sup> Fair Housing in Oregon Study, <https://www.oregonhistoryproject.org/articles/historical-records/fair-housing-in-oregon-study/#.X4H9C9BKiuJ>.

<sup>2</sup> University of Oregon Natural History Museum Exhibit.

<sup>3</sup> Cultural Demolition: What Was Lost When Eugene Razed its First Black Neighborhood? (2009), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.464.6145&rep=rep1&type=pdf>

<sup>i</sup> Historical Context of Racist Planning: A History of How Planning Segregated Portland (2019), <https://www.portland.gov/sites/default/files/2019-12/portlandracistplanninghistoryreport.pdf>.

<sup>ii</sup> Redlining Richmond, <http://dsl.richmond.edu/holc/pages/intro>.

<sup>iii</sup> Urban Renewal in Oregon: History, Case Studies, Policy Issues, and Latest Developments (2002), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.173.5712&rep=rep1&type=pdf>

## EXAMINING THE TERM “SINGLE-FAMILY”

House Bill 2001 and most zoning codes refer to standalone houses as “detached single-family dwellings.” However, Eugene and other communities are working to move away from the term “single-family” because the word “family” is difficult to define, fails to reflect the wide variety of possible household arrangements—such as multigenerational households—and potentially has fair housing implications. Further, attached homes on individual lots (i.e., rowhouses) can also be considered “single-family” housing—but are not the type of homes most people associate with that term. Use of more neutral terms such as “single dwelling zone” and “single detached home” has gained momentum in recent years, and this is the direction the City of Eugene intends to head with its development code.



# MIDDLE HOUSING CODE AMENDMENTS

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