



Oregon Housing Needs Analysis: Housing Actions Work Group

Model Code Discussion Memo

Updated February 19, 2025

The purpose of the February 26 meeting of the Housing Actions Work Group is to hold a focused policy discussion on a Model Code Framework prepared by the model code team outlining the codes that the consultant team will produce over the coming months. This draft model code will be published in early June, and will be refined over the following months in consultation with the Work Group and external interested parties to a final model code for adoption by January 1, 2026, which is the statutory deadline for producing the model codes under [Senate Bill 1564 \(2024\)](#). As a reminder, the model code has three core statutory functions:

1. It will serve as **guidance and promising practice** to facilitate housing production, affordability, and choice.
2. It will be **adoptable by reference** to enable a jurisdiction to apply the code for one or more housing types – this is especially intended as a resource for smaller cities with limited resources for code work.
3. It will serve a **compliance and regulatory function** for both the Housing Accountability and Production Office (HAPO) and as an enforcement tool for LCDC in the housing acceleration program.

While the specific code chapters and functionality are prescribed by statute, the specific provisions of the code itself can be designed to advance desired policy objectives and outcomes, many of which have been raised to DLCDC staff, both on the Work Group and in the previous year's rulemaking process. DLCDC staff hope to build on these themes and to discuss potential approaches to operationalize specific policy objectives and outcomes in the Work Group discussion on February 26.

SUMMARY OF DISCUSSION THEMES

Below is a brief summary of thematic policy objectives previously raised, either by the Work Group or in the 2024 rulemaking process. Please note that this summary is neither exhaustive nor implying consensus of the Work Group. Additionally, this summary focuses on high-level themes, rather than specific proposals or code provisions.

- **Effectiveness as a regulatory tool:** A key tenet of the housing acceleration program is taking action within a local governments control with state support to reduce barriers to housing development. The model code serves an important regulatory function in ensuring state and local governments have a meaningful and effective incentive for local action for cities above 10,000 population.
- **Facilitate local capacity building; reduce staff workload:** The model code can also substantially support cities in reducing workloads associated with compliance with housing laws, by providing modules that cities can elect to incorporate or adopt by reference. The code should similarly emphasize reducing local workload associated with development review.
- **Align with existing department work & codes:** The model code will be a document that is continuously updated, refined, and expanded, particularly as the Housing Accountability and Production Office becomes operational. Where practicable, the code should align with and complement corollary work undertaken by DLCDC and local governments, such as transportation planning, middle housing implementation, and housing law compliance.
- **Balance promising practice with useability for smaller cities:** For smaller cities, the model code functions primarily as an optional resource, meaning promising practice – at times – can disincentivize opting in.



To incentivize the code's use for smaller cities, the code should temper promising practice with useability for smaller cities, including tiering requirements by community population size.

- **Increase the buildable envelope and allowable units beyond the status quo, particularly for multi-unit development:** A major theme of discussion through 2024 is the allowable building envelope and unit density in most communities, including existing multi-unit zones, is too restrictive to achieve the level of production as identified in the Oregon Housing Needs Analysis. The model code, especially for multi-unit dwellings, should accordingly substantially increase the allowable building envelope and number of units that can be built, including considerations of regulating form/building envelope instead of maximum density.
- **Leverage development standards to incentivize public policy outcomes, particularly accessible and affordable housing:** While production remains a major public policy goal, in order to achieve *equitable* production and affirmatively further fair housing, as required by ORS 197A.025, it will be important for development codes to achieve public policy goals related to equity, particularly the development of affordable and accessible housing. The model code should innovate new promising practices that better facilitate and incentivize public policy outcomes where possible.
Note: Other examples of key public policy goals raised include unit size variety, homeownership, resilience against natural disaster, the provision of common amenities, and proximity/access to community amenities.
- **Reduce uncertainty and delay for production:** Current development review processes inhibit the development of housing, especially subsidized affordable housing, through delay and uncertainty. Recognizing this issue extends beyond land use, the model code should incorporate measures that ameliorate uncertainty and delay, including by streamlining procedure and – where appropriate – expediting production that achieves public policy goals.
- **Reasonable siting and design regulations:** The model code should establish a reasonable set of siting and design regulations that encourage the development of housing types the code is designed to regulate. The code should weigh and evaluate the impact of regulatory requirements on development feasibility and scale requirements to avoid creating unreasonable cost or delay to housing.

MODEL CODE QUESTIONNAIRE

Recognizing the limited time for discussion on February 26, DLCD staff have also prepared a questionnaire to solicit more detailed feedback on policy priorities for the model code. This questionnaire is fully optional – there is no expectation by DLCD staff for members to complete this questionnaire, nor are respondents expected to answer every individual question. However, it is available for members interested in providing more in-depth or “in the weeds” feedback on specific components of the model code for the team’s consideration.

This questionnaire can be accessed at the following link:

https://docs.google.com/forms/d/e/1FAIpQLSe19s2NmrEBtVHMVDB-rVcKnNSr6KTvl_sdcblJMNxbn2LKkg/viewform?usp=header

This questionnaire will be open until **EOD March 12**. If you would like the project team to consider your feedback, please submit this questionnaire before that time. You are welcome to connect and coordinate responses with individuals your organization represents, but please do not distribute this questionnaire to non-work group members. After the first draft model code is published, there will be future opportunities to more broadly distribute the code and solicit feedback for on-going refinement.