

March 26, 2025

Oregon Department of Land Conservation and Development

RE: OHNA: HAWG - Adoption Ready Actions and Compliance Pathways

I am writing in collaboration with several coalition partners to provide feedback on the Adoption Ready Action and Compliance Pathway options presented at the March 12, 2025, HAWG meeting.

First, we want to express our overall support and appreciation for the proposed options and examples. The provided examples have been valuable, and we are encouraged to see previous feedback incorporated into these proposals. It is exciting to see conceptual ideas becoming more concrete. However, we have some general feedback to share as the team continues refining these options.

Adoption Ready Actions

Overall, we find this a strong set of adoption-ready actions, particularly in conjunction with the model codes being drafted. However, we have a few overarching recommendations to refine the list and ensure it is more useful to cities across Oregon and responsive to the issues at hand:

- Consider providing complementary or parallel tracks for accessibility incentives that mirror affordability incentives. The overlap between individuals requiring accessible units and those needing deeply affordable housing is significant. More broadly, incentivizing accessibility could encourage increased production of accessible housing units across all development sectors.
- While financial incentives and tools are valuable, we encourage staff to assess which tools may pose barriers or be infeasible for cities with fewer resources. Many of these tools require direct city funding and long-term staff administration, creating additional costs and barriers for certain cities. As a result, many of these cities may only be able to implement one of these tools at a time, if at all. To address this, we recommend including additional easily implementable actions that do not impose direct costs on cities or require extensive long-term administration. These may seem basic to some jurisdictions but would be invaluable to many others. Examples include:
 - Elevating universally implementable financial tools, such as 1A (Land Disposition for Affordable Housing) and 1I (Construction Excise Tax programs), to Level 2 or 3 to make adoption easier.
 - Ensuring there are also several straightforward land use policy examples in addition to the more financially and programmatic focused approaches.
 - Including an ARA for prioritizing affordable housing in permitting review (e.g., Portland's GATR Letter and associated permitting process management).
 - Providing models for free or reduced early assistance meetings.
 - Offering a model ordinance to waive ground-floor commercial requirements for affordable housing developments by right in a city's code or for developers who choose to make ground-floor units that are accessible to people with disabilities in lieu of a commercial development requirement.

- Expanding “soft” tools, such as the proposed Affirmatively Furthering Fair Housing guidebook. Examples include:
 - Libraries or state-created training resources showcasing successful concepts, tools, and policies from various Oregon communities, including rural areas (e.g., Habitat for Humanity Oregon’s “Habitat Oregon Portal”).
 - A template toolkit for “anti-NIMBY” messaging, research, and communication strategies that cities can adapt for local use (e.g., [City of Medford Affordable Housing Acceptance Toolkit](#)).
- Ensuring a more granular consideration of how different actions support various affordability levels and balancing prioritized actions across the entire housing continuum.

Compliance Pathways

We see strengths and weaknesses in each compliance pathway, with some offering more advantages than others. However, we believe any of them would enhance effectiveness, clarity, and city capacity within the HPS process and Accountability Program, provided certain baseline shifts and clarifications are considered:

- We support the strategic use of minimum standards within the HPS phase. However, regardless of whether they are included in the HPS stage, they are a critical tool in the accountability program. In addition, it is crucial that safe harbors and rebuttable presumptions in the HPS stage are directly reflected in the accountability stage and associated minimum standards. This alignment would encourage cities to adopt effective state-recommended actions early on, rather than waiting for a mid-point review that may or may not result in referral to the accountability program, and thus, may or may not result in actually being required to implement these preferred actions.
- We are cautiously interested in using rebuttable presumptions in some cases but are concerned about their potential misuse by cities. The state must prevent these presumptions from becoming a loophole for cities to claim infeasibility or lack of capacity as a default rebuttal. Additionally, clear and consistent criteria should be established for acceptable substitutes to prevent cities from proposing watered-down, ineffective alternatives.
- Regardless of the framework selected, we strongly advise against a “pick one” methodology. While it may streamline implementation and approval, it risks oversimplifying complex housing challenges and setting cities up for failure.

Again, we thank DLCD staff and the consultant team for their thoughtful and thorough work on these topics. We look forward to continuing the discussion and seeing the next steps.

Please reach out if a meeting would be helpful to discuss this further.

Contact:

Julia Metz

julia@sightline.org

Submitted in Partnership with:

