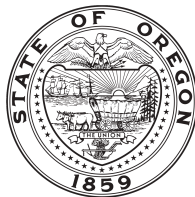


COURTNEY NERON MISSLIN
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OREGON STATE SENATE

November 7, 2025

Dear Chair Anyeley Hallová, Land Conservation & Development Commission,

Thank you for the opportunity to comment on the Department's work to implement SB 1564 (2024) and the draft Oregon Housing Needs Analysis (OHNA) rules. I appreciate the Department's commitment to expanding housing options across Oregon. I am, however, deeply concerned that some of the current draft language is out of line with the legislative intent and would like to encourage revisiting rulemaking that incorporates additional feedback.

When the Legislature passed SB 1564 last year, the intent was repeatedly made clear on the record that the bill would give local governments **optional** tools to help meet housing needs, not to mandate codes statewide. It was stated numerous times that the bill directed DLCD to develop clear and objective standards and to create model ordinances that cities **may** choose to use. "May" was deliberate. If the bill had directed "cities must," I presume the conversations throughout the hearings and floor sessions would have looked quite different.

During the Senate work session, the DLCD presenter explained that under this bill, cities **can** adopt the model code. Senator Anderson, the bill's chief sponsor, reinforced this before the committee vote, emphasizing that the goal was to **"allow a city to adopt in whole or in part"** the model ordinance and **asking DLCD to make sure that intent carried through to rulemaking**. ([Sen. Anderson clarification of "may"](#))

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Committee Chair Jama then confirmed the Department's **neutral** stance on this bill and the department confirmed "neutral" was correct prior to voting. ([Sen. Jama verification](#)) I bring this up, mainly because the rulemaking has shifted away from the language of the bill to a noticeable degree.

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On the Senate floor, Senator Anderson's bill-carry emphasized that we need more housing production in Oregon and discussed how this can help create model ordinances. He restated the intent of the bill that "DLCD must develop" codes targeting different sizes of cities. But he again emphasized that SB1564 **"may allow a city to adopt in whole or in part the model ordinance"** and that this can be a "tool in the toolbox". This is the concept we voted on. ([Sen. Anderson floor speech](#))

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In his Senate floor speech, Senator Findley berated the bill for being fluff and not having much of an impact. It is nonetheless the form of the bill that had support to pass. **It is not DLCDs job to change the impact of the bill to be more heavy handed.** We specifically didn't pass a bill with "cities must" in the language. Please review this legislative intent, and actual bill language, to understand that current rulemaking is misaligned with this legislative record, understanding, and statute.

Changing intended "may" to "must" in rulemaking fundamentally alters the bill's purpose. The Legislature hoped to empower local governments, not to replace their judgment with a top-down directive. Unfortunately, parts of the current draft rules seem to stray from that intent.

Local and regional context must guide what kinds of housing we add and where. A single model can't capture the realities of every community—from fast-growing urban centers to small rural towns. The flexibility in SB 1564 was intentional. When I read the staff measure summary, prior to voting, I noted the language that DLCD would be drafting "*model ordinances that cities may use...*" and felt that would work for the communities I serve. The cities I serve value flexibility to fine tune efficient planning, incorporate public input, and maximize results.

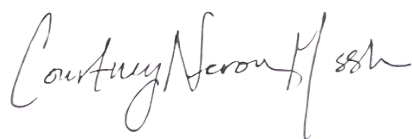
Rules should not then impose a mandatory model code or ignore local conditions. In order to re-align with legislative intent, avoid exposing cities to legal risk, and build trust with the public, I urge the Department to revisit legislative intent, extend the rulemaking timeline to allow for meaningful reflection and response, and analyze the rules for efficiency, feasibility, and flexibility.

Finally, I am concerned about the proposed rules around **urban reserves** and **urban growth boundaries** and want to again emphasize that **rulemaking should carry out legislative direction**, not reinterpret it.

We can all agree that in Oregon we must meaningfully advance housing production. The Rules Advisory Committee is at risk of taking prescriptive liberties that go beyond statutory direction and refuse to incorporate local planning for OHNA and CHN. As we plan for Oregon's housing needs, we must allow for regional and local context to inform what types of housing are necessary to add to each city's inventory.

Thank you for your review of my concerns, for your partnership in improving policy, and for your commitment to Oregon's communities.

Sincerely,

A handwritten signature in black ink, reading "Courtney Neron Misslin". The signature is written in a cursive, flowing style.

Senator Courtney Neron Misslin