

Laura Luther
47418 Westoak Road
Westfir, OR 97492
laura.luther@lanecountyor.gov
541/968-2626
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Senate Committee on Housing and Development
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Subject: Testimony in Opposition to SB 49-1

Dear Chair Pham, Vice-Chair Anderson, and Members of the Senate Committee on Housing and Development,

I am writing to express my strong opposition to SB 49-1, which is scheduled for a public hearing on March 5, 2025. While this legislation is being presented as a means to accelerate infill and expand local control, in reality, it does the opposite—undermining local authority and failing to address the key factors contributing to Oregon's housing underproduction.

Key Concerns with SB 49-1

1. Elimination of Local Control & Flexibility
 - The bill mandates the adoption of previously optional model codes from the Oregon Department of Land Conservation and Development (DLCD), forcing cities to implement one-size-fits-all zoning regulations that do not reflect local needs, infrastructure, or community goals. Cities must retain the ability to craft zoning and land use policies that reflect local conditions and housing market realities.
2. Undermining Comprehensive Planning Requirements
 - By removing requirements for cities to plan for Goal 10 (Housing), Goal 11 (Infrastructure), and Goal 12 (Transportation) when increasing density, SB 49-1 disregards critical components of responsible growth and development. Increasing density without planning for essential services like roads, water, and sanitation will only lead to unintended consequences that could negatively impact both new and existing residents.
3. Restructuring the State Building Code Structures Board
 - The proposed changes to the State Building Code Structures Board would weaken the expertise and balance of perspectives within this critical regulatory body. Removing key experts in contracting, building management, and heavy industry construction while adding multiple multi-family developers risks creating a bias in decision-making that could favor certain industry interests over public safety and quality building standards.

4. Prohibiting Minimum Density Requirements

- While minimum density requirements may not be universally supported, they are a crucial tool for cities to:
 - Ensure that land is used efficiently.
 - Demonstrate compliance with Goal 14 (Urbanization).
 - Meet state-mandated Housing Production Strategy goals.
- SB 49-1 removes this tool without providing an effective alternative, which could slow housing production rather than accelerate it.

5. Threats to Historic Preservation

- Expressly prohibiting local historic districts from reducing density under any circumstances undermines the ability to protect historically significant areas while balancing the need for increased housing. Cities should retain the authority to determine appropriate density modifications based on their unique historic and cultural landscapes.

6. Unfunded Mandates on Cities for Inclusionary Zoning (IZ)

- SB 49-1 adds financial burdens to cities that seek to implement Inclusionary Zoning (IZ) programs by requiring them to subsidize developments. This additional cost barrier discourages cities from pursuing affordable housing initiatives rather than encouraging them. Instead of penalizing cities, the state should explore funding mechanisms or incentives to help municipalities create and sustain effective IZ programs.

Conclusion

While increasing housing supply is critical, SB 49-1 fails to provide meaningful solutions and instead strips local governments of necessary tools and flexibility. Housing policies should empower communities—not impose rigid mandates that disregard local conditions, infrastructure, and planning needs. I urge the committee to reject SB 49-1 and instead pursue policies that truly foster sustainable and inclusive housing development.

Thank you for your time and consideration.

Sincerely,
Laura Luther