



Yes In My Backyard

City of Albany & Corvallis

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Fair Housing Council of Oregon

- **Statewide Civil Rights organization**
- **Proactively promote housing justice equity and inclusion**
- **Education and enforcement of Fair Housing Law**





This session will address:

- **Fair Housing Basics**
- **Brief History of Discriminatory Zoning & Land Use**
- **Jurisdictions & Affirmatively Furthering Fair Housing**
- **Goal 10 & Fair Housing**
- **Housing Crisis In Oregon & NIMBYism**
- **Strategies to Promote Inclusive Communities**



Fair Housing Laws

- Civil rights laws promoting “equal access” to housing
- Makes it illegal for housing providers to **discriminate** against certain groups
- Different than landlord-tenant law



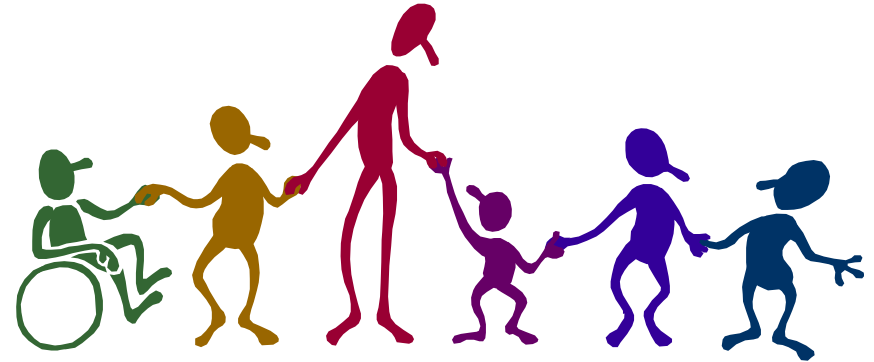
Fair Housing Discrimination

Treating a person differently in any housing transaction because that person is a member of a **“protected class”**



Federal Protected Classes

- Race
- Color
- National Origin
- Religion
- Sex
 - Includes DV survivors
- Familial Status (families with children)
- Disability





Oregon Protected Classes

- **Marital Status**
- **Source of Income**
 - Section 8
 - Agency rent payments
 - TANF, SSI, SSDI*
- **Sexual Orientation/Gender Identity**
- **Local protected classes**



Who Must Comply?



- **Owners/Landlords**
- **Housing authorities**
- **Property managers**
- **Maintenance Staff**
- **Homeowners' Assns.**
- **Real Estate Agents**
- **Mortgage Lenders & Financial Institutions**
- **Insurers**
- **Neighbors**
- **Jurisdictions**
- **Advertising media**



Fair Housing Laws Apply to Dwellings

- **Houses**
- **Apartments (regardless of the # of units)**
- **Condos and floating homes**
- **Mobile homes**
- **Retirement housing, assisted living, etc.**
- **Nonprofit housing and shelters**
- **Possibly motel rooms**





City of Corvallis

Additional Protections

- **Age over 18**
- **Citizenship Status**
- **Gender Expression**
- **Religious Observance**

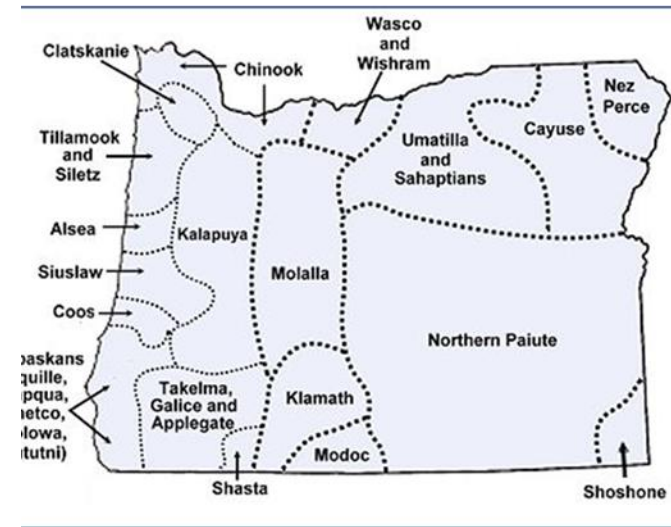


Brief History

How We Got Here

The Oregon Territory

- White settlement of Oregon Territory relied on decimation of 80% of native population. Most of those who remained were forced onto reservations
- Donation Land Act of 1850 gave 320 acres to single men, 640 acres to married couples. Limited to whites
- State constitution of 1859 prevented African Americans – enslaved or free – from settling in Oregon. Nullified in 1927
- Constitution also barred Chinese from owning property or mining claims. Nullified in 1943



Harassment and Displacement

- **Laws limited, but did not prevent, African Americans and new immigrants from coming to Oregon**
- **Economic boom of timber, mining, agriculture, and fisheries led to stable communities forming across the state**
- **Minority communities were scapegoated during recessions, and driven out by violence, intimidation, and “sundown laws”**



Impact of Race and Nationality on Real Estate Valuation

American Institute of Real Estate Appraisers ranking, from most to least favorable (1920s through 1940s):

- English, Germans, Scotch, Irish, Scandinavians
- North Italians
- Bohemians or Czechs
- Poles
- Lithuanians
- Greeks
- Russians, Jews (lower class)
- South Italians
- Negroes
- Mexicans





1930's to 1980's Institutional Policies Solidify Practices leading to Segregation

- FHA appraisal standards
- VA loan policies
- Transportation “improvements”
- White flight
- Urban Renewal/Removal



Redlining

Process of rating neighborhood for stability using the presence of people of color or new immigrants as major factors for deeming a neighborhood unstable



FHA Loans

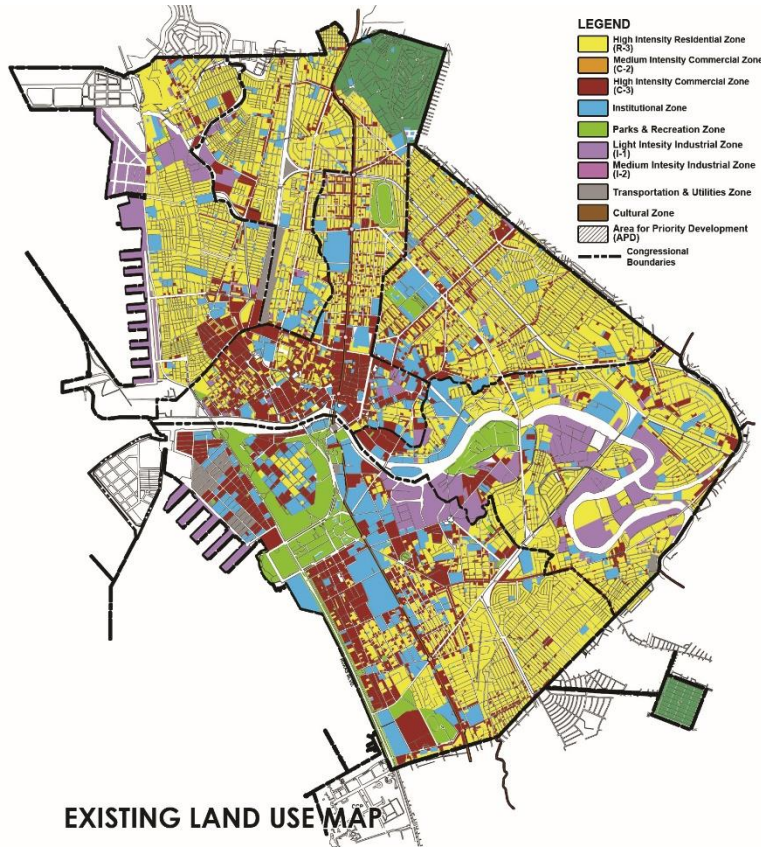


- Redlining led to extreme racial inequities in FHA loans
- Between 1934 and 1962, of \$120 billion in loans made by the FHA, less than two percent went to non-whites

Restrictive Covenants

- **Prevented owner of real estate to sell or transfer property to blacks or other racial minorities and various religions**
- **Supreme Court declared such restrictive covenants unenforceable (*Shelley v Kraemer*, 334 USA 1948)**

Continuing Impacts Today



- Exclusionary zoning policies continue to:**
- **Restrict lower cost or higher density housing**
 - **Limit racial and economic diversity**
 - **Raise housing costs excluding people from equal access to opportunities**

Fair Housing Act

- **1968 Fair Housing Act enacted**
- **HUD named to enforce Fair Housing laws**
- **Penalties instituted for violations**
- **Affirmatively Furthering Fair Housing required**



Jurisdictions and Affirmatively Furthering Fair Housing



Why Fair Housing for Jurisdictions?

- **Nexus of affordable housing and protected classes**
- **Nexus of kinds of housing and protected classes**
- **Location of housing = Opportunities**
- **Clear and objective standards**

Where do zoning/planning and fair housing intersect?

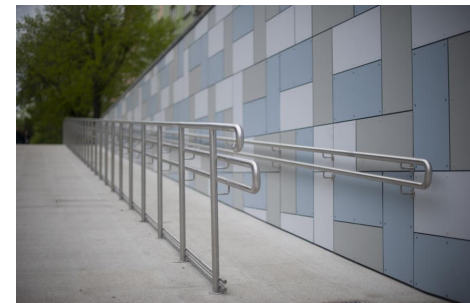
- Zoning and planning decisions affect protected class citizens
- Planning and zoning decisions last the lifetime of the building or freeway





Cities and Counties Make Decisions Like...

- Where housing can be built
- How many people can live there
- What kinds of materials must be used
- What kinds of tax credits are available
- What kinds of allowances they'll make for protected class citizens
- How codes and ordinances are enforced





AFFH = Preventing & Undoing Discrimination & Segregation

- **HUD's obligation to AFFH since 1968**
- **Removes barriers to fair housing choice**
- **Creates access to housing choice & access to opportunity**
- **Jurisdictions receiving federal housing and community development funding**



Fair Housing and Land Use Laws

Fair housing law prohibits land use regulations, restrictive covenants and conditional or special use permits that may limit housing choice based on protected class



HUD/DOJ Joint Statement on Land Use



- **HUD/DOJ Joint Statement on group homes, local land use, and the Fair Housing Act, issued on August 18, 1999 and updated November 14, 2016**



Common Fair Housing Land Use Violations

VIOLATION

- **Requiring projects to undergo additional approval steps, hearings, or meetings with neighbors not required of other housing projects**
- **Requiring projects to have extra screening, setbacks or other design modifications not required of other housing projects**
- **Requiring burdensome public safety requirements**

Land Use Violations Continued

Prohibiting or restricting the development of housing based on the belief that the residents have a particular protected characteristic, such as race, disability, or family status



Land Use Violations Continued

Imposing restrictions on housing because of alleged public safety concerns based on stereotypes about the residents or anticipated residents who have protected characteristics



Land Use Violations Continued

Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing





DISPARATE IMPACT

Definition (HUD Rule): A practice that results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, disability, familial status, or national origin



Policies That May Have a Disparate Impact

- Urban renewal
- Code enforcement
- Exclusionary zoning
- Residency preferences

A Local zoning ordinance restricts housing with more than 3 bedrooms

Result: disparate impact on people with larger families (discrimination based on familial status)



Goal 10 and Fair Housing



Planning Goal 10

**To provide for the housing needs of citizens of the state:
Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density**





Goal 10 and Fair Housing

- **Affordable housing and fair housing**
- **Residential segregation by income = segregation by protected class**
- **Housing needs analysis encourages more housing types**

Housing Needs Analysis (HNA)

A housing needs analysis (HNA) is one of the components a city needs to consider to satisfy the housing needs of its residents over a 20-year period. A HNA is both a product and a process that the city goes through to determine areas of need in their current inventory of housing and their buildable land supply.





Big Take Away Goal 10

- 1) Plans for affordable housing for the people within the urban growth boundary.**
- 2) Must allow “needed housing types”.**



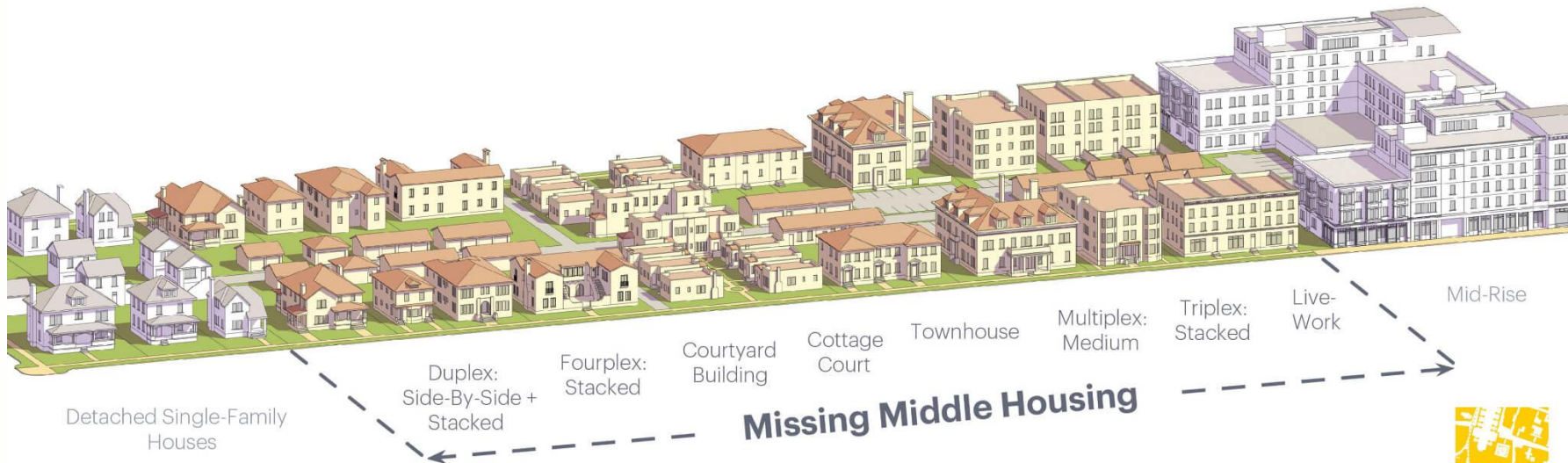
Post-Acknowledgement Plan Amendment Project (PAPA)

- **Project began in 2015 in a collaboration between FHCO and Housing Land Advocates (HLA)**
- **Funded by Oregon Housing and Consumer Services, Oregon Business Development Division and HUD**
- **Process: review post-acknowledgement plan amendments (PAPAs) across Oregon when those amendments either have insufficient Statewide Planning Goal 10 (Goal 10) findings or the Goal 10 findings do not support adoption of the amendment**

Project Goals

- To protect and promote affordable housing by reminding local governments of their Goal 10 obligations and, when necessary, preserving error in the record for appeal to the Land Use Board of Appeals
- To Raise Awareness of Goal 10 Requirements
- To determine whether a PAPA's adoption would violate the Fair Housing Act by discriminating against protected classes through disparate impact

Missing Middle Housing





**If cities and counties must
plan for needed housing,
why is there an affordable
housing crisis?**

Linn County Housing Needs

We have a serious shortage of affordable housing

For every 100 families with extremely low incomes, there are only 15 affordable units available.



2,895

units are needed to meet the need

More than 1 out of 4



renters are paying more than 50% of their income in rent

6 out of 7

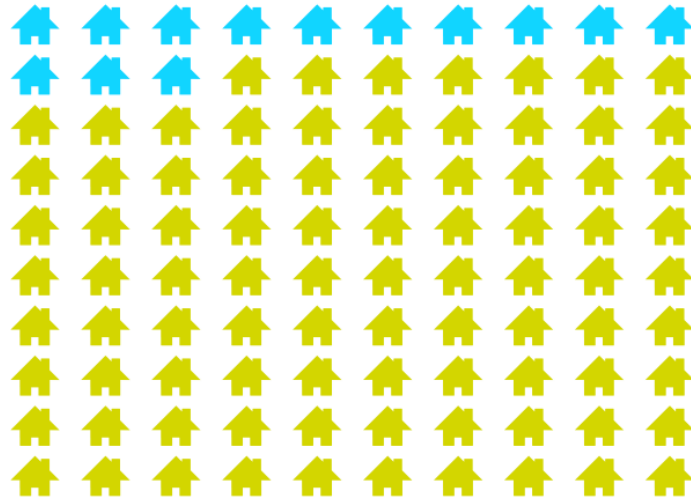


renters with extremely low incomes are paying more than 50% of their income in rent

Benton County Housing Needs

We have a serious shortage of affordable housing

For every 100 families with extremely low incomes, there are only 13 affordable units available.



4,590

units are needed to meet the need

2 out of 5



renters are paying more than 50% of their income in rent

5 out of 6



renters with extremely low incomes are paying more than 50% of their income in rent

Barriers to Development of Affordable Housing

- **Procuring funding**
- **Available land**
- **NIMBYism**





Discrimination & Needed Housing

- **Fear based – who will live there**
- **Misconceptions Like**
 - What will it look like?
 - Will it be properly maintained?

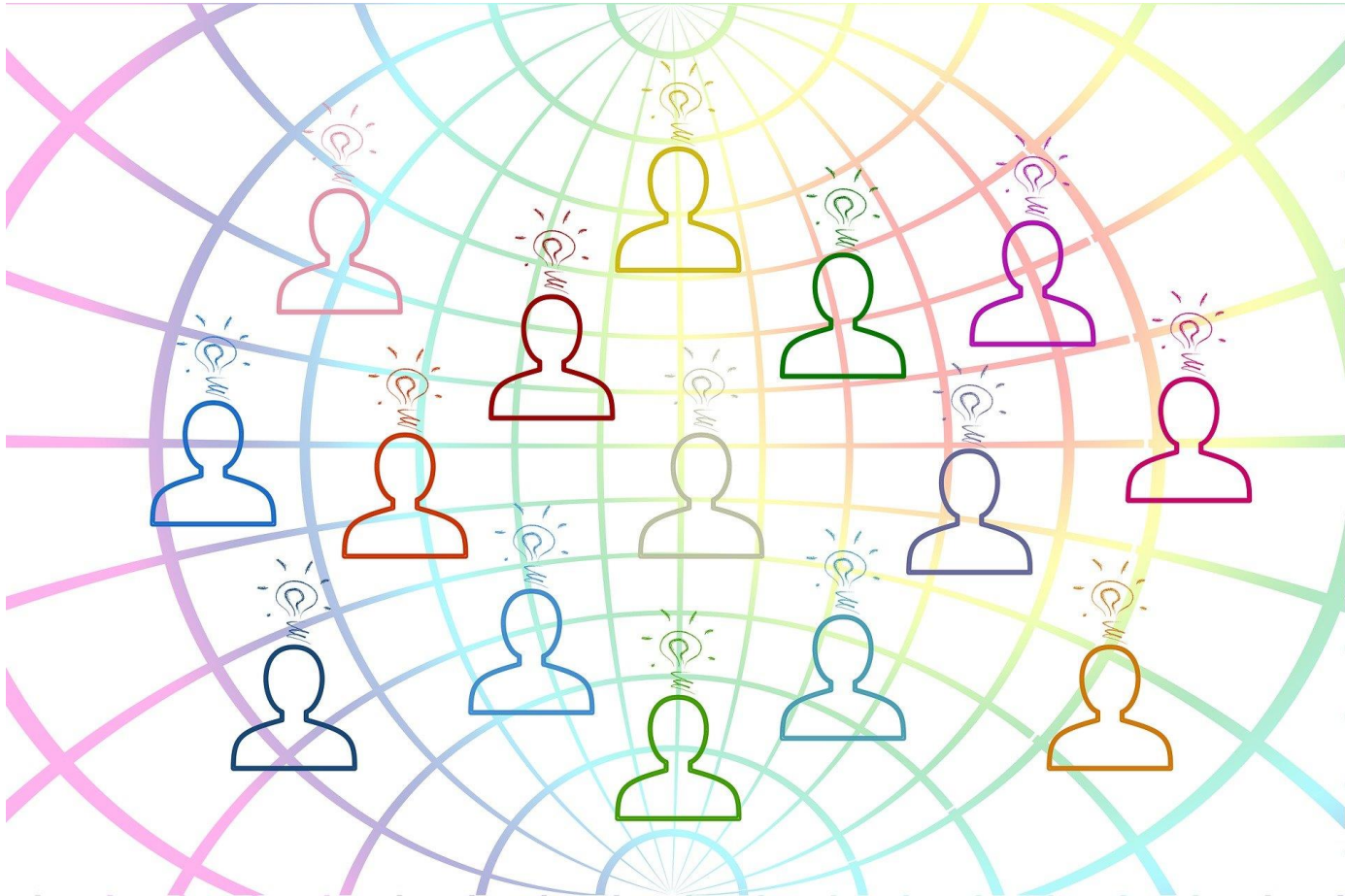


Discrimination & Needed Housing Continued

- **Fear of the affect on home values**
- **Fear of increased crime**
- **Magnetism Myth**



Time To Open Polling

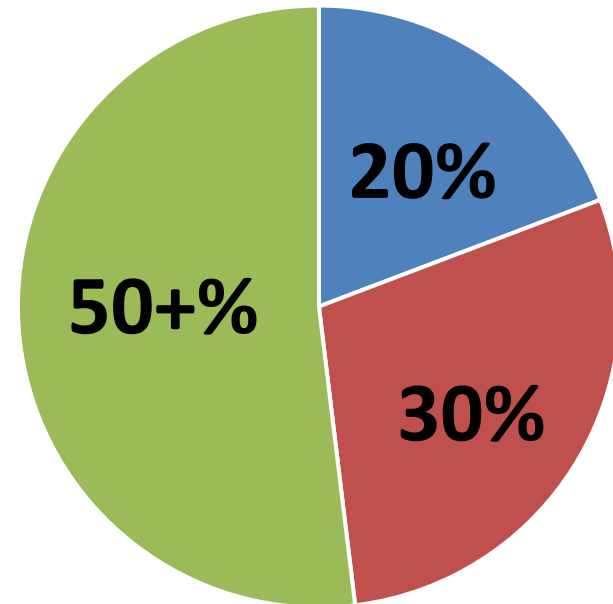




Who Uses Section 8 Vouchers in Oregon?

Demographics of Oregonians Using Federal Rent Assistance

- **115,700 people & 61,00 households**
- **Supports working families**
- **Rent has risen wages have not**
- **Not enough federal assistance to go around**



- Seniors
- Disability
- Families w/ Children



Free Speech & Public Decisions



- **Public decisions about housing**
 - **Community members have the right to express opposition to projects (not illegal intimidation)**
 - **Can't be based on protected class**
 - **Can't cause disparate impact on protected classes**

When Considering Needed Housing

- **Location is very important**
 - **Economic opportunity**
 - **Don't continue to segregate**





Example: Project That Was Blocked

- **Grants Pass OR in Josephine County: Over 600 people living outdoors**
- **A non-profit found funding and proposed shelter project in vacant office building**
- **Community pushback = Landlord pulled out of deal**
- **No low barrier shelter to date**



Examples of Successful Needed Housing

Redwood Crossing-SHA

- Long term solution to homelessness
- Housing first approach
- Wrap around services
- Success!



Other Examples of Needed Housing

- Affordable Housing Projects
- Multifamily Housing
- Multi-Income Housing
- Recovery Facilities
- Transitional Housing
- Senior Living (with services)
- Farmworker Housing
- Middle Housing



Example of Triplex

- Salem, OR
- Converted from single-family
- Unique design features





Example of Courtyard Apartments

- **Woodburn, Marion County OR**
- **Hazelwood Estates, eight four-plexes**
- **32 one and two bedroom apartments for seniors with incomes at or below 60% of the area median income.**





Example of Courtyard Apartments

- **Stayton, Marion County, OR**
- **Currently owned and operated by HUD's section 8 program offers 32 one bedroom apartments**
- **Provides subsidized rent for seniors, 62+, 80% of area median income**





Multi-dwelling Apartments

- **Mt. Angel, Marion County, OR**
- **The Edelweiss Village is a four-story Bavarian themed building**
- **28 one bedroom apartments for seniors with incomes at or below 60% of area median income**





Multi-dwelling Apartments

- **Forest Grove, OR**
- **Affordable housing development**
- **Ten buildings, four-five units in each building**
- **Amenities for residents**

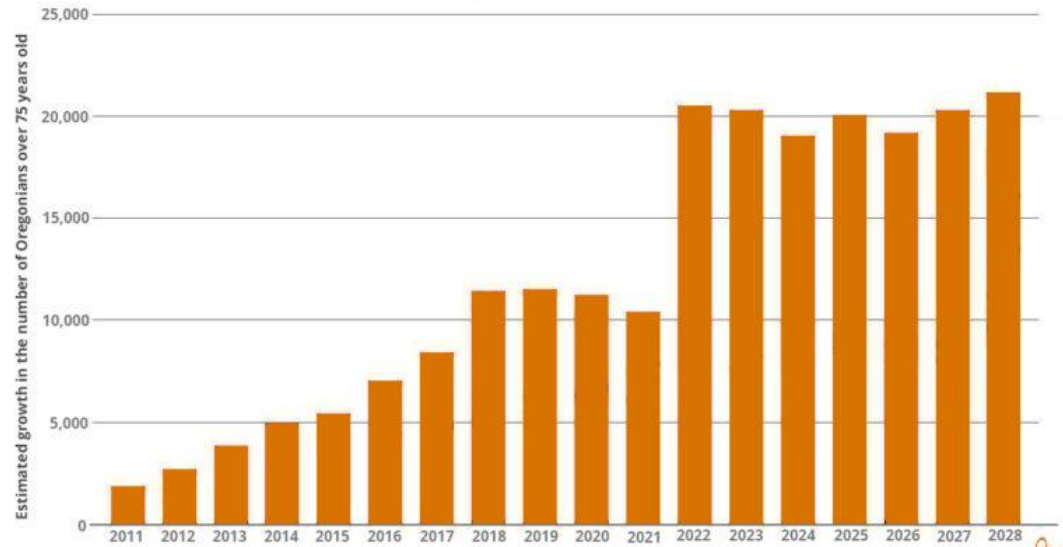




Housing Challenges Faced by People Living with A Disability

- The percentage of people with mobility-related disabilities increases as the population ages
- Oregon already has a significant gap between supply and demand in accessible units – we need to be producing 6,781 wheelchair-ready units a year, every year just to meet new growth
- Much more affordable to make units accessible from the beginning than to retrofit

The annual growth of Oregonians over 75 years old is about to skyrocket
source: Oregon Office of Economic Analysis



Strategies for Developing Accessible Housing

- **Most accessible units are in multi-family developments, where they have been required since 1991**
- **HB2001 could change that, as at least one fully accessible unit must be built in quadplexes and cottage clusters**
- **Cities can offer incentives to developers for building accessible units**
- **Accessible units can also be prioritized for people with disabilities as a preference policy (Portland ADU Code)**



Indicators of Barriers to Equal Opportunity in Housing

- **Education:** School performance, test scores, graduation rates, teacher ratios
- **Economic Development:** land use policies, zoning decisions, incentives for mixed use and affordable housing, affirmative marketing, new business
- **Economic Health:** Job opportunities, grocery stores, publicly funded economic development & infrastructure investments



Good AFFH Analysis

From Bend's 2019 Analysis of Impediments:

FIGURE 2: MAP OF AFFORDABLE HOUSING INVESTMENT IN BEND

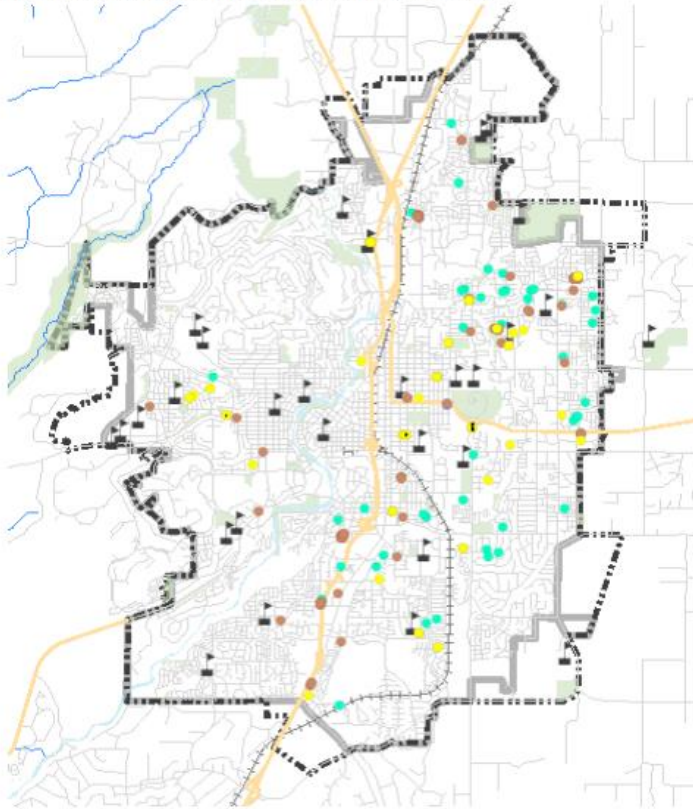
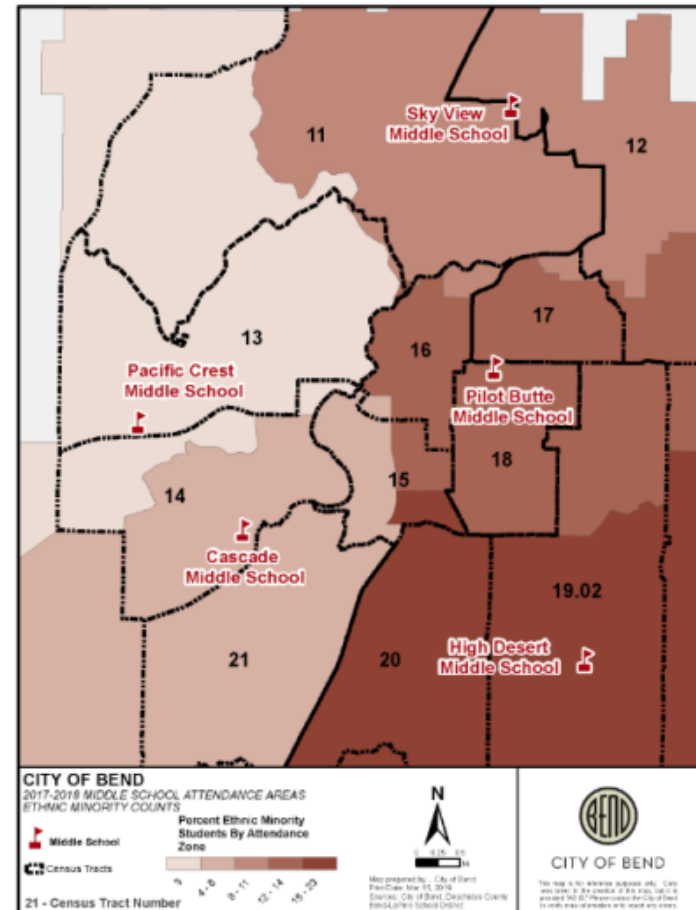


FIGURE 3: MIDDLE SCHOOL ETHNIC COUNTS⁶²



Strategies to Promote Inclusive Communities

HB 2003

- **Requires cities with a population of 10,000 or greater to create a Housing Production Strategy**
- **The strategy must include a list of actions a city will take to promote the development of all identified housing needs**





What Are Your Ideas?



- **What demographics are concentrated in your city? What strategies might be used to desegregate?**
- **What kinds of housing is missing? How can you promote the development of that kind of housing in your city?**
- **What kind of zone changes might you make to promote the development of needed housing in your city?**

Examples of Strategies to Promote Inclusive Communities

Housing Production Strategies Guidance for Cities

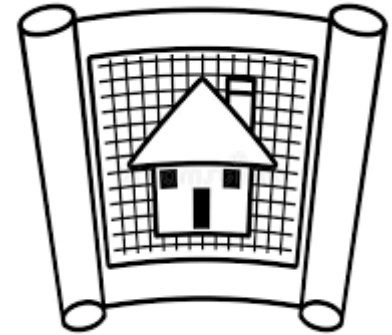


- **Inclusionary Zoning**
- **Short-Term Rentals Regulations**
- **Remove or Reduce Minimum Parking Requirements**
- **Reduce the Power of NIMBYism**



How Neighbors Can Help

- **Read our Good Neighbor Guide**
- **Understand proposed development plans**
- **Inform FHCO of fair housing complaints**



How Neighbors Can Help

- **Gather and educate allies**
- **Participate with your allies**
- **Stay informed**





FHCO Is Here To Help

- **Help to look at code and zoning changes through a fair housing lens**
- **Identifying discrimination**
- **Provide education**
 - **Provide fair housing material**
- **Provide advocacy and enforcement services**





Thank you!



For More Information

**Housing Providers:
(800) 424-3247 Ext. 5**

***Renters and advocates:
Fri 9:00 a.m. to noon
(800) 424 - 3247 x 2***

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