

HPAC Survey Summary

Introduction

The survey collected responses from 21 council members.

The survey asked respondents to look at recommendations grouped in the six policy areas that had been laid out by staff initially. Respondents selected the policy areas they wished to provide feedback on, and then prioritized the recommendations within those policy areas by selecting recommendations they felt should be further developed during this process.

Finally, respondents were able to submit new ideas for recommendations they felt were important and not previously listed either within the policy area specifically, or generally at the end of the survey if they felt it was an idea not adequately encompassed by the existing policy areas.

This document is organized with an individual section for each of the 6 policy areas. Each recommendation submitted PRIOR to the survey is listed in the tables with the number of prioritizations votes it received. New recommendations are listed below the table in their corresponding policy area.

Finally, staff took some existing recommendations that were duplicative and/or redundant and combined them together. This will make it easier to sort through new and additional recommendations, as well as complete the additional prioritization that will be covered later today. Further grouping and aggregating of new recommendations will be required.

Overview of Themes

Policy Area
Affirmatively Furthering Fair Housing
Affordable and Market Rate Development
Affordable Housing Development
Building codes and inspections
Labor supply and work force
Land use and zoning

Affirmatively Furthering Fair Housing

7 original recommendations, all of which received at least one selection to prioritize.

Recommendation	Votes
Adopt provisions to state law that would make existing Covenants, Conditions, and Restrictions (CC&Rs) for Homeowner Associations (HOA) on real property unenforceable if they restrict size of homes, prohibit ADUs, middle housing types, or conflict with land use regulations implementing state housing laws.	7
Direct the Oregon Health Authority to add a module to the Adult Behavioral Risk Survey (BRFSS) assessing housing-related metrics for people with disabilities, including affordability, availability, quality, and accessibility features. Specify that they must provide notice to the Oregon Office on Disability and Health, DLCDC, and OHCS once reports are published.	6
Support Oregon of Bureau of Labor and Industries (BOLI) efforts to increase enforcement of fair housing laws as a HUD-funded Fair Housing Advocacy Program (FHAP) grant recipient.	5
Expand state agency participation in the next update of the State of Oregon's Analysis of Impediments to Fair Housing done by OHCS, Business Oregon, and Oregon Health Authority to also include DLCDC as a commitment to AFFH.	5
Direct a multi-agency effort to develop statewide policy recommendations that establish Affirmatively Furthering Fair Housing (AFFH) policy. The intent is to ensure all state agencies with touchpoints connected indirectly or directly to housing have a responsibility to ensure their actions, programming and practices achieve fair and equitable outcomes.	5
DLCDC to join OHCS, Business Oregon, and OHA partnership on the implementation of relevant actions identified in the current (and future) State AI with direct connection/implication to DLCDCs housing program (goal 10) and as part of the agency's commitment to AFFH.	4
Create a new disparate impact provision in Oregon fair housing law that would make it a violation of state fair housing law (adjudicated by BOLI or LCDC) for a government entity to have laws, regulations, or practices that have a substantial and negative disparate impact on Oregon and federal protected classes. The remedy to said practice would include changes to the law, regulation, or practice.	4

AFFH Additions

A. Barriers to Production

- a. Services and funding for people with IDD are fragmented and not sufficient. Assessment and change at OHCS and ODHS for IDD housing services are needed.
- b. Local governments need to have state indemnification in cases where the local government contracts with the State to provide services. If the local government

turns people away because they are unable to afford insurance due to the indemnification policies at the State then we are taking a huge step backwards.

B. Solutions to Production

- a. Suggest that Fair Housing is considered and integrating in each of the categories/work groups to ensure that unintended consequences do not occur. As it relates to HPAC, set metrics and reporting requirements for the implementation of state housing actions derived from HPAC process. The objective would be ensuring investment in housing is consistent with AFFH principles. Identify a set of practical AFFH best practices that can be required for housing projects receiving state investment.
- b. Disaggregate disparate impacts on people with disabilities to understand barriers faced by people with intellectual and developmental disabilities very specifically. This is a poorly-understood population, and their needs are very different from those with mobility, vision, or hearing disabilities. Recognize that just as Fair Housing Act failed to adequately address housing discrimination based on race, the ADA fails to address needs of the IDD population, which faces severe - and disproportionate - housing insecurity.
- c. Consider and Study if preference could be given for affordable housing while meeting fair housing, i.e. teachers, health care providers, service workers, required employment documentation within County, etc.
- d. Set metrics and reporting requirements for the implementation of state housing actions (any department) flowing from the HPAC process, with the objective of ensuring that the states investment in housing is consistent w/ AFFH principles. Identify a set of practical AFFH best practices (including legal reps & warranties) that can be required for housing projects receiving state investment.
- e. Ensure language to acknowledge obligations around AFFH do not end with Racial Justice. Racial justice is paramount, of course. But so is disability justice.

Affordable and market rate housing development

Subthemes:

- Rural and geographic specific policy changes or incentives
- Mapping land availability and ownership type
- Examining infrastructure funding: see 2021 SDC report for some suggestions.
- Definitions of affordable housing vs. Missing middle

14 original recommendations, all of which received at least one selection to prioritize.

Recommendation	Number
Evaluate policy changes to support the production of condominiums, especially for smaller-scale projects and middle housing.	15
Evaluate policy options to increase homeownership opportunities in market-rate and subsidized affordable contexts.	14
Use the Council to bring together all the available federal funding opportunities, coordinate state agency alignment with those opportunities, and use the Council as a communication opportunity to get the word out about opportunities that impact housing production.	13
Study and develop recommendations on policies related to taxation that affect housing production and affordability, including property and income taxation, with an emphasis on the following outcomes: increase the supply and affordability of housing; increase opportunities for homeownership, especially in historically underserved communities and communities of color; incentivize the development of vacant and partially vacant lands; and disincentivize speculative ownership of land and housing.	12
Develop policy recommendations in response to Oregon Housing and Community Services report on System Development Charges (SDCs) and infrastructure planning (HB 3040)	12
Consider legislation enabling the Business Oregon Infrastructure Finance Authority (IFA) to fund infrastructure for housing.	11
Audit and develop recommendations on state-authorized local policy and financial incentive tools to increase their flexibility and use.	9
Audit and develop recommendations on Loan Guarantee Programs to preserve existing naturally occurring affordable housing and to increase accessibility and maneuverability as people age in their existing housing situation.	9
Prioritize grant funds for large and small cities with the highest production needs	8
Audit and develop recommendations for supporting developer capacity to increase housing production in coastal communities.	8

Audit and develop recommendations for training programs and licensing requirements for housing and construction-related contractors to increase the capacity to produce housing.	8
Audit existing funding sources that support housing for members of the Tribes and develop recommendations to consolidate and increase flexibility of funding sources to increase their accessibility.	5
Focus resources to reduce barriers for expanding BIPOC Developers working in Oregon	6
Coordinate and partner with the Legislative Commission on Indian Services and Commission Members on housing production and affordability.	5

Affordable and Market Rate Additions

C. Barriers to Production

- a. Infrastructure needs and SDCs to support local infrastructure development create land readiness and cost barriers for local governments and housing developers. These two issues should be assessed to identify reforms or solutions. These reforms or solutions could include direct state investment in local infrastructure, SDC offsets, SDC proportionality limits, differential SDC structure based on housing type, and other changes state infrastructure or SDC policy and programming.
- b. Latent defect liability laws disincentivize the construction of more condos.

D. Solutions to Production

- a. Identify opportunities to utilize property tax reform to support market rate and affordable housing production. These could include a statewide affordable housing property tax exemption, property tax exemption programs for workforce housing, middle-income housing property tax exemptions, property taxes for senior housing, or property tax off-set programs for under-resourced local jurisdictions.
- b. Support industry and workforce development to increase the state’s utilization of factory build homes, mass timber and cross laminate timber construction, wildfire damaged timber reuse, off-site modular construction, and off-site housing component construction.
- c. Expand the portfolio of direct programming to support middle-income housing development (60-120% AMI). These programs could include the MIHTC program, state income tax credits/deductions for investment financing, loan interest loans for middle-income housing development, revolving loan fund, interest rate and inflation impact offset loan programs, among others.
- d. Identify incentives for market builders to build affordable units in their communities to create integrated mixed income neighborhoods.
- e. Provide funding for the acquisition and conversion of office buildings to residential buildings.
- f. Establish an institution like a West Coast Infrastructure Bank for pension funds, social impact bonds and financing, a state bank for housing production, etc.

Affordable Housing Development

Subthemes:

1. LIHTC and LIFT program changes
2. Defining affordability as a group – less than 80% AMI = affordable
3. Defining missing middle/workforce housing and its role in meeting Governor’s goals
4. State affordable housing tax credit

9 original recommendations, all of which received at least one selection to prioritize.

Assess state program for lower interest rate permanent debt for financing affordable rental housing	12
Assess Building a Pipeline of Affordable Rental Housing Projects by Creating a Pre-development Program	12
Streamline affordable housing funds; Review State Resource Access Improvement / Consolidate Offerings Options	11
Explore State Low Income Housing Tax Credit	10
Prioritize expedient delivery of Affordable Rental Housing; Review Timing of Fund Reservation / Readiness Standard	8
Explore targeted resources for development on tribal trust land	8
Consider Development Focused Housing Stability Council Advisory and Approval Body	6
Assess Implications and Benefits of Internal Legal Counsel for OHCS developments	6
Develop Resource and Navigation Guide	1

Affordable Housing Development Additions

A. Barriers to Production

- a. LIHTC structure and process is complicated and time intensive, assessment of the program for potential changes would address a current barrier.
- b. Current number of housing finance programs with varying requirements, application processes, supplemental policy goals, terms of affordability, rating and review standards, fees, and legal processes and documents may be inefficient for the agency and recipients. These should be assessed to make adjustments that would improve efficiencies and unit production.
- c. With the increase in natural disasters and natural disaster response programs, ensure the policies and programs are in place to respond efficiently and effectively when needed.
- d. Competitive fundings is a barrier for communities with limited capacity. Funds should be provided on a grant or entitlement basis, or support should be provided for the application process.

B. Solutions to Production

- a. Expand the portfolio of direct programming to support middle-income housing development (60-120% AMI). These programs could include the MIHTC program, state income tax credits/deductions for investment financing, loan

interest loans for middle-income housing development, interest rate and inflation impact offset loan programs, among others.

- b. Establish, re-establish, or expand programs that provide funding for infrastructure, utility infrastructure, capacity development, land acquisition and banking, pre-development, and loan guarantees.
- c. Modify LIFT program so that it is not entirely linked to 4% credits. Original design in 2015 was for a shallow subsidy that could fast track innovative projects. Original design also called for it to support projects for people up to 80% AMI. Change statute to remove 60% limitation and change OHCS rule and program administration so that it can be used more broadly.
- d. Expand duration of restrictive covenants for state funded affordable housing as well as prioritize affordable housing development resources to mission based non-profits and public housing authorities.
- e. Map OHCS inventory of multifamily rental properties that are “at risk” of transitioning from affordable to market rate housing, and implement a simple statewide tracking system on deed restricted housing units tracking the years of affordability and expiration of deed restriction to accurately capture the affordable housing stock in the State.
- f. Map all publicly-owned and under-utilized parcels of land, including those owned by school districts, other local special districts, for each municipality. Maps can overlay zoning, flood plains, known contamination. Develop a process to make it easy for public entity owners to transfer through sale, long-term leases, etc.; and for municipalities to expedite changes to comp plans for zone changes.
- g. Leverage State owned lands, within urban growth boundaries, toward the highest and best use of affordable housing production. (i.e. fund relocation of current State services on underutilized property, fund below market acquisition when it may be required)
- h. Create a mechanism for assembling parcels of tax-delinquent or abandoned properties for redevelopment (or preservation).
- i. State of Oregon master lease for residential projects; OHCS to sublease to meet program goals (unlocks credit tenant financing; provides housing for OHCS to allocate based on policy priorities).
- j. Engage in conversation with the FHLB to discuss its short and term plans for funding affordable housing in the state of Oregon.

Building Codes and Inspections

6 original recommendations, all of which received at least one selection to prioritize.

Remove barriers and make it less complex to build smaller, more affordable homes.	11
Find opportunities to improve and streamline the permitting process and provide an opportunity for local building departments to share what is working and what isn't in their local jurisdictions through best practices and guidelines.	9
In a future building code amendment process conducted by the Building Codes Division, incorporate provisions that reduce barriers for housing production, including barriers to housing affordability, diversity, accessibility, and alternative construction methods that reduce cost and delay. The resultant changes must balance the following goals: 1) Increase affordability and housing choice, including middle housing, through the refinement of overly restrictive standards 2) Increase and incentivize the provision of accessibility features suitable for people living with different types of disabilities 3) Increase and incentivize the use of alternative construction techniques that reduce cost and delay, such as modular housing 4) Maintain standards necessary for the protection of life and property	8
Create the ability for contractors to ask that BCD perform plan reviews or inspections to assist in moving specified housing projects (see ORS 455.466, may require designation of certain affordable housing projects as essential to the economic well being of the state to qualify).	5
Provide additional clarification and protections for local building department funds to keep construction permit fees paying for building inspection services, keeping regulatory costs down.	3
In a future building code amendment process conducted by the Building Codes Division, incorporate provisions that increase and incentivize accessibility features of new housing construction at different levels of accessibility (e.g., Type A, Type B, or Accessible units).	2

Building Codes and Inspections Additions

A. Barriers to Production

- a. Many impediments to development of housing comes from public works departments – this also extends to DSL and DEQ (*as far as making land easier and quicker to develop without generally compromising the values which are implicit in what those agencies do*).

B. Solutions to Production

- a. Review the potential for state level land use and building model codes for different housing densities, permit ready plans for different housing types, and other production tools for utilization at the local level. These tools could be optional or mandatory.
- b. Provide planning department support to digitize in small areas, make the planning and building process less high touch for small planning departments so they can be more efficient, this will speed things up, this could include virtual meetings and inspections as well.

- c. Authorize and publicize contract code review program (developers can pay building permit fee to private code review company in lieu of using local building jurisdiction).
- d. Assess possible action to identify expansion areas as "essential" under ORS 455.466 to allow BCD to review plans and inspections in areas that cities are unable/unwilling to get housing built.
- e. Survey building departments for average permit time (by permit type) and plans review staff / population. Adopt practices from highest performing jurisdictions. Limit review comments to major safety deficiencies; comments not impacting constructability or having a substantial nexus to life/safety are barred.
- f. Incentivization for accessibility, drought resistant landscaping, wildfire retardant – encourage but do not require.

Labor Supply and Workforce

16 original recommendations, duplicative recommendations were consolidated and are mentioned together below.

Recommendation	Votes
Revive CTE in secondary schools and expose students to careers	10
Grow the pool of licensed tradespeople that will be necessary to build needed housing.	9
Create and connect students with youth apprenticeships	9
Expand earn and learn models	9
Build connections between employers and educators	7
Grow the available workforce of inspectors and plans examiners, and leverage training, technology, and mutual aid agreements to make the existing workforce more efficient.	7
Develop skills certification programs through various associations	6
Expand MWESB certification and business incubation	5

Labor Supply and Workforce Additions

A. Barriers to Production

- a. Workforce shortages are a barrier to housing production. Specifically, actions are needed to increase the number of engineers and surveyors and reduce the barriers to certification.
- b. Workforce shortages are a barrier to housing production. Specifically, actions are needed to increase the number of pre-apprentice, apprentice, and journey trades professionals in the construction industry. These actions included alignment of education system with trades, financial support to enter trades with new resources or changes to existing state programs, review of exiting training and certification process and requirements, and reduction of barriers to certification.

B. Solutions to Production

- a. Explore opportunities to provide technical assistance and cost abatement for MWESB entities.
- b. Support industry and workforce development to increase the state's utilization of factory build homes, mass timber and cross laminate timber construction, wildfire damaged timber reuse, off-site modular construction, and off-site housing component construction.

Land Use and Zoning

Subtheme:

- Clear differentiation between land use, permitting, zoning and the levers that can be pulled in each specific policy area
- Analysis/easy to understand inventorying of available land for building, ownership type, state of infrastructure, land type, etc.
- Appeals process

5 original recommendations, all of which received at least one selection to prioritize.

Recommendations	Votes
Develop permit-ready plans for smaller-scale, fee-simple “starter homes” and partner with local jurisdictions to adopt and incentivize.	16
Develop policy recommendations in response to a Department of State Lands (DSL) report on wetlands permitting streamlining and the partial 404 assumption (HB 2436 2019 Legislative Session)	11
Provide housing-related analysis and data through the Oregon Housing Needs Analysis to the Tribes.	10
Conduct a study of short-term rentals (STRs) in recreation cities and counties and develop policy recommendations that provide more local tools to regulate and leverage STRs.	6
Direct the Land Conservation and Development Commission to adopt administrative rules that enable the development of housing on tribal lands that are not held in tribal trust.	6

Land Use and Zoning Additions

A. Barriers to Production

- a. The current land use and building permit process is too complex, at times not predictable, expensive, and time intensive. In addition, the process varies in every community creating additional challenges. The process needs to be changed to address the barriers to housing production that this creates.
- b. With the increase in natural disasters, ensure that land use and zoning policies and programs are in place to respond efficiently and effectively when needed.
- c. It needs to be easier to get variances/adjustments to some land use criteria that affect density such as tree removal, tree plans, street connectivity, and block length requirements.
- d. Need for improved coordination between levels of government and department to reduce barriers to development. Reassessing department roles and responsibilities may be valuable.
- e. Need to review the impacts of various land use regulations on housing production, including bike and vehicle parking, tree and open space requirements, affordability requirements, transportation management, design standards, and others.
- f. Provide some oversight to power companies to ensure they are working quickly with development to provide power and designs. It isn't uncommon to request a design from a power company and not hear for months from them.

B. Solutions to Production

- a. Review the buildable land inventory process to address inclusion of lands not available due to property ownership or site impediments or the lack of infrastructure to accommodate development.
- b. Assess potential changes to the current public participation and land use appeals process to address barriers to housing development. Issues to assess include standing, evidence, time, expense, and fees.
- c. Require a "Housing Impact Statement," similar to an EIS or a racial justice assessment, when enacting laws or rules to provide full transparency around unintended consequences.
- d. Make easier to rezone land and promote ADUs, manufactured home parks, missing middle housing, and infill development.
- e. Mandate and fund Urban Reserves in every city in the State for 50-year land supply, to encourage predictable growth for city and early evaluation of Goal 5.
- f. Utilize HB4079 as a pilot model add concentrated market rate and affordable housing to a city outside UGB area.
- g. Review state level standards for permit timing, with tracking and reporting on timeliness for various permits and inspections.
- h. Consider Transfer of Development Rights land banks in areas with land constraints, e.g. wetlands, tsunami, landslide zones. Allow and assist cities to consolidate denser development in appropriate areas and preserve sensitive lands while protecting people.
- i. Review allocating funds to DSL to create more mitigation banks, allow builders to pay a "fee in lieu" to eliminate the exorbitant times for mitigation review applications to be reviewed.
- j. Explore additional by right zoning options.
- k. Preclude use of FAR as a standard for residential development.