

RHNA Working Group - Meeting 2

December 9, 2021

Meeting Notes

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Staff and Working Group Members

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| Deb Meihoff, Facilitator | Al Johnson, retired Land Use Attorney | Mallorie Roberts, AOC |
| Sean Edging, DLCD | Allan Lazo, Fair Housing Council of Oregon | Mary Kyle McCurdy, 1000 Friends of Oregon |
| Ethan Stuckmayer, DLCD | Samuel Garcia, DLCD | Mary Phillips, City of Gresham |
| Emma Land, DLCD | Gordon Howard, DLCD | Michael Szporluk, Disability Rights of Oregon |
| Megan Bolton, OHCS | Lorelei Juntunen, ECONorthwest | Miranda Bateschell, City of Wilsonville |
| Madeline Baron, ECONorthwest | Noah Siegel, Winning Mark | Taylor Smiley Wolfe, Home Forward |
| | Jeremy Rogers, Oregon Realtors | Ted Reid, Metro |

Key Insights

Clarifying the “Problem Statement” – A major challenge during discussion was grappling with the specific implementation issues this process should address when there isn’t clarity surrounding the parameters of the process or the major problem it is trying to address. The project team will be developing a problem statement responding to feedback provided in this meeting and share it with the working group.

Defining a Shared Responsibility – A clear priority of this process is defining a system of shared responsibility among state, regional, and local governments in a manner that achieves more affordable, fair, and equitable housing outcomes. While affordability is important, it will be equally important to ensure that the location, characteristics, and ownership of housing are more accessible and responsive to people’s needs.

Intrinsic Connection Between Responsibility, Accountability, and Resources – It is becoming increasingly clear that it will be difficult to propose a mechanism that establishes and enforces a shared responsibility among state, regional, and local governments to address housing need and affordability without careful consideration of the accountability mechanisms and resources and investment required to make implementation successful.

Implementation as a Long-Term Commitment – The legislative recommendations resulting from this process should reflect that achieving better outcomes will be a long-term process and commitment. It is particularly important to ensure that these recommendations do not layer new requirements and timelines on top of existing work, but rather phase in and establish realistic expectations.

Meeting Notes

Facilitator Introduction and Agenda

Project Update

- Exploratory Phase – Clarifying the parameters of this process
- Interim Report (February 1) - An update to legislators, where we are in process, where we are headed, process parameters, and major issues
- Stakeholder Engagement (early to mid-2022)
- December 2022 – final report due to legislation – Note: proposals with bill language need to take shape sooner (around end of summer)

Project Goal and Working Group Role Revisit

- Project Goal: Develop recommendations for the adoption and implementation of a modernized housing planning system, addressing affordable and market-rate housing production, into state and local planning programs.
- Working Group Role: Advise and ground truth to ensure legislative recommendations are implementable
 - Need for a diverse group of stakeholders, perspectives, interests to give DLCD and OHCS staff a better understanding of the issues and approaches to addressing there

Meeting Outcome

Solicit feedback on major issues for project team to consider in developing “problem statement”

- Get needs/concerns to forefront
- Not all issues identified can be addressed in this process – this meeting will help clarify priorities

Working Group Survey Overview

- Goal Statement feedback – On the right track, but some think it was too broad while others thought too narrow
- Achieving Fair Housing Outcomes – Need to reconcile focus on equitable outcomes for BIPOC communities and limitations of land use planning
- Top Issues to focus project team attention:
 - Establishing realistic and productive accountability mechanisms
 - Addressing underproduction and affordability
 - Responding to un- and under-addressed dimensions of need
 - Clearly articulating responsibilities of state, regional, and local governments
 - Directing state agencies to orient investments and resources
- Messaging:
 - Goal 10: How do we structure housing planning to realize the aspirations of Goal 10.
 - Outcome-based messaging: clearly articulate outcomes and costs with keeping things status quo

- Collaboration: we are in this together. Local, State, regional government entities and others who intersect with housing planning and delivery

Oregon Business Council Discussion – December 6th Meeting Recap

- Informal discussion with legislators and housing-related advocates/interest groups around housing planning and policy
- Major Themes:
 - Addressing Housing Comprehensively – Recent policy action has been siloed making comprehensive action difficult
 - Embedding Racial Equity directly in state policy
 - Developing a Productive Accountability Framework
 - Removing Barriers – Removing systemic barriers for housing construction & local implementation

Engagement Context – Near-term

- *Implementation Issues > Engagement > Policy concept Dev (with workgroup) > Policy Recs*
 - Implementation Issues – today’s discussion
 - Identify stakeholders throughout State for engagement
 - Policy Concept – working group provides feedback for policy recs
- Upcoming work to refine and implement engagement process (a lot of this is still under development)
 - Procure engagement specialist
 - Refine engagement goals and major issues
 - Develop program for discussion and reaching out to people
 - Begin broader stakeholder discussions

Embedding Engagement Systemically – Long-term

- Challenge: These conversations have been highly technical but have significant impact on those living with very real consequences. How are BIPOC and protected classes being engaged to have meaningful conversations? How can that be embedded to occur systemically and in perpetuity?
- Approach: Study and solicit recommendations to build-in engagement systemically
 - Embedding engagement all throughout the process to ensure feedback is constantly being put into policy framework

Clarifying Questions

Q: Are recommendations of engagement being asked of this group or impacted groups not here?

A: No, we are working with Dr. Zapata at HRAC, who will be taking in the information to embed engagement systemically into process overall. We will think about what is actually needed to meet people’s needs meaningfully

Q: Are you referring to engagement embedded in a future process of estimating housing need for the RHNA or this process to design a legislative concept?

A: The former. In the long-term, this work will inform the process of estimating and responding to housing need in the RHNA. In the near-term, conversations with stakeholders will help design a legislative concept.

Q: Focus is getting dispersed right now. Very broad purpose at this time, but where does RHNA fit into this? +1

A: The parameters of the project are not established yet. Initial discussions are to bring more clarity around how we are addressing RHNA through land use system.

Q: At what point/month are we including community requests? How will we filter that into this document? Important that they know where their input is going and how it's being used in document

A: Agreed – we will need to ensure that recommendations resulting from this work are meaningful and responsive to community needs. The timing and implementation of any recommendations will need to be considered in this work.

Q: Could you send us a link to this presentation or to somewhere the problem statement is written out? I don't see that actual statement in the meeting materials.

A: Yes, we will follow up with a problem statement incorporating feedback in the discussion today.

Major Issues Discussion

- Discussion Outcome: We're trying to understand from your perspective what should and should not be addressed in this process
 - Open to broadest level of perspectives
 - Will be reserving some time at the end of this meeting to have an open conversation for last-minute comments
 - If you do hear something you agree with, use the chat function to chime in or thumbs up a comment instead of repeating

Topic Areas (in order of survey priority)

1. Realistic and Productive Accountability
2. Affordable, Fair and Equitable Housing Outcomes
3. Shared Responsibility
4. Directing and Coordinating Resources
5. Region-Specific Issues
6. Administration of a RHNA

Discussion Questions

1. Are there critical issues missing from the implementation issues list?
2. Are there issues on that list that should be addressed in another process or at another time?
3. What issues will be most important for the project team to focus on to ensure the process is successful?

Realistic and Productive Accountability

1. Establishing realistic incentive and enforcement tools to ensure accountability

2. Administrative or regulatory structures needed to address housing needs for all Oregonians
3. Expectations for local, regional, and state entities in addressing need
4. Tracking progress towards goals and accountability structures for market and affordable housing

Discussion

- Q: Is accountability to ensure that local governments are producing needed units?
A: yes, but conversation is also about what it is going to take to get us there. It's not just about local governments. How do we ensure we are set up right going forward?
- Ensure that people with disabilities and all races are finding a mechanism by which local, regional, and state entities are abiding by the agreements they've made.
- A need for realism – increase equity, opportunity, and affordability. We've had accountability tools including numbers of housing types. What is happening in terms of housing production that results in affordable homeownership, close to jobs/transit – addition:
 - And that landlords have and share with tenants information on fair-housing - handouts, reasonable accommodation sample letters and information.
- Defining expectations is the most important aspect of this process to be successful. Try to avoid creating another process or timeline.
 - We don't know the expectations yet, so how do you establish accountability mechanisms? We need a problem statement first. Once we acknowledge that land supply is just part of the story, accountability becomes more nuanced.
 - Our current system has undue focus on land supply, which makes accountability easier, but makes it maybe not as helpful when it comes to actual housing production.
- "Where are the recommendations on improving existing data?" which was a significant outcome of the RHNA work and report recommendations. I did not see this anywhere in the memo for this meeting and discussion. I also forgot to note, what about the private sector? Is government (at different levels) the only people we are holding accountable?
- What is happening with regards to housing production related to affordability, access to opportunity, segregation, transportation access, livability +2
 - If we're going to have productive accountability, we'll need to look at metrics (i.e., housing production close to jobs, transit, opportunities, etc.)
 - Need to go beyond specific housing types and define a system that is meaningful, specific, and reflecting our values
- Planning is not the full scope of picture in terms of housing supply and housing production. Need to ensure there are provisions at every level of government to result in type of housing production we are looking for.
- Resources will be directly tied to this topic because it's often not the lack of intent or trying, but really, lack of resources
- Might be too soon to develop regulatory structures. A lot of local governments are still very new to adopting Housing Production Strategies. Consider waiting to address accountability to allow local governments a chance to go through the new Housing Needs Analysis /Housing Production Strategy process before we refine it. +1
- Whatever the enforcement tools end up being, they need to be related in proportion to non-compliance. Differing degrees of enforcement.

- Before we discuss accountability, need to define the policy / program. Will the RHNA get us to outcomes wanted in Goal 10? That needs to be addressed first before we start having accountability and enforcement tools +2
- Concerned that affordable housing requirement is limited to cities >10,000 population. For immigrants/refugees being pushed further out, we are setting up a problem. How are we perpetrating displacement if we are not even flagging the problem?
- I agree that the accountability measures belong in "another process/time" because we have a lot to tackle just to get the goals of the RHNA and resolve the big questions needed to implement a RHNA (outstanding questions in DLCD and OHCS report).

Affordable, Fair, and Equitable Housing Outcomes

1. Responsibility to address housing needs for historically underserved communities (e.g. communities of color, people with disabilities, and homelessness)
2. Addressing patterns of residential segregation by race and income and access to housing
3. Educate and build capacity in local, regional, and state governments
4. Recommendations to address tribal housing need

Discussion

- When we talk about responsibility to address the need, there is a responsibility to address the "harm" that has been created. + 1
 - There isn't a question about responsibility of local, regional, state governments. Under goal 10 they are all responsible for meeting housing needs. Under the Affirmatively Furthering Fair Housing requirements they are all are responsible
 - #2, Every single player in the housing system has a role and legal responsibility under fair housing act to address racial segregation
- Need to go beyond educating, not just educate, but also how to build accountability on top of capacity. This isn't just State's role. Who should hold folks accountable, in addition to State?
- #4, jurisdiction and tribal housing – FHCO not knowledgeable about this. Unfamiliar with this practice from a fair housing perspective
- We are all responsible (government, especially) for #1 and #2 on this list
- Housing needs for people with disabilities have been under-estimated, and accessible housing is a pre-condition for equity. We'll never achieve equity if there is no conversation around accessibility for housing. +1
- Affordable housing is essential, but other elements are as well:
 - Security of tenure, location of housing, cultural housing preferences, access to services, housing that is inhabitable, doesn't promote overcrowding. All this needs to find its way into our discourse
- What data do we have to measure outcomes, how should qualitative info be considered, what are our gaps? What do local and state governments need to reach these goals?
- What is practical way to get to the desired outcomes under the land-use system, under the RHNA context? +1
 - Oregon can look to California's half-century of successes and failures in RHNA development.
 - RHNA has the tools to assess and allocate different types of housing - so what do we want it to assess and allocate, do the data exist and at what scale, etc...? If we can assess and allocate,

then we can move to land use and investment tools for the various levels of local government to employ to get there (like the HPS, etc.)

- Important to be aware and conscious of what the policies are doing. Are they resetting a level playing field, or addressing some of the damage that's already been done? Need to be clear where we're going with it.
- Addressing patterns of segregation means equitably distributing affordable housing. need to define what is "equitable".
- The recommendation to the legislature needs to include a request for resources to build capacity
- Categories listed as "underserved" are not discrete, meaning there is significant overlap. Homeless persons are disproportionately disabled, for example.

Shared Responsibility

1. Structuring allocation to reflect a shared responsibility and address racial/economic segregation
2. Historic actions and policies effect on current responsibility
3. Addressing future trend impact on housing need and distribution
4. Planning housing type, mix, quantity and characteristics
5. Clarifying responsibilities in urban, incorporated areas
6. Cities < 10,000

Discussion

- Consider adding "access to opportunity" as a function of the shared responsibility / distribution of units
 - Need to explain what "access" means. Use the phrase "able opportunity"?
 - "access to opportunity" might be a weak term, we need to make sure people actually benefit. Need to tighten terminology a little bit.
 - Operationalizing this part is really important.
- Addressing the housing deficit and future need is missing. Also need to define them
- Consider including vulnerability to displacement on list of considerations for shared responsibility
- Structuring allocation to address racial/economic segregation is a data challenge, especially at granular level
- Can we address "deficit" and "future need"?

Directing and Coordinating Resources

1. Partnerships and coordination of local, state, and federal funding to accomplish HB 2003 intent
2. Needed revenue and timeframe, including tenant support vs new construction
3. Addressing infrastructure finance and investment at state and local levels to support affordability

Discussion

- Resources are needed. There is also a need to address infrastructure affordability levels. Infrastructure limits on developments. Also need to look at partnerships, timeframe, etc.
- Resources to support local implementation is essential.
- Accountability for outcomes and supports to actually get those outcomes are both important

- There are on-the-ground needs, like infrastructure resources and capacity that need to be considered. Some of these things are in local/state government control, while others are not. We need to acknowledge these factors and realities. How far into land use planning system are we going to be changing? This will help into defining shared accountability.
- Step 1 should be about how we calculate need right now and step 2 should be about maximizing outcomes of that improved estimation/distribution +1
- We need to share responsibility for fair and equitable housing
- Incentives/partnerships can enhance goals

Region-Specific Issues

1. Integration with Metro regional land use framework
2. Relationship between Metro and satellite cities
3. Needed data resources to align RHNA boundaries with local constructions of regions
4. Methods to develop regions that better reflect the Central OR and southern Oregon Coast regional housing markets
5. Addressing specific contextual local needs (e.g. student population and second home demand)

Questions/Comments – Region Specific Issues

- Developing regions that reflect regional constructions of housing market. The hard part is it's difficult to establish accountability mechanisms without granular data, which may warrant tiers.
- #4 is big priority for cities, recognizing there are some significant data limitations, and may result in regions that are not meaningful for local communities. Data resources are very limited. Qualitative data may be able to suffice to supplement. If we have data we can hold people to strict requirements, but if we don't have data, that becomes much more difficult.
 - I think that also fits into this concept of the goal statement and problem statement being these higher levels of objectives and making sure that as each of the tools (such as RHNA) move forward that the specific tools both reach those objectives but also don't create or perpetuate barriers to reaching those higher-level objectives. So those higher-level objectives might need to include/acknowledge some of the "another process/time" issues so we stay aware of them.
- On defining scope, what data would we need to define that need? With data limits, what is the next best piece of information we can use?
 - Accessible housing
 - What data resources would we need to assess, evaluate, and allocate appropriately to local government?
 - What tools would we need to meet need at local level?
 - Who is accountable for those tools?
 - Ground truthing administrative data is a good tool - surveys can confirm/refute what data appear to show.
- There needs to be some predictability to the data that's available.
- What are the outcomes we are trying to reach? What is the need? What data do we need to assess and allocate the need? At what geographical scope does that exist? If that doesn't exist, is there a next best thing? We shouldn't freeze into any set of boundaries that doesn't get us toward the outcomes. There needs to be some predictability that enables tracking and consistency. Just because we don't have the data, doesn't mean we shouldn't try to meet a need. + 1

- Question has to do for #1. There are other regional land use frameworks, i.e., Bear Creek Valley, Central Oregon, Eugene-Springfield area. Metro has a different regional land use framework with a charter amendment that purports to prohibit jurisdictions to increase density in any of its existing neighborhoods. Current charter has been designed around this charter amendment. Is the RHNA process going to be deferring to Metro's charter process, of avoiding any increase in density for Metro neighborhoods? This might make some places off-limits for affordable housing, due to limiting increase in density. Will Metro follow LCDC in this process, or will LCDC follow Metro?
 - Metro response – The charter provision description is correct. Its effect is moot with HB 2001, requiring increased densities in those neighborhoods.
 - That is true as to middle housing types, but not really anything else. The access to ownership issue goes beyond those housing types. If an RHNA identified a need for ownership opportunities, then that's something the charter would potentially preclude.

Administration of a RHNA

1. State or regional agencies implementing RHNA
2. Changes in inherent or delegated authority for agencies
3. Optimal frequency for completing the RHNA
4. Alignment with HPS, HNA, and Metro Regional Framework Plan
5. Appropriate timing and process for amending the methodology

Questions/Comments – Administration of a RHNA

- Upon first implementation, hoping to phase in RHNA and take into consideration jurisdictions that are recently completing their planning processes. Just enough time to get everyone to an optimal schedule, then require from there.
- #1, #2, #3 are a higher priority to tackle than #4
- Doesn't HB 2003 already define players for #1? Or is that only for the pilot?
 - HB2003 only outlined the pilot parameters and used a stand-in definition of regions that was not ideal. We do need to address #1
- On Administration, a clear framework for what is regional/state vs. what is local, the question is correct, but there are a lot of nuance in between for how the different levels of jurisdictions work together on it

Final Thoughts

- Fully acknowledge we are finding our way to figure out what we are trying to solve
- The Oregon Business Council conversation was exciting, but I'm hearing in this meeting is that we at least accomplish objectives around the details of the RHNA. Is there a way to frame this broadly, but phase the work? Recognize we might not get it all done, but to commit to broader planning reform together, that will eventually get to RHNA
 - Concern from Oregon Business Council is that we are solving these problems in silos and don't want this process to contribute to that
 - Yes, +1 to identifying the broader issues and then moving through each of the tools.
- Accessibility in terms of the process is also really important. If I were deaf or blind, I would not be able to participate fully in this process because of accessibility barriers. So certain populations may continue to be left behind.

- We need to make sure that we've made the RHNA as robust a tool as we can for assessing and allocating housing need to localities. Then, looking at investments in other things (e.g. HPS, infrastructure, etc.).
- Maybe there's a way here that we can set the framing, and tackle issues along the way
- There's a lot of nuances between how different government jurisdictions collaborate. Will need to think through how that works in process.
- Highlights importance to make RHNA as robust as possible, and then allocating it to localities. Will play out differently in different places. Every city should have resources to audit their own local codes to make affordable housing more accessible. Need to think of bringing resources to the table for smaller cities to be able to make the time and financial commitment to accomplish the work. Will need to work on making as robust a RHNA as possible now, recognizing that we will be constantly improving +1
 - Infrastructure will be an issue in some places, but not in others
 - Short-term rentals will impact some communities more heavily than others
 - Local codes will have more barriers to housing than others
- It is a luxury for certain cities to do long-range planning. Most cities are struggling to find resources to do this. Makes it hard to re-evaluate policies for housing +1
 - Need to think of bringing resources to the table for smaller cities to be able to make the time and financial commitment to accomplish the work
- Not just making sure cities get the money needed, but once cities get the money, communities need to also be kept in the loop to understand and know where money is going for them. Community needs to know how input is being valued and where their input is being heard. If we are representing communities, we need to build trust between them, too. +2

Next Steps

- Not meeting again until April, but there will be touch-points in-between
 - Future correspondence including project scope and issues we'll be talking about will be given in-between
 - CFEC project has some serious housing implications that may be finalized by May. Will seriously impact this RHNA project. How does CFEC process integrate with RHNA?
 - Summarized "problem statement" will be coming soon as well