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State of Oregon

Analysis of Impediments to Fair Housing Choice

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Oregon Housing and Community Services
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Business Oregon

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EXECUTIVE SUMMARY.

EXECUTIVE SUMMARY PRESENTATION

State of Oregon

Analysis of Impediments to Fair Housing Choice

EXECUTIVE SUMMARY

Overview

This presentation summarizes the main findings from the 2021 update to the State of Oregon's Analysis of Impediments to Fair Housing Choice

It also presents a recommended Fair Housing Action Plan to address impediments



DISPARITIES IN HOUSING AND ACCESS TO OPPORTUNITY

Disparities in Housing



17%
of Oregon
households are
**SEVERELY
COST
BURDENED**

Black/African Americans are **1.9x**
more likely to be severely cost
burdened

1.9

1.3

Native Americans and Hispanics are
1.3x more likely to be severely cost
burdened



3%
of residents
in the balance of
the state live in
**CROWDED
CONDITIONS**

Hispanic residents are **5x**
more likely to live in crowded
conditions



63%
of Oregon
households are
HOMEOWNERS



52% of Native Americans



42% of Hispanics



35% Black/African Americans



1 in 8 (13%)
mortgage loan
applications are
DENIED
statewide

STATEWIDE **1 in 8 (13%)**

MULTIRACIAL **1 in 4 (26%)**

BLACK **1 in 5 (20%)**

NATIVE **1 in 5 (18%)**

HISPANIC **1 in 5 (18%)**

Disparities in Access to Opportunity



Oregon's
poverty rate is **13%**

Black/African Americans are **1.7x** more likely to live in poverty

Hispanics are **1.4x** more likely to live in poverty



1 in 5 high school students do not graduate on time

1 in 3 (35%) Native American students

1 in 3 (32%) Black/African American students

Black/African American students, Native American students, and students with disabilities are twice as likely to be suspended than other students state-wide (10%, 9%, 9%, respectively)



27% of all Oregon 8th graders score below Basic in Reading compared to...



85% of English Language Learners



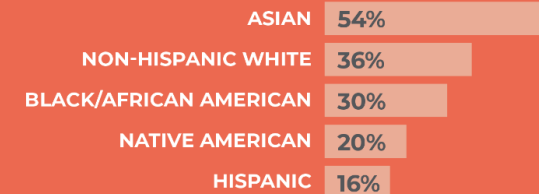
68% of students with disabilities



40% of Hispanic students



1 in 3 Oregonian adults has a college degree compared to...



For every \$1 earned by a college graduate in Oregon, a...

\$0.55

Worker with less than a high school degree earns \$0.55

\$0.62

Worker with a high school diploma/GED earns \$0.62

\$0.69

Worker with some college/Associate's degree earns \$0.69



More than **25,000** state highway crossings are not ADA accessible
50% of state highway pedestrian crossings are not ADA compliant



> 191,000 (12%) households do not have an internet subscription

RESEARCH FINDINGS AND IMPEDIMENTS

Research Finding #1.

Members of protected classes, particularly people with disabilities and people of color, experience **disparities in rental housing choice.**

- Impediment 1-1. **Shortage of rental housing units** affordable to 30%-50% MFI disproportionately impacts people of color, persons with disabilities, and single parent households.
- Impediment 1-2. **Direct discrimination** on the basis of protected class status.
- Impediment 1-3. **Broad application of criminal history, eviction, and poor credit tenant screening** disproportionately impacts persons of color, people with SPMI, people with a history of SUDS. SSN requirements impact undocumented residents.

Research Finding #1.

Members of protected classes, particularly people with disabilities and people of color, experience **disparities in rental housing choice.**

- Impediment 1-4. Residents with disabilities **cannot find accessible and affordable rental units**, especially in rural Oregon, and often live in housing that is in poor condition or does not meet their accessibility needs.
- Impediment 1-5. **NOAH is often in poor condition** in rural Oregon. In non-entitlement areas, 15 percent of Hispanic households live in substandard housing conditions.
- Impediment 1-6. **Source of income discrimination persists.** Fines are too low to spur widespread compliance and noncompliance is perceived as a low risk. the Housing Choice Landlord Guarantee Program—is not considered an effective and efficient remedy.

Research Finding #2.

People of color disproportionately experience **barriers to attaining homeownership.**

- Impediment 2-1. Historical segregation and disinvestment coupled with past discrimination in lending and disparities in access to economic opportunity creates a **wealth gap** that negatively impacts mortgage lending outcomes.
- Impediment 1-2. **Lenders deny Black and African American, Native American, and Latino/Hispanic applicants at higher rates** than non-Hispanic White applicants, and these higher denial rates persist even after accounting for income.
- Observation. Applicants of color are much more likely than non-Hispanic White applicants to be denied loans for refinancing, home improvements, or cash out refinancing.

Research Finding #3.

Members of protected classes disproportionately experience **barriers to accessing economic opportunity**.

- Impediment 3-1. **Disparities in access to high quality learning environments** by students of color, English language learners, and by students with disabilities are evidenced in school discipline rates, test scores, and graduation rates limit educational attainment and future employment opportunities of affected-students.
- Impediment 3-2. **Inadequate Internet infrastructure in rural Oregon** disproportionately impacts families with children and people of color, limiting access to remote learning, employment opportunities, and telehealth.
- Impediment 3-3. The analysis of program beneficiaries found that none of the Microenterprise program participants were businesses owned by persons of color.

Research Finding #3.

Members of protected classes disproportionately experience **barriers to accessing economic opportunity**.

- Impediment 3-4. Since the last AI, the state of Oregon has entered into three settlement agreements to address **failures to comply with ADA and Olmstead integration mandates** related to lack of accessible ramps at state highway pedestrian crossings, lack of emphasis on supported employment in integrated environments rather than sheltered workshops, and lack of integrated, community based independent living options for residents with serious and persistent mental illness.
- Impediment 3-5. **Lack of access to mental health services, substance use disorder treatment, and other supportive services** leads to housing instability and homelessness, disproportionately impacting persons with disabilities, African American, Native American, and Hispanic residents.

Research Finding #4.

Residents still **lack knowledge of their fair housing rights**, are not empowered to take action, and have very limited fair housing resources locally.

- Impediment 4-1. Residents still have **low awareness of their fair housing rights and of resources available** to them to assert their rights, especially in the balance of state. Building the fair housing capacity of local culturally specific and culturally relevant organizations is needed.
- Impediment 4-2. Landlords, especially **medium and small housing providers in the balance of state, would benefit from fair housing education and training**, especially related to reasonable accommodations and source of income protections.
- Impediment 4-3. BOLI has made some improvements since the last AI, **the complaint process remains lengthy and complex, and the state is still not substantially equivalent.**

GUIDING PRINCIPLES FOR PRIORITIZING ACTION ITEMS

Guiding Principles for Development of the Fair Housing Action Plan

- The significance of the barrier in limiting fair housing choice
- How well actions serve residents with disproportionate needs and further diversity, equity, and inclusion
- How well actions address a gap in the system, where no resources or attention exist
- How well the actions leverage implementation of the Statewide Housing Plan
- The ability of OHCS, Business Oregon and their partners to address the barrier, willingness of other state agencies/partners to commit to the action.

RECOMMENDED FAIR HOUSING ACTION ITEMS

Actions to Reduce Disparities in Rental Housing Choice

Current strategies to continue

1. Continue to prioritize rental housing development and preservation in rural Oregon, emphasizing the State Housing Plan Equity and Racial Justice and Rural Communities priorities. *Impediments 1-1 through 1-6.*
2. Continue to fund fair housing enforcement, including testing, to address direct housing discrimination. *Impediments 1-1 through 1-6.*
3. Continue to fund home rehabilitation for low and moderate income homeowners. *Impediments 1-4 and 1-5.*

Partners: OHCS, Business Oregon, OHA, FHCO

Target populations: Low income people of color, especially Hispanic residents, Black/African American residents, Native American residents, immigrants; persons with disabilities

Actions to Reduce Disparities in Rental Housing Choice

Legislation, policy development, regulatory changes

1. Support regulatory changes to strengthen the state's source of income protection including increased resources dedicated to enforcement, higher fines, and piloting locally-delivered housing provider protection/insurance funds. *Impediments 1-1, 1-2, 1-3, 1-4, 1-6.*
2. Support adding immigrants and refugees as a protected class at the state level. *Impediment 1-3.*
3. Reform the state housing provider protection/insurance fund to be more responsive to housing provider needs and expand the fund or develop other incentives to mitigate or offset the risk housing providers take when renting to high barrier tenants who otherwise would not meet standard screening criteria (e.g., prior eviction, criminal history, poor credit). *Impediment 1-3.*

Actions to Reduce Disparities in Rental Housing Choice

Legislation, policy development, regulatory changes

4. Convene housing providers and fair housing stakeholders to develop a best practice process housing providers can use to fairly screen applicants who are undocumented and a process for individualized assessments for those with criminal histories. Learn from Portland's implementation of the FAIR ordinance. *Impediment 1-3.*

Partners: OHCS, Business Oregon, OHA, FHCO, Legal Aid, Rental Associations, Legislature

Target populations: Voucher holders, immigrants and refugees, landlords, residents with high barriers to renting who are disproportionately people of color and people with disabilities

Actions to Reduce Disparities in Rental Housing Choice

New approaches to preserving and developing affordable rental housing

1. Explore developing an incentive program to improve the condition of naturally occurring affordable rental housing while preserving affordability. For example, grants or low interest loans for condition improvements in exchange for guaranteed affordability for a term of years. Similarly, explore incentives for housing providers to increase the number of accessible units among their properties. *Impediments 1-4 and 1-5.*
2. Identify and implement effective strategies (e.g., incentives, requirements) to increase the number of accessible and adaptable affordable rental housing units statewide. *Impediment 1-4.*

Actions to Reduce Disparities in Rental Housing Choice

New approaches to preserving and developing affordable rental housing

3. Review the effectiveness of recent legislation (e.g., HB 2001) in expanding the supply of housing in the balance of state. If units are not being built, identify remaining barriers, which could include other land use or environmental rules, and develop policies or incentives to mitigate them. *Impediment 1-1.*

Partners: OHCS, Business Oregon, OHA, FHCO, Legal Aid, Rental Associations, Legislature

Target populations: Members of all protected classes, landlords, leadership of other state agencies, legislature

Actions to Reduce Disparities in Rental Housing Choice

Address underlying challenges for residents seeking affordable housing

3. Consider investing in a system for Oregon that replaces lists of affordable housing rental developments with a single system for search and application, by matching applicants to properties and streamlining the process. San Francisco's system is the best in class nationally.

Impediments 1-1 through 1-6.

Partners: OHCS, Business Oregon, OHA, FHCO, Legal Aid, Rental Associations, Legislature, landlords, housing developers, public housing authorities

Target populations: Members of all protected classes, landlords, housing developers

Actions to Reduce Disparities in Attaining Homeownership

Current strategies to continue

1. Continue to support and enhance the Residential Loan Program (Oregon Bond Residential Loan Program). Review and strengthen affirmative marketing of the program to members of protected classes in the balance of state. Continue to strengthen partnerships with lenders and CDFIs to increase lending opportunities in rural communities.
Impediments 2-1, 2-2.
2. Continue the Oregon Individual Development Account (IDA) Initiative. Review and strengthen affirmative marketing of the program, particularly to communities of color in the balance of state.
Impediments 2-1, 2-2.

Actions to Reduce Disparities in Attaining Homeownership

Current strategies to continue

3. Continue to provide down payment assistance for low income homebuyers, focusing on homebuyers of color. Look for opportunities to strengthen affirmative marketing to communities of color in the balance of state. Consider conducting focus groups or other consultation with residents of color to increase the effectiveness of state homeownership programs in serving communities of color. *Impediments 2-1, 2-2.*
4. Continue to support homeownership counseling, homebuyer education, and financial education programs for low income Oregonians. Review and strengthen affirmative marketing of such programs to communities of color in the balance of state. *Impediments 2-1, 2-2.*

Partners: OHCS, Business Oregon, OHA

Target populations: Members of all protected classes

Actions to Reduce Disparities in Attaining Homeownership

Address underlying causes of mortgage lending disparities

1. Engage the Portland branch of the Federal Reserve Bank of San Francisco to sponsor a workshop to identify actionable solutions to disparities in mortgage lending and the homeownership rate of persons of color in Oregon. *Impediments 2-1, 2-2.*
2. Explore the potential to help low and moderate income renters build credit through a positive rental reporting requirement; the credit bureaus will include positive rental payments in a credit score if they receive the information. This may include empowering tenants to opt to have rent payments reported to consumer credit bureaus in order to build credit through homeownership or other financial counseling programs.
Impediments 2-1, 2-2

Actions to Reduce Barriers to Accessing Economic Opportunity

Current strategies to continue

1. Continue to incentivize siting affordable housing in communities with strong economic assets like proficient schools, employment opportunities, and affordable and accessible transportation. Impediment 3-1.
2. Continue to seek opportunities to increase Internet infrastructure in rural Oregon, especially in unserved low income areas and communities of color. Impediment 3-2.
3. Continue to prioritize progress on the state's three ADA and Olmstead-related settlement agreements. Look for opportunities to go above and beyond the requirements, prioritizing accessibility and adaptability in projects. Impediment 3-4.

Actions to Reduce Barriers to Accessing Economic Opportunity

Elevate the importance of effective affirmative marketing strategies across all CDBG programs

1. Review and strengthen affirmative marketing of direct-to-consumer CDBG programs like the Microenterprise program and continue to prioritize developing relationships with culturally specific and culturally responsive organizations operating in the balance of state. *Impediment 3-3.*

Engage with other state departments to increase access to opportunity

1. Monitor implementation of the Student Success Act and encourage provision of student enrichment or before/after school learning opportunities in OHCS funded properties with supportive services for families. *Impediment 3-1.*

Actions to Reduce Barriers to Accessing Economic Opportunity

Engage with other state departments to increase access to opportunity

1. To the extent possible partner with state and local government agencies to increase the availability of mental health services, substance use disorder treatment, case management, and other services demonstrated to increase housing stability in vulnerable populations, especially those with disabilities, a history of mental illness or substance use disorders, or other trauma. These services should not be limited to Permanent Supportive Housing. *Impediment 3-5.*

Partners: OHCS, Business Oregon, OHA, county health and human services, behavioral health providers

Target populations: Members of all protected classes

Actions to Increase Fair Housing Enforcement and Empower Residents

Current strategies to continue

1. Continue to fund the presence of fair housing educators and enforcement staff outside of the Portland MSA. Continue to dedicate resources to nurture effective partnerships between fair housing organizations and local culturally specific and culturally relevant organizations to increase fair housing knowledge and empower residents to assert their rights. *Impediment 4-1.*

Expand fair housing education and training to reach more housing providers

1. Require front line staff at partner organizations involved in housing or supportive services to take fair housing training. *Impediment 4-1.*
2. Explore policies, including legislation, to require housing providers to participate in fair housing training. *Impediment 4-2.*

Actions to Increase Fair Housing Enforcement and Empower Residents

Reduce the burden of filing complaints and reaching resolution

1. Partner with BOLI to streamline the complaint process to increase ease of consumer use and to speed response and resolution times. *Impediment 4-3.*

Partners: OHCS, Business Oregon, OHA, BOLI, FHCO, landlords, nonprofit organizations in the balance of state

Target populations: Members of all protected classes

SECTION I.

DEMOGRAPHIC PROFILE

SECTION I.

Demographic Profile

An important starting point for the Analysis of Impediments to Fair Housing Choice (AI) is a review of the socioeconomic environment—specifically, how differences in demographics, place of residence, and income affect housing choice and economic opportunity. This section sets the context for Section II. Disproportionate Housing Analysis, which explores disproportionate housing needs and under- and over-representation of protected classes in state-funded housing programs. It begins with primary findings and a brief overview of historical practices that pre-determined residential settlement patterns in the state.

Primary Findings

- Oregon experienced modest population growth between 2010 and 2018, with the state's population crossing the 4 million mark. Of the 360,000 new residents, 100,000 identified as Hispanic, which contributed to a slight increase in the state's racial and ethnic diversity. In-migration of residents from other states drives much of the state's growth. The vast majority of the state's residents identify as White (84%) and non-Hispanic (87%).

The most racial and ethnic diversity exists in the Portland MSA region—yet people of color still represent a comparatively small proportion of residents, with 80 percent of the region's residents identifying as White and 88 percent non-Hispanic. The next most diverse regions include the Columbia Gorge (23% Hispanic), Northeast (18%), and South Central/Southeast (also 18%).

Statewide, Black or African American and Native American residents are most likely to live in racially segregated settings, regardless of the geographic location. Moderate to high levels of segregation exist for these resident groups in more than half of the counties; low segregation exists in parts of central and southern Oregon.

- The largest demographic change since 2010 is in the aging of residents. Between 2010 and 2018, residents aged 65 and older grew by 39 percent, or more than 200,000 people. Overall, 14 percent of residents in Oregon have a disability, with the incidence of disability highest for seniors: around a third (34%) of all seniors live with at least one disability.

As these residents continue to age, demand for home accessibility improvements, supportive services and health care, and public transportation will increase significantly. Rural areas—where the highest concentrations of seniors and people with disabilities occur—will bear the greatest impact of aging residents.

- Family types have shifted since 2010, as the numbers of married families without children, non-married couples without children, single households, and unrelated

roommate households have grown. In contrast, single parent households—both female- and male-headed—have declined.

- Statewide, 6 percent of residents have limited English proficiency (LEP). These residents are most comfortable speaking Spanish and a collection of Asian languages. Ten percent of Oregonians were born outside of the U.S., mostly in Asian and Latin American countries.
- Thirteen percent of Oregonians live in poverty. Areas with the highest poverty rates include several neighborhoods in the Portland MSA and cities with university/college students. Areas with moderate to high poverty are more prominent in rural parts of the state.

A cursory analysis of unemployment and poverty data by race and ethnicity suggests that low wages, rather than unemployment, contribute to differences in poverty. Residents who are most likely to live in areas of concentrated poverty and racial and ethnic segregation are disproportionately likely to be people of color, mostly Hispanic/Latino residents.

Historical Exclusion of People of Color

The State of Oregon is currently known for having some of the most progressive laws in the country to facilitate housing choice—and this commitment was elevated during the 2019 legislative session with the passage of many new bills to address disparities in housing choice. However, like most areas of the country, Oregon’s past treatment of people of color is rife with violence, mistreatment, dominance, and exclusion. These historical actions caused disparities in housing choice and access to economic opportunity for hundreds of years, and will require a continued commitment to reverse.

Nearly all types of non-White people experienced some form of discrimination in the state, although the type and conditions varied, as summarized below.

Oregon was the original homeland of more than 60 tribes who were challenged, displaced, and exposed to diseases by European settlers, explorers, and the federal government over hundreds of years. During the mid-1800s, as White emigration was increasing, tribes were compelled to agree to treaties—through promises of compensation, goods, and even arms, many of which were unkept—and turned over their lands to federal agents. Natives were relocated to lands that were much smaller and less productive than promised. During the 1940s and 1950s, federal policy shifted towards “assimilation” of Natives into American culture. Several tribes in Oregon challenged these policies and established themselves as autonomous entities.¹ There are currently nine tribes in Oregon, which are thriving culturally and economically.

¹ <https://www.opb.org/artsandlife/series/brokentreaties/oregon-tribes-oral-history-broken-treaties/>

Before becoming a state, Oregon banned Black Americans from settling in the area, and legalized public whipping of Black residents who would not leave. Oregon was the only state in U.S. to be admitted to the Union with an exclusion law. The state’s exclusion law existed for more than 60 years, from 1859 to 1926. Despite these barriers, Black settlers relocated to the state for work, built communities, and thrived—in some cases, by contesting exclusionary laws and practices.²

Asian residents emigrated to Oregon for jobs and to find affordable housing and were also met with hostility. Like neighboring California and Washington, Oregon passed discriminatory laws to limit homeownership and employment of Asian immigrants—for example, restricting Chinese residents to live-in domestic workers.³

Persons of Hispanic descent settled in Oregon as early as the 1500s and, like other non-White settlers, were met with discrimination and exclusion over hundreds of years. During the 1930s, Hispanic residents were actively deported and excluded from agricultural jobs through “white worker only” policies. This shifted during the 1940s, when more formal farm labor programs were created, and, by the 1960s, Hispanic communities became well-established in many parts of the state.⁴

Geography and Regions

Oregon’s geography encompasses a vast diversity of landscapes—rugged coastal mountains; fertile agricultural land; river valleys; and high, volcanic deserts. This geography, as well as state and local regulations governing development and land use, have influenced the nature and pattern of growth in the state.

The Oregon Office of Economic Analysis separates the state into nine regions for planning purposes:

- Central Oregon
- Columbia Gorge
- North Coast
- Northeast Oregon
- Portland MSA
- South Central/Southeast Oregon
- South Coast
- Southern Oregon
- Willamette Valley

Figure I-1 shows the geography of these regions, as well as their constituent counties.

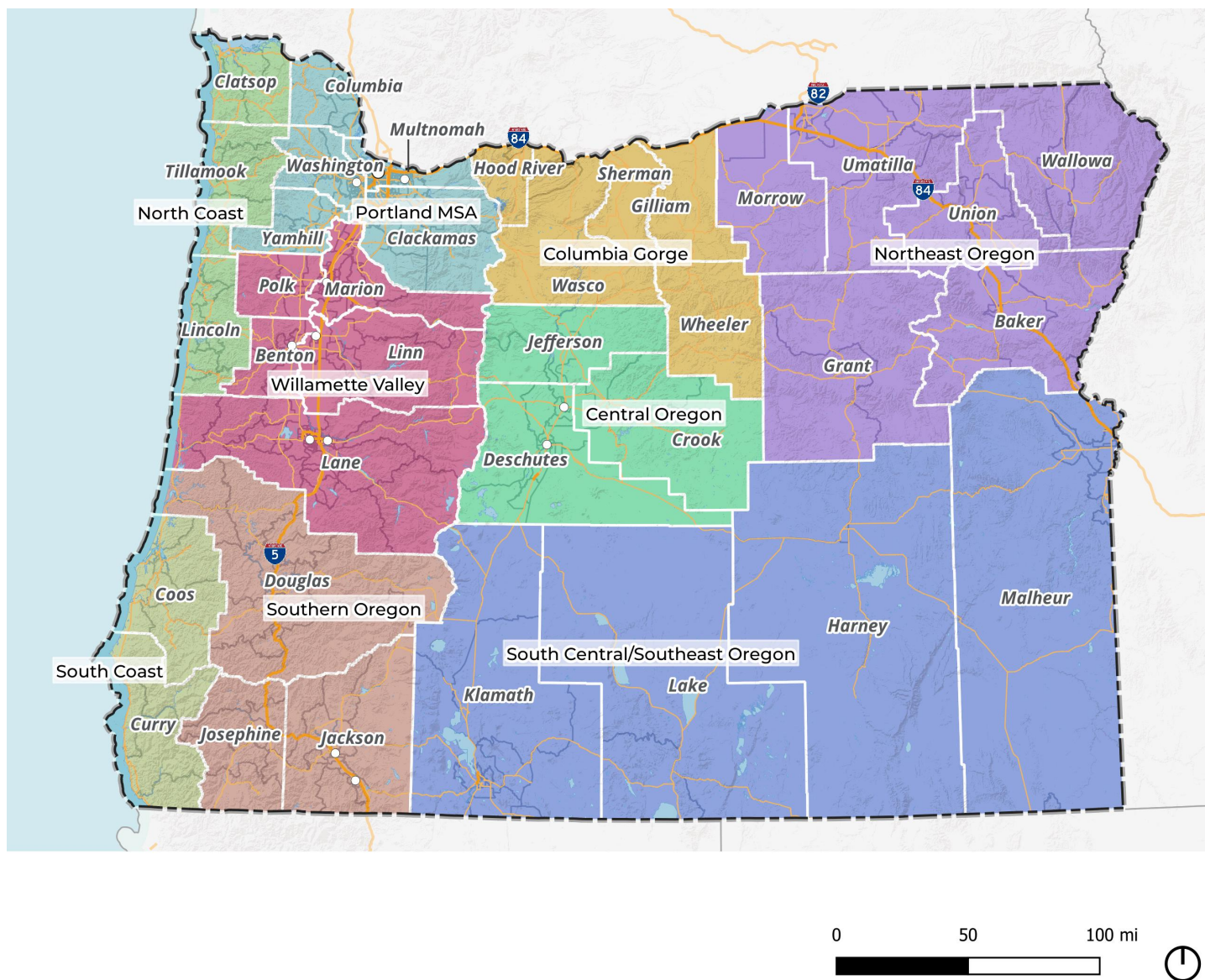
² <https://www.opb.org/television/programs/oregon-experience/article/oregon-black-pioneers-documentary/>

³ https://www.oregonencyclopedia.org/articles/chinese_americans_in_oregon/#.X8hC7BNKhTZ

⁴ https://www.oregonencyclopedia.org/articles/hispanics_in_oregon/#.X8hBrhNKhTY

**Figure I-1.
Oregon Regions
and Constituent
Counties**

Source:
Oregon Office of Economic
Analysis.



Defining spatial concentration of residents. Building upon HUD’s disproportionate needs measure—which defines disproportionate need as a 10 percentage point difference among different types of residents—this section defines a concentration as twice the disproportionate needs measure, or 20 percentage points. Therefore, Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the state proportion overall are concentrated Census tracts.

Demographic Summary

According to Portland State University’s Population Research Center’s Annual Report for 2019, Oregon’s population was 4,236,400 in July 2019, an increase of nearly 11 percent from the 2010 decennial Census. The state’s Office of Economic Analysis attributes 77 of the state’s population growth since 2010 to net in-migration—affirming Oregon’s status as a major destination of residents moving from other states. The state’s modest growth is expected to decelerate through 2030.

The three most populous counties are Multnomah County (20%), Washington County (14%), and Clackamas County (10%)—all part of the Portland metropolitan statistical area (MSA). The second largest counties, Lane County and Marion County, which make up 9 percent and 8 percent of the state population respectively, are both in the Willamette Valley region.

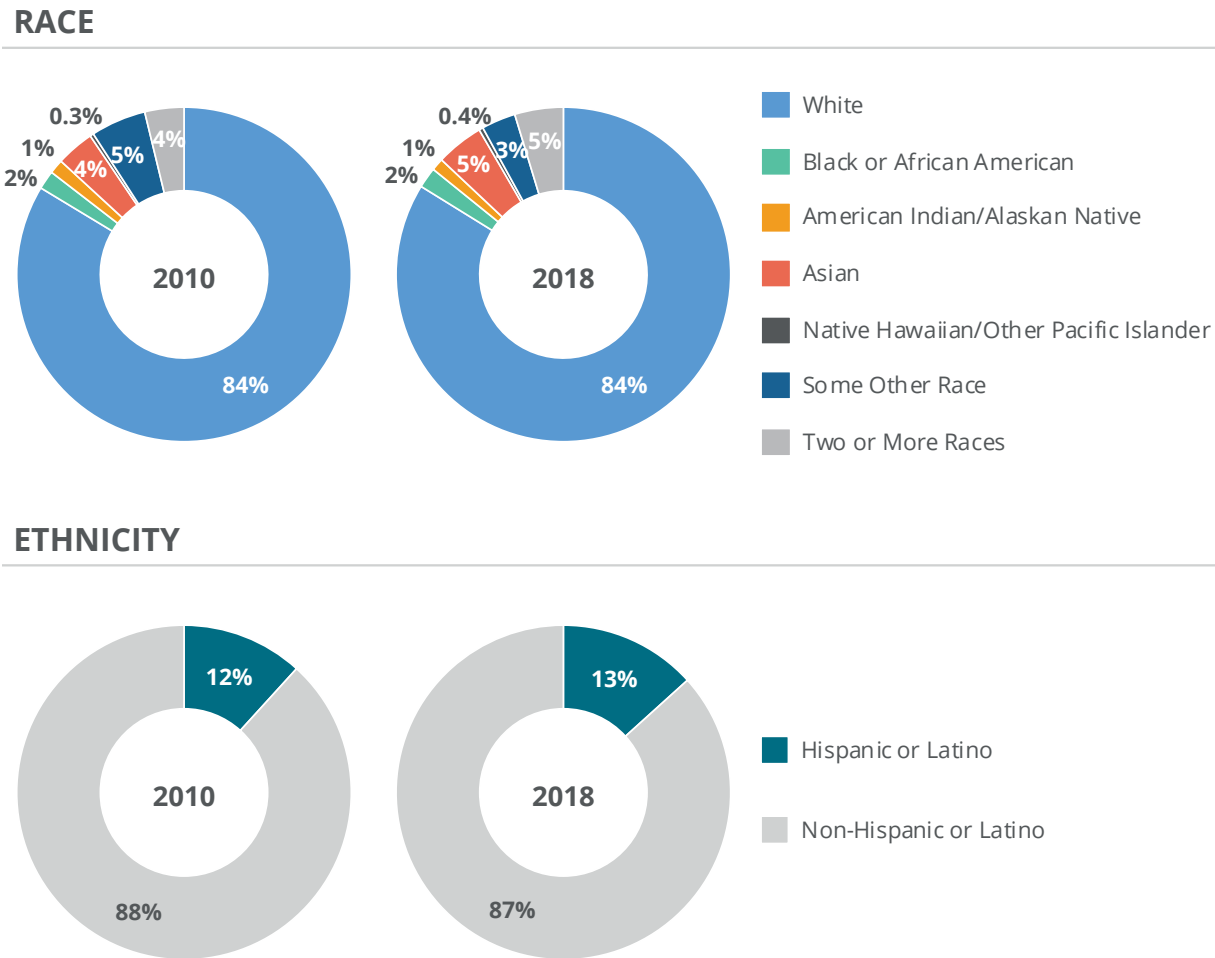
Race and ethnicity. Persons of Hispanic descent comprise 13 percent of all Oregon residents and represent the largest racial and ethnic group after non-Hispanic White residents.

The number of Hispanic residents grew by more than 100,000 between 2010 and 2018, an increase of 24 percent. Percentage growth was higher for Native Hawaiian/Pacific Islander residents (40%), Two or more races/Multi-racial residents (36%), and Asian residents (35%).

The largest population group in the state remains residents who report their race as White. This group represents 84 percent of the state’s total population. The population of White residents grew comparatively slowly during the past 8 years (10%); however, this increase represents the largest numerical change due to overall larger base.

Figure I-2 shows the race and ethnicity of Oregon’s residents in 2010 and 2018. As demonstrated by the figure, race and ethnicity has changed little since 2010.

Figure I-2.
Race and Ethnicity, State of Oregon, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

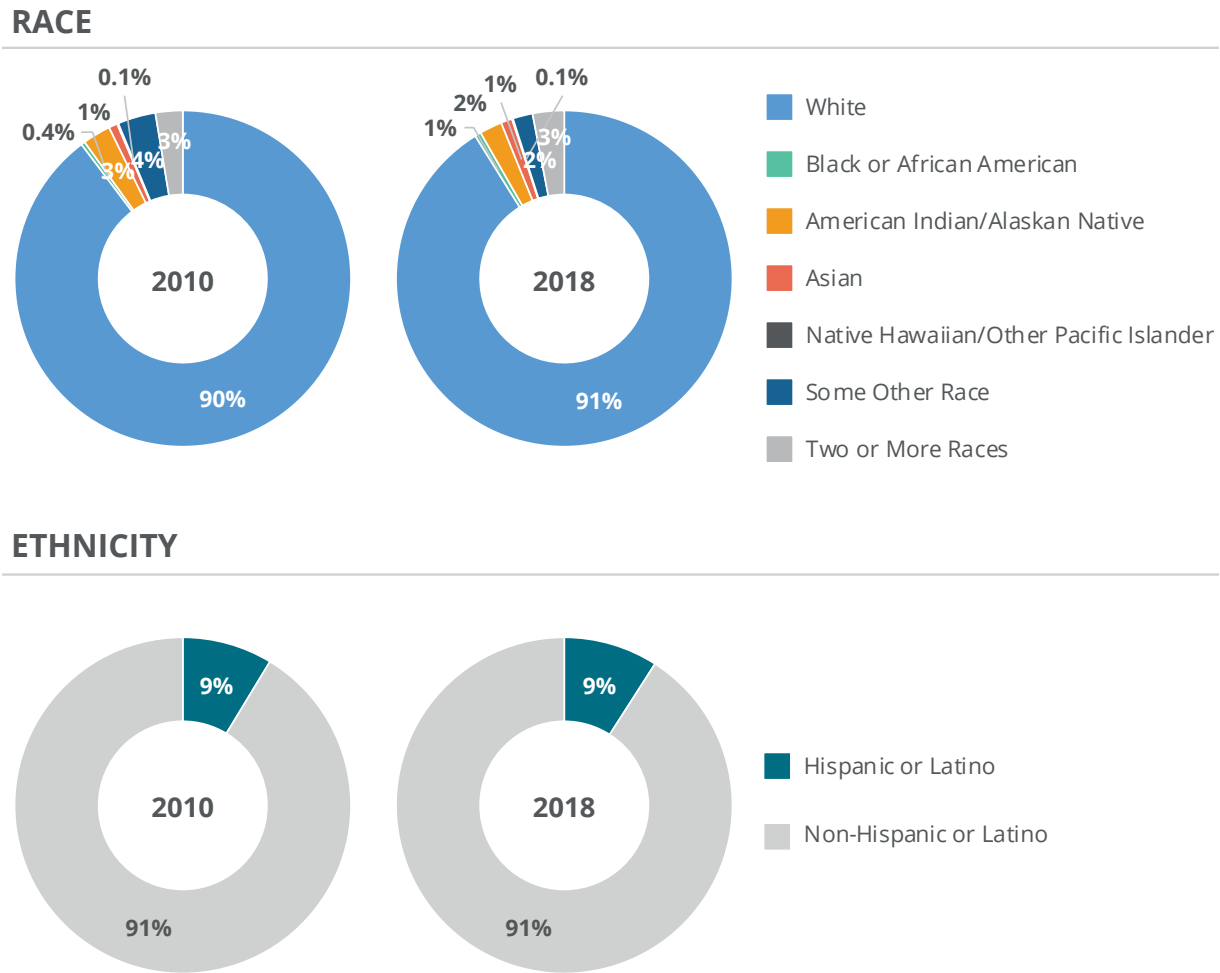
Source: 2010 Decennial Census, 2018 1 year ACS estimates and Root Policy Research.

The following figures show racial and ethnic composition of residents by region. In all regions, residents who report their race as White comprise the largest racial category. Changes in resident diversity have been modest for all regions.

The most diverse region racially is the Portland MSA, with the population of persons of color representing 20 percent of all residents. The least racially and ethnically diverse regions are the Southern Oregon and Central Oregon regions, where persons of color comprise 8 and 9 percent, respectively, of all residents.

Ethnically, the Columbia Gorge and North Coast regions are the most diverse, with Hispanic residents comprising 23 percent of all residents. The least ethnically diverse regions are the South Coast (7%) and Central Oregon (9%) regions.

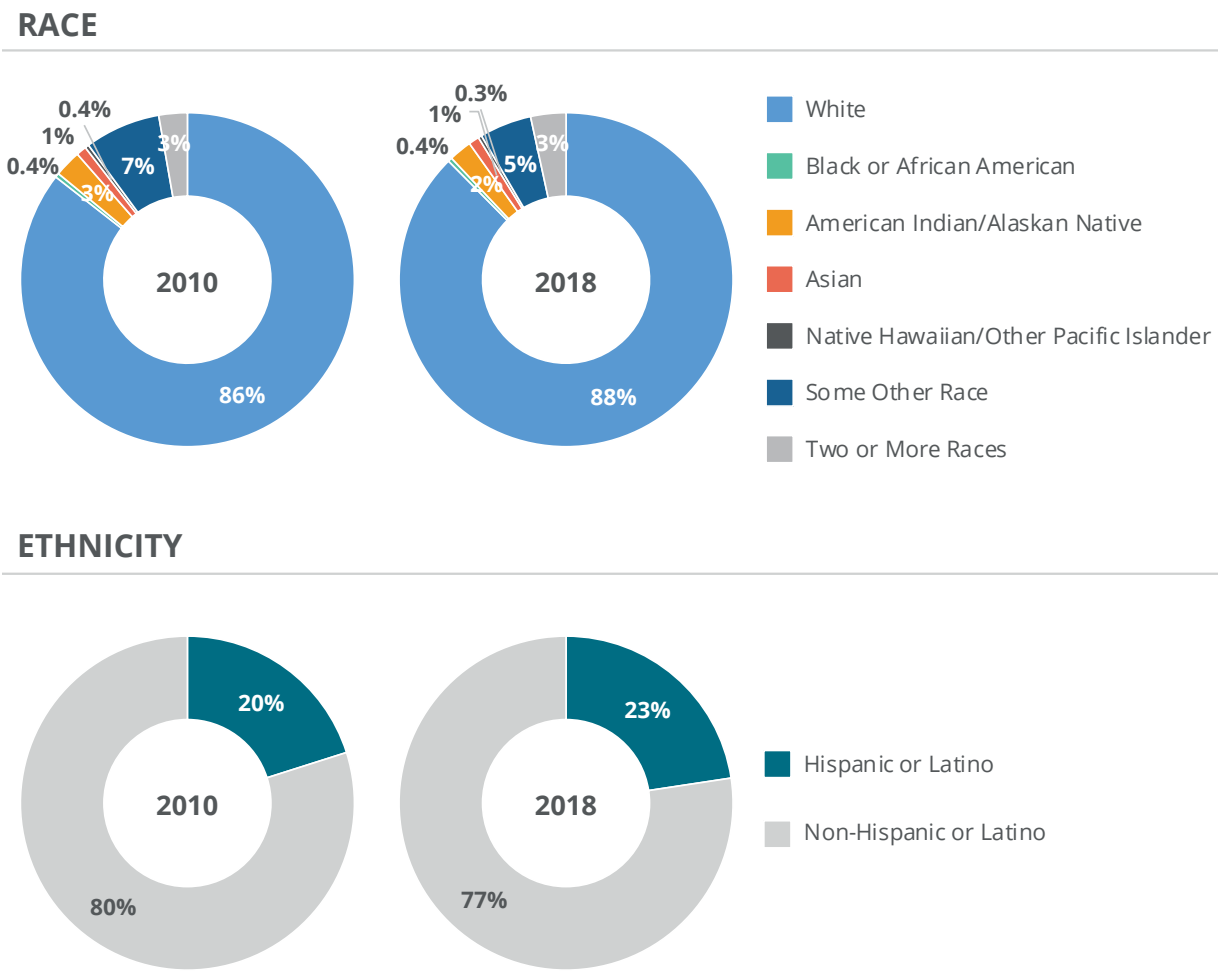
Figure I-3.
Change in Population by Race and Ethnicity, Central Oregon, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

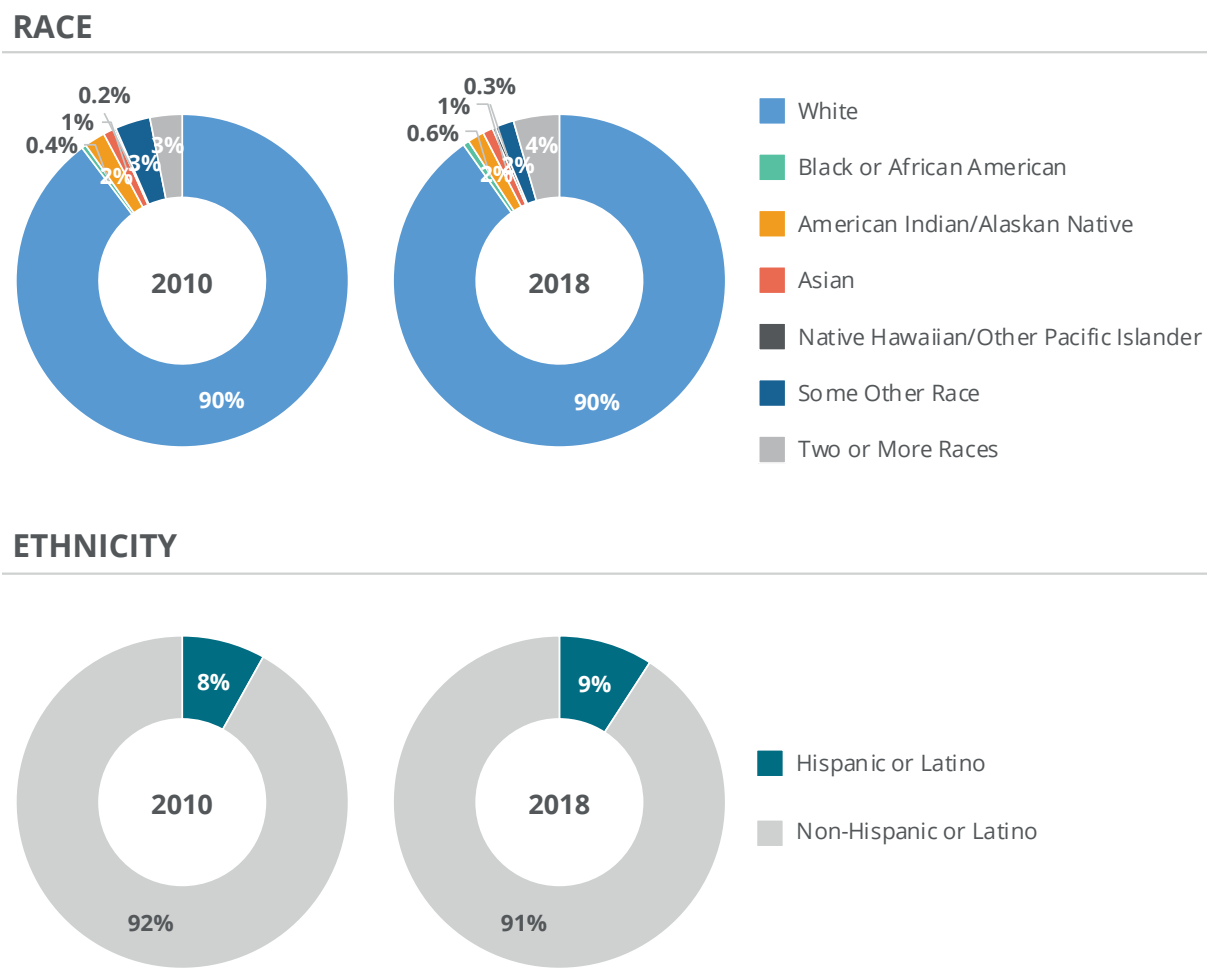
Figure I-4.
Change in Population by Race and Ethnicity, Columbia Gorge, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

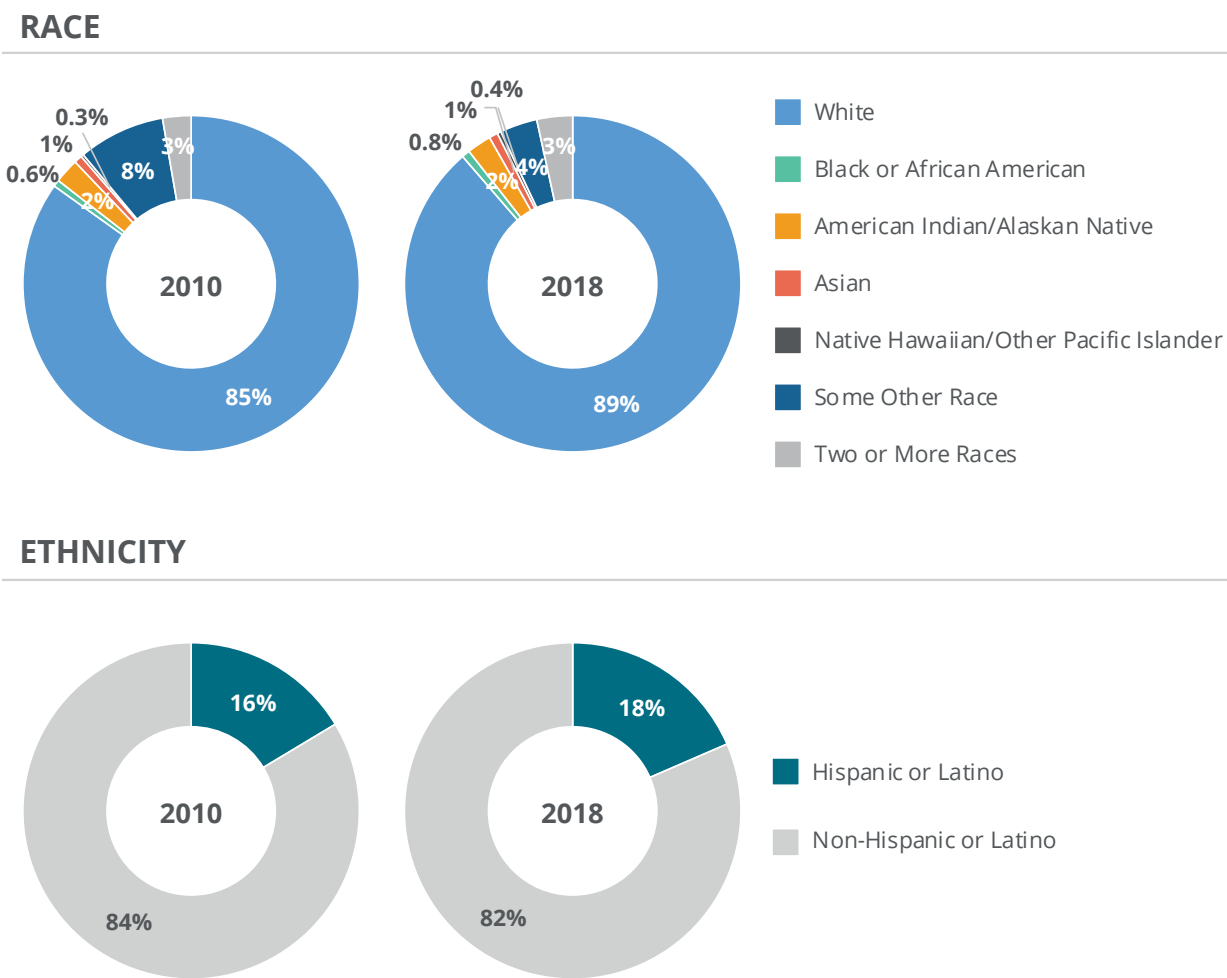
Figure I-5.
Change in Population by Race and Ethnicity, North Coast, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

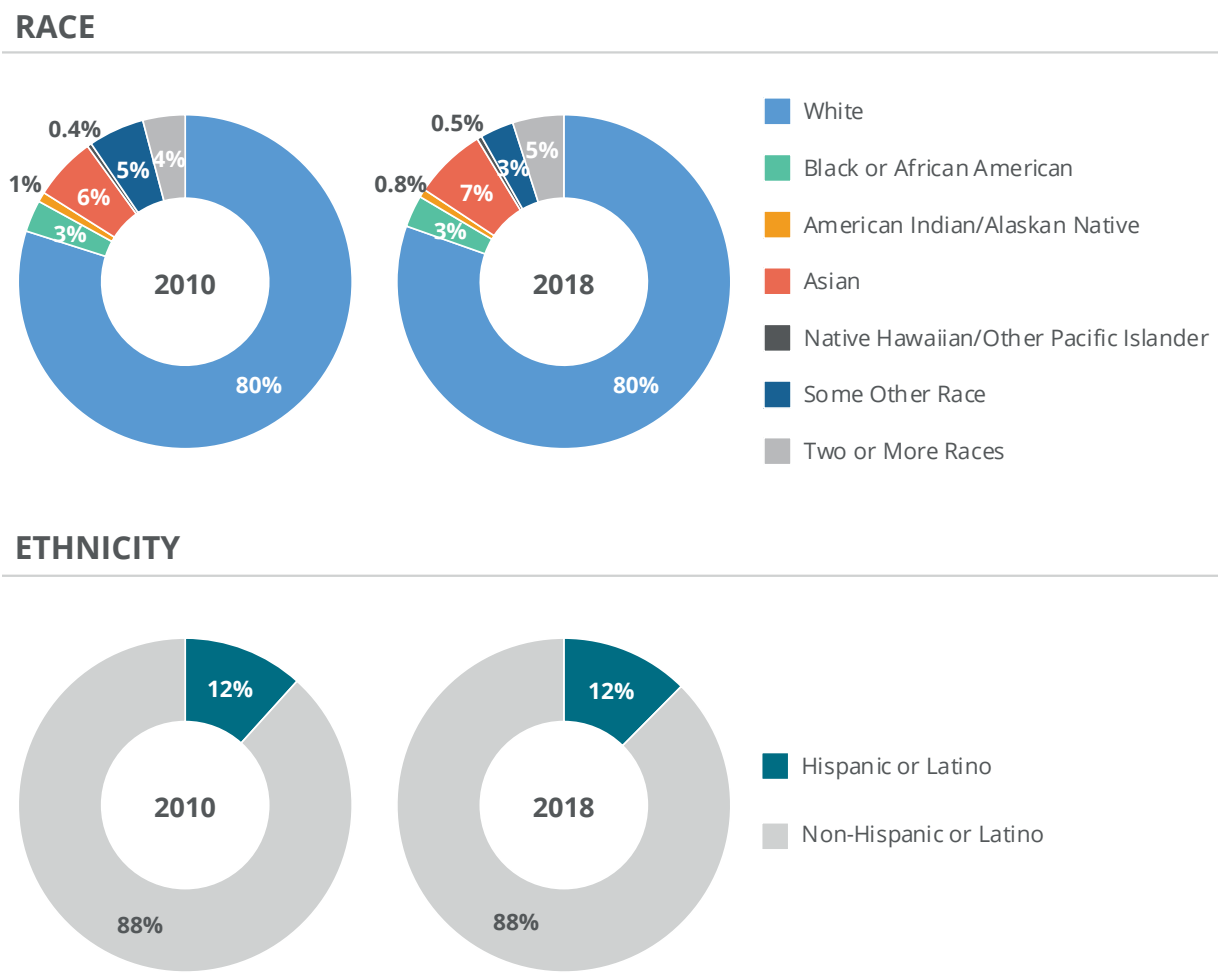
Figure I-6.
Change in Population by Race and Ethnicity, Northeast Oregon, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

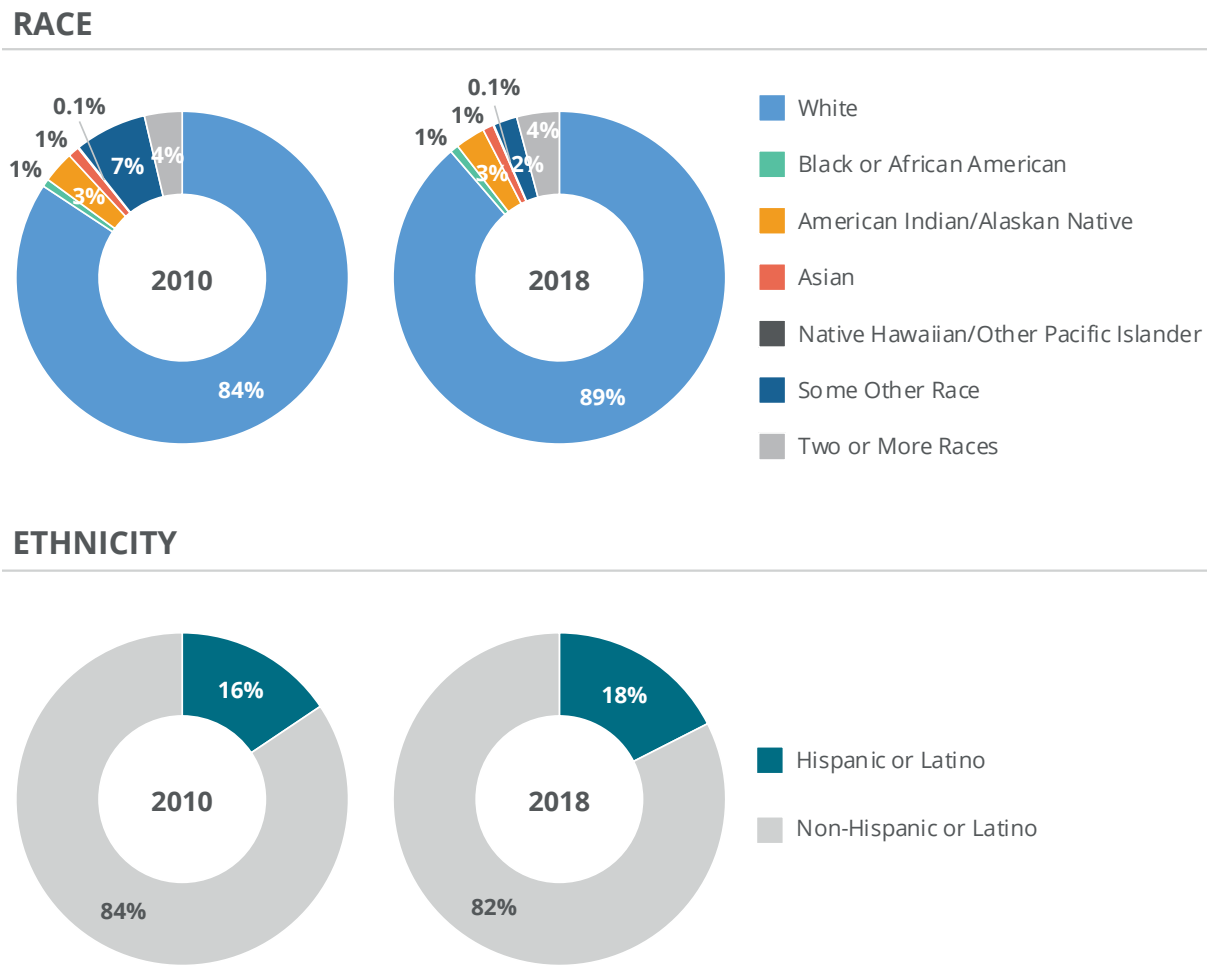
Figure I-7.
Change in Population by Race and Ethnicity, Portland MSA, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

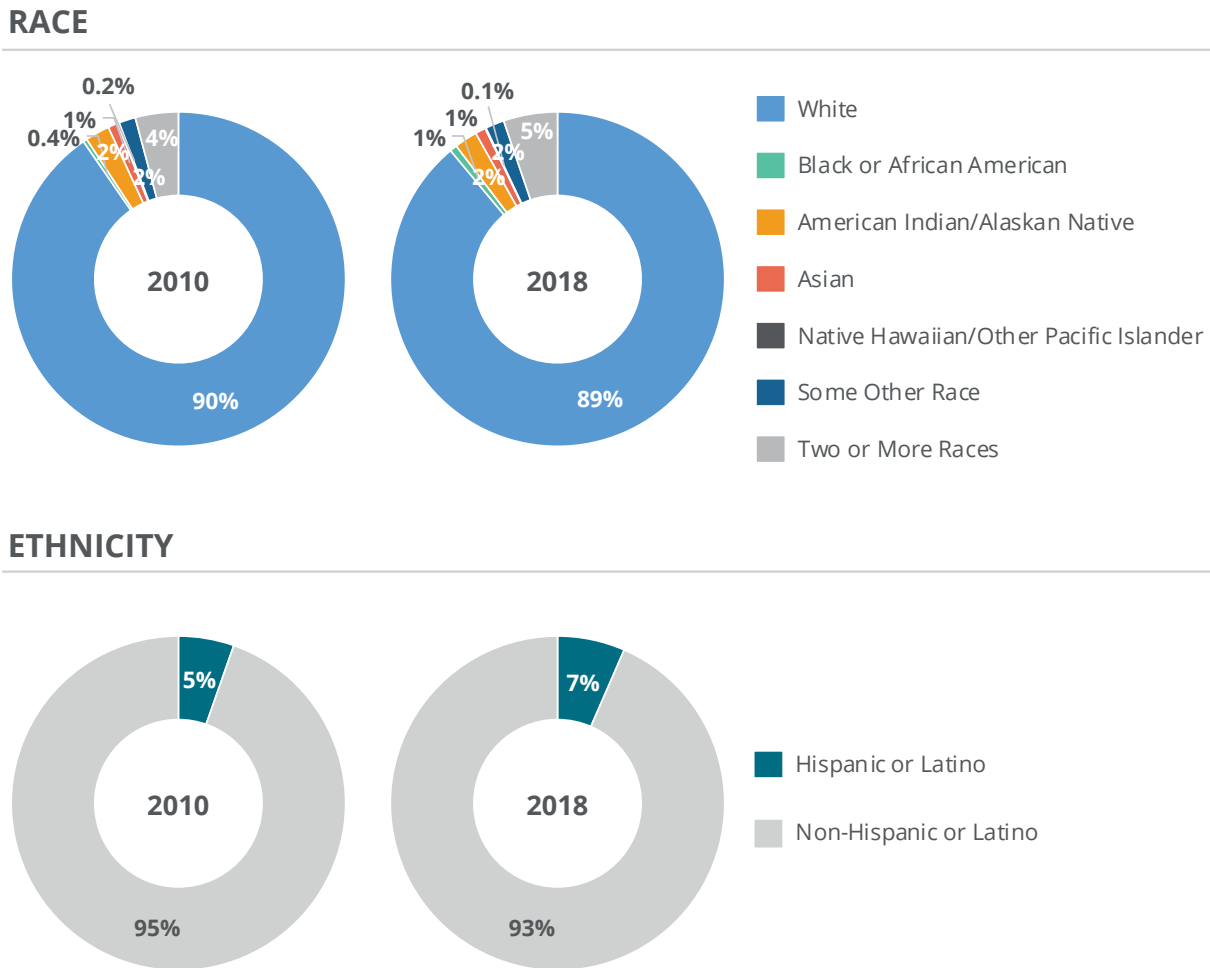
Figure I-8.
Change in Population by Race and Ethnicity, South Central/Southeast
Oregon, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

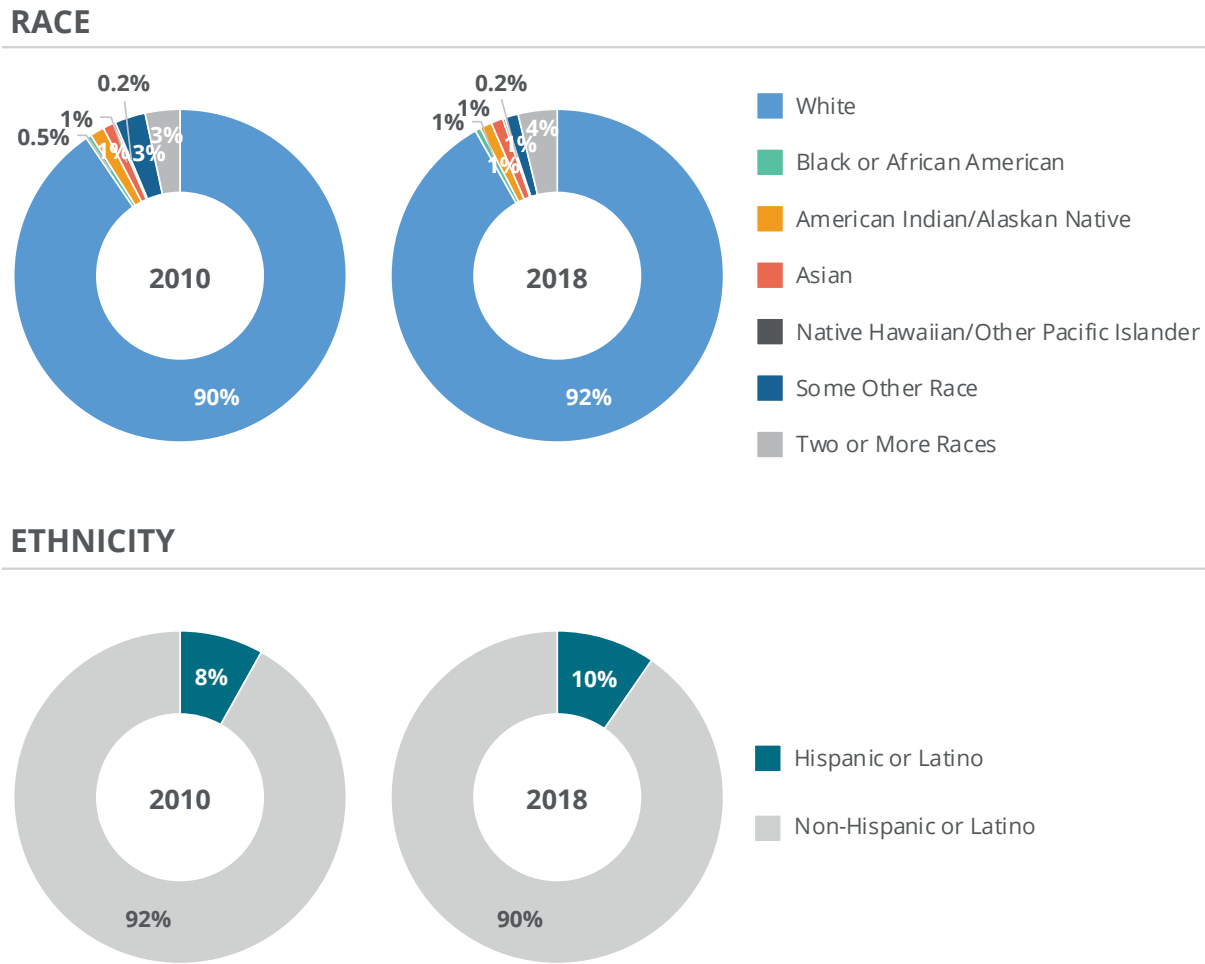
Figure I-9.
Change in Population by Race and Ethnicity, South Coast, 2010 and 2018



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

Figure I-10.
Change in Population by Race and Ethnicity, Southern Oregon, 2010 and 2018

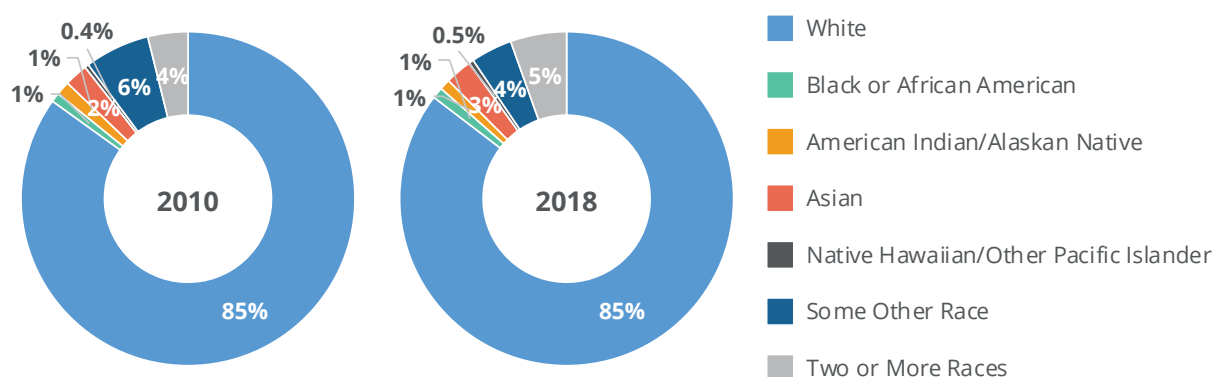


Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

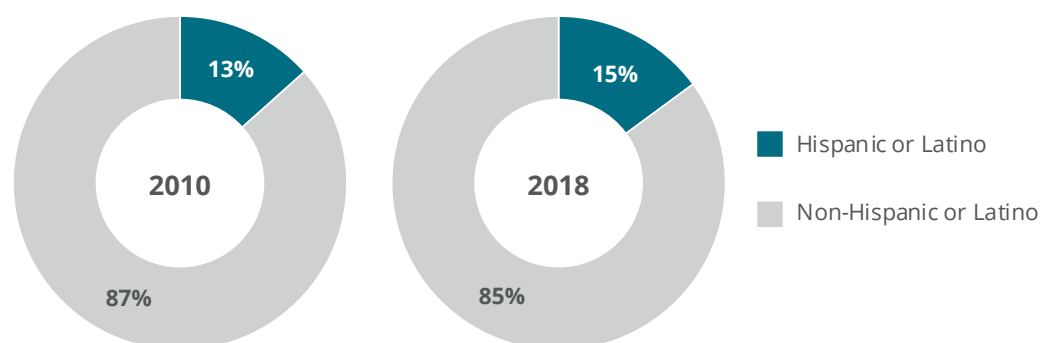
Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

Figure I-11.
Change in Population by Race and Ethnicity, Willamette Valley, 2010 and 2018

RACE



ETHNICITY



Note: Declines in the American Indian/Alaskan Native and Some Other Race categories are related to re-classification of racial categories or individuals who do not report their tribal affiliation or change race responses between 2010 and 2018.

Source: 2010 Decennial Census, 2018 5 year ACS estimates and Root Policy Research.

Age. According to the 2018 ACS, the median age of residents in Oregon is nearly 40 years old, higher than the national median age (37.3).

As shown in Figure I-12, the largest growth by age cohort between 2010 and 2018 occurred for residents 65 and older. This cohort grew by 39 percent, a rate over three times faster than the next fastest-growing cohort, those between 25 and 44 years old. The state now has more than 200,000 senior residents than in 2010.

The number of residents between the ages of 45 and 54 declined between 2010 and 2018, while the number of residents under age 25 grew slightly.

Figure I-12.
Age, State of Oregon, 2010 and 2018

State of Oregon	2010		2018		2010 - 2018 Change	
	Number	%	Number	%	Number	%
0 to 14	717,323	19%	721,290	17%	3,967	1%
15 to 24	507,908	13%	517,043	12%	9,135	2%
25 to 44	1,023,669	27%	1,149,488	27%	125,819	12%
45 to 54	539,075	14%	519,480	12%	-19,595	-4%
55 to 64	509,566	13%	543,801	13%	34,235	7%
65 and older	533,533	14%	739,611	18%	206,078	39%

Source: 2010 Decennial Census, 2018 1 year ACS estimates and Root Policy Research.

The significant increase in the state's senior residents underscores the importance of housing and community investments that incorporate the needs of older residents who will draw more heavily on services, need accessibility modifications, and rely on public transportation, as they age.

Household composition. According to the 2018 ACS, there are more than 1.6 million households in Oregon. The average household size is 2.5, slightly less than the national average (2.63). The average family size is 3.04 people.

Most of Oregon's residents live with related persons, defined by the Census as "family" households. Family households comprised 63 percent of households as of 2018, the same as in 2010.

Thirty-seven percent of the households in Oregon are "non-family" households, which includes unrelated persons living together and people living alone.

Figure I-13 conveys the numerical and percentage change in family types and subtypes between 2010 and 2018. Overall, there has been very little change in the state's family types. Married couple families are the dominant household type, making up 48 percent of all households. Most do not have children in the home. Single heads of household comprise about 14 percent of all households, with single female householders with children the largest share (5% of all households).

The largest numerical growth among family subtypes was among married families without children under 18, whose cohort increased by over 54,000 families (12%). Male householder families without children under 18 saw the largest percentage increase at 22 percent, or an increase of over 7,400 families. Comparatively strong growth also occurred for non-family households (single persons, roommates). Declines occurred for female heads with children (-6,542) and male heads of household with children (-1,006).

Figure I-13.
Household Composition and Change, State of Oregon, 2010 and 2018

State of Oregon	2010		2018		2010-2018 Change	
	Number	%	Number	%	Number	%
Family Households	963,467	63%	1,027,648	63%	64,181	7%
Married couple family	733,741	48%	793,537	48%	59,796	8%
<i>with children under 18</i>	283,674	19%	288,829	18%	5,155	2%
<i>without children under 18</i>	450,067	30%	504,708	31%	54,641	12%
Male householder	70,921	5%	77,279	5%	6,358	9%
<i>with children under 18</i>	37,840	2%	36,834	2%	-1,006	-3%
<i>without children under 18</i>	33,081	2%	40,445	2%	7,364	22%
Female householder	158,805	10%	156,832	10%	-1,973	-1%
<i>with children under 18</i>	92,646	6%	86,104	5%	-6,542	-7%
<i>without children under 18</i>	66,159	4%	70,728	4%	4,569	7%
Non-family households	555,471	37%	612,322	37%	56,851	10%
Total Households	1,518,938	100%	1,639,970	100%	121,032	8%

Source: 2010 Decennial Census, 2018 1 year ACS, and Root Policy Research.

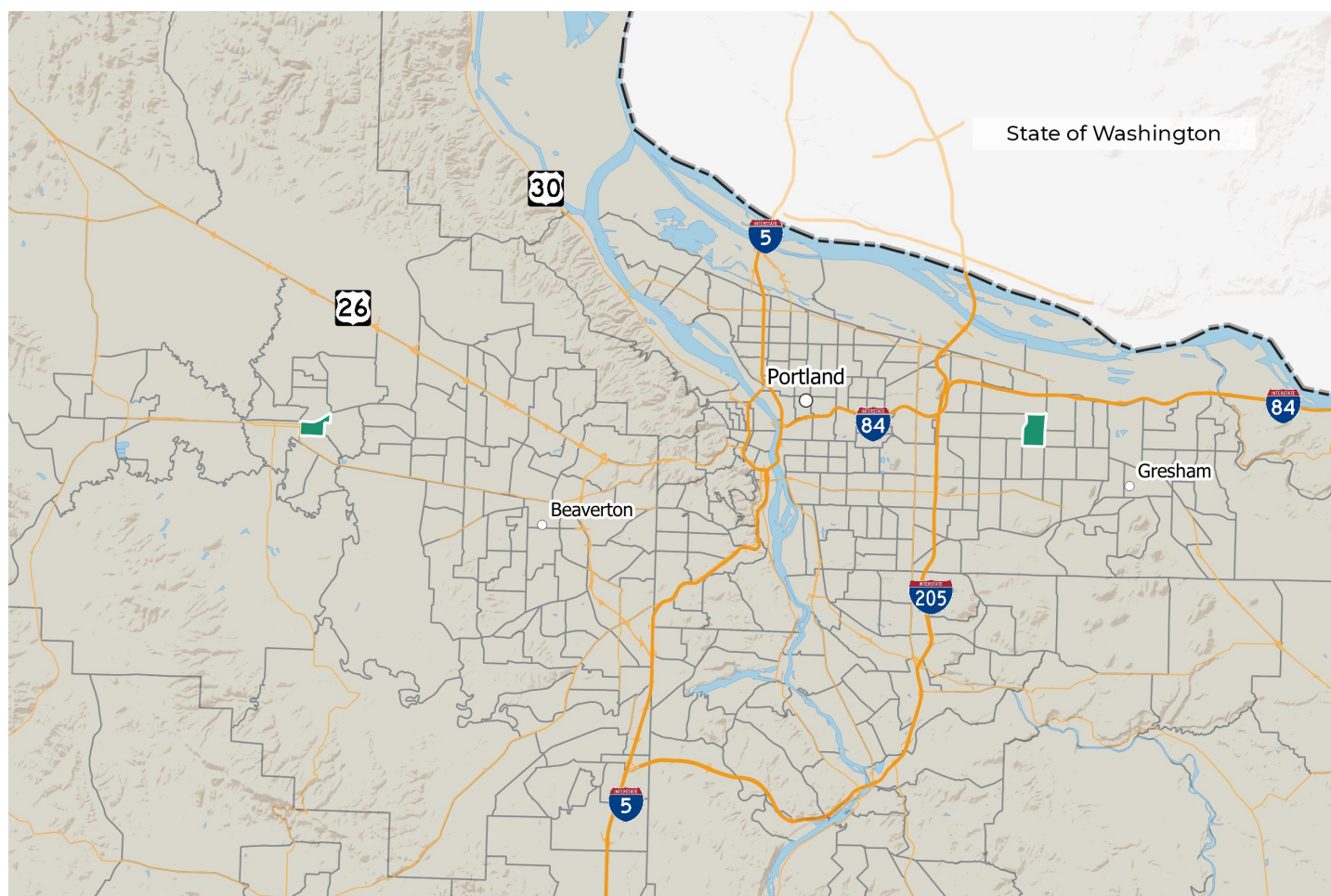
Single parent households—especially those headed by females—have some of the highest rates of poverty in most communities. As such, they generally have greater needs for affordable housing, as well as supportive services (childcare, transportation, etc.). Gaps in supportive services—for single parents in particular—have been more directly exposed during the COVID-19 pandemic.

The following map in Figure I-14 shows the Census tracts where single female householders with children are concentrated within the state; these all occur within urban areas.

Concentrations occur in Gresham and Hillsboro, both within the Portland metropolitan area.

**Figure I-14.
Concentration
of Single Female
Householder
with Children,
Greater Portland
Area, 2018**

Source:
2018 5 year ACS estimates
and Root Policy Research.



Concentration of
Female Householder with Children

Above 25% (20 percentage points more than state proportion)



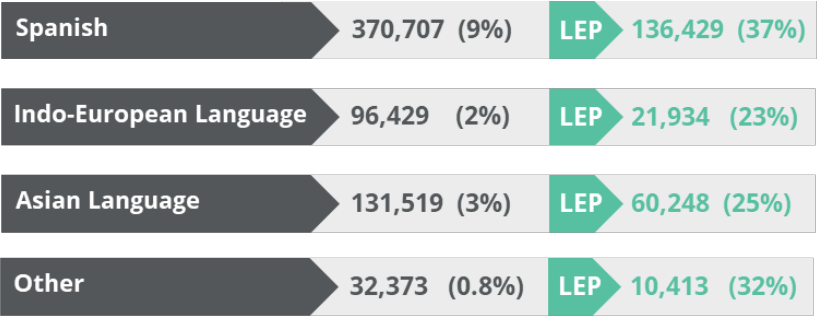
Limited English proficiency (LEP) households. As communities become more diverse ethnically, it is increasingly important to ensure fair housing information and materials are available and accessible in multiple languages. Knowing where non-English speakers are located also allows for information and materials to better align socially and culturally, increasing the efficacy and effectiveness of the disseminated information.

Overall in Oregon, approximately 6 percent of residents have limited English proficiency, according to the 2018 ACS.

The majority of Oregon’s bi- and multi-lingual households are not LEP. Figure I-15 shows the proportions of LEP residents among bi- and multi-lingual households. Of the 9.4 percent of residents who speak Spanish, 37 percent—or 136,429 residents—have limited English capabilities. This is also true of 21,934 residents speaking Indo-European languages; 60,248 who speak Asian languages; and 10,413 residents who speak a variety of other languages.

Figure I-15.
Limited English
Proficiency
(LEP) Residents,
State of Oregon,
2018

Source:
2018 1 year ACS estimates.



The following maps show LEP concentrations. These occur in one large Census tract along I-84 and the Columbia River near the town of Hood River encompassing the town of Odell in Hood River County as shown in Figure I-16. Figure I-17 shows tracts in Portland flanking I-205 in the east of the city, as well as a tract in Gresham along the Portland border.

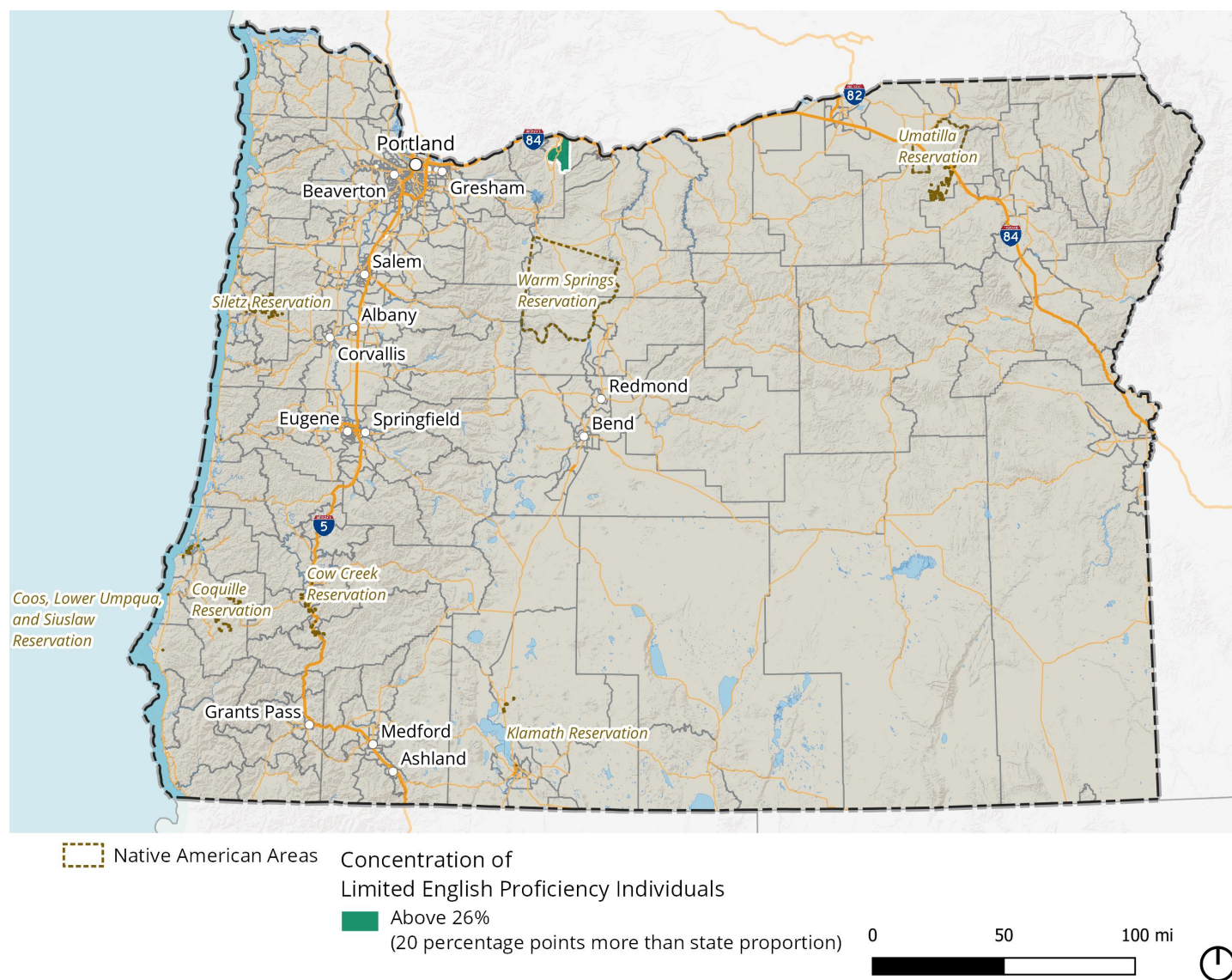
**Figure I-16.
Concentration
of Limited
English
Proficiency
Individuals,
State of Oregon,
2018**

Note:

Limited English Proficiency (LEP) is defined as an individual who does not speak English as a first language and speaks English less than "Very Well". The statewide proportion of LEP residents is 6%.

Source:

2018 5 year ACS estimates and Root Policy Research.



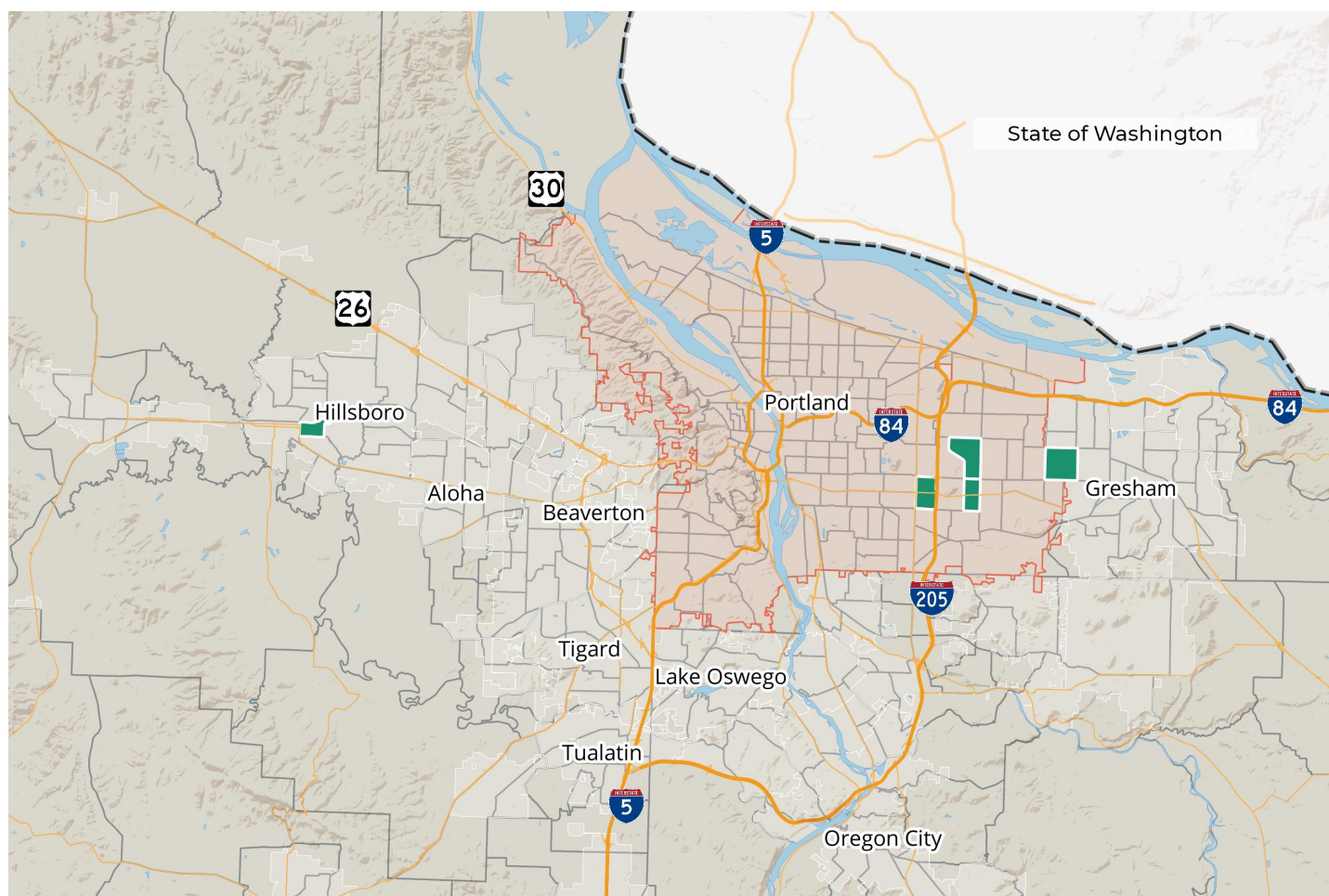
**Figure I-17.
Concentration
of Limited
English
Proficiency
Individuals,
Greater Portland
Area, 2018**

Note:

Limited English Proficiency (LEP) is defined as an individual who does not speak English as a first language and speaks English less than "Very Well". The statewide proportion of LEP residents is 6%.

Source:

2018 5 year ACS estimates
and Root Policy Research.



Concentration of
Limited English Proficiency Individuals

■ Above 26% (20 percentage points more than state proportion)

0 4 8 mi

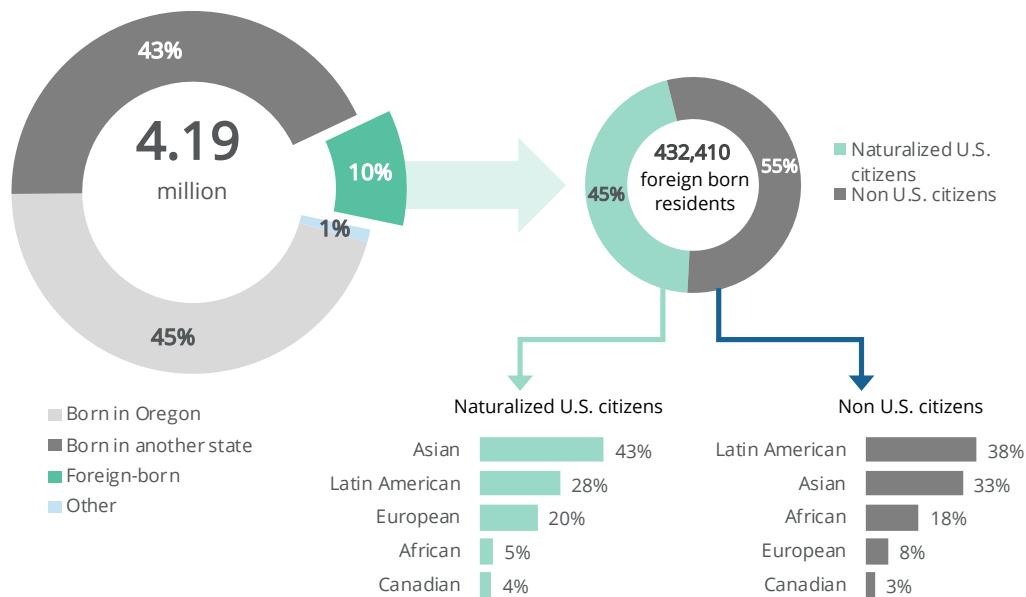


National origin. National origin, a protected class in fair housing laws, can be based either on the country of an individual's birth or origination of ancestors. Census data available to analyze segregation by national origin are more limited in definition—they represent the foreign-born population, not ancestry.

Figure I-18 shows the country of birth and citizenship status of Oregon residents. Foreign born residents make up 10 percent of Oregon's total population. Among this group, 45 percent are naturalized U.S. citizens. Asian countries are the most prevalent nations of origin among naturalized U.S. citizens (43%) in Oregon, considerably higher than Latin American countries and European countries, which make up 28 percent and 20 percent of the naturalized citizen population, respectively.

Non U.S. Citizens make up roughly 55 percent of Oregon's foreign born population. Among these residents, 38 percent are from Latin American countries, 33 percent are from Asian countries, and 18 percent are from African countries.

Figure I-18.
Country of Origin and Citizenship Status, State of Oregon, 2018



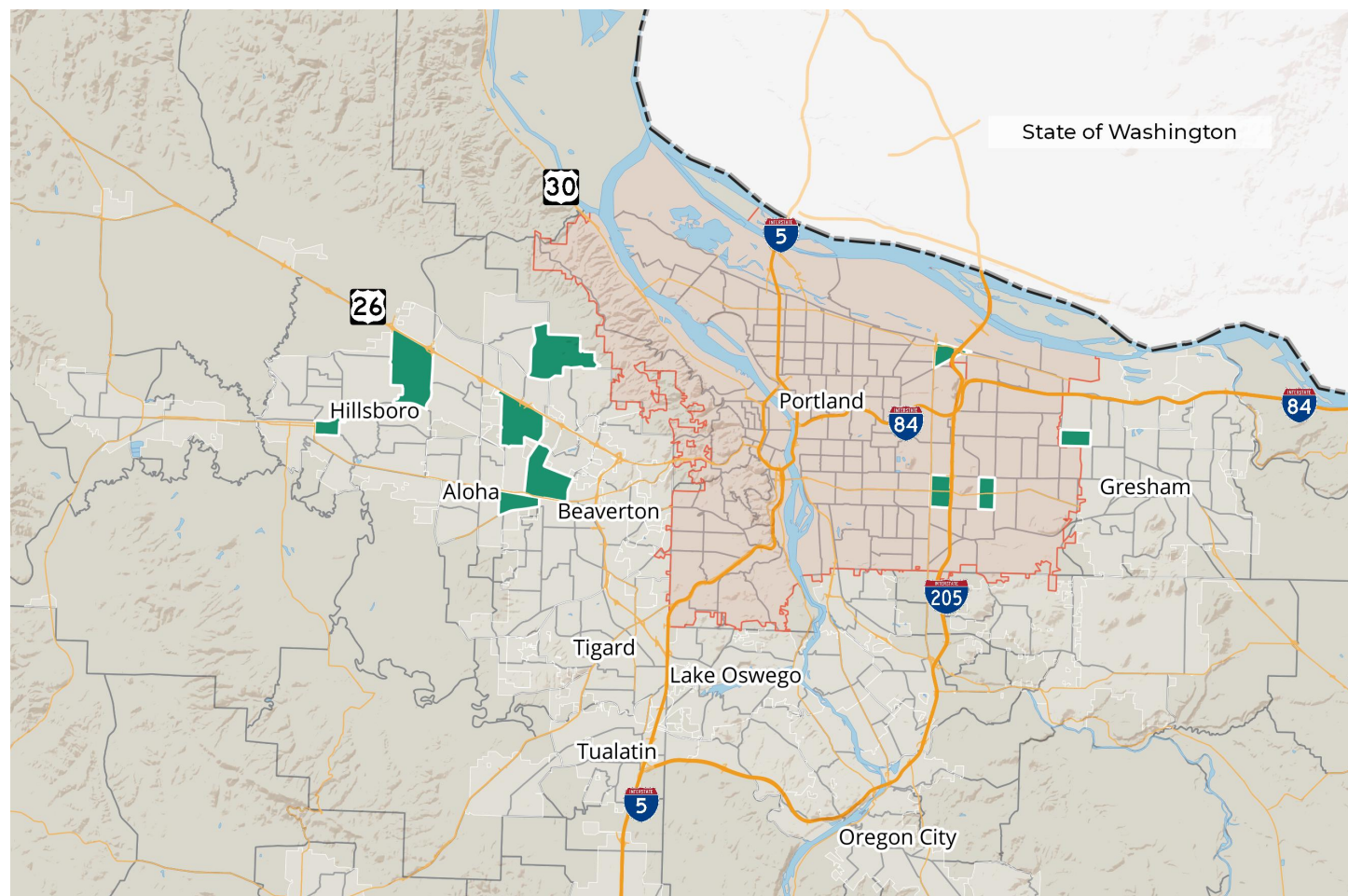
Source: 2018 1 year ACS estimates

The map in Figure I-19 shows a grouping of Census tracts with concentrations of foreign-born residents in the greater Portland area. There occur in Washington County including tracts in Beaverton, Hillsboro, and Bethany, and in Multnomah County in Portland and Gresham.

**Figure I-19.
Concentration
of Foreign Born
Residents by
Census Tract,
Greater Portland
Area, 2018**

Note:
The statewide proportion of
foreign born residents is 10%.

Source:
2018 5 year ASC estimates.



Concentration of Foreign Born Residents

■ Above 30% (20 percentage points more than state proportion)



Persons with disabilities. Overall, 14 percent of residents in Oregon have a disability, as shown in Figure I-20. Around a third (34%) of all seniors (65 years and over) live with at least one disability. Seniors are most affected by physical (ambulatory and hearing) disabilities, and children are most affected by cognitive disabilities.

**Figure I-20.
Incidence of
Disability by Age**

Source:

ACS 2018 1 year estimates and Root
Policy Research.

State of Oregon	No. of Residents	% of Residents
Total Residents with Disabilities	581,461	14%
Residents Under 18 Years	41,692	5%
Hearing	4,613	1%
Vision	6,704	1%
Cognitive	30,362	5%
Ambulatory	4,765	1%
Self Care	6,683	1%
Residents 18 to 64	295,114	12%
Hearing	70,427	3%
Vision	48,603	2%
Cognitive	142,599	6%
Ambulatory	122,807	5%
Self Care	45,422	2%
Independent Living	108,497	4%
Residents Over 65	244,655	34%
Hearing	117,226	16%
Vision	41,426	6%
Cognitive	58,836	8%
Ambulatory	145,673	20%
Self Care	49,495	7%
Independent Living	94,248	13%

Persons with disabilities are typically more vulnerable to housing discrimination than others due to housing providers' lack of knowledge about reasonable accommodation provisions in fair housing laws. Persons with disabilities also face challenges finding housing that is affordable, accessible, located near supportive services, and, for those who do not drive located near transit.

The high percentage of seniors living with disabilities, coupled with the significant population growth among this age group in Oregon, suggests that housing accommodations for persons with disabilities—and the potential for fair housing violations in this area—are likely to increase in the future.

The following maps show concentrations of persons with disabilities, defined in this analysis as more than 34 percent (20 percentage points above statewide rate) of individuals in a Census tract. There are two Census tracts with concentrations of residents

with disabilities, one in coastal city of Florence in the Willamette Valley region and one in the city of Portland.

The maps also show areas where the percentage of residents with a disability is 10 percentage points above the state proportion. These are not concentrations by the working definition in this section, yet have higher-than-statewide proportions of residents with disabilities and, given the state's rapidly aging population, are notable.

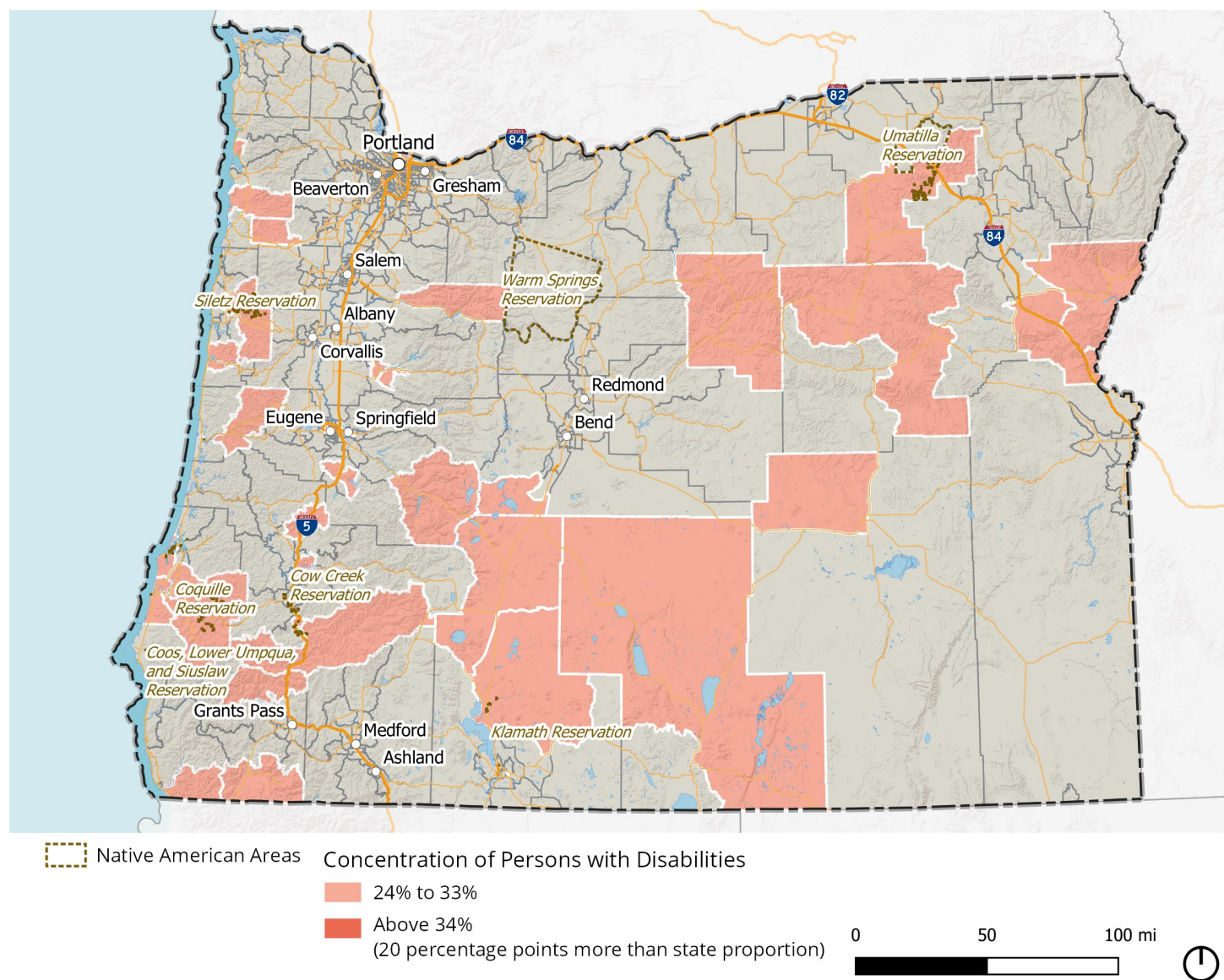
**Figure I-21.
Concentration
of Persons with
Disabilities by
Census Tract,
State of Oregon,
2018**

Note:

The, statewide proportion of persons with disabilities is 14%.

Source:

2018 5 year ACS estimates and Root Policy Research.



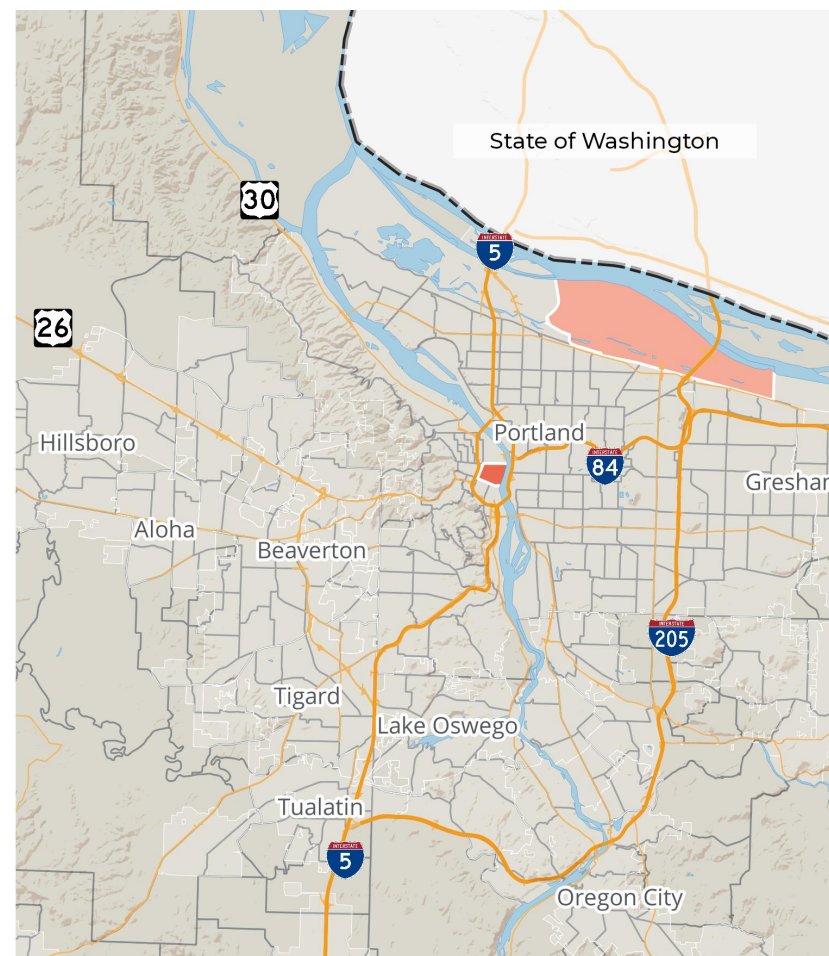
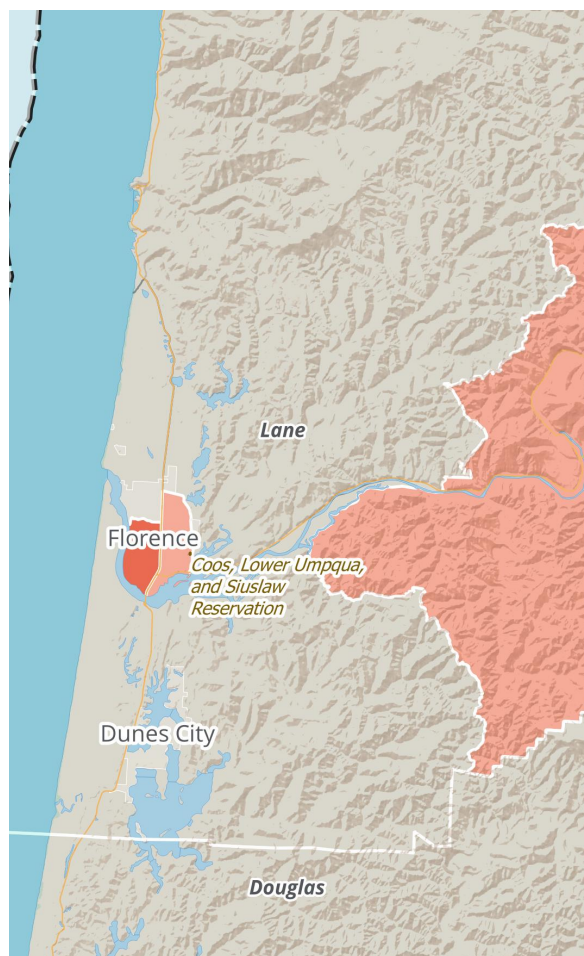
**Figure I-22.
Concentration
of Persons with
Disabilities by
Census Tract,
Greater Portland
Area, 2018**

Note:

The statewide proportion of persons with disabilities is 14%.

Source:

2018 5 year ACS estimates and Root Policy Research.



Concentration of Persons with Disabilities

24% to 33%

Above 34% (20 percentage points more than state proportion)

0 4 8 mi



Persons with HIV/AIDS. Residents living with HIV/AIDS fall under the disability classification of protected class, but their housing accommodation needs may differ from residents with other physical disabilities. For example, while a high proportion of people living with HIV may have co-occurring physical, mental, and/or substance use challenges, many do not need units with universal design or accessibility features. Still, data show that stable housing is an important part of medical management of HIV: people experiencing unstable housing situations or homelessness were more likely to have poor treatment outcomes for HIV.

The 2018 Oregon Health Authority Epidemiologic Profile⁵ of HIV/AIDS reports that there are 7,622 people living with HIV/AIDS in Oregon and another 1,241 persons were estimated to be infected with HIV but were undiagnosed. Forty-seven percent diagnosed lived in Multnomah County.

Average diagnosis rates are nearly five times higher among Black or African American residents and 1.8 times higher among Hispanic residents compared to White residents. Males make up 88 percent of residents living with HIV/AIDS in Oregon.

Poverty. The economic ability to rent or purchase housing is a strong determinant of where one lives within a community. Figure I-23 shows poverty concentrations (poverty rate of 33% and above) as well as areas with higher-than-statewide poverty (13% to 32%).

Areas of concentrated poverty exist south of Gresham and on the Warm Springs Reservation, within the Portland MSA (Figure I-24), and in Eugene, Corvallis, and the Monmouth/Independence areas, where the presence of college students influences poverty statistics (Figure I-25).

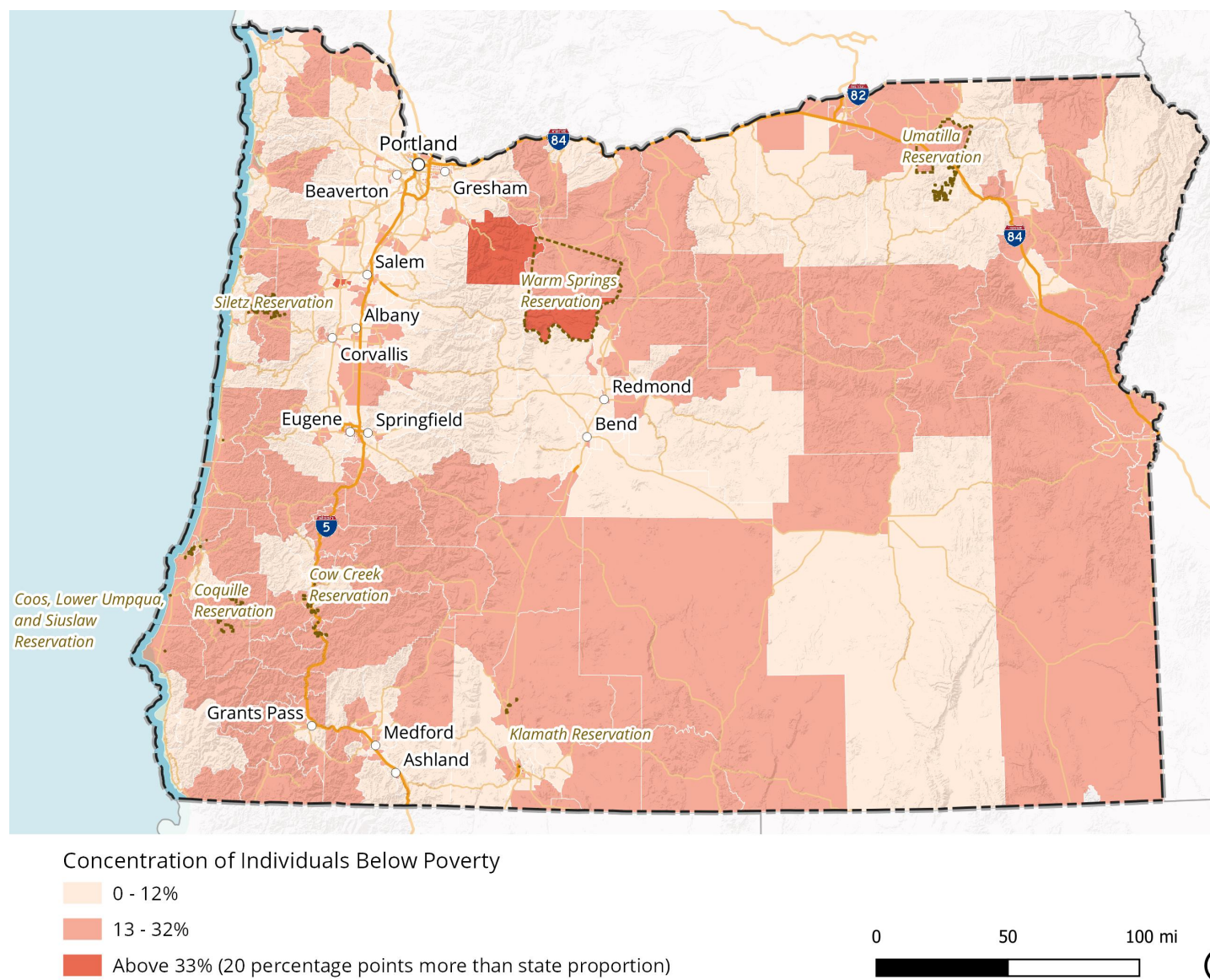
Census tracts with comparatively high poverty rates are predominantly located in rural areas.

⁵ <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le9985.pdf>

**Figure I-23.
Concentrations
of Individuals
Below Poverty
by Census Tract,
State of Oregon,
2018**

Note:
The statewide poverty rate is
13%.

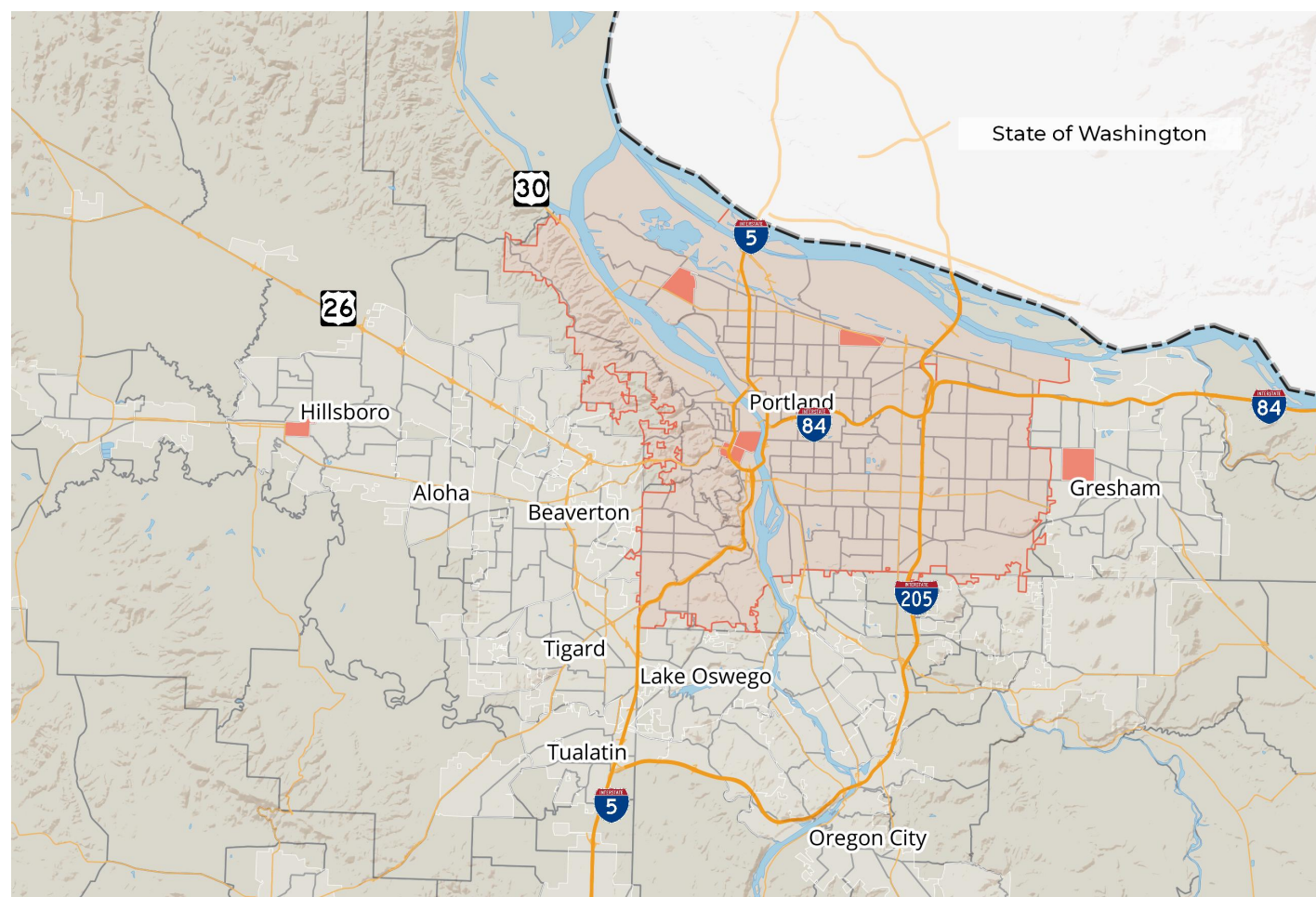
Source:
2018 5 year ACS estimates
and Root Policy Research.



**Figure I-24.
Concentrations
of Individuals
Below Poverty
by Census Tract,
Greater Portland
Area, 2018**

Note:
The statewide poverty rate is
13%.

Source:
2018 5 years ACS estimates
and Root Policy Research.



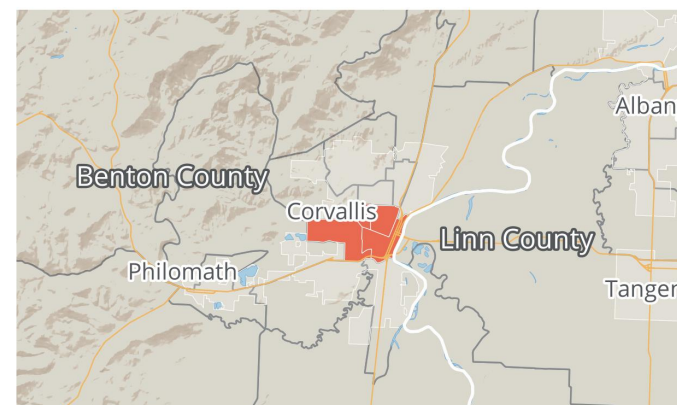
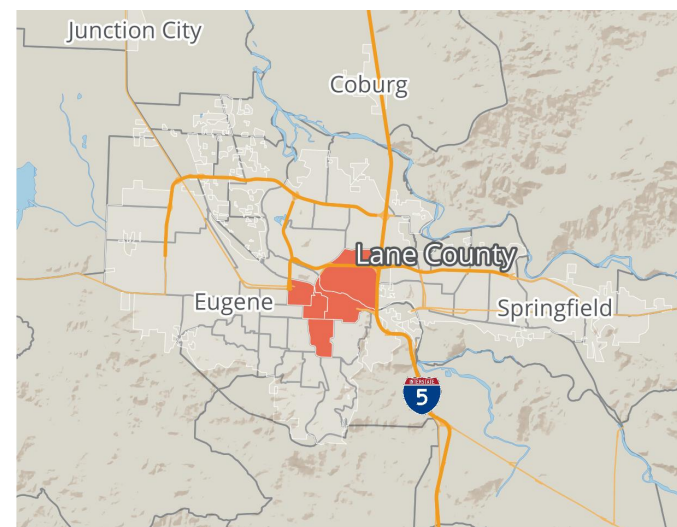
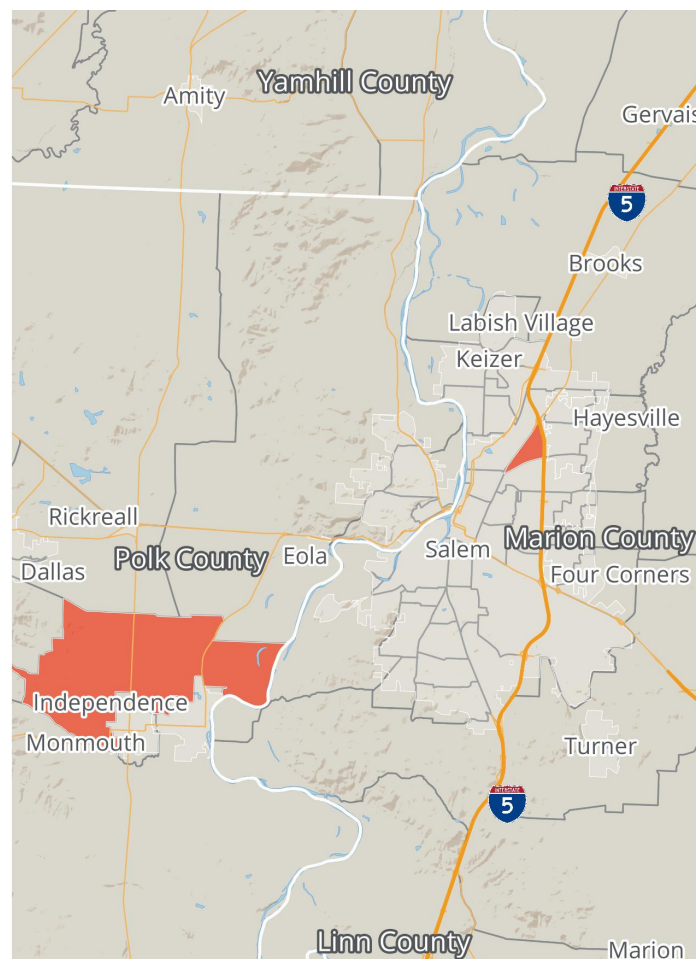
Concentration of Individuals Below Poverty
■ Above 33% (20 percentage points more than state proportion)



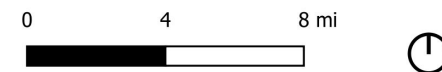
**Figure I-25.
Concentrations
of Individuals
Below Poverty
Rate,
Independence,
Salem, Eugene,
and Corvallis,
2018**

Note:
The statewide poverty rate is
13%.

Source:
2018 5 years ACS estimates
and Root Policy Research.



Concentration of Individuals Below Poverty
■ Above 33% (20 percentage points more than state proportion)



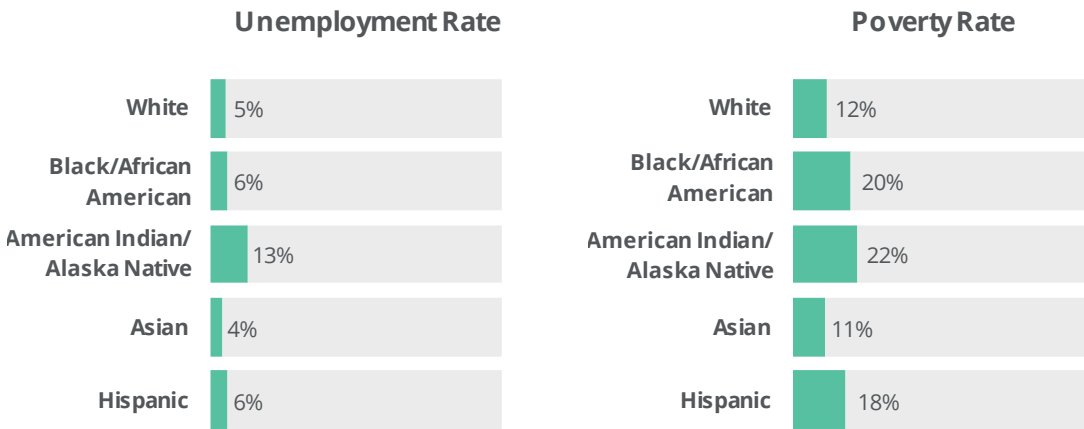
The State’s Office of Economic Analysis found that Oregon was hit harder by the Great Recession than many other states, which adversely affected employment opportunities and slowed in-migration. Since 2012, the state’s economy has recovered, and employment is strong.

Figure I-26 presents the unemployment and poverty rates among racial and ethnic groups in Oregon. Unemployment rates are relatively low and consistent among racial and ethnic groups—between 4 percent and 6 percent—with the exception of Native American residents.

Poverty, on the other hand, is more varied among residents depending on race and ethnicity.

These data suggest that the differences in poverty are driven, in part, by the disparity in wages earned by Black or African American, Native American, and Hispanic residents, rather than being unemployed. It is important to note that these are pre-pandemic—and that the pandemic disproportionately affected persons of color. As such, current unemployment is unlikely to be as even as shown below.

Figure I-26.
Unemployment and Poverty Rates by Race/Ethnicity, State of Oregon, 2018



Source: 2018 1 year ACS estimates.

Segregation/Integration Analysis

Segregation and integration are measured in two ways for this section:

- 1) **The dissimilarity index**, or DI, is a statistic that is commonly used to assess the severity of segregation. It measures the evenness of resident distribution across geographic units—such as Census tracts—that make up a larger geographic area—

such as a county. The index compares the proportion of the total population of a people of color in a Census tract against the proportion of the total number of White residents in that same Census tract.

- 2) **Spatial concentration** of residents. Consistent with the prior maps in this section, Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the state proportion overall are concentrated Census tracts.

Dissimilarity Index. The dissimilarity index is a metric used by researchers to measure racial and ethnic integration. The index is measured between 0 and 100. An index of 0 indicates perfect distribution of racial and ethnic groups across all Census tracts in a region; conversely, an index of 100 indicates complete segregation of racial groups across the region. HUD's ratings of dissimilarity are determined by the following score ranges: "Low Dissimilarity"—below 40; "Moderate"—between 40 and 54; and "High"—above 54. The U.S. cities found to be the most segregated using the dissimilarity index (Milwaukee, New York and Chicago) have indices approaching 80.

Figure I-27 presents the dissimilarity index for Oregon counties by region. Overall, Hispanic residents are well distributed throughout each county, with only Marion County having a "moderate" dissimilarity index rating.

Segregation, as measured by the dissimilarity index, is much different for Black or African Americans: five counties are highly segregated and 15 counties are moderately segregated. Crook County has the highest dissimilarity index (69.4) for Black or African American residents among Oregon Counties.

Asian residents are generally more integrated, while Native American residents fall between Black or African American residents and Asian residents in terms of segregation.

The overall dissimilarity index score for all people of color is similar to that for Hispanic residents, as they comprise the highest share of people of color.

Figure I-27 is followed by maps showing the index for Black or African American and Native Americans, as both groups have several counties in which segregation is considered high according to the index.

While dissimilarity index ratings may indicate a level of segregation, it does not identify the underlying causes for the segregation. It is plausible that some people of color actively seek housing in neighborhoods (Census tracts) where individuals with similar backgrounds as themselves are living and where familiar cultural amenities can be found (religious centers, specialized supermarkets, etc.). On the other hand, discriminatory practices could be occurring that steer residents towards certain neighborhoods regardless of their actual preferences.

Figure I-27.
Dissimilarity Index by County and Region, State of Oregon, 2018

Dissimilarity Index, 2018					
Minority Group vs. non-Hispanic White					
Region/ County	All People of Color	Hispanic	African American	Asian	Native American
Central Oregon					
Crook County	18.3	23.6	69.4	48.6	20.6
Deschutes County	19.8	28.3	41.0	34.4	43.2
Jefferson County	39.7	27.7	53.3	39.4	81.8
Columbia Gorge					
Gilliam County	0.0	0.0	-	0.0	0.0
Hood River County	27.9	31.7	30.3	31.8	51.0
Sherman County	0.0	0.0	0.0	0.0	0.0
Wasco County	13.7	24.6	47.8	32.6	65.0
Wheeler County	0.0	0.0	-	0.0	0.0
North Coast					
Clatsop County	18.2	24.9	40.2	38.0	37.5
Lincoln County	25.0	28.8	59.3	44.7	52.8
Tillamook County	27.7	36.4	38.3	27.2	50.8
Northeast Oregon					
Baker County	10.9	19.2	24.7	31.5	23.9
Grant County	1.5	3.3	23.8	10.9	19.5
Morrow County	29.9	31.0	13.3	27.0	37.1
Umatilla County	26.4	35.6	41.0	48.5	52.1
Union County	19.5	24.5	31.6	41.7	36.8
Wallowa County	14.5	3.7	10.5	43.5	53.3
Key			Low (0-40)	Moderate (40-54)	High (54-100)

Source: 2018 5 year ACS estimates and Root Policy Research.

Figure I-27, continued
Dissimilarity Index by County and Region, State of Oregon, 2018

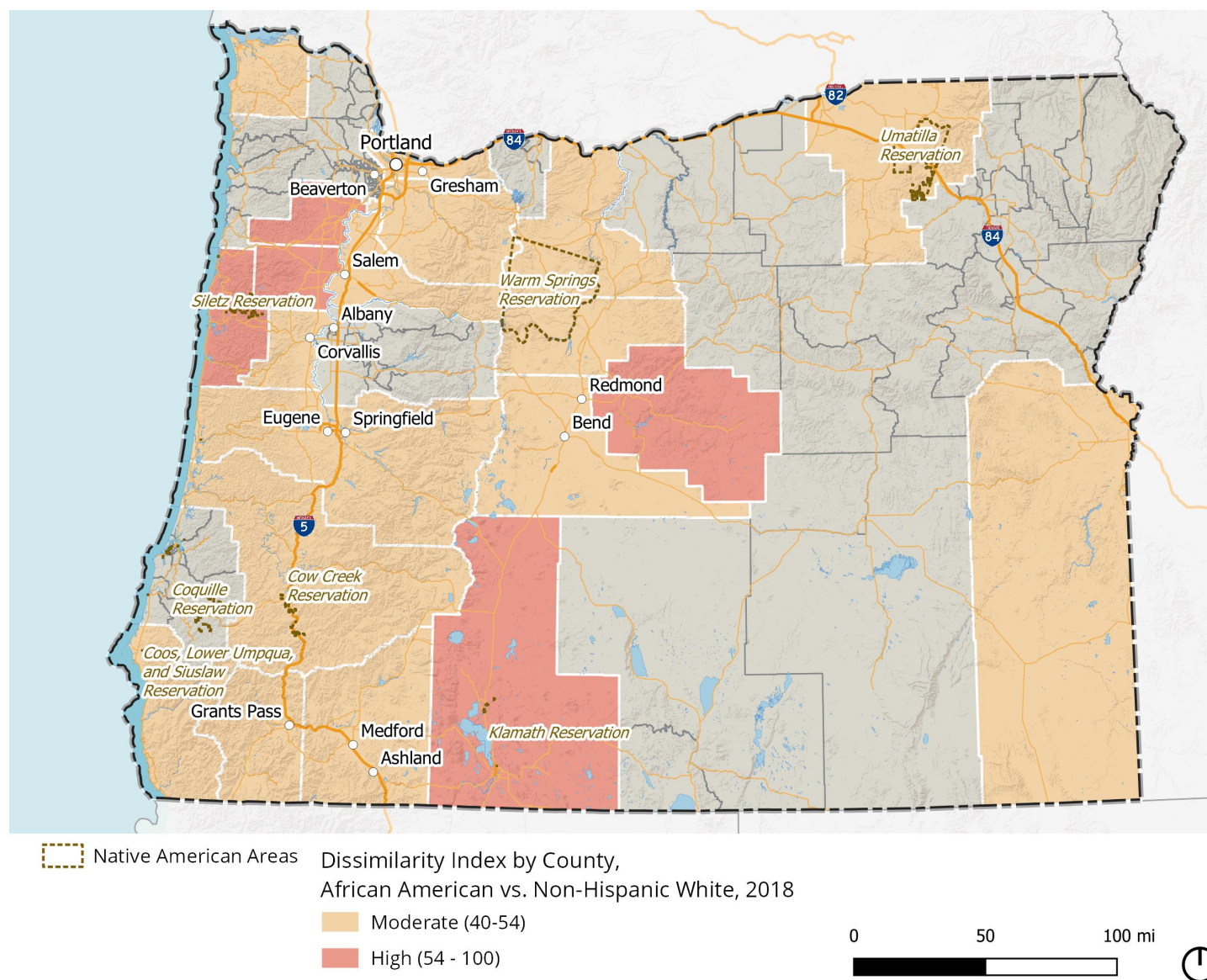
Region/ County	Dissimilarity Index, 2018 Minority Group vs. non-Hispanic White				
	All People of Color	Hispanic	African American	Asian	Native American
Portland MSA					
Clackamas County	21.9	26.5	46.7	42.7	48.7
Columbia County	15.1	23.5	34.2	35.5	30.7
Multnomah County	24.4	32.7	42.3	33.7	48.6
Washington County	25.2	34.2	39.9	37.6	45.5
Yamhill County	19.4	25.2	60.8	24.4	50.7
South Central/Southeast Oregon					
Harney County	3.2	16.8	32.4	-	2.3
Klamath County	23.2	29.3	59.0	40.2	45.0
Lake County	9.6	2.2	36.6	11.6	12.4
Malheur County	24.0	29.0	53.7	15.4	45.2
South Coast					
Coos County	20.8	24.7	32.8	37.1	25.8
Curry County	16.3	26.2	52.8	51.6	13.3
Southern Oregon					
Douglas County	12.6	18.8	44.1	49.7	39.8
Jackson County	24.1	27.6	48.5	37.4	54.7
Josephine County	13.6	16.1	47.7	47.6	36.7
Willamette Valley					
Benton County	16.7	27.4	49.7	31.5	39.4
Lane County	21.4	27.6	46.4	42.0	41.6
Linn County	22.0	29.3	38.9	36.2	31.8
Marion County	35.9	40.3	53.4	34.8	41.4
Polk County	21.6	28.4	58.7	26.0	37.9
Key <div>Low (0-40)</div> <div>Moderate(40-54)</div> <div>High(54-100)</div>					

Source: 2018 5 year ACS estimates and Root Policy Research.

**Figure I-28.
Dissimilarity
Index by
County,
Black/African
American v.
Non-Hispanic
White, State of
Oregon, 2018**

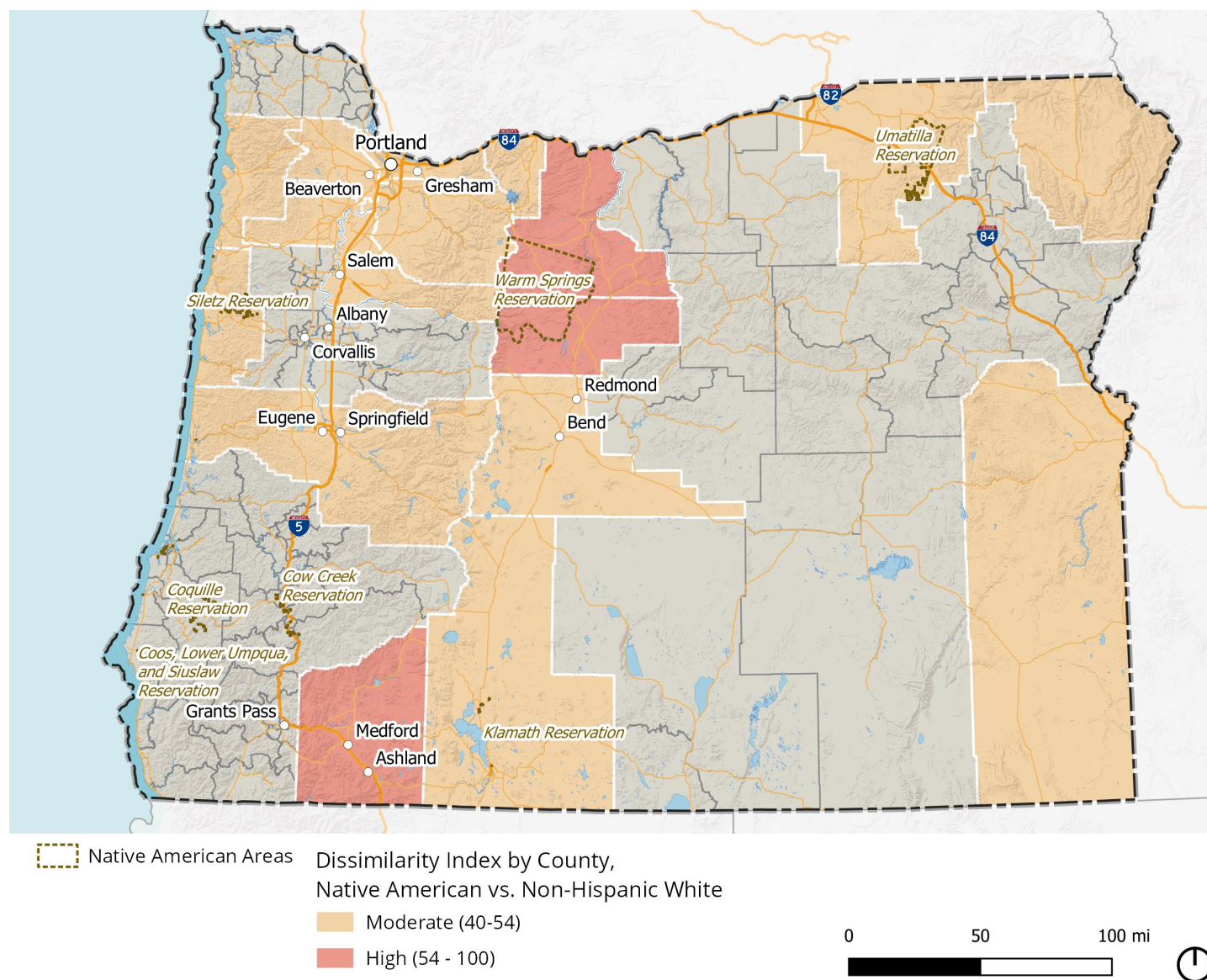
Source:

Source: 2018 5 year ACS
estimates and Root Policy
Research.



**Figure I-29.
Dissimilarity
Index by
County, Native
American vs
Non-Hispanic
White, State of
Oregon, 2018**

Source: 2018 5 year ACS estimates and Root Policy Research.



Spatial concentrations. Racial and ethnic concentrations are shown in the following maps. In sum,

Concentrations of persons of Hispanic descent

- There are 28 Hispanic-concentrated Census tracts throughout the state—slightly fewer than in 2013 when there were 33 concentrated tracts; and
- Clusters of Hispanic-concentrated Census tracts exist in the greater Portland area (including Gresham and Wood Village), Hillsboro, Cornelius, Beaverton, around Woodburn, Salem, near Hood River, and outside Klamath Falls.

Black or African American concentrations

- There are no Black or African American-concentrated Census tracts in the state. In the 2013 AI, three Census tracts were identified as concentrated;

Asian concentrations

- There are five Asian-concentrated Census tracts throughout the state—two more than in 2013 (when there were 5); and
- Four Census tracts are in Washington County: Three are in Bethany, north of Hillsboro and Beaverton, and one is in Beaverton.

Native American concentrations

- There are two Native American-concentrated Census tracts throughout the state, the same as in 2013; and
- Both are Census tracts located within an American Indian Reservation (Warm Springs Reservation and Umatilla Reservation).

**Figure I-30.
Hispanic/Latino
Concentration
by Census Tract,
State of Oregon,
2018**

Note:

The statewide proportion is 13%.

Source:

2018 5 year ACS estimates
and Root Policy Research



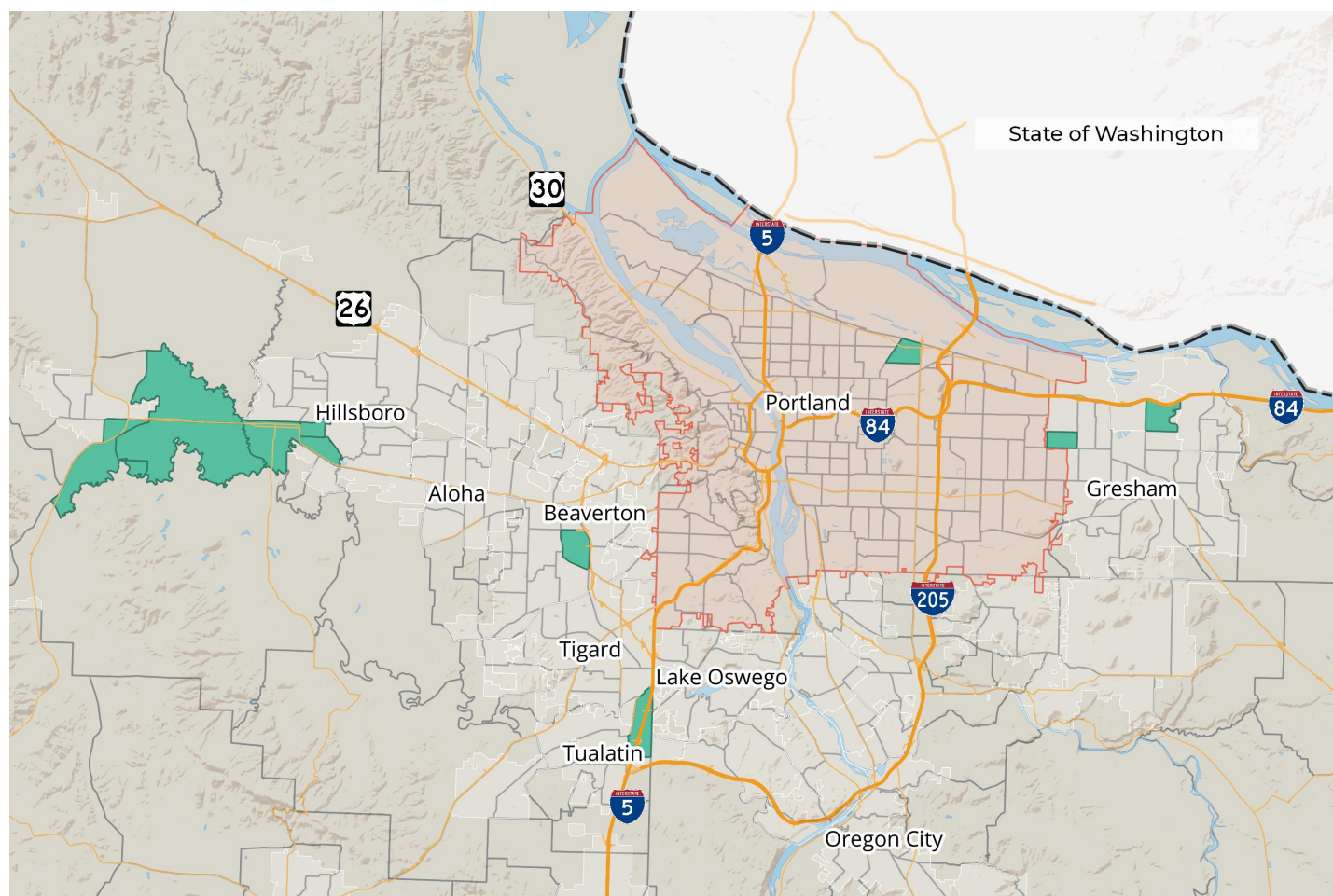
**Figure I-31.
Hispanic/Latino
Concentration
by Census Tract,
Greater Portland
Area, 2018**

Note:

The statewide proportion is 13%.

Source:

2018 5 year ACS estimates
and Root Policy Research



Concentration of Hispanic Residents

Tract concentration is 20 percentage points more than the respective county proportion



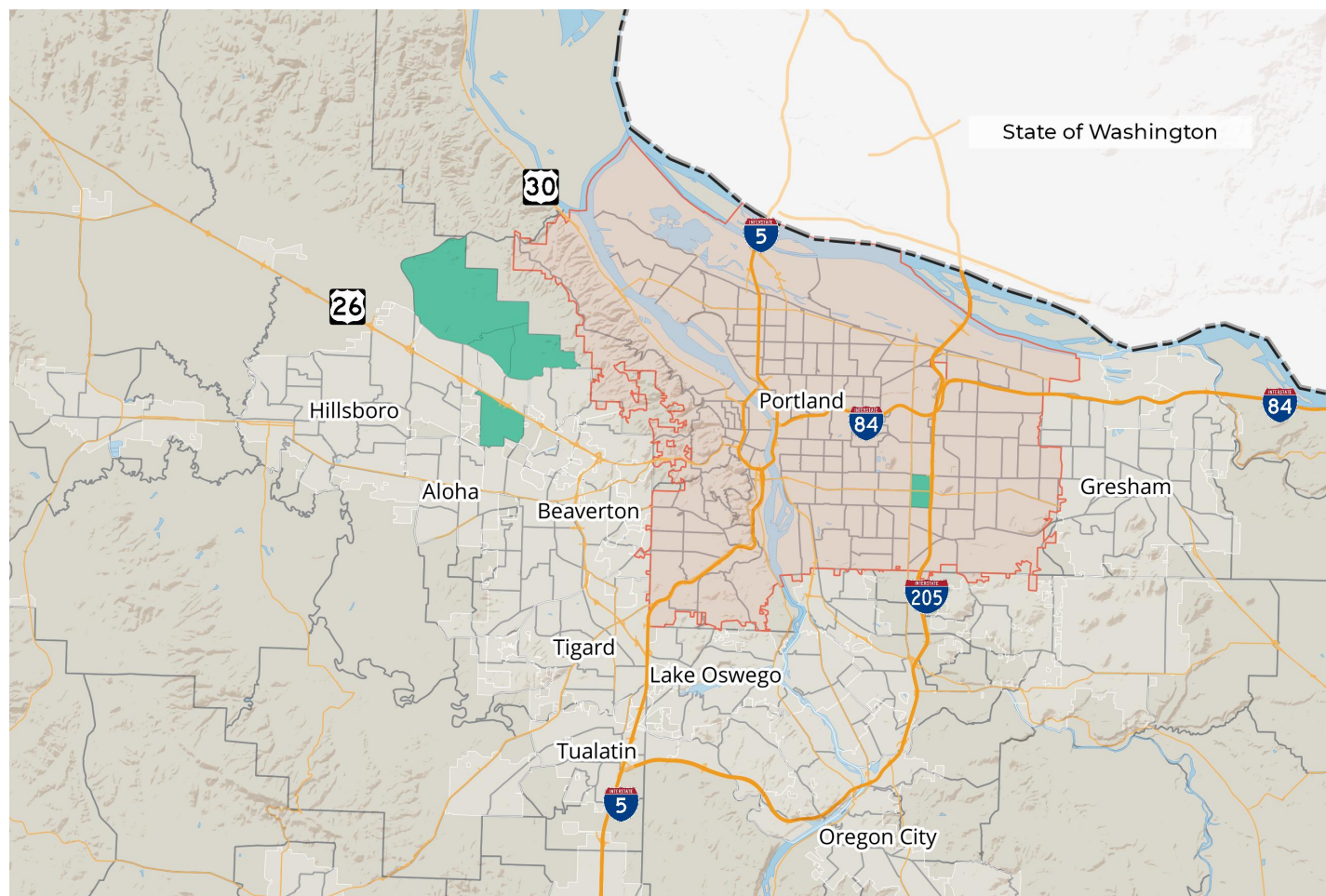
**Figure I-32.
Asian
Concentration
by Census Tract,
Greater Portland
Area, 2018**

Note:

The statewide proportion is 5%.

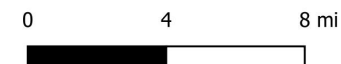
Source:

2018 5 year ACS estimates
and Root Policy Research.



Concentration of Asian Residents

Tract concentration is 20 percentage points more than the respective county proportion



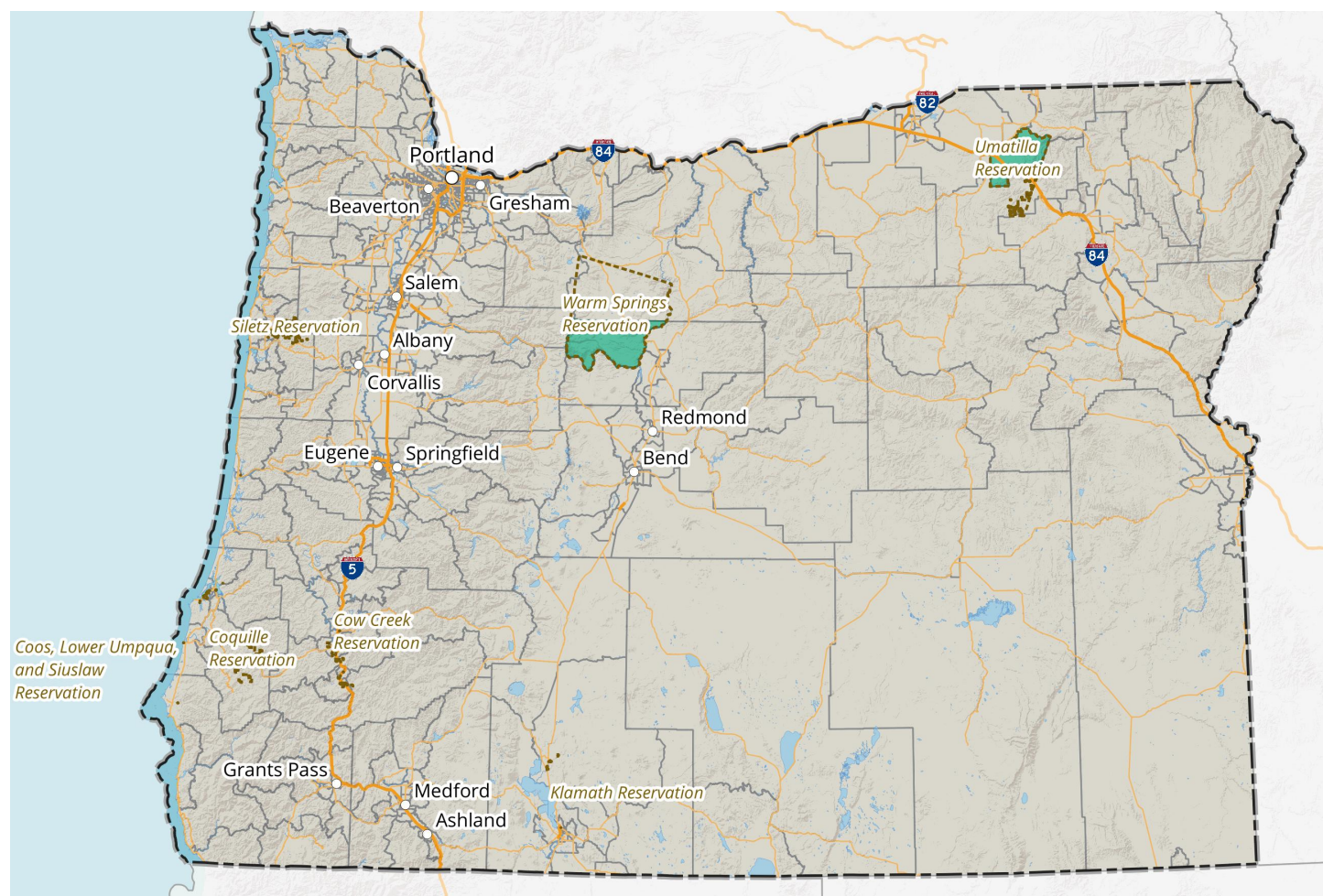
**Figure I-33.
American
Indian/Alaskan
Native
Concentration
by Census Tract,
State of Oregon,
2018**

Note:

The statewide proportion is 1%.

Source:

2018 5 year ACS estimates
and Root Policy Research.



Concentration of
American Indian/Alaskan Native Residents

Tract concentration is 20 percentage points
more than the respective county proportion

Native American Areas

0 50 100 mi



Majority people of color. The following maps show the location of the 42 Census Tracts in the state where people of color make up the majority of the population. These tracts represent an increase of 11 Census tracts; there were 31 identified in the 2013 AI report.

A large number of majority people of color Census tracts exist in the greater Portland area, in nearby Hillsboro, and in the Salem area.⁶

Despite the comparatively large Hispanic population in Oregon, only 12 of the 42 majority Census tracts have Hispanic populations over 50 percent, meaning the remaining Census tracts are a combination of people of color,⁷ with the exception of one census tract that has a Native American population over 50 percent.

⁶ While the four majority people of color Census tracts located in the Woodburn area (north of Salem along I-5) are all Hispanic concentrated areas, Woodburn also contains a significant Russian Orthodox population. Russian Orthodox residents, however, would not contribute to the count if they self-identify as White in U.S. Census Bureau surveys.

⁷ Other races and multiple races are included in people of color.

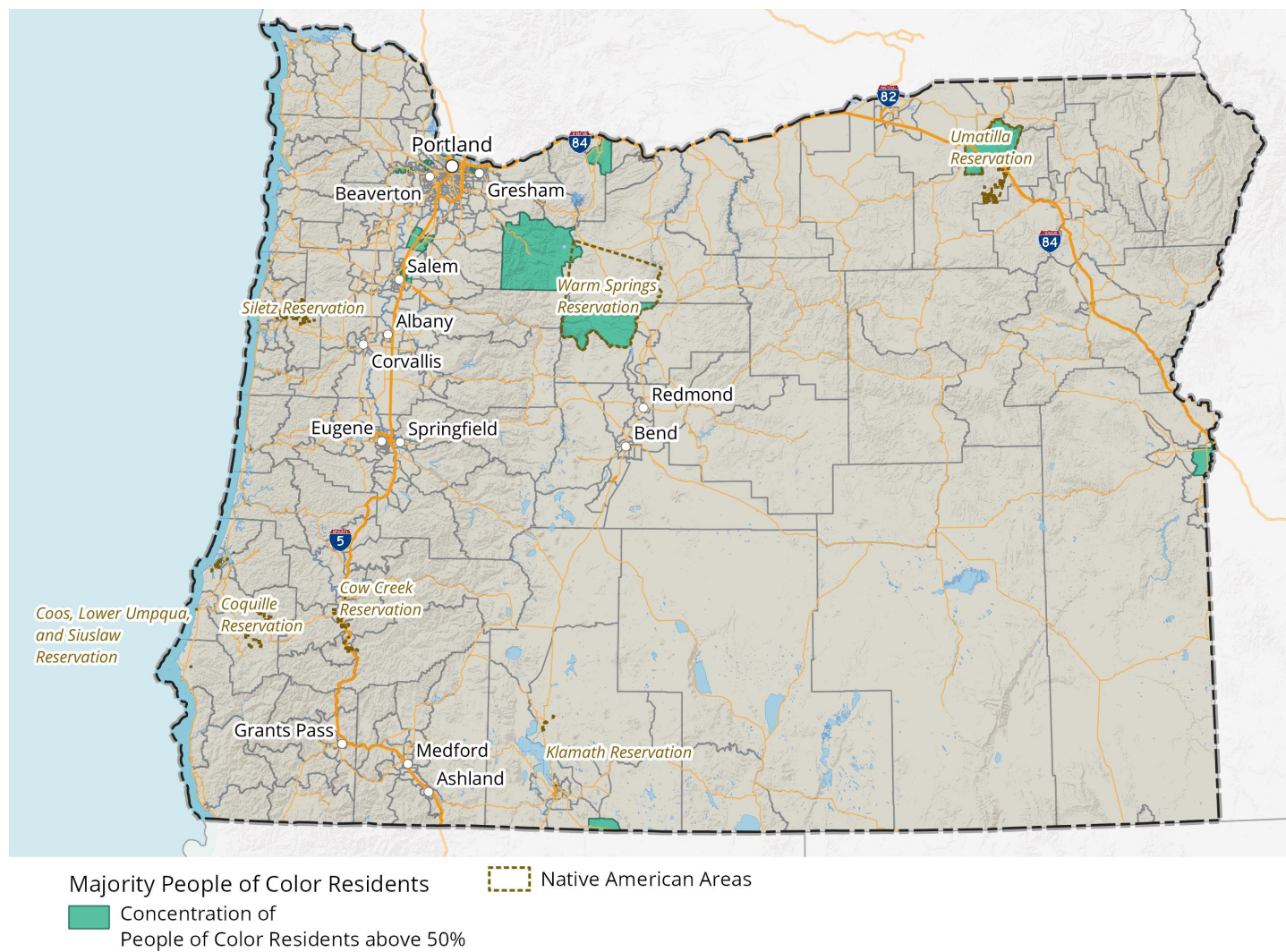
**Figure I-34.
Majority People
of Color Census
Tracts, State of
Oregon, 2018**

Note:

People of color are residents
who do not identify as non-
Hispanic White.

Source:

2018 5 year ACS estimates
and Root Policy Research.



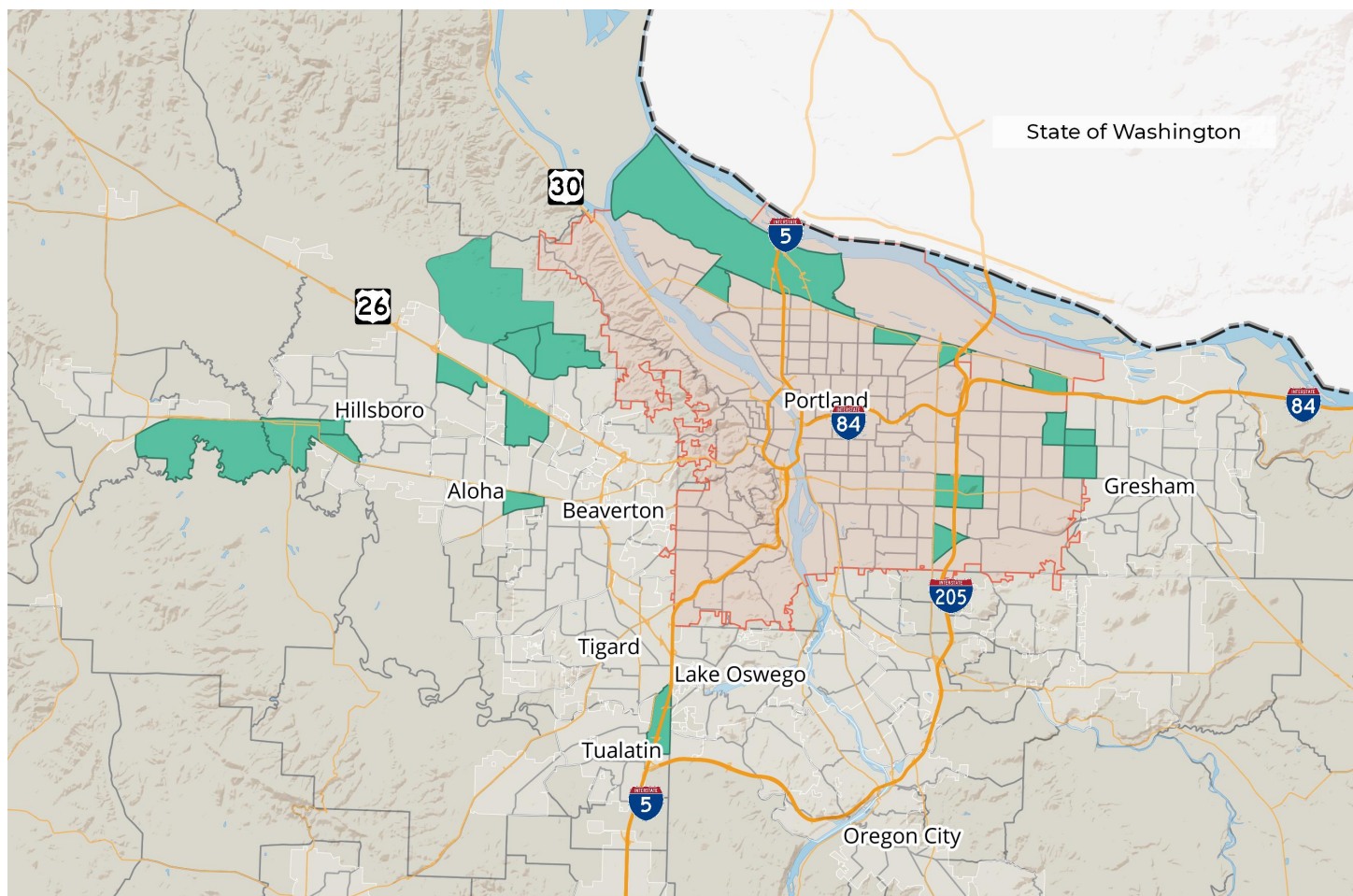
**Figure I-35.
Majority People
of Color Census
Tracts, Greater
Portland Area,
2018**

Note:

People of color are residents
who do not identify as non-
Hispanic White.

Source:

2018 5 year ACS estimates
and Root Policy Research.



Majority People of Color Residents

Concentration of People of Color Residents above 50%

0 4 8 mi



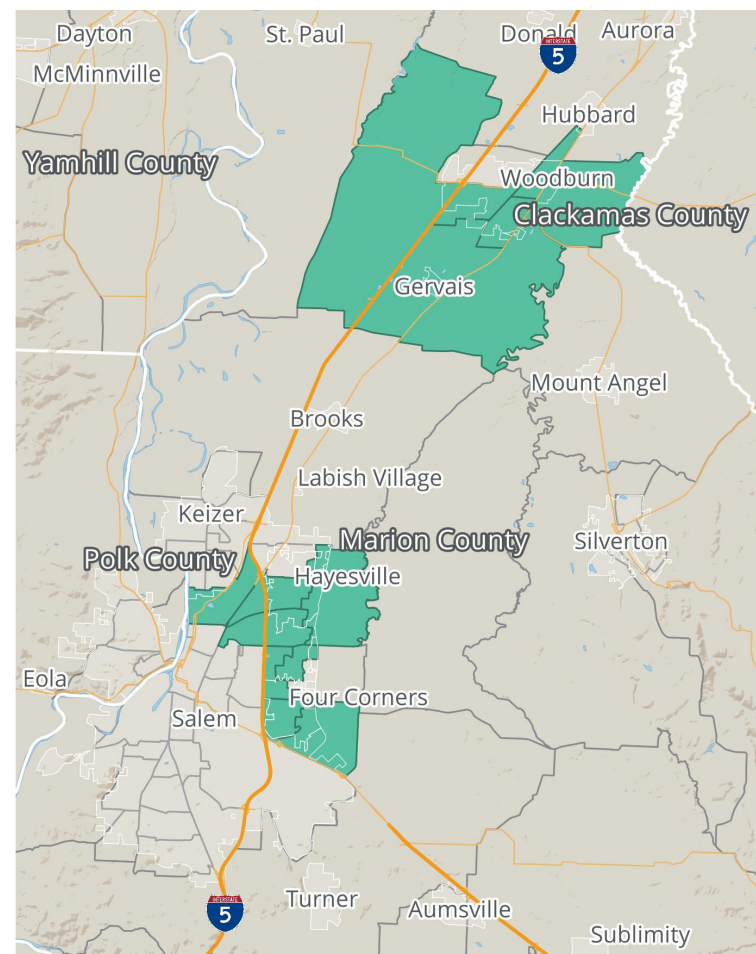
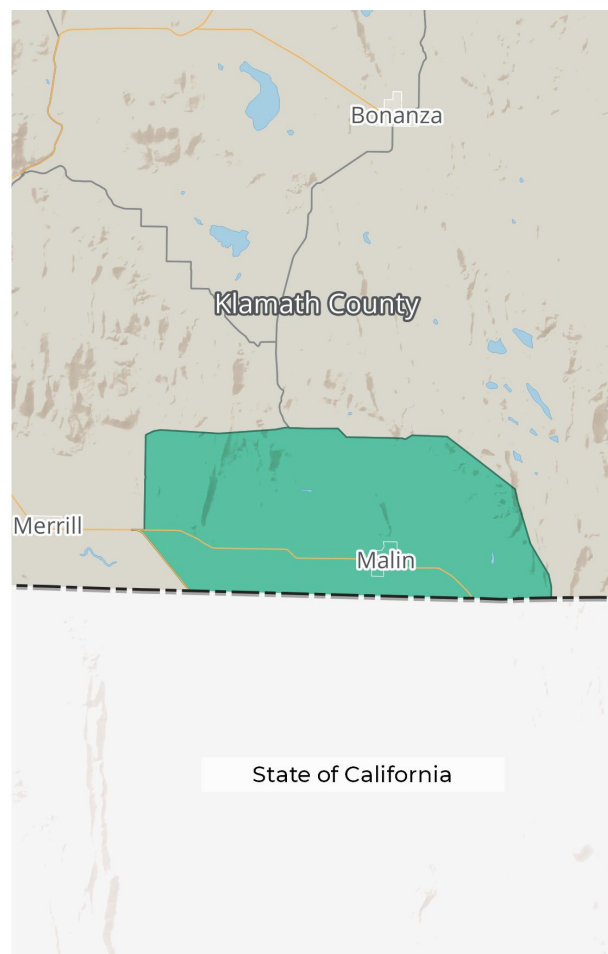
**Figure I-36.
Majority People
of Color Census
Tracts, Greater
Salem Area and
Greater Malin
Area, 2018**

Note:

People of color are residents
who do not identify as non-
Hispanic White.

Source:

2018 5 year ACS estimates
and Root Policy Research.



Majority People of Color Residents

Concentration of People of Color Residents above 50%

0 4 8 mi



Racially and ethnically concentrated areas of poverty. As part of the implementation of the Assessment of Fair Housing framework, HUD developed a metric to assess the disproportionate likelihood that racial and ethnic minorities live in areas of high poverty. “Racially or ethnically concentrated areas of poverty,” also known as R/ECAPs, are neighborhoods or areas in which there are both racial concentrations and high poverty rates.

HUD defines an R/ECAP as:

- A Census tract with a Non-White or Hispanic population of 50 percent or more (majority people of color) or, for non-urban areas, 20 percent; and,
- A poverty rate of 40 percent or more, or three times the average tract poverty rate, whichever is lower.

For this analysis, in order to maintain consistency for comparison across urban and non-urban areas, the 20 percent threshold and the three times the county poverty rate threshold is used.

Why R/ECAPs matter. Households within R/ECAP tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. By definition, a significant number of R/ECAP households are financially burdened, which severely limits housing choice and mobility. The added possibility of racial or ethnic discrimination creates a situation where R/ECAP households are likely more susceptible to discriminatory practices in the housing market. Additionally, due to financial constraints and/or lack of knowledge (e.g., limited non-English information and materials), R/ECAP households encountering discrimination may believe they have little or no recourse, further exacerbating the situation.

In addition to housing choice, neighborhoods with poverty rates exceeding 40 percent are regarded by social researchers as being areas that are “socially and economically dysfunctional.”⁸ High poverty is linked to crime, high rates of unemployment and low educational attainment, all of which have costs to the public. High poverty also impacts community health and food security, frequently culminating in malnutrition among children.⁹

It is very important to note that many R/ECAPs, while not economically wealthy, are rich in culture, diversity, and community. R/ECAPs are not meant to cast broad judgments on an

⁸ The Costs of Concentrated Poverty: Neighborhood Property Markets and the Dynamics of Decline.” In Nicolas P. Retsinas and Eric S. Belsky, eds., *Revisiting Rental Housing: Policies, Programs, and Priorities*. Washington, DC: Brookings Institution, 116–9.

⁹ Understanding the Link between Poverty and Food Insecurity among Children: Does the Definition of Poverty Matter? Vanessa Wright, et. al., *Journal of Children and Poverty*, 1-20. 2014.

area, but rather to identify areas where residents may have historically faced discrimination and continue to be challenged by limited economic opportunity.

The following maps show the locations of Oregon's seven R/ECAPs. There are four R/ECAP Census tracts in the Portland MSA region, including two within Portland city boundaries. In Washington County, there is one in Hillsboro and one shared between Tualatin, Tigard, and Durham. There are two other urban R/ECAP designated Census tracts, one in Eugene (Lane County) near the university and one in downtown Medford (Jackson County). Finally, there is one rural Census tract in Clackamas County adjacent to the Warm Springs Reservation.

Characteristics of the persons residing in R/ECAPs are detailed in Figure I-37. All but two R/ECAP Census tracts have high proportions of Hispanic residents; one, located in Portland, has a relatively high Black/African American concentration. The Hillsboro R/ECAP in Washington County has a relatively high rate of single female parent households with children (31%). This tract also has a high number of LEP residents (37%). The R/ECAP Census tracts in Medford has a high rate of individuals with disabilities (23%), as does one of the R/ECAPs in Portland (42%).

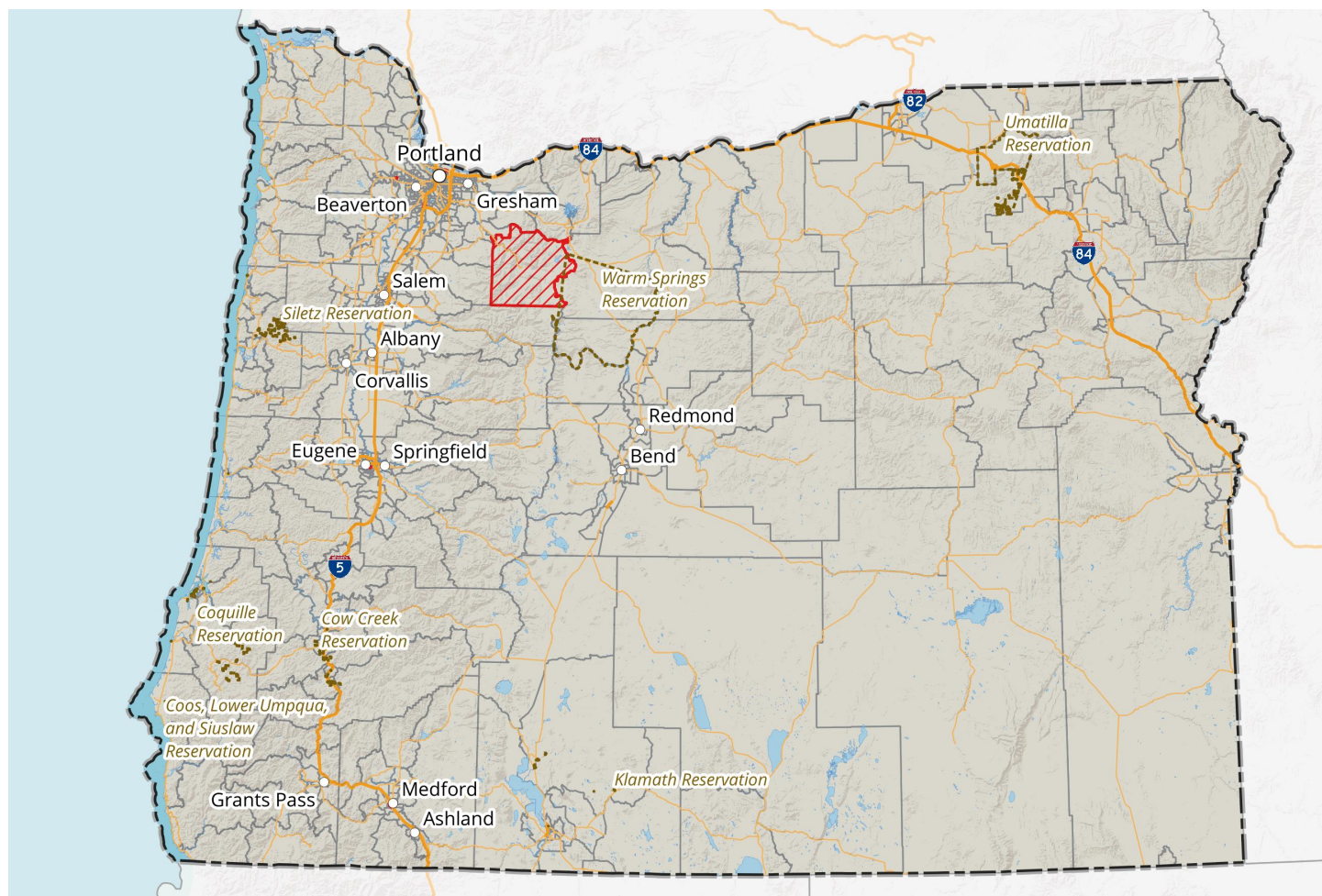
Figure I-37.
Racially/Ethnically Concentrated Areas of Poverty, Resident Characteristics

	Total Population	People of Color	Hispanic	Black	Families with Children		Persons with Disabilities	LEP
	Num.	%	%	%	Married	Single Mother	%	%
Clackamas County								
Census Tract 9800	75	67%	51%	0%	0%	0%	0%	15%
Jackson County								
Census Tract 1	1,991	45%	39%	1%	10%	19%	23%	10%
Lane County								
Census Tract 38	8,687	29%	9%	2%	1%	3%	9%	5%
Multnomah County								
Census Tract 74	4,236	59%	31%	18%	18%	16%	13%	14%
Census Tract 106	3,144	26%	8%	9%	1%	0%	42%	7%
Washington County								
Census Tract 320.05	4,875	54%	44%	1%	14%	12%	9%	13%
Census Tract 324.09	5,366	75%	72%	1%	26%	31%	11%	37%

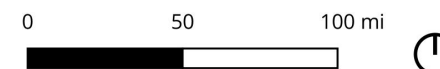
Source: 2018 5 year ACS estimates and Root Policy Research.

**Figure I-38.
Racially or
Ethnically
Concentrated
Areas of
Poverty, State of
Oregon, 2018**

Source:
2018 5 year ACS estimates
and Root Policy Research.

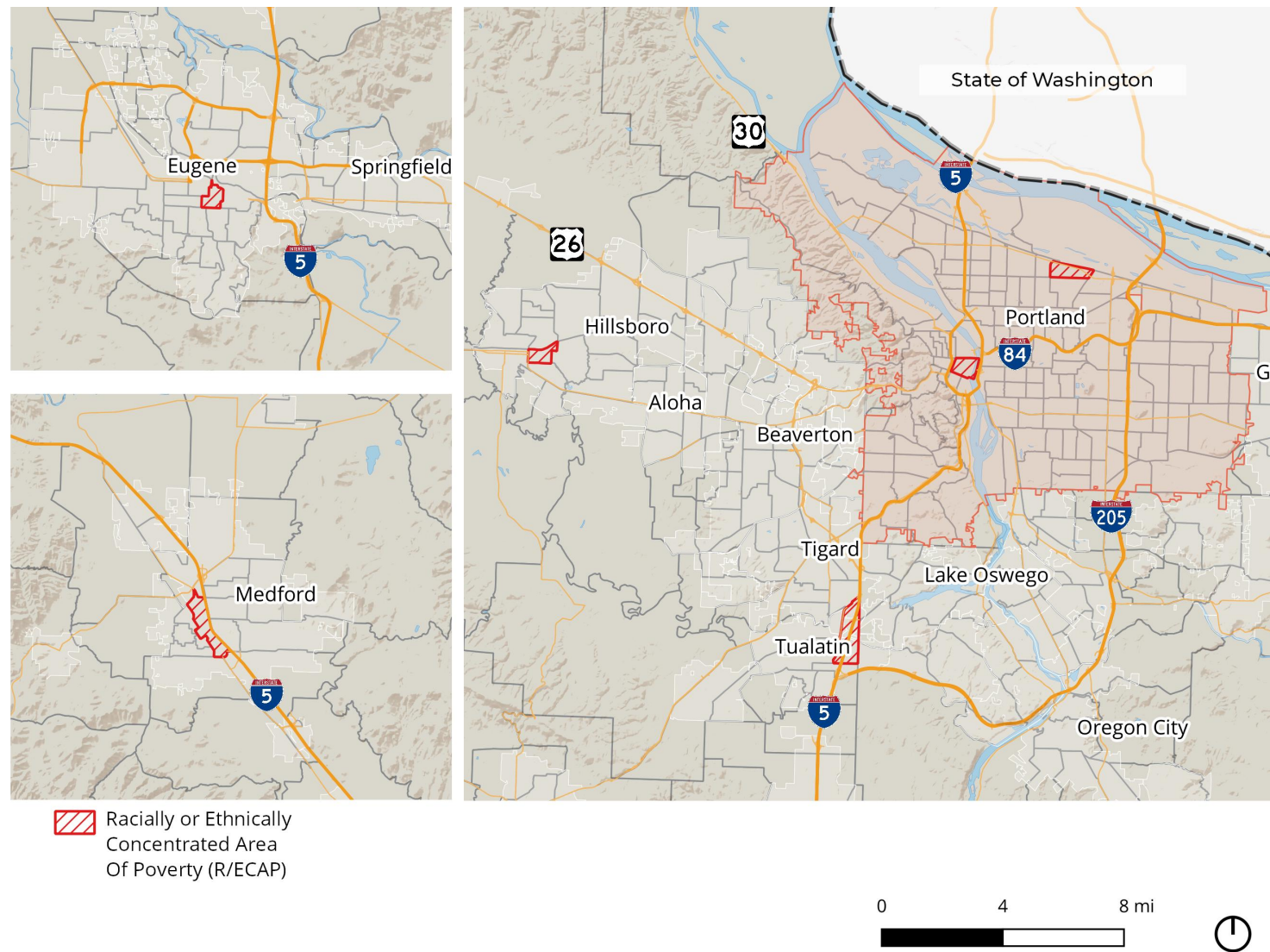


 Racially or Ethnically
Concentrated Area
Of Poverty (R/ECAP)  Native American Areas



**Figure I-40.
Racially or
Ethnically
Concentrated
Areas of
Poverty, Greater
Portland Area,
Eugene, and
Medford, 2018**

Source:
2018 5 year ACS estimates
and Root Policy Research.



SECTION II.

DISPROPORTIONATE HOUSING NEEDS

SECTION II.

Disproportionate Housing Needs

An analysis of disproportionate housing needs examines how housing needs differ for protected classes—and the potential factors contributing to those differences.

To that end, this section identifies differences in housing needs among Oregon’s residents through measures of cost burden, housing condition, homelessness, access to rental housing, and access to mortgage loans. It also examines who benefits from the state’s housing programs, and if certain protected classes are under-represented. Findings from community engagement round out the analysis and provide context for the reasons for housing disparities.

A note on COVID-19 and wildfires. Two disasters struck the state in 2020—the COVID-19 pandemic and a season of unprecedented wildfires. The quantitative data in this section reflect the housing market before the pandemic or wildfires. Conversely, the community engagement took place during the pandemic and shortly after the wildfires.

Primary Findings

Cost burden. Black or African American households are around twice as likely to be severely cost burdened as non-Hispanic White households. Native American and Hispanic households are around 1.3 times as likely to be severely cost burdened as non-Hispanic Whites, although Hispanic households have similar rates as non-Hispanic Whites in non-entitlement areas. Among household characteristics, non-related and single occupant households are around 1.4 times more likely to be severely cost burdened as the average household.

Homelessness. In Oregon, White residents, Black or African American residents, and Native American residents are slightly overrepresented among homeless individuals, even after adjusting for poverty. Although, the Hispanic community is less likely to be street homeless or living in shelters, it is more likely to be doubled-up and living in multigenerational households. In Oregon 14 percent of Hispanic/Latino residents live in overcrowded conditions, compared to 2 percent of non-Hispanic Whites.

Housing condition. At least 15 percent of Hispanic residents in non-entitlement areas live in substandard housing conditions, compared to 3 percent of the overall non-entitlement population. Several stakeholders commented on the need to help owners of farmworker housing make condition improvements. Since most housing providers rely on applicant screening systems that require a Social Security Number, immigrants who are

undocumented often have no choice but to live in substandard housing leased by landlords (“slumlords”) who are willing to forgo standard background and credit checks.

Assisted housing beneficiaries. According to data from HUD's Picture of Subsidized Households, people of color have a 5 percentage point higher share of housing program beneficiaries than share of households with income below 60 percent AMI—a modest difference. Black or African American households have an 8 percentage point higher share of housing program beneficiaries, and Hispanic households have a 1 percentage point lower share of housing program beneficiaries than share of households with income below 60 percent AMI.

CDBG beneficiaries. Between 2015 and 2018, CDBG programs served racial/ethnic minorities at different rates. Hispanic residents are served at higher rates by the Head Start program, followed by investment in mental health facilities, wastewater, and water system improvements. Black or African American residents make up the appropriate share of program beneficiaries in water system improvement, Head Start, and domestic violence shelter programs. American Indian/Alaskan Native and Asian residents are served at a higher rate by wastewater improvements.

Rental market. According to the State Housing Plan, statewide, there is a shortage of almost 100,000 units affordable to households with income below 50 percent Median Family Income (MFI). Knowingly or not, tight rental markets can enable landlords to engage in discriminatory behavior. In the Central Oregon region, which has a shortage of over 4,700 units, landlords verbally deny undocumented residents a place to rent because they do not have an SSN or state issued ID. Although tenants still have the right to file a fair housing complaint, the vast majority will not do it once they learn the information will become public record. Stakeholders and residents living outside of the Portland-Salem-Eugene corridor find that landlords refuse to rent to housing program voucher holders explicitly (“no Section 8”) or by raising the rents just above the payment standard. The source of income protection is seen as ineffective, due to low risk of enforcement and modest fines.

Homeownership. As of 2018, Black or African American residents and Native Hawaiian or Other Pacific Islander residents have homeownership rates around 30 percentage points lower than Whites, and the Hispanic homeownership rate is around 20 percentage points lower than whites—these differences are persistent across time.

Contributing Factors to Disproportionate Needs

Several factors contribute to the disproportionate housing needs observed above, including:

- **Overall lack of affordability.** In the state, growing lack of affordability increases cost burden at a higher rate among low income residents, who tend to be renters, people of color, individuals with disabilities, and overall the most

disadvantaged segments of the population. Furthermore, wildfires seem to have had a greater impact on rural Oregon than COVID (at the time of this writing, based on engagement) due to significant loss of naturally occurring affordable housing.

- **Landlord discrimination.** Stakeholders assessed of the degree to which discrimination against certain populations is a serious barrier to housing choice in their area. Based on housing providers' discernment, criminal history, eviction history, credit history, and low income, are factors which pose the most serious impediment to housing choice. Source of income protections are ineffective in the balance of state. Stakeholders believe discrimination on the basis of race is underreported and poses a significant barrier to people of color.
- **Lack of economic opportunities.** Housing choice is linked to diminished access to education, transportation, and labor market opportunities. All of these factors contribute to income disparities that in turn reduce housing choice among disadvantaged groups and exacerbate cost burden. This circular relationship is explored further in the "Access to Opportunity" section of this report.
- **Disparities in the lending market.** Several factors contribute to differences in homeownership by race and ethnicity, including disparities in access to lending. Despite the fact that discrimination in most housing transactions has been illegal since the 1960s, research shows that people of color still face *financial* discrimination.
- **Criminal, rental, and credit histories.** From the perspective of stakeholders, in addition to lack of affordable housing, the most serious barriers to housing choice in Oregon's non-entitlement areas include the criminal, rental, and credit histories of prospective tenants. According to stakeholders, among populations stakeholders believe have disproportionately high housing needs relative to all low and moderate income populations, those with criminal histories ranked at the top of the list. According to one stakeholder:
 - *"Also, homelessness due to criminal history or substance abuse or behavioral health problems in our counties is increasingly growing. We need more transition homes, drug treatment facilities and programs and long term housing options for them." (Stakeholder survey respondent)*
- **Serious and persistent mental illness.** Among stakeholders who identified supportive services as an urgent activity needed to achieve or maintain housing stability, mental health services, alcohol and drug rehabilitation services, and behavioral health services were by far the most emphasize. Stakeholders believe these are all necessary to maintain housing.

Priority housing activities to meet urgent needs. As part of the community engagement process, stakeholders identified their five housing activities to address the

most urgent housing needs in their area. The five housing activities stakeholders ranked most highly to address their area's most urgent housing needs are:

- More rental units for extremely low income households;
- Emergency shelters for people who are homeless;
- More rental housing for very low income households;
- Transitional housing for people moving out of homelessness; and
- Affordable and accessible housing for people with disabilities.

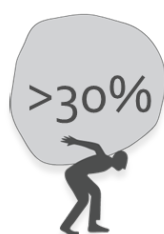
The full set of recommendations is included throughout this section.

Disproportionate Housing Needs

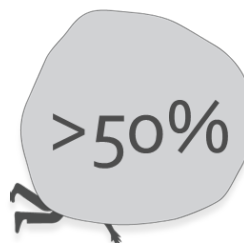
Housing needs vary for different types of households, and that variance is often due to more than economics. *Disproportionate* needs exist when households have levels of housing need greater than their expected need after adjusting for income. The remainder of this section examines disproportionate needs in the state, including the factors that contribute to disproportionate needs. It begins with the metric most commonly used to measure housing needs—cost burden.

Differences in cost burden. Cost burden exists when households pay more than 30 percent of their gross household income in housing costs. Housing costs include the rent or mortgage payment, utilities, renter or homeowner insurance, and property taxes.

When households are severely cost burdened, they may be at risk of homelessness.



Households paying
>30% for housing
are **"cost burdened"**



Households paying
>50% for housing
are **"severely cost
burdened"**

Figure II-1 compares the proportion of households experiencing severe cost burden, based on data from HUD’s Affirmatively Furthering Fair Housing (AFFH) Table 10 and the Comprehensive Housing Affordability Strategy (CHAS) data. The figure shows severe cost burden by race, ethnicity, and family status, overall and for entitlements and non-entitlement areas in Oregon.

In the state, entitlement and non-entitlement areas have similar shares of severely cost burdened households.

Among resident groups, severe cost burden is highest for:

- For Black or African American households, severe cost burden is twice as high for these households as for non-Hispanic White households.
- Native American and Hispanic/Latino households also have significantly higher rates of severe cost burden compared to non-Hispanic White households, except for Hispanic/Latino households in non-entitlement areas.
- Single occupant households are around 1.4 times more likely to be severely cost burdened as the average household.

Figure II-1.
Share of Households Experiencing Severe Cost Burden (HUD Table 10), by Race/Ethnicity and Household Characteristics

	All	Race/Ethnicity					Household Characteristics		
		Non-Hispanic White	African American	Asian or Pacific Islander	Native American	Hispanic	Families with < 5 People	Families with > 5 People	Non-related and Single Households
Oregon	17%	16%	32%	18%	23%	22%	13%	13%	24%
Oregon Entitlement Areas	18%	17%	33%	19%	23%	24%	14%	14%	25%
Oregon Non-Entitlement Areas	16%	16%	27%	16%	22%	17%	13%	11%	23%

Note: Severe housing cost burden is defined as housing costs that are greater than 50 percent of income.

Source: HUD CHAS dataset using ACS 2011-2015. Refer to the Data Documentation for details (www.hudexchange.info/resource/4848/affh-data-documentation).

Geographic disparities in cost burden. According to ACS data, half of Oregon renters (52%) are cost burdened, and one in four renter households (26%) are severely cost burdened. These shares are much higher than the share of homeowners who are cost and severely cost burdened. Figure II-2 shows the share of cost burden and severe cost burden in the state and by county, numbers in red highlight jurisdictions that have cost burden shares that are 5 percentage points higher than the state. These are considered disproportionately higher shares of cost burden.

- Counties with disproportionately higher shares of cost burdened renter households include Benton, Curry, and Josephine Counties, where close to 60 percent of renters are cost burdened.
- Counties with disproportionately higher shares of homeowner cost burden include Curry, Grant, Harney, Josephine, Lincoln, and Wheeler Counties, where the share of cost burdened owners ranges from 38 to 50 percent.

Housing cost burden can crowd out spending in other household necessities such as healthcare, childcare, food, and transportation. This not only lowers householders' quality of life and long term health—but also slows economic growth.

Figure II-2.
Cost Burden by Tenure and County, 2018

Region	County	Renters		Owners	
		% Cost Burdened	% Severely Cost Burdened	% Cost Burdened	% Severely Cost Burdened
Oregon		52%	26%	33%	13%
Central Oregon	Crook	45%	22%	34%	14%
	Deschutes	53%	26%	34%	14%
	Jefferson	46%	19%	31%	8%
Columbia Gorge	Gilliam	37%	16%	31%	19%
	Hood River	42%	27%	30%	10%
	Sherman	46%	23%	33%	19%
	Wasco	41%	20%	30%	12%
	Wheeler	32%	26%	50%	17%
North Coast	Clatsop	47%	19%	32%	12%
	Lincoln	49%	22%	41%	17%
	Tillamook	55%	29%	36%	15%
Northeast Oregon	Baker	44%	22%	33%	16%
	Grant	41%	17%	38%	18%
	Morrow	35%	11%	25%	10%
	Umatilla	41%	19%	29%	11%
	Union	42%	17%	29%	12%
	Wallowa	45%	26%	33%	15%
Portland MSA	Clackamas	49%	24%	29%	11%
	Columbia	56%	25%	27%	8%
	Multnomah	53%	28%	32%	12%
	Washington	48%	23%	28%	9%
	Yamhill	54%	27%	33%	12%
South Central/ Southeast Oregon	Harney	45%	22%	40%	16%
	Klamath	51%	30%	28%	11%
	Lake	49%	27%	30%	11%
	Malheur	50%	23%	31%	16%
South Coast	Coos	49%	22%	35%	13%
	Curry	58%	22%	39%	14%
Southern Oregon	Douglas	48%	24%	35%	15%
	Jackson	56%	30%	37%	15%
	Josephine	59%	31%	41%	18%
Willamette Valley	Benton	59%	37%	25%	8%
	Lane	57%	30%	34%	13%
	Linn	51%	24%	31%	11%
	Marion	50%	24%	29%	10%
	Polk	53%	30%	29%	11%

Note: Data for owners include only homeowners with a mortgage. Numbers in red highlight jurisdictions that have cost burden shares that are 5 percentage points higher than the state.

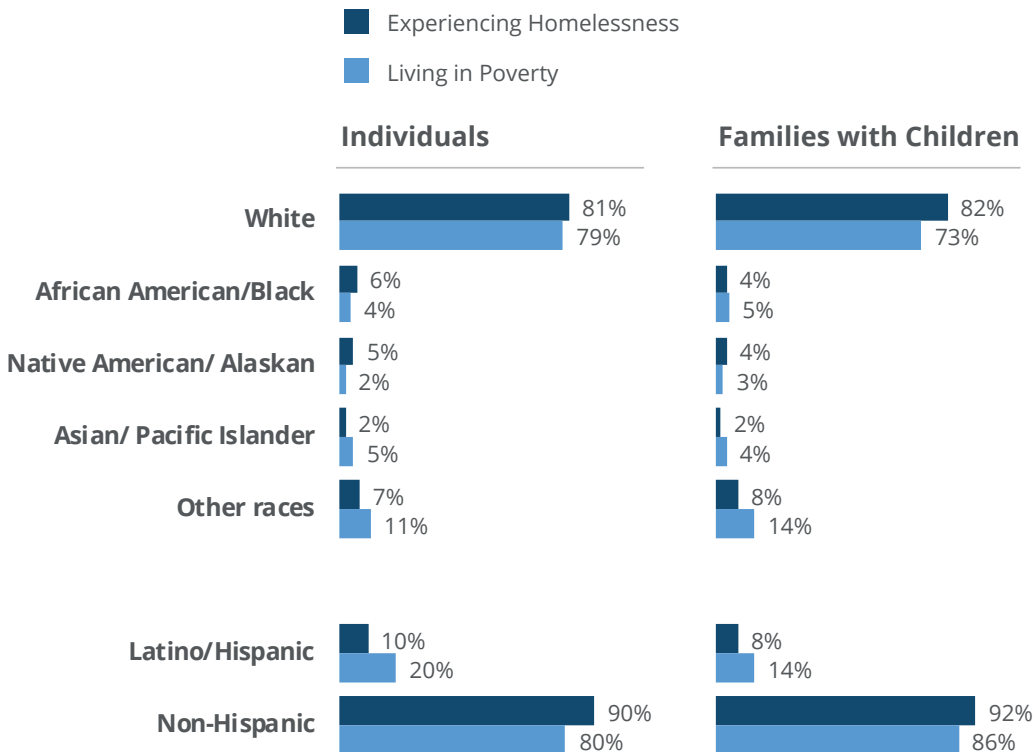
Source: 2018 ACS 5 year estimates and Root Policy Research.

Disparities in the experience of homelessness. The most severe consequence of cost burden is homelessness. In Oregon, White residents, Black or African

American residents, and Native American residents are slightly overrepresented among homeless individuals, even after adjusting for poverty. Among families with children, White residents are more likely than other racial/ethnic groups to experience homelessness after adjusting for poverty—although for individuals, the difference is small (Figure II-3).

In contrast, Hispanic residents are under-represented among persons experiencing homelessness after adjusting for poverty.

Figure II-3.
Residents Experiencing Homelessness v. Living in Poverty, 2019



Source: CofC Racial Equity Analysis Tool (Version 2.1) developed by HUD, 2019.

According to a Fair Housing Education Needs Assessment conducted for the Fair Housing Council of Oregon in 2018, residents in rural parts of the state are more likely to experience homelessness. A higher homelessness rate can indicate difficulty finding and keeping housing as well as lower access to resources to stay housed.

The report also acknowledges that the Hispanic homeless population is likely undercounted in the point in time survey. Under HUD definitions, this survey focuses on persons who are literally homeless—while the Hispanic community is less likely to be street homeless or living in shelters, it is more likely to be doubled-up and living in multigenerational households. According to ACS data, around 10 percent of Hispanics live in a multigenerational household in Oregon, compared to 6 percent of non-Hispanic

households. Hispanics are also more likely to live in overcrowded conditions¹—in Oregon 14 percent of Hispanic residents live in overcrowded conditions, compared to 2 percent of non-Hispanic Whites.

This indicates that community ties and extended family play a key role in preventing street homelessness among the Hispanic population. It is therefore crucial that local communities do not preclude extended family arrangements through housing code and land use regulations, such as strict parking restrictions or the discouragement of accessory dwelling units, or overly restrictive definitions of household.

Among households who are precariously housed are those who, while not meeting HUD's definition of homelessness, do not have a home of their own. They are couch surfing, moving from household to household every few days to avoid sleeping in a vehicle or outside. In focus groups, stakeholders described these households, many of whom are Hispanic, as being overlooked by housing assistance programs and indicative of a gap in housing resources. Taking in family who lose their home is part of Hispanic culture, and results in Hispanic households being undercounted in point-in-time counts and discussions of homelessness.

Stakeholders representing organizations that provide services to residents experiencing homelessness or who are at-risk of homelessness responded to a series of questions regarding the most impactful types of housing or services needed and insight into the populations that are disproportionately more likely to experience or be at-risk of homelessness.

Stakeholder's perspectives on homelessness. Among persons experiencing homelessness, stakeholders believe that those with mental health challenges, those who are chronically homeless, persons with substance use disorders, and those with criminal histories or felonies, have the greatest unmet housing or supportive housing needs.

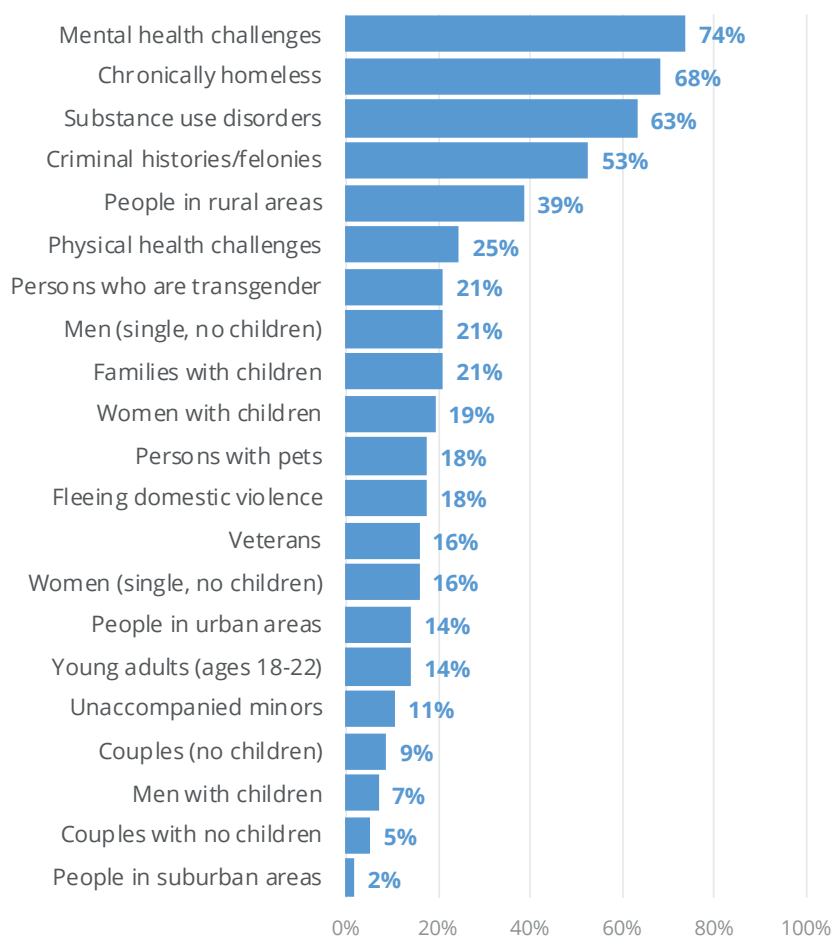
- *"Homelessness due to criminal history or substance abuse or behavioral health problems in our counties is increasingly growing. We need more transition homes, drug treatment facilities and programs and long term housing options for them." (Stakeholder survey respondent)*

¹ Defined as more than one occupant per room.

Figure II-4.
Among persons
experiencing
homelessness,
those with the
greatest unmet
housing or
supportive service
needs are or have...

Note:
n=57.

Source:
Root Policy Research from the 2020
OHCS Housing Stakeholder Survey.



Populations most at-risk of homelessness. Similarly, Oregonians considered by stakeholders to be most at-risk of homelessness are those with serious and persistent mental illness (SMPI), substance use disorders, criminal histories, those who are precariously housed, and persons with cognitive disabilities.

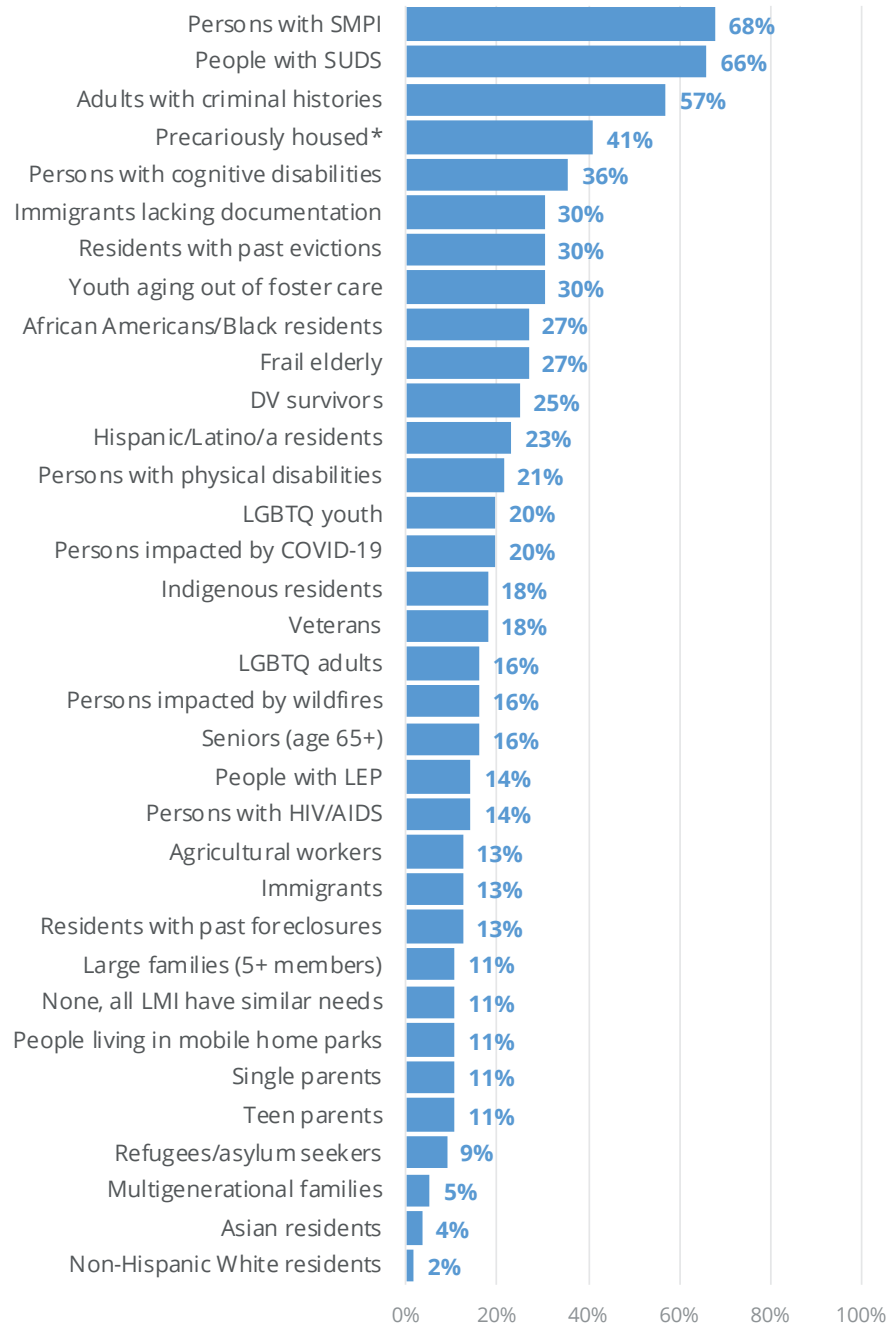
Figure II-5.
Among low or moderate income households, which populations are disproportionately at higher risk for homelessness in your service area?

Note:

*Precariously housed are residents living in non-traditional and/or multiple-family/"couch-surfing" situations who are vulnerable to being evicted or kicked out (e.g., due to a fight with friends). SUDS = substance use disorders, SPMI = serious and persistent mental illness.

Source:

Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.



- *"The percentage of our population currently experiencing homelessness who meet the definition of chronically homeless rose significantly in the last year. We have had good outcomes with helping those experiencing homelessness transition to stable housing as it becomes available and need more transitional housing units to help individuals move toward permanent, affordable housing. Many Jackson County citizens work in service industry and agricultural jobs and do not earn a living wage. The very low housing inventory here—**this has been made exponentially worse by the dramatic loss of low income housing during the wildfires**—coupled with the low earnings speaks to the need for more rental housing for folks earning 30%, 60% and 80% of AMI." (Stakeholder survey respondent)*

- *“People with past evictions are unable to find a place to rent during COVID-19, and I have been told the reason is that the landlords are afraid they will not pay rent after moving in / during the pandemic, so their applications are just being denied.” (Stakeholder survey respondent)*

Impact on homelessness. Most stakeholders (60%) believe that homelessness has increased in their area due to the COVID-19 pandemic. Nearly two in five stakeholders’ assessment of the populations most at-risk of homelessness changed since the onset of the COVID-19 pandemic. These stakeholders observe that immigrants who are undocumented are especially at-risk of homelessness due to job loss and inability to participate in federal financial relief and other benefits programs. Other populations not previously at-risk of homelessness are those who experience job loss and long-term unemployment resulting from business closures. Several stakeholders mentioned barriers to accessing services resulting from lack of access to public facilities like libraries to access the Internet or print required forms.

- *“People that don't have access to public benefits because of documentation status have been more impacted. Higher cases of COVID, more job loss, not able to access stimulus payment and unemployment benefits.” (Stakeholder survey respondent)*
- *“I have noticed more unemployment due to businesses having to downsize employees or close down the business. More cases of suicide, and drug use leading to homelessness in most cases.” (Stakeholder survey respondent)*
- *“Harder to get access to assistance—no libraries open to get WiFi or print things. Other services closed.” (Stakeholder survey respondent)*

Most impactful use of resources. Increasing the affordable housing stock, emergency shelter beds, mental health resources, permanently supportive housing units, and emergency rent assistance are the five activities stakeholders believe would have the greatest impact on persons experiencing homelessness or those at risk of homelessness in Oregon’s non-entitlement areas.

Figure II-6.

Where should housing funds be directed to have the greatest impact on persons experiencing homelessness or at-risk of homelessness in your community? (Top 20 responses)

Most Impactful Type of Housing or Service	# of Responses
Additional affordable housing stock	36
Emergency shelter beds	35
Mental health services	35
Permanently supportive housing units	34
Emergency rent assistance	33
Transitional housing units (up to two years tenancy)	31
Deposit assistance (first and last month, security, pet)	30
Financial assistance for rental application fees, background checks	30
Case management/housing navigator	30
Financial assistance in overcoming barriers to tenancy (e.g., debts owed)	29
Finding housing providers who will forgive/accept past convictions	28
Providing housing assistance benefits (e.g. Housing Choice Vouchers, VASH)	26
More flexible dollars to assist folks in overcoming these barriers	25
Addiction services	24
Finding housing providers who will forgive/accept past evictions	23
Emergency utility assistance	22
Transportation vouchers	20
Culturally-specific or responsive services	20
Life skills training/support	20
Street outreach to homeless	20

Note: n=56.

Figure presents the top 20 out of 40 potential housing and service options.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Priority housing and services for greatest impact on homelessness. When stakeholders prioritized the most impactful housing and services in a ranking exercise, the top five activities considered to have the greatest impact on homelessness in Oregon are:

- Permanently supportive housing;
- Additional affordable housing;
- Emergency shelter beds;
- Emergency rent assistance; and

- Housing assistance/vouchers.

Figure II-7 presents the prioritized housing and services activities by weighted rank score. Higher priority activities have higher scores.

Figure II-7.

Highest Priority Housing and Services Activities to have the Greatest Impact on Persons Experiencing or At-Risk of Homelessness (By Weighted Rank Score)

Highest Priority Housing or Service Activities	Weighted Rank Score	
Permanently supportive housing	95	<div></div>
Additional affordable housing	78	<div></div>
Emergency shelter beds	72	<div></div>
Emergency rent assistance	62	<div></div>
Housing assistance/vouchers	55	<div></div>
Transitional housing (up to 2 years)	39	<div></div>
Utility assistance	38	<div></div>
Mental health services	36	<div></div>
More flexible dollars	35	<div></div>
Money management skills	32	<div></div>
Case management/navigator	31	<div></div>
Street outreach to homeless	25	<div></div>
Obtaining employment	21	<div></div>
Culturally responsive services	21	<div></div>
Time to find housing	13	<div></div>
Time to find employment	13	<div></div>
Transportation vouchers	12	<div></div>
Deposit assistance	12	<div></div>
Money for fees, background checks	11	<div></div>
Addiction services	10	<div></div>

Note: Higher Weighted Rank Scores indicate a greater number of respondents ranking an activity overall and ranking an activity highly. Rank Score = (number of #1 rank * 5) + (number of #2 rank * 4) + (number of #3 rank * 3) + (number of #4 rank * 2) + (number of #5 rank * 1). Highest possible score=280. n=56.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Reasons for priority rankings. When asked to describe the reasoning behind the housing activities they prioritized, stakeholders emphasized the need for affordable housing in general, and more specifically Permanent Supportive Housing (PSH) and transitional housing.

- *“The core need is more housing, particularly units that will accept tenants with criminal histories, previous evictions or other barriers. We also need short-term solutions like emergency shelters, emergency rental assistance, etc.” (Stakeholder survey respondent)*
- *“PSH and Transition Beds are top priority as are shelter beds. Mental Health and Addiction Services are necessary to help individuals stay stably and safely housed. Affordable housing stock and financial assistance are needed to help individuals remain housed.” (Stakeholder survey respondent)*
- *#1, The hardest to house people need to have PSH now to prevent further health/financial crisis. #2. We need to get people off the streets and connected to services to make other housing options more effective for this population. #3. In order for any of this to be successful, we need funding. Ideally this funding should support both Behavioral (Mental) Health AND Housing support programs. No more unfunded mandates. #4. At all <AMI income levels to provide access and reduce pressure on the existing housing stock, thus reducing (hopefully) the overall housing cost inflation (assuming that it is a supply/demand market force issue to some degree, which the data seems to support). #5. This could be structured as a tool that allows support agencies and CCOs to direct funds to the utility of the affected population to directly address their specific barriers - because individual and household needs are not monolithic and need a great deal of flexibility to overcome. support transitions from managed to independent housing as needed. 7. helping to remove barriers to the marginally housed population. This is likely the easiest item on this list to achieve by increasing funding in HRS/Flexible services to CCOs or CAP agencies.”*
- *“The need for affordable units is urgent and has been for the last 5+ years. Many people are working full time+ and STILL cannot afford rent, so transitional housing needs to be longer as well. Food, utilities, childcare—it is all related to the ability, or lack thereof, to maintain housing.” (Stakeholder survey respondent)*
- *“I believe that mental health along with substance abuse are the main barrier to people for obtaining housing. After that, come past convictions and evictions that makes it difficult for renter to trust in homeless. Also, the need for life skill training is important for these individuals to find a job that they will sustain and will help maintain housing.” (Stakeholder survey respondent)*

In a focus group with residents with lived experience of homelessness, participants shared the positive impact a motivated case worker has on helping people who are homeless transition successfully into housing.

Disparities in housing condition. Based on data from HUD’s Affirmatively Furthering Fair Housing (AFFH) Tables 9 and 10 and the Comprehensive Housing

Affordability Strategy (CHAS) data, the share of residents living in substandard condition² varies vastly by ethnicity.

At least 15 percent of Hispanic residents in non-entitlement areas live in substandard housing conditions, compared to 3 percent of the overall non-entitlement population. Disproportionately high shares of residents living in substandard conditions are not found among other racial groups.

According to stakeholders, with respect to farmworker housing, several stakeholders commented on the need to help owners of farmworker housing make condition improvements.

- *“Orchards are charging a fee to live in cabins and sometimes these cabins are in not in the best condition to live in. A lot of workers have no AC in the summer or heaters in the winter. Maybe addition support to orchardist to help make the cabins livable.” (Stakeholder survey respondent)*
- *“There is a need for farmworker housing and agriculture worker housing, including canning and packing house employees.” (Stakeholder survey respondent)*
- *“Farmworkers are seasonal usually, but about 30 percent of them stay and live in ag fam homes/cabins that need to made livable or at least better conditions. I hear so many heartbreaking stories about workers suffering repercussions or afraid to speak up.” (Stakeholder survey respondent)*
- *“In the aftermath of the recent wildfires, many mobile home and manufactured home parks were destroyed, and this has disproportionately impacted agricultural workers and low-income Seniors. As rebuilding efforts are crafted, these populations need to be prioritized.” (Stakeholder survey respondent)*

Housing choice for persons with disabilities. As shown in Figure II-8, stakeholders think there are an insufficient number of housing units accessible to persons with disabilities in their service area, as well as an insufficient number of housing units that are visitable by persons with disabilities.

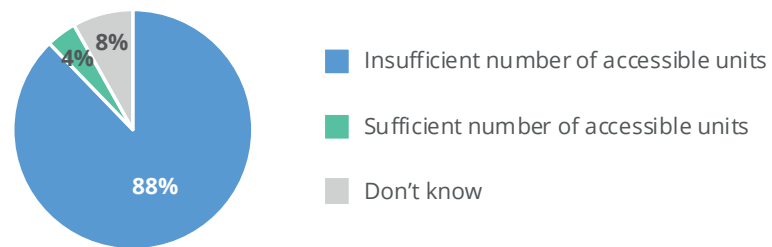
² Substandard condition includes housing with incomplete kitchen facilities, incomplete plumbing facilities, and more than 1 person per room.

Figure II-8. Housing Stock Accessibility and Visitability for Persons with Disabilities

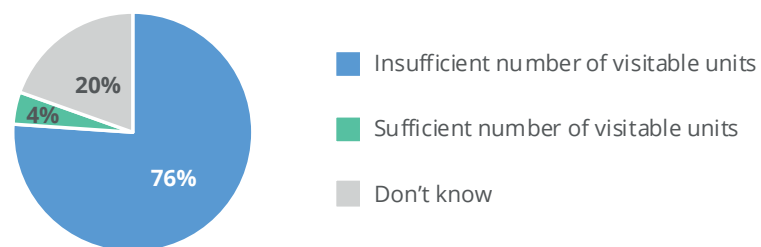
Note:
n=49 and n=46.

Source:
Root Policy Research from the 2020
OHCS Housing Stakeholder Survey.

How would you characterize the availability of housing stock in the area you serve that is **accessible** to persons with disabilities?



How would you characterize the availability of housing stock in the area you serve that is **visitable** to persons with disabilities?



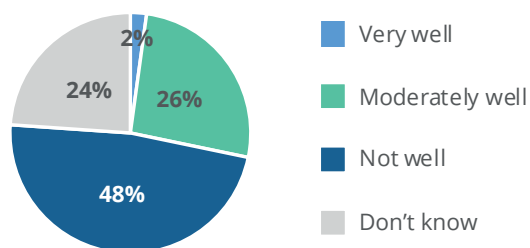
Types of units most needed. Single level units, first floor units, and units with zero step entrances are the most common types of units stakeholders report are most needed in their service area. Making accessibility modifications to existing housing units is also a need. Several respondents described a need for supportive services and peer living options.

- *“For people with physical disabilities it can be hard to find a place that can ensure accessibility—doors, bathrooms. In Rogue Valley there is hardly any housing that will accommodate people with physical disabilities, there is also not a good uniform understanding of what the definition of a disability is.” (Disability focus group participant)*
- *“Single level units, first floor units, units accessible for people with sensory disabilities; small group living with peer support.” (Stakeholder survey respondent)*
- *“Not only is there an ever increasing need for greater affordable supply, much of our current supply is in need of general safety maintenance. Ideally, I would like to see more investments to better support people with disabilities' housing needs and I understand there's significant challenges to doing so.” (Stakeholder survey respondent)*
- *“Zero step entrances, units accessible for people with sensory disabilities; small group living with peer support.” (Stakeholder survey respondent)*

Ability of state and local policies to support living in integrated, independent settings. Overall, nearly half of stakeholders do not think state and local policies and practices support community living and the ability of people with disabilities to live in the

most integrated, independent setting they prefer very well. One in four think state and local policies do moderately well in supporting these aims.

Figure II-9.
How well do state and local policies and practices support community living and the ability of people with disabilities to live in the most integrated, independent setting they prefer?



Note:
n=46.

Source:
Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

In general, stakeholders think that it is somewhat or very difficult for people with disabilities to find information about grant and loan programs to make accessibility modifications to their homes.

Principal housing challenges. Acquiring housing and remaining housed, living in a neighborhood of choice, and reasonable accommodation requests are principal housing challenges experienced by residents with disabilities in Oregon identified through the community engagement process. Difficulties associated with accessing employment and services are detailed in Section III.

Acquiring housing and remaining housed. Among the challenges experienced by persons with disabilities related to acquiring housing and remaining housed, the most common are a lack of units that are affordable to extremely low income households as well as a lack of affordable *and* accessible housing for those with accessibility needs.

- *"Barriers to meeting occupancy criteria; community often have criminal records, bad credit history resulting from disability." (Stakeholder survey respondent)*
- *"Transportation, navigating housing search." (Stakeholder survey respondent)*
- *"Not affordable unless subsidized for people on SSI/SSDI." (Stakeholder survey respondent)*
- *"Extremely low availability." (Stakeholder survey respondent)*
- *"Many people with disabilities in the communities I serve are very low income and cannot find accessible units they can afford." (Stakeholder survey respondent)*
- *"Lack of housing designed for individuals with SPMI and SUD." (Stakeholder survey respondent)*

Reasonable accommodations. The majority of fair housing complaints filed in Oregon are on the basis of disability, and many involve persons with disabilities being denied reasonable accommodations, often for requests for service or support animals.

- *“In the Mid-Willamette Valley, we’re seeing a trend that people with disabilities are experiencing discrimination related reasonable accommodation requests for assistance animals.” (Fair housing stakeholder focus group participant)*
- *“Another issue is being discriminated against at the time of application due to disability-related screening issues like criminal history, credit history, etc. that were due to disability. It shows up as drugs, criminal history, lost job or eviction or property debt, but really the disability was the original issue creating the rental barrier and the landlords won’t overlook that as a reasonable accommodation.” (Fair housing stakeholder focus group participant)*

Living in the neighborhood of their choice. For many people with disabilities, particularly those who are reliant on SSI/SSDI income, it is very rare to have the opportunity to live in a neighborhood of choice. More often than not, neighborhood is determined solely by the availability of a unit that the resident can afford which may or may not meet their accessibility needs, much less provide access to opportunity.

- *“The options of finding housing is very limited so you have to take what you can get, which leaves the renter at the mercy of the landlord.” (Stakeholder survey respondent)*
- *“Not all get to choose due to high rent or past renting history.” (Stakeholder survey respondent)*
- *“The availability of affordable housing could result in living in depressed neighborhoods.” (Stakeholder survey respondent)*
- *“Often the housing they can afford is within communities in which other people are experiencing SPMI and active drug use. It can lead to people being taken advantage of.” (Stakeholder survey respondent)*

Assisted Housing Disproportionality Analysis

This section uses HUD data on assisted housing beneficiaries in Oregon to determine: “Are people of color participating at the same rate as the income eligible population?” This exercise is meant to reveal market areas where protected classes have limited options in the private market and/or opportunities for the state to improve provision of programs to protected classes.

Figure II-10 shows a disproportionality analysis that compares race/ethnicity of housing program beneficiaries from HUD's Picture of Subsidized Households data, with race/ethnicity of households earning 60 percent or less AMI by county. Although it is important to note that this is an imperfect comparison since different housing programs

and properties have a mix of income criteria, the 60 percent cutoff was used because it provides a reasonable proxy for households that could be eligible for housing services.

In the state, people of color have a 5 percentage point higher share of housing program beneficiaries than share of households with income below 60 percent AMI—a modest difference. Black or African American households, have an 8 percentage point higher share of housing program beneficiaries, and Hispanic households have a 1 percentage point lower share of housing program beneficiaries than share of households with income below 60 percent AMI.

Among the counties:

- People of color are significantly underrepresented among subsidized housing beneficiaries in Harney, Jefferson, Morrow, and Tillamook counties, and overrepresented in Multnomah County.
- Hispanic households are significantly underrepresented among subsidized housing beneficiaries in Morrow County and Black or African American households are significantly overrepresented in Multnomah County.

**Figure II-10.
Assisted
Housing
Beneficiaries
by County
and Race and
Ethnicity,
2018**

Note:

Excludes counties for which fewer than 25 beneficiary households reported.

Source:

2018 HUD's Picture of Subsidized Households data, HUD MFI, 2018 ACS 5 year estimates, and Root Policy Research.

RegionCounty		Subsidized Housing Beneficiaries				Households Earning Less than 60% AMI				Difference		
		Percent POC	Percent Hispanic	African Am.	Subsidized Units	Percent POC	Percent Hispanic	African Am.	Total HH <60% AMI	POC	Hispanic	African Am.
State of Oregon		26%	9%	11%	52,887	21%	10%	3%	559,819	5%	-1%	8%
Central Oregon	Crook	6%	3%	-1%	155	10%	4%	1%	3,119	-4%	-1%	-2%
	Deschutes	9%	5%	2%	1,292	10%	6%	0%	23,396	-1%	-1%	2%
	Jefferson	17%	12%	2%	105	37%	13%	2%	2,534	-20%	-1%	0%
Columbia Gorge	Hood River	28%	22%	2%	189	21%	17%	1%	2,590	7%	5%	1%
	Wasco	14%	8%	1%	546	14%	10%	0%	3,152	0%	-2%	1%
North Coast	Clatsop	6%	4%	1%	551	10%	4%	1%	5,418	-4%	0%	0%
	Lincoln	12%	7%	1%	790	12%	6%	1%	7,587	0%	1%	0%
	Tillamook	4%	1%	-1%	169	16%	8%	0%	3,401	-12%	-7%	-1%
Northeast Oregon	Baker	9%	4%	1%	299	7%	3%	0%	2,515	2%	1%	1%
	Grant	8%	3%	2%	102	7%	1%	0%	1,154	1%	2%	2%
	Morrow	3%	3%	-1%	40	33%	29%	1%	1,167	-30%	-26%	-2%
	Umatilla	22%	15%	2%	753	28%	22%	0%	8,414	-6%	-7%	2%
	Union	9%	3%	2%	657	9%	3%	1%	3,630	0%	0%	1%
	Wallowa	10%	1%	5%	103	5%	2%	1%	1,238	5%	-1%	4%
Portland MSA	Clackamas	17%	7%	5%	2,907	15%	8%	1%	47,231	2%	-1%	4%
	Columbia	5%	3%	0%	649	10%	3%	1%	7,736	-5%	0%	-1%
	Multnomah	45%	8%	27%	15,168	30%	10%	8%	124,754	15%	-2%	19%
	Washington	35%	16%	10%	4,079	28%	15%	2%	65,109	7%	1%	8%
	Yamhill	17%	12%	2%	1,511	20%	14%	0%	14,637	-3%	-2%	2%
South Central/ Southeast Oregon	Harney	6%	4%	-1%	125	16%	7%	0%	808	-10%	-3%	-1%
	Klamath	20%	6%	4%	997	16%	8%	1%	10,037	4%	-2%	3%
	Lake	7%	0%	2%	42	9%	5%	0%	1,293	-2%	-5%	2%
	Malheur	35%	31%	2%	510	29%	26%	1%	3,784	6%	5%	1%
South Coast	Coos	10%	4%	1%	1,098	12%	3%	1%	9,254	-2%	1%	0%
	Curry	7%	2%	2%	196	13%	5%	2%	3,872	-6%	-3%	0%
Southern Oregon	Douglas	8%	3%	1%	1,354	10%	5%	0%	14,830	-2%	-2%	1%
	Jackson	13%	7%	2%	2,923	16%	11%	0%	30,719	-3%	-4%	2%
	Josephine	10%	6%	1%	1,032	10%	4%	0%	13,471	0%	2%	1%
Willamette Valley	Benton	17%	9%	2%	917	20%	6%	1%	15,576	-3%	3%	1%
	Lane	15%	7%	4%	5,029	16%	6%	1%	58,958	-1%	1%	3%
	Linn	12%	7%	2%	2,024	10%	5%	0%	15,675	2%	2%	2%
	Marion	28%	18%	4%	5,091	29%	22%	2%	41,575	-1%	-4%	2%
	Polk	16%	12%	2%	1,359	20%	11%	1%	10,259	-4%	1%	1%

Figure II-11 shows the distribution of CDBG allocations from 2015 to 2018 by race/ethnicity and low and moderate income households. When compared to the share of households earning less than 60 percent AMI in the sum of the counties served by the program, the program slightly under allocates resources to Black or African American residents, less than one percent are beneficiaries, compared to 1 percent of households earning less than 60 percent AMI. The program overserved Hispanic residents in 2017 and 2015, when 20 percent and 12 percent of beneficiaries were Hispanic, but comprised 10 percent of households earning less than 60 percent AMI—the program underserved these households in 2016 and 2018.

Figure II-11.
CDBG Beneficiaries by Race/Ethnicity, State of Oregon, 2015-2018

	2018	2017	2016	2015
Total Persons	21,697	5,607	4,462	7,205
Percent LMI	76%	67%	86%	71%
Percent Non-Hispanic White	89%	74%	91%	79%
Percent Hispanic	4%	20%	6%	12%
Percent African American or Black	0%	0%	0%	0%
Percent American Indian/ Alaskan native	3%	3%	2%	3%
Percent Asian/Native Hawaiian & Pacific Islander	1%	0%	0%	1%

Source: Oregon Business Development Department.

When analyzing CDBG distributions by program type (Figure II-12) there is significant variation in the race/ethnicity of program beneficiaries:

- Hispanic residents are served at higher rates by the Head Start program, followed by investment in mental health facilities, wastewater, and water system improvements.
- Black or African American residents make up the appropriate share of program beneficiaries in water system improvement, Head Start, and domestic violence shelter programs.
- American Indian/Alaskan Native and Asian residents are served at a higher rate by wastewater improvements.

Figure II-12.
CDBG Beneficiaries by Race/Ethnicity and Program Type, State of Oregon, 2015-2018

	Total	LMI Persons	Non- Hispanic White	Hispanic	African American	American Indian/Alaskan Native	Asian/ Native Hawaiian & Pacific Islander	Two or more Races
Wastewater System Improvements	13,086	60%	82%	11%	0%	4%	2%	2%
Food Bank	9,456	100%	90%	4%	0%	0%	1%	5%
Water System Improvements	6,403	57%	78%	11%	1%	5%	1%	5%
Senior Center/Food Bank	2,992	100%	95%	1%	0%	1%	1%	3%
Housing Rehabilitation	2,853	73%	88%	8%	0%	2%	1%	2%
Mental Health Facility	1,402	97%	79%	12%	0%	3%	0%	5%
Fire Protection	638	52%	97%	0%	0%	1%	1%	0%
Head Start	475	99%	62%	30%	1%	3%	1%	4%
Community Center	149	61%	95%	1%	0%	3%	0%	1%
Domestic Violence Shelter	125	100%	88%	8%	1%	2%	0%	1%
MicroEnterprise Assistance	74	53%	100%	0%	0%	0%	0%	0%

Source: Oregon Business Development Department.

Figure II-13 shows the CDBG distribution by County, with data aggregated from 2015 to 2018. During that time, one third of the total beneficiaries lived in the Portland MSA region. Hispanic residents were most likely to be beneficiaries of the programs in Morrow County, Black or African Americans in Polk County, American Indian/Alaskan Natives in Klamath County, and Asians in Clatsop County.

Figure II-13.
CDBG Distribution of Program Beneficiaries by County, 2015-2018

Region	County	Total Persons	% of Total	% LMI Persons	% White	% Hispanic	% African American	% American Indian/ Alaskan Native	% Asian/Native Hawaiian & Pacific Islander	% Two or more Races
Central Oregon	Crook	1,347	3.5%	100%	93%	0%	0%	1%	1%	5%
	Deschutes	1,603	4.1%	86%	92%	6%	0%	1%	0%	0%
Columbia Gorge	Hood River	40	0.1%	100%	80%	20%	0%	0%	0%	0%
	Wasco	1,524	3.9%	97%	79%	12%	0%	3%	1%	5%
North Coast	Clatsop	65	0.2%	100%	78%	12%	0%	3%	6%	0%
	Tillamook	4,897	12.6%	59%	90%	2%	0%	0%	3%	4%
Northeast Oregon	Baker	1,118	2.9%	54%	96%	1%	0%	1%	1%	0%
	Grant	3,440	8.8%	60%	94%	2%	0%	3%	1%	0%
	Morrow	2,323	6.0%	53%	47%	45%	1%	6%	2%	0%
	Umatilla	126	0.3%	100%	79%	13%	0%	3%	0%	5%
	Union	1,786	4.6%	57%	92%	3%	0%	2%	1%	2%
	Wallowa	34	0.1%	53%	100%	0%	0%	0%	0%	0%
Portland MSA	Columbia	10,116	26.0%	100%	91%	4%	0%	0%	1%	4%
	Yamhill	1,879	4.8%	56%	74%	7%	1%	3%	1%	14%
South Central/ Southeast Oregon	Harney	58	0.1%	100%	91%	5%	0%	0%	0%	3%
	Klamath	734	1.9%	41%	55%	18%	0%	35%	2%	7%
	Malheur	1,972	5.1%	64%	72%	24%	0%	2%	1%	1%
South Coast	Coos	167	0.4%	57%	86%	5%	1%	2%	1%	5%
Southern Oregon	Douglas	1,584	4.1%	68%	86%	8%	0%	4%	1%	2%
	Jackson	50	0.1%	100%	92%	0%	0%	8%	0%	0%
	Josephine	1,100	2.8%	100%	95%	2%	0%	1%	1%	1%
Willamette Valley	Lane	91	0.2%	100%	97%	3%	0%	0%	0%	0%
	Linn	72	0.2%	100%	92%	8%	0%	0%	0%	0%
	Marion	68	0.2%	100%	88%	7%	0%	3%	1%	0%
	Marion/Linn	163	0.4%	70%	88%	7%	0%	4%	0%	0%
	Polk	589	1.5%	63%	78%	21%	2%	2%	0%	1%
	Polk/Yamhill	2,025	5.2%	54%	82%	6%	0%	9%	1%	2%

Source: Oregon Business Development Department.

Figure II-14 shows the distribution of affordable units according to the Oregon Affordable Housing Inventory maintained by Oregon Housing and Community Services³. This inventory is gathered through various industry databases, including OHCS funded projects as well as those funded by local Housing Authorities, HUD, and Rural Development. Although this inventory does not contain information on the race and ethnicity of unit occupants, it includes information on number of total units and affordable units by jurisdiction.

The database also includes occupant data for agricultural workers, persons with a developmental disability, elderly, ex- or released offenders, families, homeless persons, persons with a physical disability, persons with a substance use disorder, veterans, and workforce housing.

Not surprisingly, affordable units are clustered in the Portland MSA region, which accounts for 60 percent of the inventory. The Portland MSA region also has the largest shortage of affordable units in the state. This share is similar among occupant characteristics, except for a few groups that present clusters outside of the Portland MSA area and others that are highly concentrated in the Portland MSA area.

- In addition to Multnomah (14%) and Washington (13%) counties, agricultural workers are also clustered in Marion (17%) and Umatilla (10%) counties.
- Veterans are more likely to be occupants in Multnomah County (27%), as well as in Douglas County (21%), and Wasco County (18%).
- Homeless residents and those with substance use disorders are highly concentrated in the Portland MSA area, accounting for 76 and 81 percent, respectively.

³ The properties in this inventory come from the following partners: Oregon Housing and Community Services, HUD, USDA, Metro, Network for Oregon Affordable Housing, all 20 of Oregon's Housing Authorities, and many county and city governments. This is meant to be a comprehensive inventory of all affordable rental housing with income or rent restrictions in the state and every effort has been made to delete duplicates. OHCS cannot and does not guarantee that there are no errors.

**Figure II-14.
Affordable
Housing Inventory
by County and
Occupant
Characteristics,
2018**

Source:

Affordable Housing Inventory,
retrieved from:
<https://data.oregon.gov>.

Region	County	Total Units		Affordable Units		Agricultural Worker		Developmentally Disabled		Elderly	
		#	% of Total	#	% of Total	#	% of Total	#	% of	#	% of Total
Total		67,529	100%	63,397	100%	1,813	100%	1,328	100%	14,579	100%
Central Oregon	Crook	294	0%	223	0%	0	0%	0	0%	124	1%
	Deschutes	1,814	3%	1,802	3%	0	0%	47	4%	604	4%
	Jefferson	355	1%	340	1%	23	1%	0	0%	65	0%
Columbia Gorge	Gilliam	8	0%	6	0%	0	0%	0	0%	6	0%
	Hood River	443	1%	412	1%	49	3%	0	0%	80	1%
	Sherman	12	0%	12	0%	0	0%	0	0%	12	0%
	Wasco	545	1%	537	1%	47	3%	0	0%	74	1%
North Coast	Clatsop	603	1%	577	1%	0	0%	0	0%	203	1%
	Lincoln	1,061	2%	1,021	2%	40	2%	0	0%	228	2%
	Tillamook	306	0%	282	0%	0	0%	0	0%	76	1%
Northeast Oregon	Baker	182	0%	177	0%	0	0%	0	0%	96	1%
	Grant	104	0%	102	0%	0	0%	0	0%	26	0%
	Morrow	251	0%	250	0%	129	7%	0	0%	16	0%
	Umatilla	1,466	2%	1,452	2%	174	10%	18	1%	280	2%
	Union	553	1%	548	1%	0	0%	0	0%	191	1%
	Wallowa	151	0%	150	0%	0	0%	0	0%	13	0%
Portland MSA	Clackamas	3,822	6%	3,576	6%	127	7%	0	0%	777	5%
	Columbia	458	1%	452	1%	22	1%	0	0%	161	1%
	Multnomah	27,332	40%	25,006	39%	260	14%	874	66%	5,692	39%
	Washington	8,001	12%	7,621	12%	235	13%	36	3%	700	5%
	Yamhill	1,174	2%	1,106	2%	78	4%	38	3%	329	2%
South Central/ Southeast Oregon	Harney	130	0%	129	0%	0	0%	0	0%	18	0%
	Klamath	490	1%	484	1%	24	1%	16	1%	251	2%
	Lake	50	0%	49	0%	0	0%	0	0%	30	0%
	Malheur	567	1%	562	1%	119	7%	39	3%	166	1%
South Coast	Coos	633	1%	591	1%	30	2%	8	1%	46	0%
	Curry	365	1%	340	1%	0	0%	0	0%	87	1%
Southern Oregon	Douglas	1,663	2%	1,575	2%	0	0%	26	2%	444	3%
	Jackson	3,128	5%	3,066	5%	82	5%	84	6%	788	5%
	Josephine	772	1%	758	1%	0	0%	5	0%	329	2%
Willamette Valley	Benton	590	1%	447	1%	0	0%	13	1%	129	1%
	Lane	4,919	7%	4,785	8%	4	0%	75	6%	1,212	8%
	Linn	1,064	2%	974	2%	0	0%	19	1%	373	3%
	Marion	3,364	5%	3,146	5%	314	17%	12	1%	868	6%
	Polk	859	1%	839	1%	56	3%	18	1%	85	1%

**Figure II-14.
Affordable
Housing Inventory
by County and
Occupant
Characteristics,
2018 (Continued)**

Source:

Affordable Housing Inventory,
retrieved from:
<https://data.oregon.gov>.

Region	County	Total Units		Ex- or Released Offender		Family		Homeless		Physically Disabled	
		#	% of Total	#	% of Total	#	% of Total	#	% of Total	#	% of Total
Total		67,529	100%	395	100%	38,500	100%	3,012	100%	4,727	100%
Central Oregon	Crook	294	0%	0	0%	107	0%	0	0%	4	0%
	Deschutes	1,814	3%	0	0%	1,028	3%	50	2%	55	1%
	Jefferson	355	1%	0	0%	222	1%	24	1%	6	0%
Columbia Gorge	Gilliam	8	0%	0	0%	0	0%	0	0%	0	0%
	Hood River	443	1%	0	0%	282	1%	0	0%	2	0%
	Sherman	12	0%	0	0%	0	0%	0	0%	0	0%
	Wasco	545	1%	0	0%	219	1%	18	1%	191	4%
North Coast	Clatsop	603	1%	2	1%	266	1%	13	0%	46	1%
	Lincoln	1,061	2%	2	1%	622	2%	12	0%	4	0%
	Tillamook	306	0%	0	0%	162	0%	0	0%	16	0%
Northeast Oregon	Baker	182	0%	0	0%	62	0%	23	1%	53	1%
	Grant	104	0%	0	0%	76	0%	0	0%	1	0%
	Morrow	251	0%	0	0%	35	0%	0	0%	3	0%
	Umatilla	1,466	2%	0	0%	1,057	3%	3	0%	0	0%
	Union	553	1%	0	0%	347	1%	0	0%	79	2%
	Wallowa	151	0%	0	0%	91	0%	0	0%	5	0%
Portland MSA	Clackamas	3,822	6%	0	0%	2,515	7%	74	2%	89	2%
	Columbia	458	1%	5	1%	274	1%	17	1%	24	1%
	Multnomah	27,332	40%	266	67%	14,155	37%	2,160	72%	2,727	58%
	Washington	8,001	12%	0	0%	6,595	17%	21	1%	355	8%
	Yamhill	1,174	2%	0	0%	617	2%	6	0%	44	1%
South Central/ Southeast Oregon	Harney	130	0%	0	0%	91	0%	0	0%	0	0%
	Klamath	490	1%	0	0%	290	1%	14	0%	81	2%
	Lake	50	0%	0	0%	20	0%	0	0%	16	0%
	Malheur	567	1%	31	8%	232	1%	38	1%	0	0%
South Coast	Coos	633	1%	0	0%	388	1%	0	0%	2	0%
	Curry	365	1%	0	0%	234	1%	0	0%	5	0%
Southern Oregon	Douglas	1,663	2%	27	7%	798	2%	131	4%	88	2%
	Jackson	3,128	5%	0	0%	1,575	4%	158	5%	280	6%
	Josephine	772	1%	0	0%	234	1%	7	0%	66	1%
Willamette Valley	Benton	590	1%	0	0%	302	1%	19	1%	56	1%
	Lane	4,919	7%	62	16%	3,055	8%	145	5%	262	6%
	Linn	1,064	2%	0	0%	487	1%	0	0%	41	1%
	Marion	3,364	5%	0	0%	1,441	4%	69	2%	107	2%
	Polk	859	1%	0	0%	621	2%	10	0%	19	0%

**Figure II-14.
Affordable
Housing Inventory
by County and
Occupant
Characteristics,
2018 (Continued)**

Source:

Affordable Housing Inventory,
retrieved from:
<https://data.oregon.gov>.

Region	County	Total Units		Substance Use Disorder		Veterans		Workforce	
		#	% of Total	#	% of Total	#	% of Total	#	% of Total
Total		67,529	100%	1,859	100%	851	100%	2,577	100%
Central Oregon	Crook	294	0%	0	0%	2	0%	21	1%
	Deschutes	1,814	3%	0	0%	12	1%	193	7%
	Jefferson	355	1%	0	0%	0	0%	0	0%
Columbia Gorge	Gilliam	8	0%	0	0%	0	0%	0	0%
	Hood River	443	1%	0	0%	0	0%	0	0%
	Sherman	12	0%	0	0%	0	0%	0	0%
	Wasco	545	1%	4	0%	151	18%	0	0%
North Coast	Clatsop	603	1%	7	0%	0	0%	12	0%
	Lincoln	1,061	2%	2	0%	0	0%	131	5%
	Tillamook	306	0%	0	0%	0	0%	0	0%
Northeast Oregon	Baker	182	0%	0	0%	0	0%	0	0%
	Grant	104	0%	0	0%	0	0%	0	0%
	Morrow	251	0%	0	0%	0	0%	0	0%
	Umatilla	1,466	2%	12	1%	0	0%	48	2%
	Union	553	1%	0	0%	0	0%	0	0%
	Wallowa	151	0%	0	0%	0	0%	0	0%
Portland MSA	Clackamas	3,822	6%	26	1%	24	3%	24	1%
	Columbia	458	1%	5	0%	5	1%	0	0%
	Multnomah	27,332	40%	1,465	79%	229	27%	1,206	47%
	Washington	8,001	12%	3	0%	20	2%	513	20%
	Yamhill	1,174	2%	15	1%	0	0%	0	0%
South Central/ Southeast Oregon	Harney	130	0%	0	0%	0	0%	20	1%
	Klamath	490	1%	8	0%	18	2%	12	0%
	Lake	50	0%	0	0%	0	0%	0	0%
	Malheur	567	1%	0	0%	31	4%	31	1%
South Coast	Coos	633	1%	16	1%	11	1%	0	0%
	Curry	365	1%	0	0%	0	0%	0	0%
Southern Oregon	Douglas	1,663	2%	98	5%	177	21%	47	2%
	Jackson	3,128	5%	100	5%	96	11%	122	5%
	Josephine	772	1%	0	0%	0	0%	0	0%
Willamette Valley	Benton	590	1%	0	0%	0	0%	40	2%
	Lane	4,919	7%	59	3%	62	7%	34	1%
	Linn	1,064	2%	0	0%	3	0%	0	0%
	Marion	3,364	5%	0	0%	0	0%	123	5%
	Polk	859	1%	39	2%	10	1%	0	0%

Access to COVID rent assistance. Multifamily NW's January 2021 Rent Survey found that in 2020, 13 percent of renter households did not pay their rent in the first 15 days of the month. This rate was about the same as of January 2021 (12 percent).⁴ Tenants living in Affordable Tax Credit units were less likely than households living in conventional Class C multifamily housing to be unable to pay their rent (9% vs. 16%). This highlights the benefit of publicly-assisted housing in providing stability to tenants and suggests that rental assistance funds are not reaching Class C multifamily tenants.

Stakeholder perspectives on funding priorities. Respondents to the stakeholder survey prioritized the most important outcomes from investing CDBG and other funds in housing and community development activities.

Priority housing outcomes. The top five housing outcomes prioritized by stakeholders are:

- #1—Larger supply of affordable rental housing
- #2—Expanded beds/shelters to assist persons who are homeless
- #3—Larger supply of rental subsidies/housing choice rental vouchers
- #4—More equitable dispersion of HUD resources for populations historically underserved (i.e. communities of color)
- #5—More equitable geographic dispersion of HUD housing resources

⁴ <https://www.multifamilynw.org/news/january-2021-rent-survey>

Figure II-15.

If you could pick five priority housing outcomes from investment of HUD block grant funds within Oregon in the next 5 years, what would those be?

Housing Outcome	% of Responses
Larger supply of affordable rental housing	72%
Larger supply of rental subsidies/housing choice rental vouchers	54%
Expanded beds/shelters to assist persons who are homeless	53%
More equitable dispersion of HUD resources for historically underserved populations	40%
More equitable geographic dispersion of HUD housing resources	36%
Better access to supportive services to achieve or maintain housing stability	36%
Better access to case management/housing navigation services to obtain housing	35%
More opportunities for homeownership	24%
Better condition of housing for low-to moderate-income renters	24%
More equitable dispersion across low and moderate income populations of HUD resources	24%
More housing accessible for persons with disabilities	22%
Better condition of housing for existing low- and moderate-income homeowners	18%
Co-location of housing and childcare / early learning education centers	18%
Greater independence for persons with disabilities and/or seniors	15%
Housing that is more energy efficient	14%
Better access to housing information and counseling services	9%
Historically preserved commercial and residential structures	3%

Note: Numbers add to greater than 100 percent due to multiple response. n=78.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Rental Market Disparities

Tight rental markets where supply of affordable housing is very limited can enable landlords to be more selective in choosing their tenants. Knowingly or not, it is easier for landlords to engage in discriminatory behaviors when there are larger housing gaps. These gaps tend to be the largest for lower income residents.

Figure II-17 shows rental gaps by median family income thresholds for each region. Data are from the latest Oregon Statewide Housing Plan conducted for OHCS. The largest gaps for households with income below 30 and 50 percent Median Family Income (MFI) are in the Portland MSA and Willamette Valley regions. Together, these two regions account for over 80 percent of the housing shortage for households with income below 30 and 50 percent MFI.

The Columbia Gorge region presents a surplus at all income thresholds, and the Northeast region presents a surplus at incomes above 50 percent MFI; although gaps may have changed since the release of the State Housing Plan.

Figure II-17.
Shortage of
Affordable Rental
Units by Region,
2010-2014

Source:
OHCS State Housing Plan,
<https://www.oregon.gov/ohcs/pages/oregon-state-wide-housing-plan.aspx>.

	Income Category		
	< 30% MFI	< 50% MFI	< 80% MFI
Oregon	-75,859	-98,450	95,189
Central Oregon	-2,925	-4,780	4,650
Columbia Gorge	313	508	1,833
North Coast	-380	-1,610	3,410
Northeast Oregon	-910	864	5,589
Portland MSA	-41,985	-52,066	50,360
South Central/Southeast Oregon	-1,116	-366	3,127
South Coast	-985	-710	2,915
Southern Oregon	-5,125	-10,095	5,115
Willamette Valley	-22,746	-29,816	17,449

Figure II-18 shows rental gaps by median family income thresholds for each county. At the county level, the largest gaps for households with income below 30 and 50 percent MFI are found in entitlement areas, including Multnomah County, followed by Washington County, and Lane County.

**Figure II-18.
Shortage of
Affordable Rental
Units by County,
2010-2014**

Source:

OHCS State Housing Plan,
<https://www.oregon.gov/ohcs/pages/oregon-state-wide-housing-plan.aspx>.

Region	County	Income Category		
		< 30% MFI	< 50% MFI	< 80% MFI
Oregon		-75,859	-98,450	95,189
Central Oregon	Crook	15	-125	595
	Deschutes	-2,765	-4,550	3,280
	Jefferson	-175	-105	775
Columbia Gorge	Gilliam	69	149	164
	Hood River	245	295	880
	Sherman	-6	84	129
	Wasco	-40	-105	570
	Wheeler	45	85	90
North Coast	Clatsop	-245	-695	1,400
	Lincoln	-120	-515	1,325
	Tillamook	-15	-400	685
Northeast Oregon	Baker	-45	150	620
	Grant	-20	35	160
	Morrow	-120	70	365
	Umatilla	-215	740	3,210
	Union	-465	-55	1,015
	Wallowa	-45	-76	219
Portland MSA	Clackamas	-4,300	-6,075	10,185
	Columbia	-695	165	1,315
	Multnomah	-25,430	-31,275	16,685
	Washington	-9,915	-14,541	19,910
	Yamhill	-1,645	-340	2,265
South Central/ Southeast Oregon	Harney	210	400	414
	Klamath	-1,175	-955	2,120
	Lake	114	324	464
	Malheur	-265	-135	129
South Coast	Coos	-720	-550	2,045
	Curry	-265	-160	870
Southern Oregon	Douglas	-895	-1,330	3,185
	Jackson	-3,330	-6,860	1,835
	Josephine	-900	-1,905	95
Willamette Valley	Benton	-4,090	-1,440	2,855
	Lane	-9,735	-14,740	2,110
	Linn	-1,965	-3,025	2,375
	Marion	-5,540	-8,935	8,285
	Polk	-1,416	-1,676	1,824

Stakeholder perspectives on rental disparities. With respect to rental disparities, stakeholders in Oregon’s rural communities identified several critical issues disproportionately impacting members of protected classes—that the State’s source of income protection is not effective; that undocumented immigrants are often denied rental housing due to their legal status; that there are an insufficient number of affordable and accessible units for persons with disabilities; and a serious lack of emergency housing options.

Barriers to renting—ineffective source of income protection. Despite being protected by state law, stakeholders outside the Portland MSA consider the source of income protection to be ineffective because the protection has no meaningful enforcement and fines are too low to incentivize compliance. In addition to landlords continuing to advertise “no Section 8”, stakeholders have seen an increase in the number of rental ads stating something like “this unit does not meet HUD quality standards” to steer prospective renters with vouchers away from the property.

Barriers to renting—lack of documents. According to stakeholders, “nearly all” of the property managers in Central Oregon, including Bend and the surrounding areas, verbally deny undocumented residents a place to rent because they do not have a Social Security Number (SSN) or state issued ID. In writing, the denial is attributed to not passing the credit check or background check. This is contrary to state law meant to protect the ability of households to rent even if they do not have legal status.

Under fair housing protections, asking for an SSN has a disproportionate impact on persons with a different country of origin. However, given that SSN are usually used to pull credit reports, rental, and criminal histories, there will be costs associated with retrieving these types of reports for persons without a SSN. Although tenants still have the right to file a fair housing complaint, the vast majority will not do it once they learn the information will become public record.

The state should invest in efforts to let tenants know it is not against the law to rent to undocumented persons. In addition, landlords and tenants should be informed that criminal history information can be acquired without an SSN, and current and past landlords can provide rental history. According to the Fair Housing Council of Oregon⁵:

“Applicants may be able to provide other information such as proof of “x” number of recent months’ paid utility bills, rent, or other regular monthly bills that can show a pattern of timely payment. Individuals who do not qualify for an SSN may often have an ITIN (Individual Taxpayer Identification Number). This number allows for reporting to the IRS and in some cases for opening other accounts. After having consulted with screening companies and the credit bureaus, it does not appear that this will allow a credit report to be pulled in the same way that an SSN does.

The path we propose, when an applicant has no SSN, is to say “show me what you can” rather than a flat “no”. At that point, your screening company should be able to give you an informed estimate about how much time and money an evaluation could cost. You could then inform the consumer and pass this cost on to them if they wished to continue. Costs may vary.”

⁵ <http://fhco.org/index.php/discrimination-in-oregon/protected-classes/national-origin/screening-options>

Barriers to renting—lack of affordable *and* accessible units. In resident focus groups, participants shared similar stories of the difficulty they experienced trying to find affordable housing, and, in the case of participants with mobility disabilities, finding rental housing that is both affordable and accessible. Stories ranged from taking the only apartment available to rent in a county to searching more than 10 months for an affordable unit accessible to a woman in a wheelchair.

Lack of affordable housing and emergency housing. In stakeholder roundtables, rental housing affordable to extremely low income and very low income households was consistently a top need discussed by participants. Figure II-19 shows the number of respondents who selected each of 24 housing activities to meet urgent housing needs in their service area. As demonstrated in the figure, housing activities resulting in more rental units for extremely low income households (<30% Area Median Income or AMI), very low income households (<60% AMI), and low to moderate income households (<80% AMI) comprise three of the five activities the greatest number of respondents selected to address urgent needs. Emergency shelters for people who are homeless and transitional housing for people moving out of homelessness complete the top five.

Figure II-19.

Among the following housing activities, where should housing funds be directed to meet urgent needs in your service area? (Select up to 5.)

Housing Activity	# of Responses
More rental units for extremely low income/poverty-level households (at 30% AMI)	61
More rental housing for very low income households (60% AMI or less)	61
Emergency shelters for people who are homeless	49
Transitional housing for people moving out of homelessness	46
More rental housing for low to moderate income households (80% AMI or less)	42
Repurpose vacant/underutilized properties into affordable housing	41
Affordable and accessible housing units for people with disabilities	40
Long-term tenant based rental assistance (6+ months)	38
Funds to pay rental debts accumulated from March 2020 to present (COVID-related)	28
More homes for low to moderate income households to buy (60%-120% AMI)	28
Services that help residents achieve or maintain housing stability (supportive services)	26
Navigators to help residents locate and qualify for affordable housing/housing assistance	24
Emergency assistance to pay utilities	18
Short-term tenant based rental assistance (3-6 months)	15
Preservation of affordable homeownership in manufactured home communities	15
Funds to pay mortgage debts accumulated from March 2020 to present (COVID-related)	14
Assistance to low income homeowners for accessibility modifications (ramps, grab bars)	14
Emergency assistance for vehicle repairs	11
Assistance for health and safety repairs for low and moderate income homeowners	11
Assistance to low income renters for accessibility modifications (ramps, grab bars)	10
Search engine/database to locate and qualify for affordable housing/housing assistance	10
Assistance for health and safety repairs for low and moderate income renters	6
Housing for area workforce	6
Lead-based paint abatement and control	2

Note: n=99.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Homeownership Disparities

For the majority of households in the U.S., owning a home is the single most important factor in wealth-building. Homeownership is also thought to have broader public benefits, which has justified decades of public subsidies to support ownership. The federal government has subsidized homeownership in various forms for nearly 100 years—yet the subsidies and wealth-building benefits of ownership have been realized by a narrow

segment of households, largely due to the denial of ownership opportunity through restrictive covenants, lending bias, and direct discrimination.

In the State of Oregon, the homeownership rate was 63 percent in 2018. Figure II-20 shows homeownership rates by race and ethnicity for the years 2000, 2010, and 2018. Among racial/ethnic groups:

- White households consistently had the highest rates of homeownership, between 66 and 64 percent, and Asian residents consistently had homeownership rates near that of White residents.
- These high rates contrast starkly with other groups whose homeownership rates were consistently below 40 percent, including Black or African American residents and Native Hawaiian or Other Pacific Islander residents.
- Hispanic residents' homeownership rate in 2018 was 42 percent, more than 20 percentage points below the rate among White residents.
- In general homeownership rates have been stable among racial and ethnic groups, showing the persistence of disparities.

**Figure II-20.
Homeownership
Rates by Race
and Ethnicity,
State of Oregon,
2000, 2010, and
2018**

Source:

Decennial Census 2000 and
2010, 2018 ACS 1 year
estimates, and Root Policy
Research

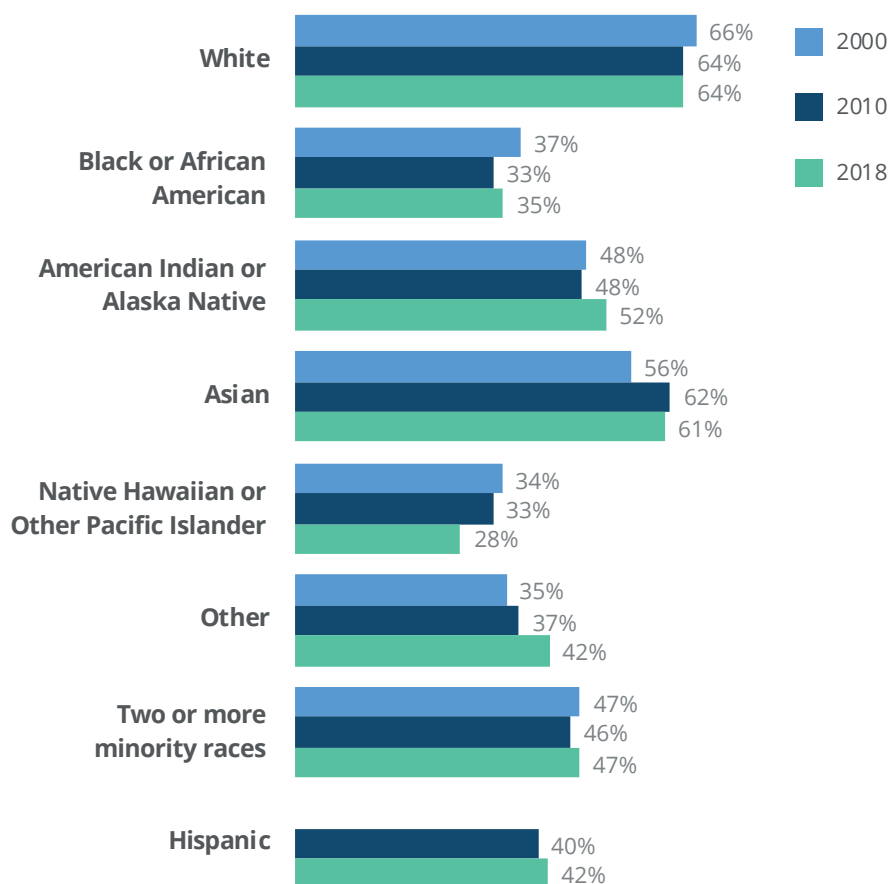


Figure II-21 presents regional homeownership rates by race/ethnicity using data from the Statewide Housing Plan. Among Counties:

- Ownership rate discrepancies for Native Americans compared to Whites are largest in Yamhill, Lake, and Washington Counties, where Native Americans have ownership rates around 30 percentage points lower.
- For Asians, discrepancies are largest in Wasco, Benton, and Coos Counties, where Asian rates are between 26 to 33 percentage points lower than White's. In Grant and Columbia Counties Asian homeownership rates are significantly higher than White homeownership rates.
- Among Black or African Americans, discrepancies are largest in Hood River, Lake, Clatsop, and Josephine Counties. In these counties, Black or African Americans have ownership rates between 51, and 66 percentage points lower than White ownership rates.
- Among Hispanics, discrepancies are largest in Gilliam, Sherman, and Clatsop counties, where ownership rates for Hispanics range between 42 and 52 percentage points lower than White ownership rates.

Figure II-21. Homeownership Rates by Race/Ethnicity and County, 2011-2015

Region	County	Ownership Rate by Race/Ethnicity						Difference			
		Native American	Asian	Black or African American	Native Hawaiian or Pacific Islander	White	Hispanic	American Indian/ White Difference	Asian/ White Difference	Black/ White Difference	Hispanic/ White Difference
Central Oregon	Crook	-	-	-	-	69%	69%	-	-	-	-1%
	Deschutes	-	-	-	-	66%	43%	-	-	-	-23%
	Jefferson	-	-	-	-	70%	57%	-	-	-	-12%
Columbia Gorge	Gilliam	-	-	-	-	61%	9%	-	-	-	-52%
	Hood River	40%	88%	0%	100%	66%	42%	-26%	21%	-66%	-24%
	Sherman	-	-	-	-	64%	18%	-	-	-	-45%
	Wasco	70%	32%	100%	48%	66%	47%	4%	-33%	34%	-19%
	Wheeler	-	-	-	-	70%	67%	-	-	-	-3%
North Coast	Clatsop	48%	66%	5%	59%	63%	21%	-15%	3%	-58%	-42%
	Lincoln	42%	72%	35%	24%	65%	38%	-23%	6%	-30%	-27%
	Tillamook	74%	84%	100%	32%	73%	46%	1%	11%	27%	-27%
Northeast Oregon	Baker	-	-	-	-	67%	29%	-	-	-	-38%
	Grant	87%	100%	25%	-	72%	79%	14%	28%	-47%	6%
	Morrow	-	-	-	-	70%	56%	-	-	-	-14%
	Umatilla	-	-	-	-	64%	53%	-	-	-	-11%
	Union	-	-	-	-	65%	43%	-	-	-	-22%
	Wallowa	-	-	-	-	67%	73%	-	-	-	6%
Portland MSA	Clackamas	58%	73%	42%	23%	69%	42%	-11%	4%	-27%	-27%
	Columbia	51%	87%	64%	83%	74%	70%	-22%	13%	-10%	-4%
	Multnomah	35%	57%	29%	22%	57%	33%	-22%	0%	-27%	-24%
	Washington	35%	63%	45%	24%	63%	35%	-28%	0%	-18%	-28%
	Yamhill	36%	70%	35%	17%	69%	42%	-32%	1%	-34%	-27%
South Central/ Southeast Oregon	Harney	-	-	-	-	69%	53%	-	-	-	-16%
	Klamath	-	-	-	-	67%	50%	-	-	-	-16%
	Lake	31%	65%	0%	-	61%	30%	-31%	4%	-61%	-32%
	Malheur	-	-	-	-	60%	46%	-	-	-	-14%
South Coast	Coos	48%	41%	17%	69%	66%	52%	-18%	-26%	-49%	-14%
	Curry	67%	69%	-	-	66%	34%	0%	3%	-	-33%
Southern Oregon	Douglas	72%	84%	64%	100%	68%	55%	4%	16%	-4%	-13%
	Jackson	-	-	-	-	63%	47%	-	-	-	-16%
	Josephine	48%	75%	16%	100%	67%	64%	-19%	8%	-51%	-3%
Willamette Valley	Benton	41%	34%	35%	34%	60%	26%	-20%	-26%	-25%	-34%
	Lane	38%	38%	28%	67%	60%	41%	-23%	-23%	-32%	-20%
	Linn	50%	65%	36%	100%	65%	41%	-15%	0%	-29%	-24%
	Marion	38%	52%	17%	13%	63%	40%	-25%	-11%	-46%	-23%
	Polk	39%	48%	58%	0%	67%	45%	-27%	-18%	-9%	-21%

Source: OHCS State Housing Plan.

According to the Statewide Housing Plan, housing production has not kept up with population growth in the state, and an additional 155,156 housing units would have to have been produced between 2000 and 2015 to keep up with demand.

Fair lending review. Several factors contribute to the differences in homeownership by race and ethnicity observed above, including disparities in access to lending. Despite the fact that discrimination in most housing transactions has been illegal since the 1960s, recent research⁶ shows that people of color still face *financial* discrimination. This is because race-blind policies may still generate outcomes which are not race-neutral.

This section uses the analysis of Home Mortgage Disclosure Act (HMDA) data to examine disparities in lending and loan denials across different racial and ethnic groups and income categories, to determine if loans are being apportioned more favorably to some racial and ethnic groups as opposed to others.

Mortgage loan data analysis. HMDA data are collected by the Federal Financial Institutions Examination Council (FFIEC) and are widely used to detect evidence of discrimination in mortgage lending. In fact, concern about discriminatory lending practices in the 1970s led to the requirement for financial institutions to collect and report HMDA data. The variables contained in the HMDA dataset have expanded over time, allowing for more comprehensive analyses and better results. However, despite expansions in the data reported, current HMDA analyses remain limited because of the information that is *not* reported. Because HMDA datasets do not contain all of the factors that are evaluated by lending institutions when they decide to make a loan to a borrower, direct evidence of lending discrimination is difficult to detect through HMDA analysis alone.

Currently, HMDA data can be used to determine disparities in loan originations and interest rates among borrowers of different races, ethnicities, genders, and location of the property they hope to own. The data can also be used to explain many of the reasons for any lending disparities (e.g., poor credit history).

Mortgage loan applications in Oregon. During 2018, the latest year for which HMDA data were publicly available, there were 134,611 loan applications⁷ made in Oregon. As shown in Figure II-22, among these applications, half were for home purchases, over a quarter (28%) were for Cash-Out Refinancing, 15 percent were for refinancing, and the remaining 7 percent were for home improvements or other purposes.

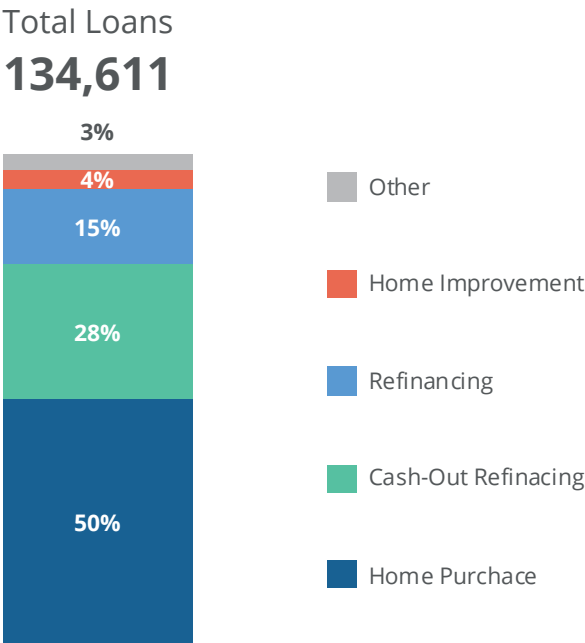
⁶ *The Assessment Gap: Racial Inequalities in Property Taxation.*
https://www.stern.nyu.edu/sites/default/files/assets/documents/the_assessment_gap_-_racial_inequalities_in_property_taxation.pdf

⁷ Refers to loans secured by residential properties that intended to be occupied by owners.

Figure II-22.
Purpose of Mortgage Loan
Applications, State of
Oregon, 2018

Note:
Does not include loans for multifamily properties
or non-owner occupants.

Source:
FFIEC HMDA Raw Data, 2018 and Root Policy
Research.



Outcome of mortgage loan applications. Of all the loan applications in Oregon in 2018, nearly two thirds (63%) resulted in loan origination, nearly one in five (18%) were withdrawn by applicants, 13 percent were denied, 4 percent were closed for incompleteness, and only 2 percent were approved but not accepted (Figure II-23). Despite the recent population growth in the state, the number of total loan applications fell between 2013 and 2018.

**Figure II-23.
Outcome of Mortgage
Loan Applications,
State of Oregon, 2013
and 2018**

Note:

Does not include loans for multifamily properties or non-owner occupants.

Source:

FFIEC HMDA Raw Data, 2013 and 2018
and Root Policy Research.

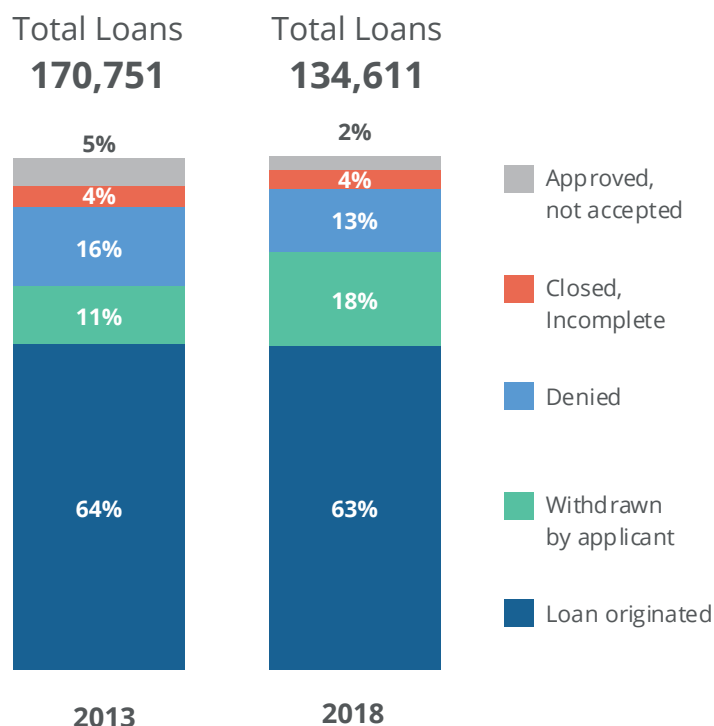


Figure II-24 presents detailed loan application outcomes, focusing on differences among racial and ethnic groups.

Loan originations were lowest among Black or African American applicants (51%), more than 14 percentage points lower than the white applicants, who had the highest loan origination rate of 65 percent. Hispanic applicants, Native American applicants, and applicants who identified having two or more races also had lower origination rates (between 54% and 57%) while Asian applicants origination rate (62%) was near the state origination rate (63%). White applicants and Asian applicants also had the lowest percentage of denials, 12 and 13 percent, respectively. One in five applications among Black applicants resulted in a denial with Hispanic applicants experiencing nearly the same outcome (18% denied).

The last three rows of the figure compare the application outcomes of minority applicants with White applications. These differences reveal disparities in loan application outcomes by race and ethnicity. The starkest difference is between Black or African American applicants and White applicants. Black or African American applicants are 14 percentage points less likely to have their loan originated and 8 percentage points more likely to have it denied when compared to White applications. Similarly, Hispanic applicants are 8 percentage points less likely to have their loan application result in an origination and 6 percentage points more likely to have their application denied compared to White applicants.

Figure II-24.
Outcome of Mortgage Loan Applications by Race/Ethnicity, State of Oregon, 2018

State of Oregon	Application Outcome				
	Originated	Approved but Not Accepted	Denied	Withdrawn	Incomplete
State Overall	63%	2%	13%	18%	4%
Race and Ethnicity					
White	65%	2%	12%	17%	3%
Black or African American	51%	2%	20%	22%	6%
American Indian and Alaska Native	56%	2%	18%	19%	5%
Asian	62%	3%	13%	18%	4%
Native Hawaiian or Pacific Islander	61%	2%	14%	18%	5%
Two or more races	54%	1%	26%	19%	0%
Hispanic	57%	3%	18%	19%	4%
Black/White Difference	-14%	-1%	8%	5%	2%
American Indian/White Difference	-9%	-1%	6%	2%	1%
Asian/White Difference	-3%	0%	1%	1%	0%
Hispanic/White Difference	-8%	0%	6%	2%	0%

Note: Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. Denial rates calculations exclude withdrawn or incomplete applications. N values represent the total number of applications per group (the denominator). White N = 93,811; Black N = 1,407; Native American N = 745; Asian N = 5,009; Native Hawaiian or Pacific Islander N = 348; Two or more races N = 111; Hispanic N = 6,934.

Source: FFIEC HMDA Raw Data, 2018 and Root Policy Research.

Denial rates. Most often, loan applications are denied due to credit worthiness, particularly low credit scores or high debt-to-income ratios. While credit score data are not available, income level relative to Median Family Income (MFI) and debt-to-income are available, which together are good proxies for credit worthiness. All things being equal, we would expect that residents in each income band would have similar denial rates regardless of the applicant's race or ethnicity.

The denial rate is calculated by dividing the number of denials by the total number of number of applications (excluding applications that are withdrawn or were closed for incompleteness). As a result denial rate is higher than the percent denied in Figure II-24 above, which includes all loan applications. Figure II-25 compares denial rates by race and ethnicity based on income level.

- Denial rates are higher among all applicants making less than 80 percent of MFI, which is to be expected.

- However, even among the highest income cohort, denial rates are considerably higher for Black and Hispanic applicants, whose where denial rates are 10 percentage points and 7 percentage points higher than White applicants respectively.

Figure II-25.

Denial Rate by Race/Ethnicity and Income, State of Oregon, 2018

State of Oregon	Overall Denial Rate	Denial Rate by Income		
		0-80% FMI	80-120% FMI	Over 120% FMI
State Overall	16%	25%	14%	11%
Race and Ethnicity				
White	15%	24%	13%	11%
Black or African American	28%	37%	22%	21%
American Indian and Alaska Native	24%	33%	17%	16%
Asian	17%	28%	15%	11%
Native Hawaiian or Pacific Islander	18%	34%	6%	15%
Two or more races	32%	41%	28%	27%
Hispanic	23%	29%	18%	18%
Black/White Difference	12%	14%	9%	10%
American Indian/White Difference	9%	9%	5%	5%
Asian/White Difference	2%	4%	2%	0%
Hispanic/White Difference	8%	5%	6%	7%

Note: Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. Denial rates calculations exclude withdrawn or incomplete applications. N values represent the subtotal of the total number of number of applications excluding applications that are withdrawn or were closed for incompleteness by group (the denominator). White N = 74,621; Black N = 1,018; Native American N = 564; Asian N = 3,904; Native Hawaiian or Pacific Islander N = 267; Two or more races N = 90; Hispanic N = 5,366. FMI calculated by county from HMDA provided data.

Source: FFIEC HMDA Raw Data, 2018 and Root Policy Research.

As shown in Figures II-26 and II-27, denial rates among minority applicants have trended modestly down between 2013 and 2018, except for Black applicants, who experienced an increase in denial rates between 2013 and 2018. Denial rates among Hispanic applicants has decreased by 7 percentage points, from 30 percent in 2013 to 23 percent in 2018.

Figure II-26.
Denial Rates by Race/Ethnicity, State of Oregon, 2008, 2013, and 2018.

Race/Ethnicity	Denial Rate			Percent Change	
	2008	2013	2018	2013 - 2018	2008 - 2018
American Indian/Alaska Native	26%	30%	24%	-6%	-6%
Asian	25%	19%	17%	-2%	-2%
Black or African American	33%	26%	28%	2%	2%
White	24%	19%	15%	-4%	-4%
Hispanic	38%	30%	23%	-7%	-7%

Note: Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data.

Source: FFIEC HMDA Raw Data, 2018 and Root Policy Research. 2008 and 2013 data from 2015 Oregon State AI.

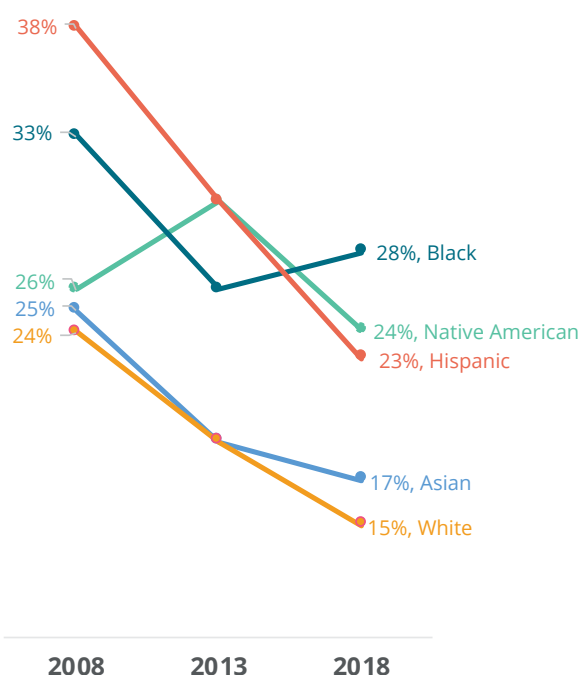
Figure II-27.
Denial Rates by Race/Ethnicity, State of Oregon 2008, 2013, and 2018

Note:

Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race.

Source:

FFIEC HMDA Raw Data, 2008, 2013 and 2018 and Root Policy Research



Loan type. Loan denial rates can also vary by race and ethnicity based on the type of loans applied for by applicants, as shown in the figure below. Denial rates are typically highest for home improvement loans, often because the additional debt will raise the loan to value ratios above the levels allowed by a financial institution. This may also be true of cash-out refinance loans, depending on how much cash is requested. Among racial/ethnic groups:

- Denial rates among home improvement, refinancing, and cash-out refinancing were all comparable among white applicants (between 23 and 25%), all other racial or ethnic group applicants experienced significantly higher denial rates for home improvement loans (between 38% and 50%). These discrepancies mirror those found in the 2013 AI.
- Persistent lack of home improvement capital among racial and ethnic groups and neighborhoods can lead to disproportionate impact on housing quality and neighborhood conditions.

Figure II-28.
Denial Rates by
Race/Ethnicity and Loan
Purpose, State of Oregon,
2018

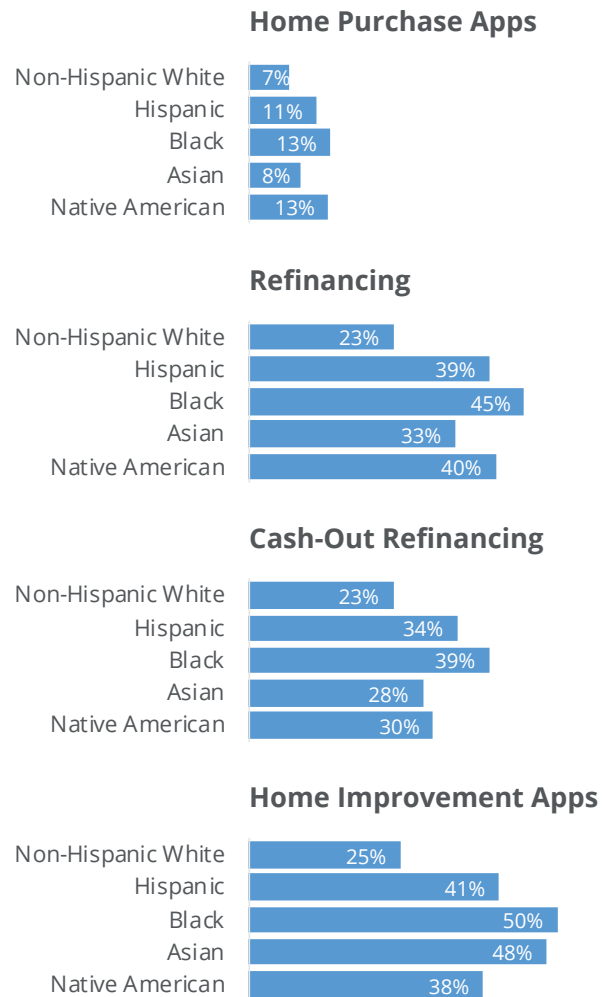
Note:

Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race.

N values represent the subtotal of the total number of number of applications excluding applications that are withdrawn or were closed for incompleteness by group. Non-Hispanic White N = 74,621; Hispanic N = 5,366; Black N = 1,018; Asian N = 3,905; Native American N = 564.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.



HMDA data contains some information on denial reasons, which can help explain differences in denials among racial and ethnic groups. Figure II-29 shows the reasons for denial in Oregon by race and ethnicity. The table reveals that:

- Debt-to-income ratio was the most prevalent reason for loan denials across racial and ethnic groups and highest among Asian applicants (36%).

- Black or African American applicants and Hispanic applicants were more likely than White applicants to be denied a loan because of credit history (27% and 26% compared to 23%).

Figure II-29.
Reason for Denial by Race/Ethnicity, State of Oregon, 2018

State of Oregon	Debt-to-Income Ratio	Employment History	Credit History	Collateral	Insufficient Cash	Unverifiable Information	Credit Application Incomplete	Mortgage Insurance Denied	Other
State Overall									
Race and Ethnicity									
White	26%	2%	23%	14%	4%	5%	13%	0%	13%
Black or African American	28%	2%	27%	12%	4%	5%	13%	0%	9%
American Indian and Alaska Native	30%	3%	21%	12%	5%	4%	14%	0%	10%
Asian	36%	2%	18%	10%	5%	9%	8%	0%	11%
Native Hawaiian or Pacific Islander	31%	2%	19%	9%	6%	2%	13%	0%	19%
Two or more races	28%	0%	19%	19%	6%	6%	6%	0%	16%
Hispanic	28%	2%	26%	9%	4%	6%	10%	0%	15%
Black/White Difference	1%	0%	5%	-2%	0%	0%	0%	0%	-4%
American Indian/White Diff.	3%	1%	-1%	-2%	2%	-1%	1%	0%	-3%
Asian/White Difference	9%	0%	-4%	-4%	1%	4%	-5%	0%	-2%
Hispanic/White Difference	2%	0%	3%	-5%	0%	1%	-3%	0%	2%

Note: Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. N values represent total number of denial reasons given by group (the denominator in the calculation). White N = 13,663; Black N = 344; American Indian and Alaskan Native N = 168; Asian N = 811; Native Hawaiian or Pacific Islander N = 54; Two or more races N = 32; Hispanic N = 1,502.

Source: FFIEC HMDA Raw Data, 2018 and Root Policy Research

Geographic variation in denials. Figure II-30 displays the 10 counties in Oregon with the highest percent of loan applications that were denied in 2018. The map in Figure II-31 reveals the spatial distribution of loan denials across the state.

As the table and map reveal, denial rates were higher among more rural counties, these counties also had many fewer applicants. Among the counties with the highest denial rates, Klamath County was the only county with over 1,000 applicants (1,682 applicants). Counties with denial rates below the state rate of 16 percent were those that included or are adjacent to major metropolitan areas. Appendix B includes the full list of all denial rates by race and ethnicity for each county.

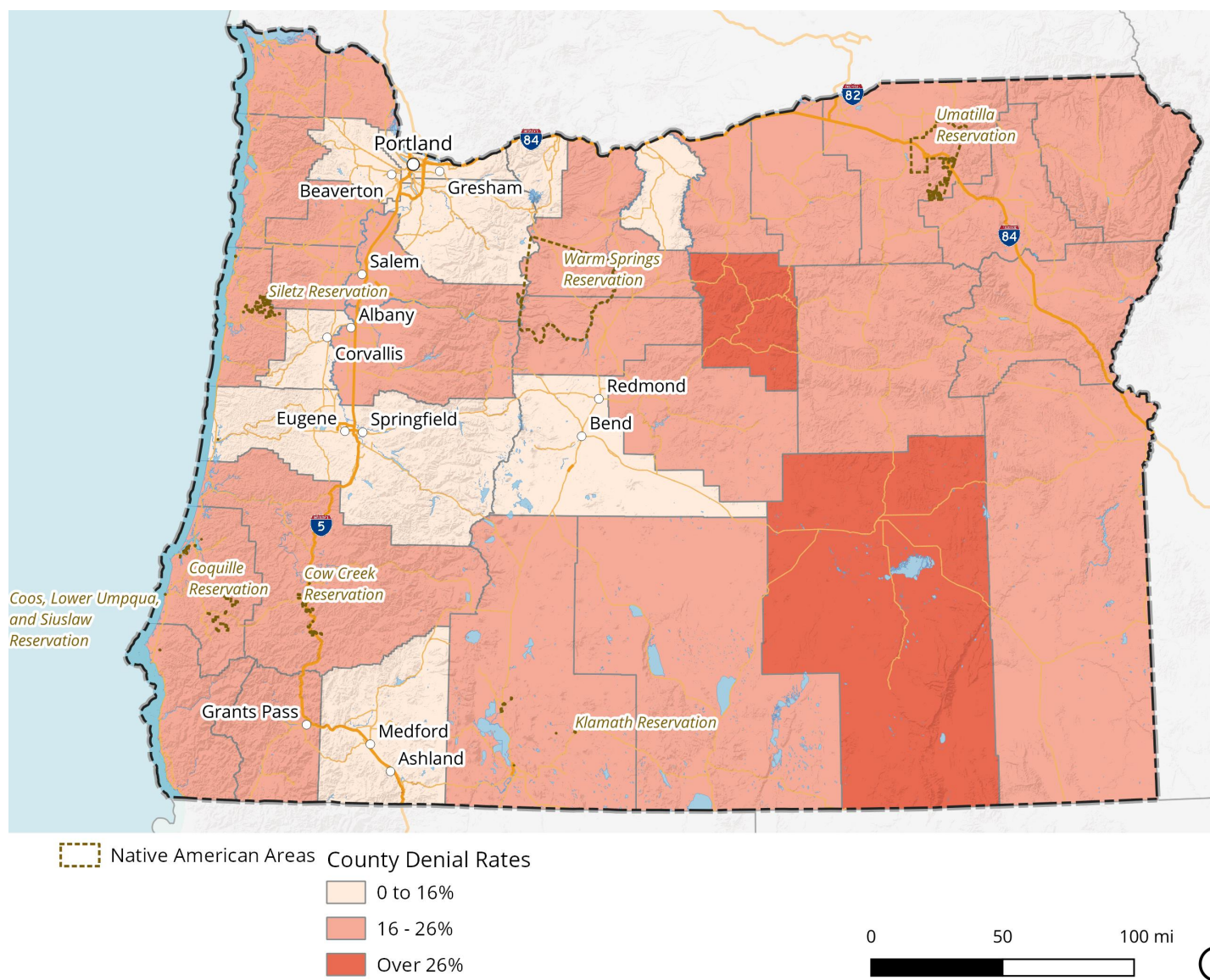
Figure II-30.
Denial Rates in the Top 10
Counties, 2018

Note:
Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race
Source:
FFIEC HMDA Raw Data, 2018 and Root Policy Research

Top 10 Counties		Overall Denial Rate	Total Loan Applications
1	Wheeler	33%	21
2	Harney	27%	144
3	Baker	26%	324
4	Morrow	25%	151
5	Curry	24%	496
6	Wallowa	24%	154
7	Gilliam	24%	34
8	Lake	23%	124
9	Malheur	23%	441
10	Klamath	23%	1,682
State of Oregon		16%	105,379

**Figure II-31.
Denial Rates by
County, 2018**

Source:
FFIEC HMDA Raw Data, 2018
and Root Policy Research



High priced loans. Beginning in 2004, HMDA data contained the interest rates on higher-priced mortgage loans. This allows examinations of disparities in high-cost, including subprime, loans among different racial and ethnic groups. It is important to remember that high priced loans are not always predatory or clear indicators of fair lending issues, and that the numerous factors that can make a loan “predatory” are not adequately represented in available data. Therefore, actual predatory practices cannot be identified through HMDA data analysis. However, the data analysis can be used to identify where additional scrutiny is warranted, and how public education and outreach efforts should be targeted.

This section examines how often racial and ethnic minority loan applications in Oregon received high priced loans compared to White applicants. For the purpose of this section we define “high priced” as a loan with an ARP of more than one and half (1.5%) percentage points above comparable treasuries.

Higher priced loan proportions were analyzed across racial and ethnic groups controlling for income level, a rough proxy for credit worthiness or debt to income ratios, which are likely to affect loan interest rates. As revealed in Figure II-32:

- The share of higher priced loans was highest among Hispanic applicants (9%) and Black or African American applicants (7%), proportions that nearly or more than double that of White applicants (4%).
- Among income levels, high priced loan proportions were highest (5%) among applicants making between 80 and 120 percent family median income. Among Hispanic applicants and Black or African American applicants in this income group, 11 percent were offered and accepted high priced loans compared to 5 percent among white applicants.
- Asian applicants at all income levels were the least likely to be offered a high price loan, with high price loans representing between 2 and 3 percent of originated loans.

Figure II-32.
High Priced Loans by Race/Ethnicity and Income, State of Oregon, 2018

State of Oregon	Overall Percent High Priced	Percent High Priced by Income		
		0-80% FMI	80-120% FMI	Over 120% FMI
State Overall	4%	4%	5%	4%
Race and Ethnicity				
White	4%	4%	5%	4%
Black or African American	7%	5%	11%	6%
American Indian and Alaska Native	4%	4%	5%	3%
Asian	2%	2%	3%	2%
Native Hawaiian or Pacific Islander	-	-	-	-
Two or more races	-	-	-	-
Hispanic	9%	8%	11%	9%
Black/White Difference	3%	1%	6%	2%
American Indian/White Diff.	0%	0%	0%	-1%
Asian/White Difference	-2%	-3%	-2%	-2%
Hispanic/White Difference	5%	4%	7%	5%

Note: Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. Family Median Income (FMI) calculated by county from HMDA provided data. "High Priced" percentages reflect the proportion of originated loan with rates spreads above 1.5 percentage points compared to comparable treasuries. N values represent originated loan by group overall. White n = 58,508; Black N = 661; Native American N = 396; Asian N = 3,033; Hispanic N = 3,595.

Source: FFIEC HMDA Raw Data, 2018 and Root Policy Research.

Geographic variation in high priced loans. Figure II-33 displays the 10 counties in Oregon with the highest share of originated loans that were high priced in 2018. The full list of all high priced loan proportions by race and ethnicity for each county is in Appendix B. Again, counties with large shares of high priced loans tend to have a small number of loan applications.

**Figure II-33.
High Priced Loans in
the Top 10 Counties,
2018**

Note:

Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white. Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data. "High Priced" percentages reflect the proportion of originated loan with rates spreads above 1.5 percentage points compared to comparable treasuries.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.

Top 10 Counties		Overall Percent High Priced	Total Originated Loans
1	Gilliam	19%	26
2	Malheur	12%	329
3	Morrow	12%	112
4	Jefferson	12%	427
5	Lake	11%	91
6	Umatilla	10%	1,166
7	Klamath	8%	1,256
8	Union	8%	397
9	Baker	8%	233
10	Grant	8%	102
State of Oregon		4%	85,186

A recent study, conducted by researchers at UC Berkeley, suggests that past discriminatory practices, which depressed home values in communities of color, continues to have a negative effect in those neighborhoods. The computer algorithms used to determine mortgage pricing appear to *still treat minority communities* as higher risk.

The study found that, nationally, Hispanic and Black or African American borrowers paid .05 to .1 percent more for mortgage loans made between 2008 and 2015 regardless of the type (computer or human) of lender. This is equivalent to 11 to 17 percent of lender profit on the average loan, meaning that lenders earn significantly more from loans made to Hispanic and Black or African American homebuyers.⁸

The research also found that computers are less biased than humans in denying loans to non-White and Hispanic applicants. Human loan officers rejected loans to Hispanic and Black or African American borrowers more often than computers.

Yet both humans and computers charged Hispanic and Black or African American applicants more for their loans *compared to White borrowers with comparable credit scores*, suggesting that geographic factors are an important part of risk pricing.

⁸ The time period covered in that study includes the period when subprime loans were common; subprime loans are a much smaller part of the market today. Several lawsuits and challenges have demonstrated that non-White and Hispanic borrowers received subprime loans that were not risk-justified.

The research also speculated that timing (urgency of getting a loan to buy a home once found) and lower frequency of comparison shopping among non-White and Hispanic borrowers could explain some of the interest rate differences.

The study is particularly relevant now, as more services move online. One of the study authors summarized the seriousness of the findings as follows: “Even if the people writing the algorithms intend to create a fair system, their programming is having a disparate impact on non-White and Hispanic borrowers—in other words, discriminating under the law.”⁹

Lack of access to capital and “unbanked” residents. When residents are reluctant to seek capital or bank accounts with traditional financial institutions and need banking services, they patronize other, non-traditional sources. The Federal Deposit Insurance Corporation (FDIC) has consistently surveyed such residents, whom they term “unbanked and underbanked” households. Unbanked households are those that lack any kind of deposit account at an insured depository institution. Underbanked households hold a bank account, but also rely on alternative financial providers such as payday lenders or pawn shops.

The latest survey from 2017 reveals substantial difference in the rate of unbanked and underbanked as well as access to mainstream credit among residents based on racial and ethnic groups at the national level. In 2017 the unbanked rate among Black or African American in the US was 17 percent, over five times the rate for white residents. Similarly, Hispanic residents were unbanked at a rate nearly five times that of white residents (14%). Unbanked rates among Black residents and Hispanic residents at the national levels has been decreasing, however, since 2013. The data available for Oregon did not have information regarding racial and ethnic categories. Statewide data revealed that 4.2 percent of Oregon residents were unbanked while 20 percent were banked but underbanked.

Other available household characteristics included education level. The 2017 data for Oregon revealed that unbanked and underbanked rates decreased as educational attainment increased. Among Oregon residents surveyed who had only a high school diploma, 8 percent were unbanked and 28 percent were underbanked compared to 1 percent unbanked and 9 percent underbanked among residents with a college degree.

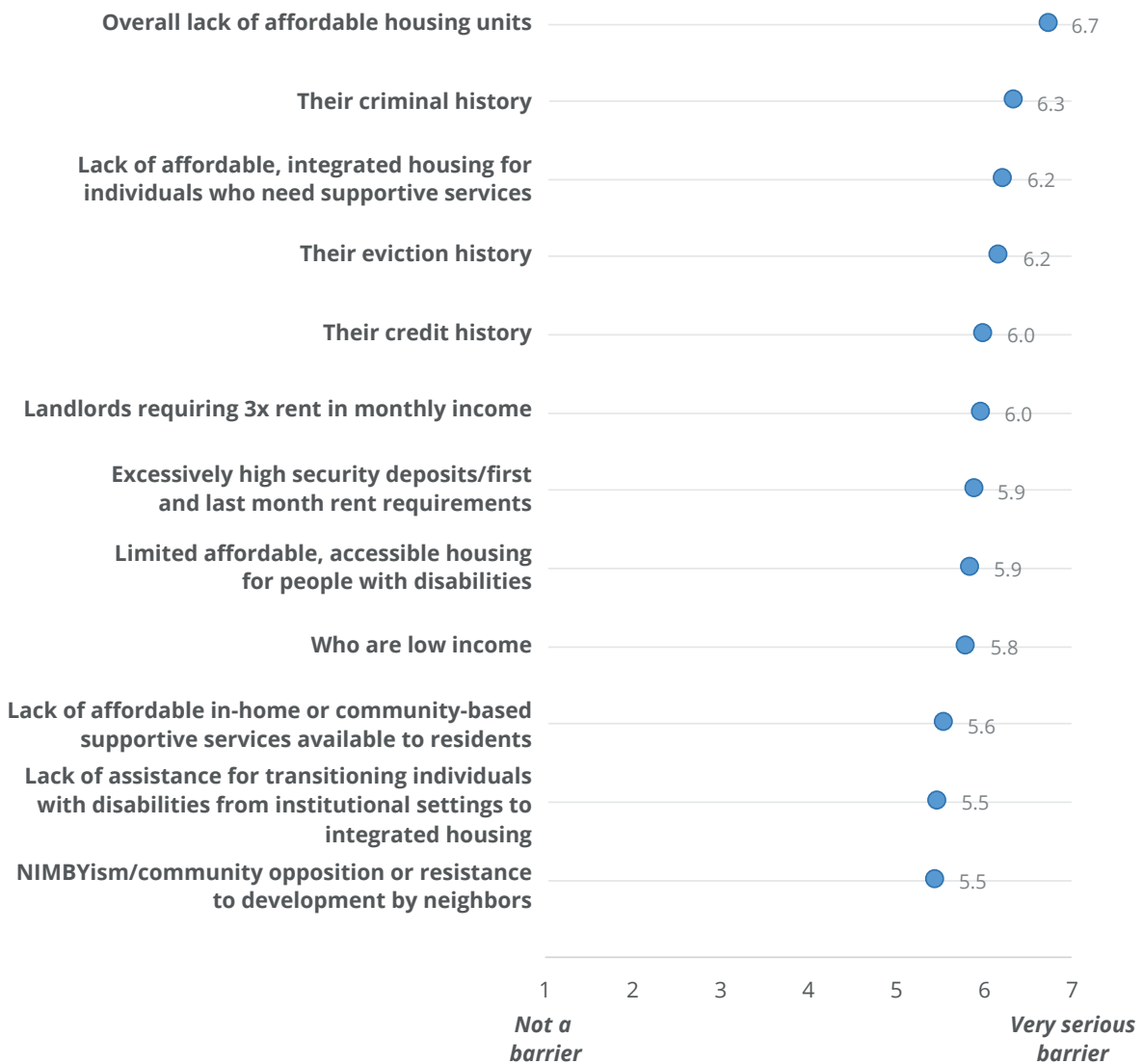
Stakeholder Perspectives on Barriers to Housing Choice

From the perspective of stakeholders, the most serious barriers to housing choice in Oregon’s non-entitlement areas include a lack of affordable housing; the criminal, rental,

⁹ *Consumer-Lending Discrimination in the FinTech Era*.
http://faculty.haas.berkeley.edu/morse/research/papers/discrim.pdf?_ga=2.185850025.1892390728.1604595347-693279400.1594933312

and credit histories of prospective tenants; and the lack of affordable, integrated housing for individuals who need supportive services. The top 12 most serious barriers to housing choice are presented in Figure II-34.

Figure II-34.
Top 12 Most Serious Barriers to Housing Choice



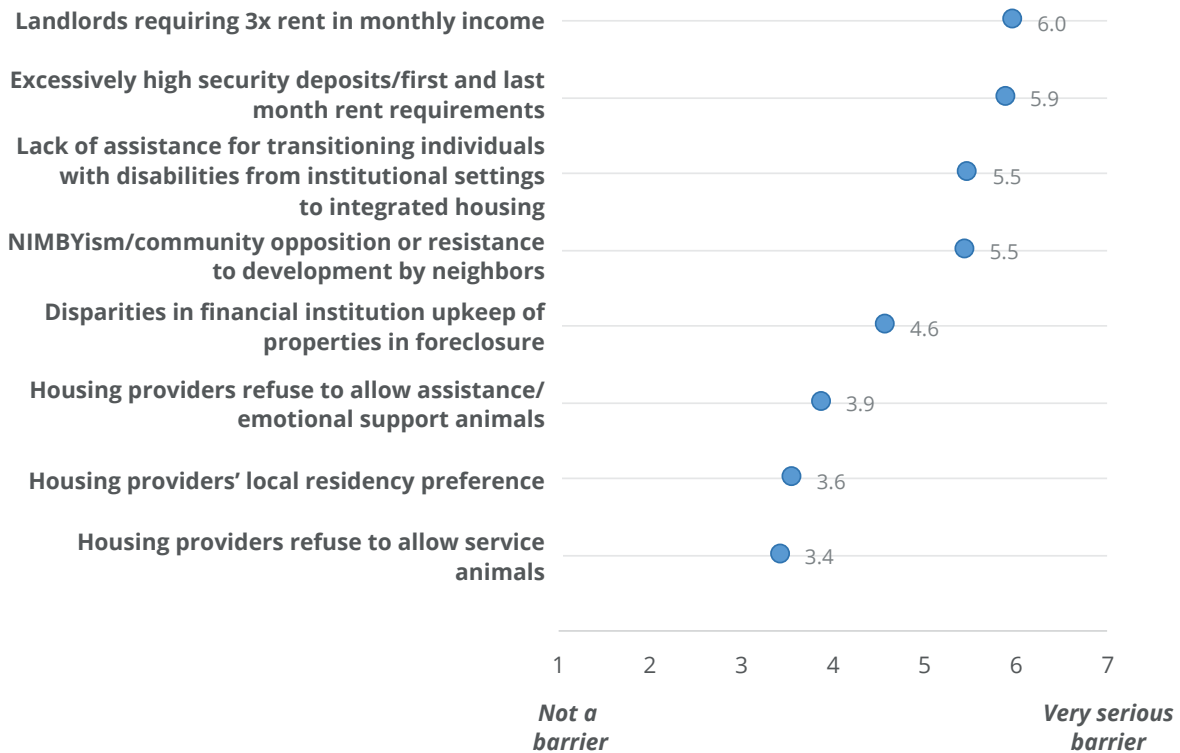
Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. Top 12 barriers have ratings of 5.5 or greater. n=72.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Housing practices and programs. With respect to housing practices and policies, the most serious barriers include the landlord practice of requiring prospective tenants to have income at least three times the rent and excessively high security deposits or first and last month rent requirements. Stakeholders also consider a lack of resources to transition individuals with disabilities from institutional to integrated settings and

NIMBYism/community opposition or resistance to development to be relatively serious barriers to housing choice.

Figure II-35.
Seriousness of Potential Housing Choice Barriers Locally—Housing Practices and Policies

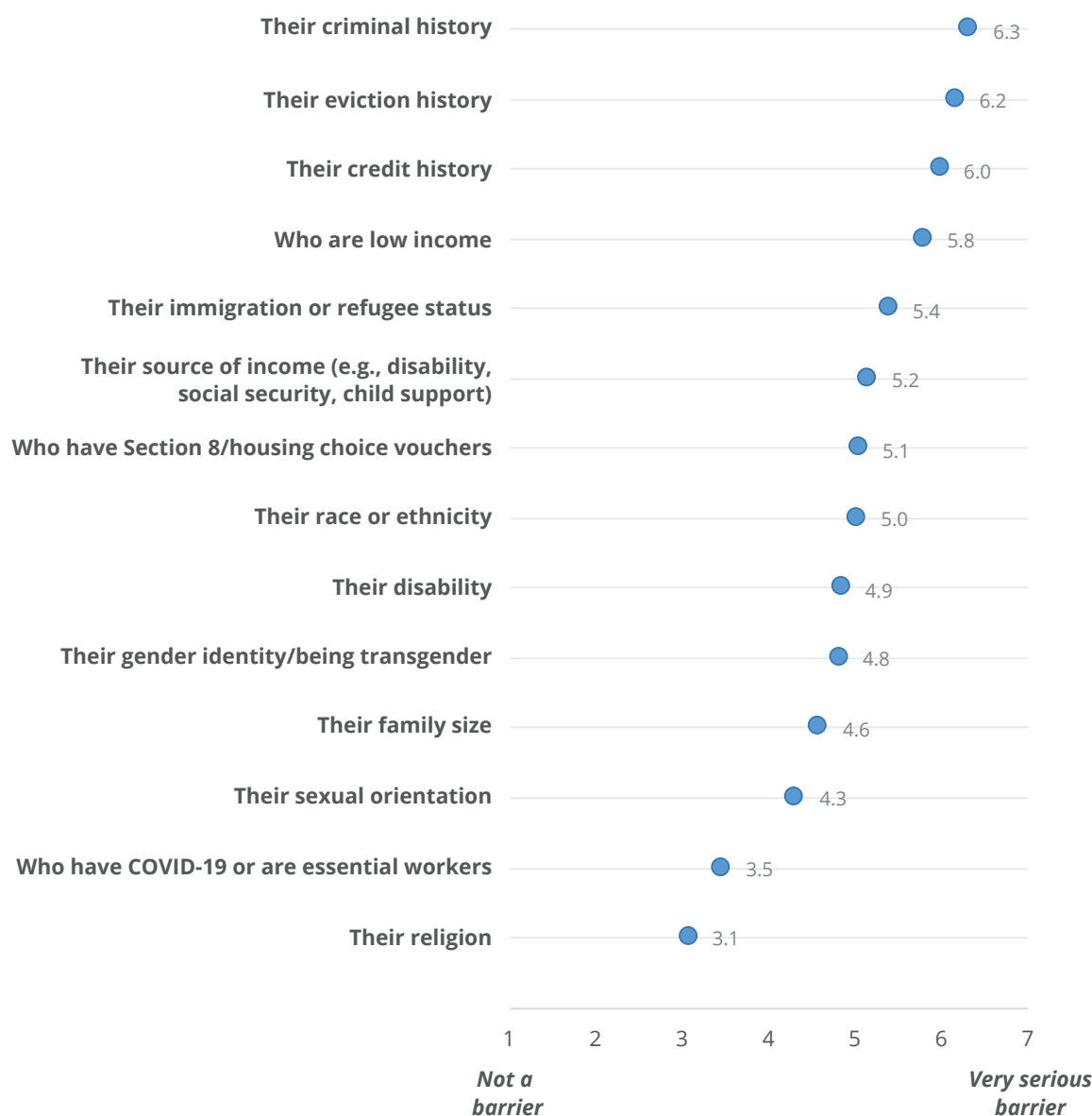


Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=69.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Discrimination against certain populations. Figure II-36 presents stakeholders' assessment of the degree to which discrimination against certain populations is a serious barrier to housing choice in their area. As shown, criminal history, eviction history, credit history, and low income, are factors which pose the most serious impediment to housing choice based on housing providers' discernment. With the exception of religion, discrimination against people belonging to classes protected under state and federal fair housing law—national origin, race, disability, gender identity, family size, and sexual orientation—are, on average, considered somewhat serious barriers, with religion being not at all a factor. A history of COVID-19 exposure or increased likelihood of COVID exposure based on employment as an essential worker is also not considered a serious barrier to housing choice.

Figure II-36.
Seriousness of Potential Housing Choice Barriers Locally—Discrimination
Against Certain Populations



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=67.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Source of income. In stakeholder focus groups, participants report that source of income protections in the balance of state are not effective. The likelihood of enforcement and fines are too low to change landlord behavior of refusing to rent to voucher program participants. Some are rejecting housing program funds provided as part of COVID relief. Organizations serving veterans in Malheur, Lake, and Coos counties described housing providers setting rents above VASH voucher limits, and some surmised rents were set

deliberately above program limits so that housing providers would not have to accept voucher program tenants.

- *“Many deaf people have a hard time getting housing. People do not want to take time to relay service. It is frustrating and hard. People are scared to rent to those who are deaf and have Section 8.” (Disability focus group participant)*
- *“With HUD VASH people who are renting drive the cost too high—cost is \$1,200 but VASH only covers \$500; they do this so that Vets or any homeless person cannot rent it. Landlords can drive costs high and still find people, but it would never be accessible on VASH.” (Veterans focus group participant)*
- *“Source of income is a big issue—it’s really crucial across the state and feeds into multiple protected classes. We are seeing landlords are more comfortable being explicitly discriminatory, advertising, ‘no Section 8’ or ‘not suitable for HUD habitability rules.’” (Fair housing stakeholder focus group participant)*
- *“There are a lot of landlords [in Eastern Oregon] who will not take Section 8 or agency housing subsidies, for many different reasons—they don’t want to work for HUD, or have a negative stigma of people with vouchers, the paperwork, or they don’t get paid in a timely fashion.” (Fair housing stakeholder focus group participant)*
- *“I was homeless with my son after leaving DV situation. I moved to Roseburg and went to the VA for help, and I got a VASH voucher—I had a baby and did not want to live in car. People do not want to rent to those with vouchers...There are always new ways to say no to homeless people and vets looking for help. I had no rental history because I had been a homeowner. It was so hard, after I had moved out and had my own place the landlord told me the difficulty of finding something on a voucher is due to the stigma—people do not pay their portion, do not take care of it, do not pay for repairs.” (Veterans focus group participant)*

The state-administered insurance fund available to housing providers whose property is damaged by tenants covered by source of income protections is not considered an effective and efficient remedy. The program is seen as administratively cumbersome, requires landlords to go through court processes, and is capped at an amount too low to justify the time and effort necessary to obtain relief funds. Landlords also requested guidance from the state or other organizations for how to properly screen applicants who are undocumented.

- *“Landlord protection funds are key if we’re going to ask people to take care of them. I know the state has a fund, they found it to be less than easily acceptable.” (Community Advisory Group focus group participant)*

- *“Landlords have tried the insurance program—it’s paperwork intensive, have to go through the court process first before they can get anything. When they do get money, the limit is low. So, it doesn’t add up with making any financial sense, so the landlord says, ‘I’m not going to take a chance on Joe.’” (Community Advisory Group focus group participant)*
- *“I’d like more guidance on screening/denying undocumented persons—every time I get one of those as applicants, I have to go to an attorney. No one has given us a tool to use to screen a person with no documents without having to call my lawyer. No one has suggested a screening policy tool for us to use. There has to be some way for us to screen.” (Community Advisory Group focus group participant)*

Northeast Oregon Housing Authority (NEOHA)’s Rent Well and Housing Navigator programs may be a more effective model for incentivizing landlords to rent to high barrier applicants with housing vouchers. It includes a single point of contact, a local insurance fund, and inspections by the program before and after tenancy.

- *“NEOHA has a Rent Well program and a housing navigator program. Both have money for LL and have worked on designing tenant specific contracts through coaching etc so that they agree that if they go down this path, these are the repercussions. It seems to have worked really, really well. Have had some high barrier tenants, and the LL like the security blanket, with a single point of contact (navigator) and it’s handled in-house. And, there is a LL fund and we check the unit before and after. And it makes a big difference, and it’s been working really well.” (community Advisory Group focus group participant)*

Immigration status. In interviews with immigrant community leaders in southern and eastern Oregon and stakeholder focus groups, participants described the difficulty immigrants who are undocumented experience when trying to rent a home. For residents who are undocumented, it is very hard to find housing providers willing to forgo standard background and credit check processes—which require a Social Security Number; in the experience of local stakeholders, “none” of the larger property management companies are willing to accommodate alternative methods of assessing credit worthiness and criminal history. In many cases, landlords willing to rent to these households are considered “slumlords” and their properties are truly the housing of last resort in a community.

- *“The immigrant community faces different challenges than others. The lack of a valid social security number means they cannot create a credit history, and many don’t have a rental history. So, they rent under someone else’s name or partner with family to rent and apartment or a house.” (Central Oregon stakeholder interview participant)*
- *“Housing providers will rent to undocumented and will not repair that unit OR there is a whole building that only rents to undocumented and they charge per person for rent and make tons of money off of them.” (Fair housing stakeholder focus group participant)*

- *"We work closely with Oregon Law Center for housing, often they say OR housing law does not require for tenants to provide a SSN, but ALL of the property management companies will not proceed without a SSN. It's very hard for a client to come forward with a SSN. The property management never tells them in writing that they are denied for SSN. But, verbally they say it's because of SSN. In writing they say it's credit, or incomplete application." (Central Oregon stakeholder interview participant)*
- *"In Oregon, state law does not allow immigrants to be issued a state ID, which is another barrier. And they cannot identify themselves. Many property management companies only accept state issued IDs." (Central Oregon stakeholder interview participant)*

For residents who are undocumented, especially in very small communities with few other immigrant families, fear of being identified as undocumented is real, and prevents immigrant households from reporting poor conditions or discriminatory treatment.

- *"Central Oregon is not a diverse community, and immigrants do not want to be identified as undocumented—it's a really small community. What if the teacher of my kids knows or my employer knows? If I put myself out there or my landlord knows, when I used my fake social security number?" (Latino community stakeholder interview participant)*
- *"Some families have a fear of deportation. Even with visas, there is real fear under the current Federal administration. They hear stories of friends going to report to the consulate and being deported and so I tell them to take their families with them when they go so that they won't be separated." (Latino community stakeholder interview participant)*
- *"What we see is that people who are undocumented are afraid to stand up for their housing rights." (Fair housing stakeholder focus group participant)*

Immigrants and refugees. A lack of rental history in the U.S. or credit history is a barrier to housing choice experienced by immigrant and refugee households seeking housing in Oregon's balance of state. In interviews and focus groups, participants described immigrant and refugee households being limited to renting substandard housing by landlords who do not require background or credit checks.

- *"Immigrant and refugee groups; refugee status is not considered a protected class—they don't have rental history, don't have credit history, and so housing providers will not rent to them. So, they end up living in substandard housing and end up with slumlords, which is the only place they can live to build up rental housing history." (Fair housing stakeholder focus group participant)*

Language access. Language access and a preference for verbal communication creates additional challenges between immigrant tenants and housing providers, including misunderstandings of policies and failure to properly request repairs.

- *“Absolutely seeing situations, when partnering with family and the family is not on the contract, they get evicted, or get letters that they could be evicted.” (Latino community stakeholder interview participant)*
- *“When they finally can rent in town, everything provided is in English. When there is an issue—dog, numbers of dogs—the papers and information is in English. I tell parents NOT to sign anything they cannot read but they are desperate and have no choice. They frequently sign leases in English and have no idea of the general rules.” (Latino community stakeholder interview participant)*
- *“Quite often, immigrants live in poor conditions, especially some property management require a written note to request repairs, but not all clients choose to write a letter or know how to write a letter in English, because they can’t fill out a form and the issue keeps going and going.” (Latino community stakeholder interview participant)*
- *“Or, they like to communicate verbally, but the policy is by letter or form. Tenants may think they notified because they called, the landlord. And some don’t request at all, because of the worry of losing the place.” (Latino community stakeholder interview participant)*

Race. In focus groups and interviews, participants discussed their view that discrimination on the basis of race is underreported in Oregon and nationally. Participants attribute the lack of reporting to several factors, including reluctance to report or file complaints and low awareness of or trust in organizations that file complaints. Fair housing stakeholders described their efforts to partner with organizations trusted by communities of color to build relationships to increase trust and reporting.

- *“Over the summer we saw a rise in hate and harassment based inquiries; some tied to politics, BLM, etc. but also saw more increase in people wanting to speak out more.” (Fair housing stakeholder focus group participant)*
- *“While we see reporting that is 50 percent or more on the basis of disability, race/national origin are likely much higher. FHCO has developed partnerships with the Urban League of Portland, for example, to source complaints. We see more allegations on the basis of race when partnering with culturally specific organizations.” (Fair housing stakeholder focus group participant)*
- *“I have an example about race and fair housing. In Ashland’s ZIP code the life expectancy is very high; if you live in the West Medford ZIP code life expectancy is 30 years less. Ashland has very small black population, and there are essentially no places in Ashland to find housing with a voucher. A young friend of mine who is Black and had a voucher, looked for three months in Ashland and found nothing. Finally, he found something after another three months in West Medford. Ashland sent a Black person to live in a place where they will live 30 less years.” (Disability focus group participant)*

Local regulations and policies. In general, local regulations and policies are not perceived to be particularly serious barriers to housing choice. Among those evaluated, stakeholders considered overly restrictive local land use and zoning regulations that limit the development of affordable housing, the lack of land zoned for multifamily development, and growth limitations that limit development of affordable housing to be the most serious among these potential barriers.

Figure II-37.
Seriousness of Potential Housing Choice Barriers Locally—Local Regulations and Policy

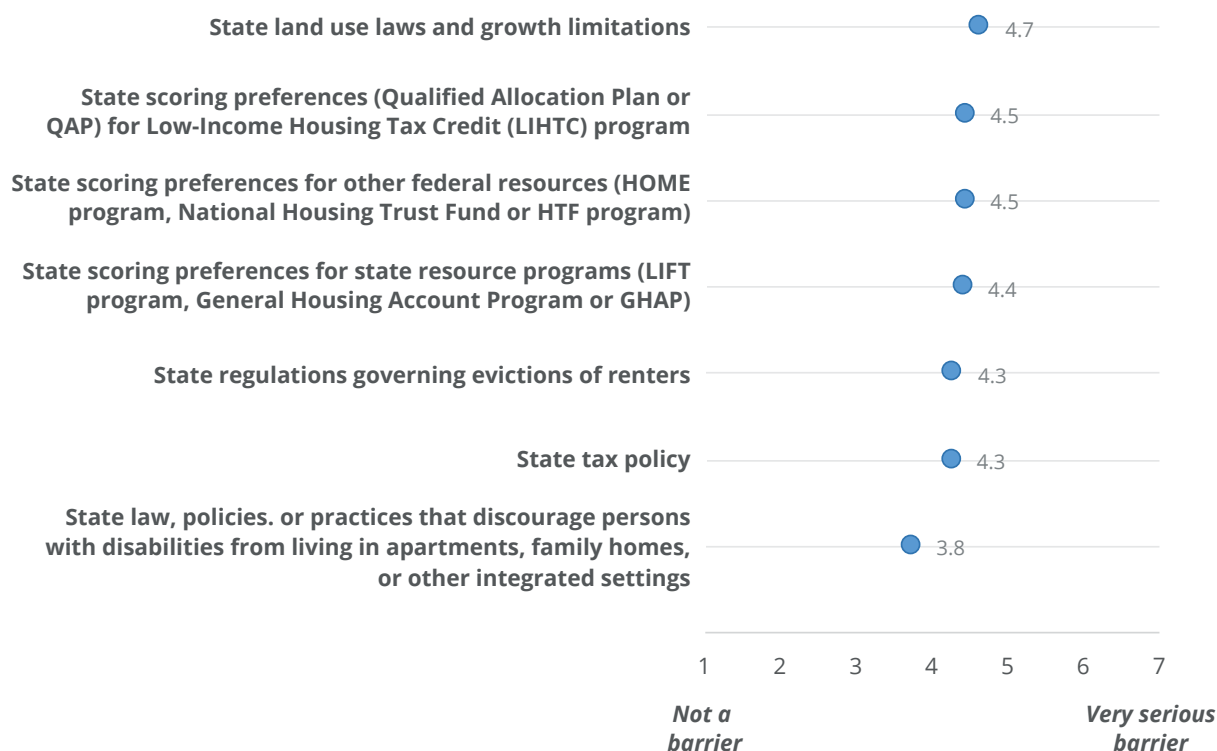


Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very Serious Barrier. n=68.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

State regulations and policies. Among state policies, stakeholders consider state land use laws and growth limitations, and state scoring preferences for the Low Income Housing Tax Credit (LIHTC) program, HOME, National Housing Trust Fund, and the LIFT and General Housing Account Program, to be modest barriers to housing barriers to housing choice.

Figure II-38.
Seriousness of Potential Housing Choice Barriers Locally—State Regulations and Policy



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=67.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Most needed fair housing resources. When asked about the types of fair housing activities most needed in their service area, seven in 10 stakeholders identified landlord/property manager education as the most needed fair housing activity, followed by enforcement actions (other than filing complaints) resident education, and education and training for local officials and staff. Three in 10 suggest that testing is needed.

- *“BOLI complaints are effective—unless you have a piece of paper with something that says ‘your children are not allowed to...’ BOLI won’t take it. But, BOLI is not an effective enforcement mechanism. It takes too long.” (Community Advisory Group focus group participant)*
- *“Not enough awareness in any community of what we’re talking about. There should be more information to bring greater awareness. The common person they have enough on their plate with COVID, etc.; they might not look for more information about fair housing law.” (Community Advisory Group focus group participant)*

In focus groups and interviews, several stakeholders shared their perception that many landlords across the state do not know their responsibilities under the Fair Housing Act. Several recommended that the state require a minimum of fair housing education for all housing providers, and that such a requirement should be administered at the local level to allow flexibility in administration.

- *“The people who serve food are more regulated than housing providers. There should be landlord registrations that fund systems for a basic level of knowledge of landlord/tenant and fair housing laws.” (Fair housing stakeholder focus group participant)*
- *“Should be mandated by the state—anyone who provides housing has to have a base level of knowledge about fair housing and landlord/tenant laws—but implemented locally. Providers might say this is the end of the world.” (Fair housing stakeholder focus group participant)*
- *“Resourcing FHCO infinitely won’t address the issue of lack of knowledge by small landlords. Have to push from the other side also—state mandated. It has to be local because each community is different and would be too burdensome for the state to administer.” (Fair housing stakeholder focus group participant)*

Priority Housing Activities to Meet Urgent Needs

Once survey respondents identified their five housing activities to address the most urgent housing needs in their area, stakeholders prioritized the activities in a ranking exercise. As shown in Figure II-39, the five housing activities stakeholders ranked most highly to address their area’s most urgent housing needs are:

- More rental units for extremely low income households;
- Emergency shelters for people who are homeless;
- More rental housing for very low income households;
- Transitional housing for people moving out of homelessness; and
- Affordable and accessible housing for people with disabilities.

Figure II-39.
Highest Priority Housing Activities to Meet Urgent Needs (By Weighted Rank Score)

Housing Activity	Weighted Rank Score
More rental units for extremely low income households	168
Emergency shelters for people who are homeless	165
More rental housing for very low income households	148
Transitional housing for people moving out of homelessness	127
Affordable and accessible housing for people with disabilities	98
Repurpose vacant/underutilized properties into affordable housing	86
More low/mod rental housing	80
Long-term tenant based rental assistance (6+ months)	79
Homes for low/mod ownership	53
Pay COVID rent debts	51
Supportive services	43
Navigators to help locate and qualify for affordable housing/housing assistance	37
Short-term tenant based rental assistance (3-6 months)	27
Accessibility modifications for homeowners	22
Emergency utility assistance	19
Preservation of affordable homeownership in manufactured home communities	18
Pay COVID mortgage debts	16
Repairs for low/moderate income homeowners	15
Accessibility modifications for renters	11
Housing for area workforce	9
Emergency cash assistance for vehicle repairs	8
Search engine/database to locate and qualify for affordable housing/housing assistance	4
Repairs for low/mod renters	3
Lead-based paint abatement	0

Note: Higher Weighted Rank Scores indicate a greater number of respondents ranking an activity overall and ranking an activity highly. Weighted Rank Score = (number of #1 rank * 5) + (number of #2 rank * 4) + (number of #3 rank * 3) + (number of #4 rank * 2) + (number of #5 rank * 1). Highest possible score = 445.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Reasons for priority rankings. Stakeholders shared their reasoning for how they decided to rank the five activities they considered high priorities to address urgent local housing needs. Stakeholders balanced quick wins with longer term investments in local housing stock, and the extent to which their chosen priority activities work together to support a broader goal, such as long term housing stability for those who previously

experienced homelessness or supporting the transition from renting to owning. Many sought to quickly fill local resource gaps, such as communities that offer no options for emergency shelter.

- *"I based my overall prioritization on those needs that do not currently have dedicated funding. 1) Oregon desperately needs more shelters, especially low barrier shelters across the state to address our high rates of unsheltered homelessness. Too many communities rely on volunteers and donated shelter space, which has fallen through during the pandemic. 2) While we have programs/funding for electric and heat assistance we also have a need for water/sewer utility assistance, and no current programs for this. 3) Rent assistance and the growing rental debts from COVID are also huge needs; I ranked them lower because I feel like the state has been funding these through other resources, however more is needed of course." (Stakeholder survey respondent)*
- *"There is a critical lack of units for low income renters. No amount of supportive services can compensate. We need more construction of both supportive housing units and family homes and apartments. Rental subsidies are helpful for people at risk of homelessness, but only if they are ongoing." (Stakeholder survey respondent)*
- *"Because we don't have any 24/7 emergency shelters in either county except during winter but even then it's only for the night time. Also, we don't really have transitional services to help clients adjust to becoming renters except for coordinators who may not have experienced homelessness or understand how to best support them." (Stakeholder survey respondent)*
- *"Chronic lack of affordable housing only exacerbates all other issues. Need different models for transitional housing—not all homeless are ready for Permanent Supportive Housing. Lack of shelters means we have a hard time serving homeless populations." (Stakeholder survey respondent)*
- *"Financial constraints are the biggest impediment to renters finding quality housing that is sanitary/healthy, safe, affordable, secure and stable. In our estimation, adequate rental housing allows renters at the 60%-120% income range to contemplate home ownership." (Stakeholder survey respondent)*
- *"For purposes of racial justice there needs to be more homes to purchase; to provide a continuum of housing types that will free up rental housing as homeownership increases among those able to purchase." (Stakeholder survey respondent)*
- *"Majority of service area is below 80% AMI and workforce housing is needed at lower end of scale due to the number of units needed for service industry workers and people who make under median annual salary for area." (Stakeholder survey respondent)*

Housing or supportive service priorities to address disparities. To address the disparities observed among these populations, stakeholders recommend a range of service and housing solutions. These include supports for those exiting jails and prisons to have housing secured prior to release, programs to help households with past evictions secure and maintain housing, development of affordable housing in rural Oregon, and building capacity in rural Oregon to support housing stability of residents transitioning out of homelessness and for those with mental illness or substance use disorders.

- *“Having a social worker inside jails and prisons to ensure that people have housing arranged for when they get released. Incentivizing more landlords to accept tenants with criminal history. Creating more affordable housing that does not require a state-issued ID or social security number. More transitional housing programs that do not have a sober requirement.” (Stakeholder survey respondent)*
- *“I believe that more bilingual staff at agencies and more intentionally outreach to those agencies that serve BIPOC are needed. In the aftermath of the recent wildfires, many mobile home and manufactured home parks were destroyed, and this has disproportionately impacted agricultural workers and low income Seniors. As rebuilding efforts are crafted, these populations need to be prioritized.” (Stakeholder survey respondent)*
- *“Some sort of program or services specifically for those who have been evicted in the past.” (Stakeholder survey respondent)*
- *“Construction of supportive housing units where people transitioning out of long-term homelessness, people with mental illnesses, veterans and others can live and receive services. We need these in all parts of the state, particularly coastal counties and in rural southern Oregon.” (Stakeholder survey respondent)*
- *“Construction of subsidized 1 to 3 bedroom units for low income renters and/or buyers. Much of the available low income housing in rural areas and even smaller cities is aging, unhealthy and undignified to live in. We need counties to develop new units, particularly in counties where many homes have burned.” (Stakeholder survey respondent)*
- *“Our Native American population is also being affected largely with lack of housing options for them. They need more support and resources to help them find housing.” (Stakeholder survey respondent)*
- *“People with disabilities are in desperate need for affordable housing that can accommodate their critical needs.” (Stakeholder survey respondent)*

Participants in resident focus groups discussed the need for “second chance” housing for people with criminal histories or substance use disorders.

SECTION III.

ACCESS TO OPPORTUNITY

SECTION III.

Access to Opportunity

This section examines the extent to which members of protected classes experience disparities in access to economic opportunity as measured by access to education, employment, transportation, and healthy communities. The analysis focuses on disparities in access to opportunity for persons living in poverty and protected classes. This section draws from data provided by HUD, independent research conducted to support this fair housing study, and findings from the community engagement process,¹ and includes opportunity indicators for Oregon developed by HUD, Our Children Oregon's KIDS COUNT, and Root Policy Research. This section discusses these topics in the following order:

- Statewide opportunity indicators;
- Access to education, including childcare;
- Access to employment;
- Access to transportation;
- Digital access; and
- Supportive services.

These indicators were chosen not only because of data available to measure access, but also because of their effect on improving short- and long-term economic outcomes of Oregon residents living in small cities and towns. Several issues—childcare, digital access, and access to mental health care—emerged in the community engagement process as pressing issues that may have disproportionate impacts on members of protected classes in Oregon. The needs in these areas became more pronounced during 2020 with the COVID pandemic and wildfires.

The opportunity indicators included in this report do not encompass all of the types of opportunity as perceived by community members or reasons why an individual or household might desire to live in one community over another such as family connections, social supports, and civic institutions.

¹ A detailed summary of the community engagement findings is presented in Appendix B. Engagement included two stakeholder surveys, a series of regional stakeholder roundtables, and resident focus groups.

In reading this analysis, it is important to note that many of the policies and practices examined are not those of OHCS, Business Oregon, or the State of Oregon. Although OHCS, Business Oregon, and the State may have relationships with and an ability to influence some of the governing agencies that make decisions influencing access to opportunity, they do not have authority to directly change all of the identified policies and practices that may create barriers to economic opportunity for some residents.

Primary Findings

At the state level, Oregon's Governor, legislature, and state department leadership and staff are dedicated to increasing access to economic opportunity and incorporating equity principles into their programs and services, working to reduce disparities in access to opportunity for members of protected classes in Oregon. For people of color and residents with disabilities, the impact on access to opportunity of historic and current racism, systemic disparities in access to education and employment opportunities, historic and current policies that deny wealth accumulation, fair housing choice and integration, and trapped families in generational poverty cannot be understated. Disparities persist in education, employment, transportation, and access to supportive services, and include:

- **Access to low poverty neighborhoods**—Residents who are African American, of Hispanic descent, or Native American are less likely than non-Hispanic White and Asian residents to live in low poverty neighborhoods. This difference is smaller in Oregon's non-entitlement areas. Children in Latino families are more likely to live in poverty (24% v. 16% statewide).
- **Access to education opportunities and proficient schools**—Native American, African American, and Hispanic residents are less likely to have access to proficient schools than non-Hispanic White and Asian residents. While one in five high school students do not graduate on time statewide, nearly one in three (32%) Black or African American students and 35 percent of Native American students do not graduate on time. Discipline rates are twice the state rate for Black and African American students, Native American students, and special education students.

There is an achievement gap in Oregon. Proficiency in reading and math varies by race and ethnicity, and English language learners and students with disabilities have the lowest proficiency rates.

- Oregon students' grade 8 proficiency scores in reading and math are on par with similar students nationally with two exceptions—Hispanic or Latino students and students who are English language learners are more likely than similar students nationally to have below basic proficiency in reading and math.
- Oregon's Student Success Act dedicates significant resources to improving education outcomes for students of color and those who have historically

been underserved by the education system. Implementation of the Success Plans developed for Black and African American students, Hispanic and Latino Students, Native American students, and LGBTQ2SI+ students are underway.

Access to childcare is a significant gap statewide—all counties are considered childcare deserts for infant and toddler childcare slots. This disproportionately impacts the employment and education prospects of families with children and educational success of children who do not have access to early childhood education, especially those who are people of color living in poverty. As noted by an Early Learning Hub in an agricultural region, many Hispanic households eligible for Head Start cannot afford to participate. Investments in early childhood education and kindergarten preparedness are a significant component of the Student Success Act.

- **Access to employment opportunities**—Statewide, Asian and African American residents have the highest labor market engagement index scores, and Hispanic and Native American residents the lowest. These differences persist even among residents in poverty. In 2019, unemployment rates among Black or African American, Hispanic or Latino, and Native American residents were one to two percentage points higher than non-Hispanic White residents. People with disabilities (9%) and those below the poverty level (20%) had the highest unemployment rates. Disparities in earnings by race and ethnicity can be explained in part by differences by race and ethnicity in educational attainment, and the relatively younger age of the state’s Black or African American, Hispanic or Latino, and Native American populations, and to a lesser extent regional variation in wages.
- **Disparities in access to adequate infrastructure and services**—Stakeholders consider lack of in-home or community-based supportive services, a lack of public sector investment in low income/economically depressed areas, and insufficient transit and Internet access as serious barriers to opportunity statewide.
 - Supportive services, especially those addressing mental health and substance use disorders (SUDS) are essential to helping many vulnerable residents remain housed and living in integrated settings. Current resources are described as insufficient and are not available in many rural communities. Stakeholders identify building capacity in rural Oregon to support housing stability of residents transitioning out of homelessness and for those with mental illness or substance use disorders as a priority to reduce homelessness and prevent returns to homelessness.
 - The COVID public health crisis heightened the need for adequate Internet infrastructure in rural Oregon, and the lack disparately impacts low income families with children and people of color, reducing access to employment and education.

- **Recent litigation settled by the State to resolve failure to comply with the ADA and the Olmstead integration mandate.** For residents with disabilities, access to opportunity is hindered by inaccessible public facilities and deployment of state resources that historically did not prioritize people with disabilities and did not intentionally support integration and community living. Litigation settled since the last AI, in 2015 and 2016, resulted in the State of Oregon committing to:
 - Make ADA improvements on pedestrian crossings on state highways to remediate more than 25,000 ramps that are missing or out of compliance;
 - To redirect employment services for residents with intellectual or developmental disabilities (I/DD) away from sheltered workshops and toward supported employment in integrated settings; and
 - To provide housing and supportive services for residents with serious and persistent mental illness (SPMI) in furtherance of the Olmstead integration mandate.

HUD Opportunity Indicators

To facilitate the Access to Opportunity analysis, HUD provides “opportunity indices” that allow comparison of opportunity indicators by race and ethnicity, for households below and above the poverty line, for the state, entitlement areas, and non-entitlement areas.

The HUD approach—specifically the following six indices in the tables—were the starting point for this Access to Opportunity analysis. The indices include the:

- **Low poverty index.** This index measures neighborhood exposure to poverty, with proximity to low poverty areas considered to be an advantage. Higher index scores suggest better access to economically strong (i.e. low poverty) neighborhoods.
- **School proficiency index.** This index measures neighborhood access to elementary schools with high levels of academic proficiency within 1.5 miles. Proficiency is measured by 4th grade scores on state-administered math and science tests. HUD uses elementary school scores only for this index because they are typically more reflective of school quality and access at the neighborhood level. Middle and high schools draw from larger boundaries and, especially in high school, have more transportation options.
- **Labor market engagement index.** This index measures the employability of neighborhood residents based on unemployment, labor force participation, and educational attainment. Higher index scores suggest residents are more engaged in the labor market.

- **Transit index.** The transit index measures use of public transit by low income families that rent. The higher the index, the more likely that residents in the area are frequent users of public transportation.
- **Low cost transportation index.** This index measures the cost of transportation, based on estimates of the transportation costs for low income families that rent. Higher index values suggest more affordable transportation.

*To interpret these indices, use the following rule: a higher number is always a better outcome.
The indices should be thought of as an “opportunity score”, rather than a percentage.*

The following figures presents each individual opportunity indicator for the state, along with comparisons between entitlement and non-entitlement communities.

Low poverty index. Figures III-1a and III-1b (on the following page) present the values of HUD’s low poverty index for each jurisdiction by race and ethnicity. The panel on the top shows the index for all residents, while the panel below is restricted to residents with incomes below the poverty level. Statewide, residents who are African American, of Hispanic descent, or Native American are less likely than non-Hispanic White and Asian residents to live in low poverty neighborhoods. This difference is smaller in Oregon’s non-entitlement areas. While all households in poverty have less access to low poverty neighborhoods, differences by race and ethnicity persist.

Figure III-1a.
Low Poverty
Index, Total
Population

Note:
Higher numbers indicate
greater access to low
poverty neighborhoods.

Source:
Root Policy Research
from the HUD AFFH-T
Table 12, Opportunity
Indicators by Race and
Ethnicity, Low Poverty
Index.

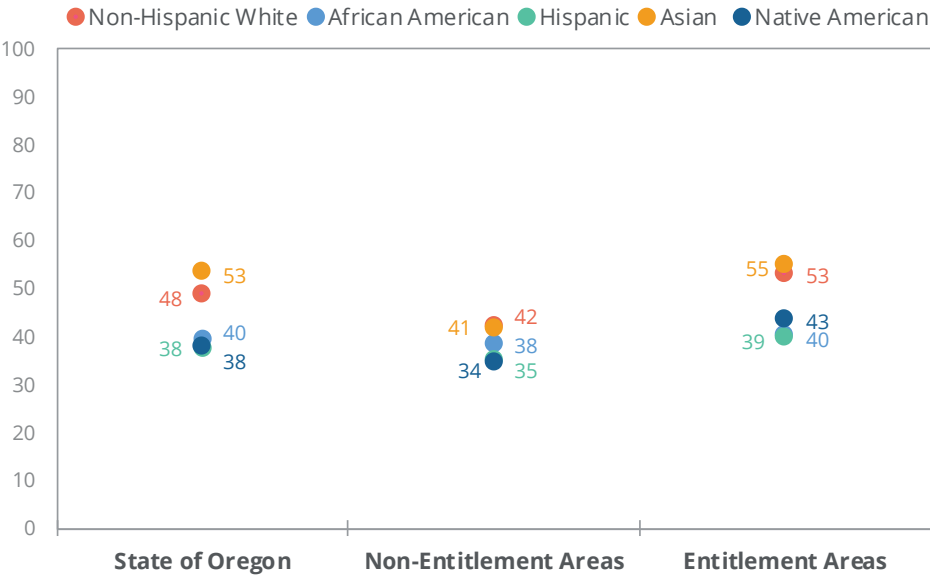
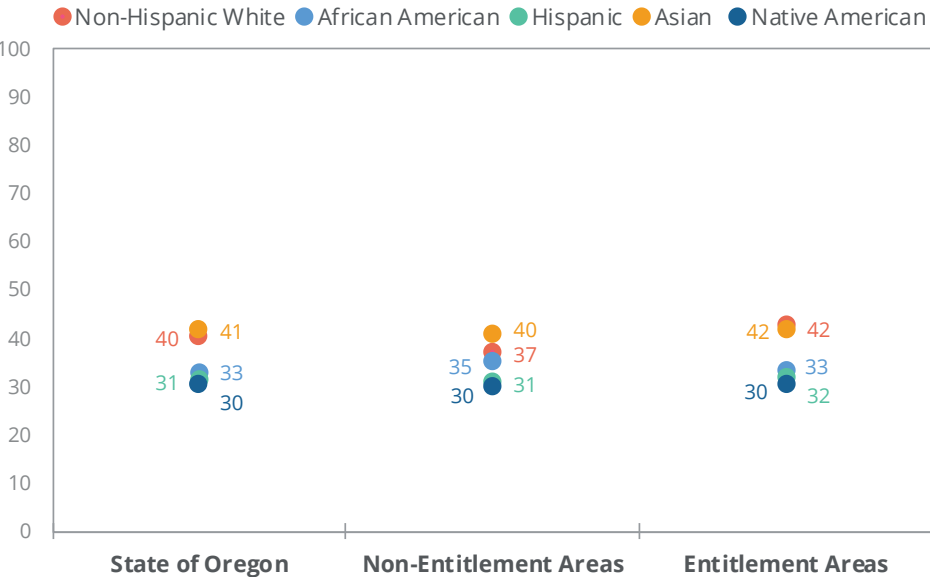


Figure III-1b.
Low Poverty
Index,
Population
Below the
Poverty Line

Note:
Higher numbers indicate
greater access to low
poverty neighborhoods.

Source:
Root Policy Research
from the HUD AFFH-T
Table 12, Opportunity
Indicators by Race and
Ethnicity, Low Poverty
Index.



School proficiency index. Figures III-2a and III-2b present the school proficiency index for the total population and for residents in poverty. As shown, statewide, Native American, African American, and Hispanic residents are less likely to have access to proficient schools than non-Hispanic White and Asian residents. These disparities persist even among residents in poverty.

Figure III-2a.
School Proficiency Index, Total Population

Note:
Higher scores indicate greater likelihood of access to proficient schools.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, School Proficiency Index.

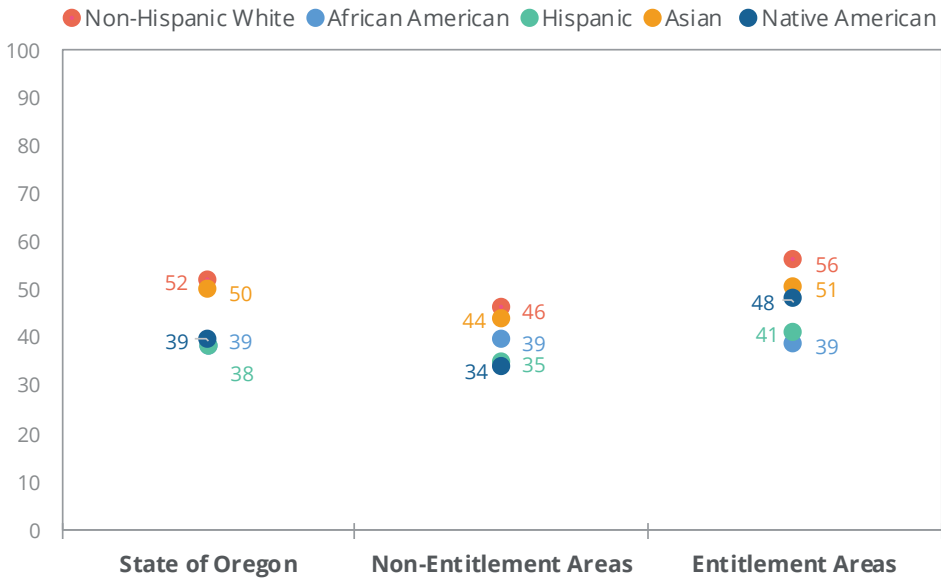
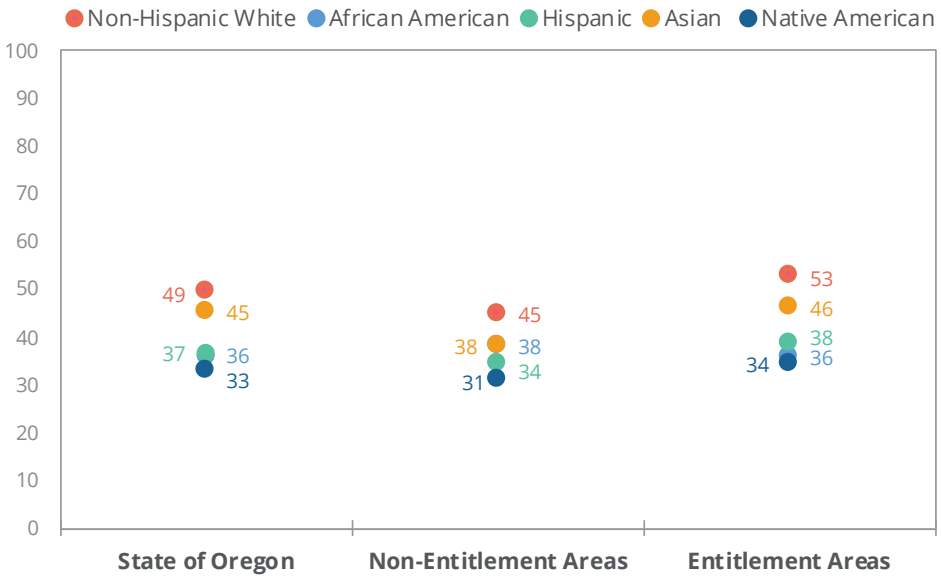


Figure III-2b.
School Proficiency Index, Population Below the Poverty Line

Note:
Higher scores indicate greater likelihood of access to proficient schools.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, School Proficiency Index.



Labor market engagement index. As discussed in the introduction to this section, the labor market engagement index measures both labor force participation and educational attainment. As shown, the labor market engagement index is lower for all residents of non-entitlement areas and entitlement areas, and differences by race and ethnicity are found in across the board. Statewide, Asian and African American residents have the highest labor market engagement index scores, and Hispanic and Native American residents the lowest. These differences persist even among residents in poverty.

Figure III-3a.
Labor Market Engagement Index, Total Population

Note:
Higher numbers indicate higher levels of labor market engagement.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Labor Market Engagement Index.

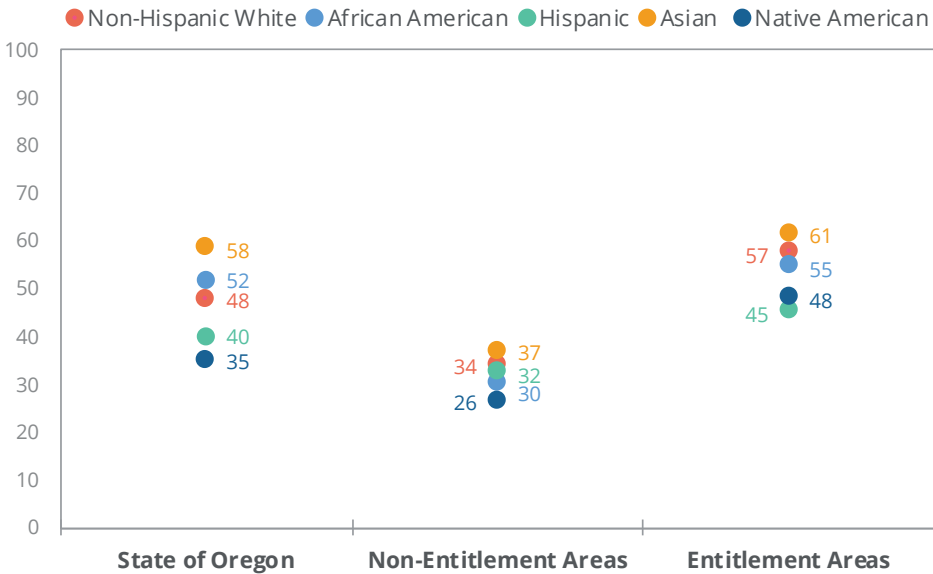
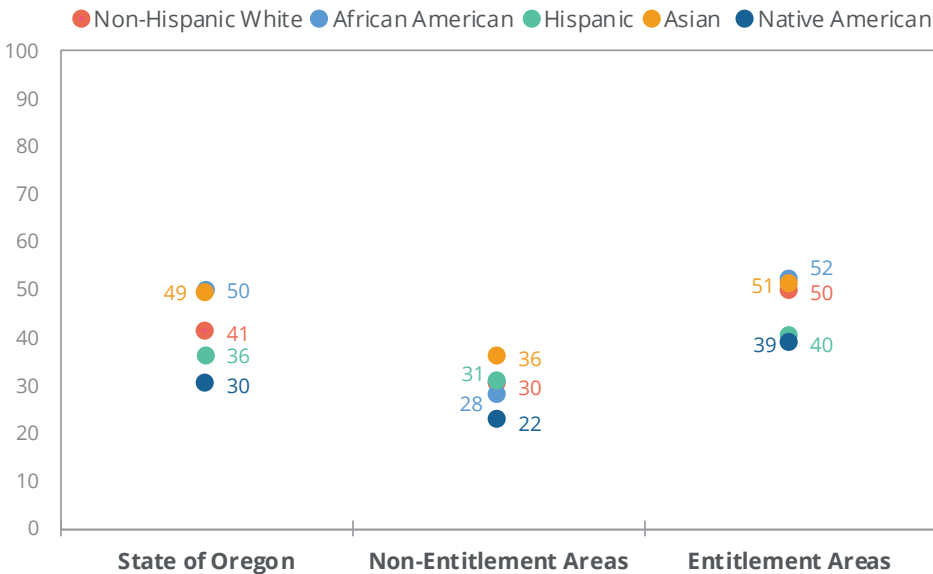


Figure III-3b.
Labor Market Engagement Index, Population Below the Poverty Line

Note:
Higher numbers indicate higher levels of labor market engagement.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Labor Market Engagement Index.



Transit index. Figures III-5a and III-5b present the values of the transit index by race and ethnicity. Not surprisingly, residents of entitlement areas have much higher transit index scores than residents of non-entitlement areas, and this holds true among residents in poverty. Statewide, African American residents and Asian residents have the highest transit index scores, and Native Americans, the lowest. This is likely driven by the clustering of Asian and African American residents in Oregon's most populous communities and of Native Americans in more rural areas.

Figure III-4a.
Transit Index,
Total
Population

Note:
Higher numbers indicate
better access to transit.
Source:
Root Policy Research
from the HUD AFFH-T
Table 12, Opportunity
Indicators by Race and
Ethnicity, Transit Index.

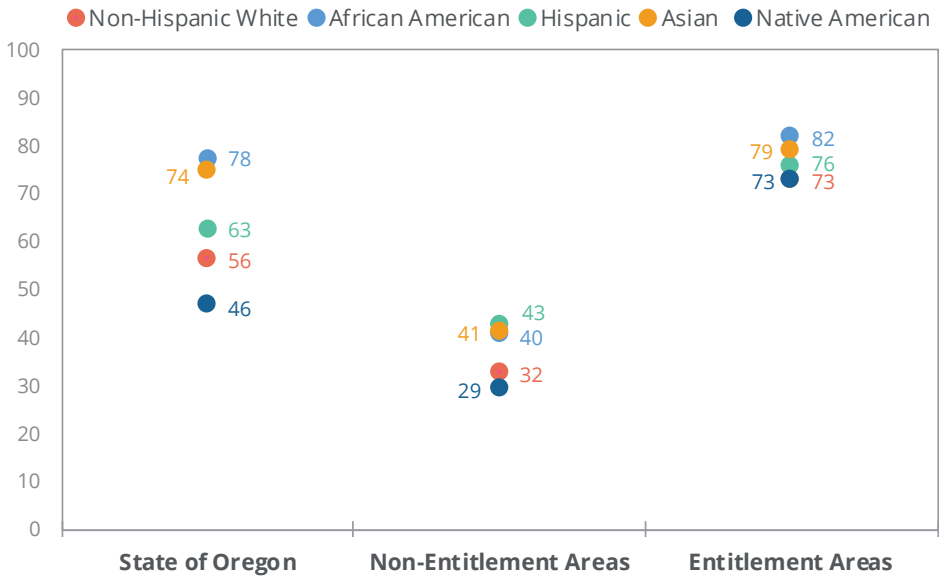
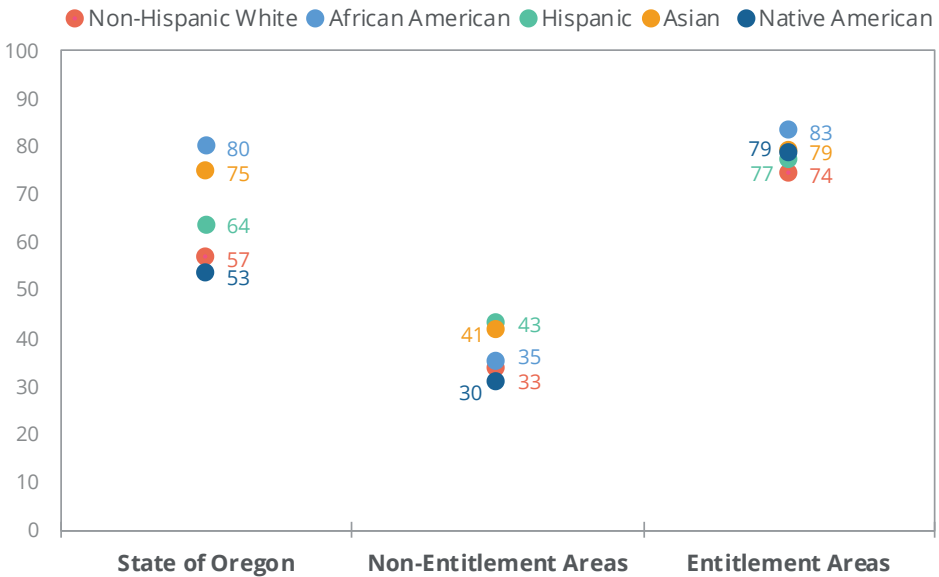


Figure III-4b.
Transit Index,
Population
Below the
Poverty Line

Note:
Higher numbers indicate
better access to transit.
Source:
Root Policy Research
from the HUD AFFH-T
Table 12, Opportunity
Indicators by Race and
Ethnicity, Transit Index.



Low cost transportation index. Figures III-6a and III-6b present the values of the low cost transportation index by race and ethnicity. Residents of entitlement areas are more likely to have access to neighborhoods with lower transportation costs, which are a function of access to transit, but also to lower gas prices, insurance rates, and vehicle costs. Differences observed at the state level by race and ethnicity are largely a function of the urban/rural divide, although there are more moderate differences by race and ethnicity found in both entitlement and non-entitlement areas and among residents in poverty. This may be indicative of higher insurance rates for people of color.

Figure III-5a.
Low Cost Transportation Index, Total Population

Note:
Higher numbers indicate access to lower cost transportation.
Data not available at the state level for non-Hispanic White.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Cost Transportation Index.

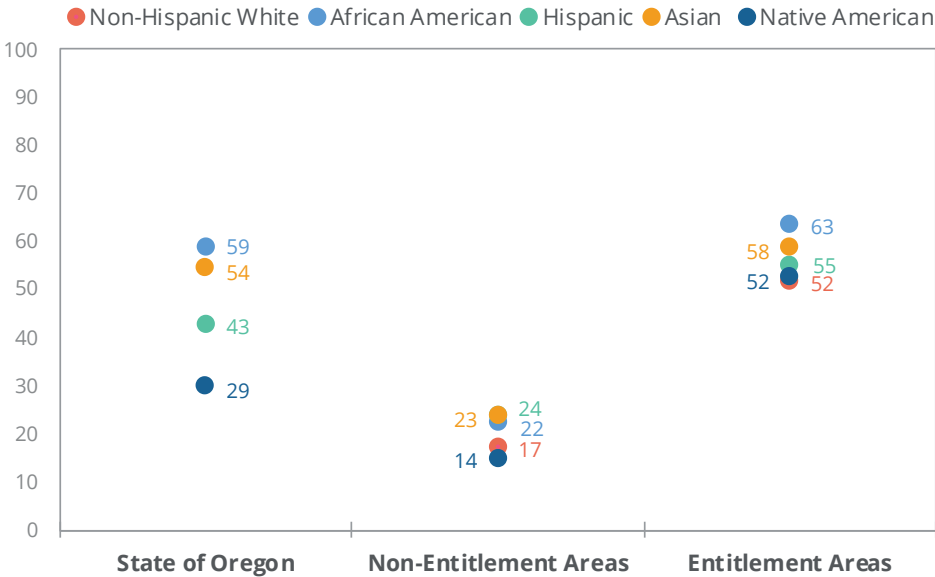
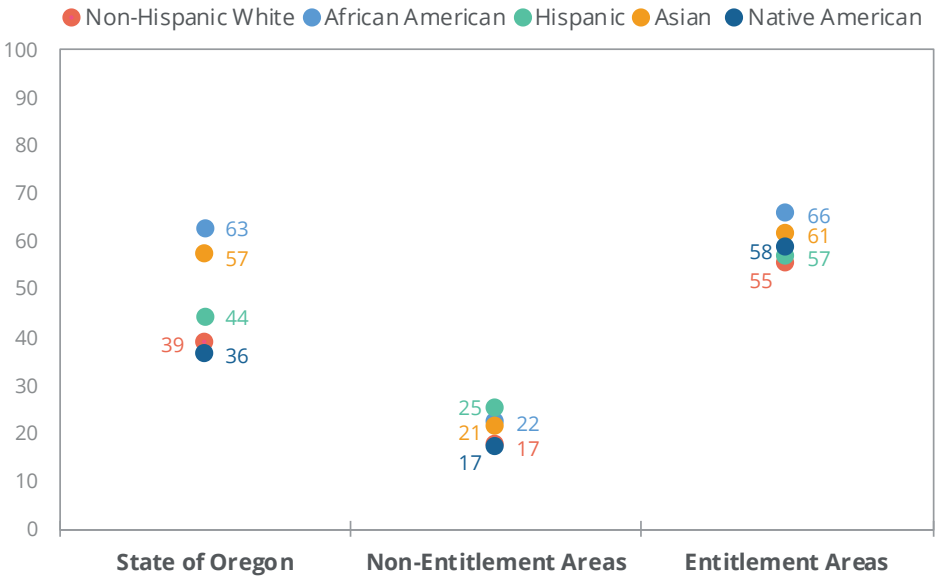


Figure III-5b.
Low Cost Transportation Index, Population Below the Poverty Line

Note:
Higher numbers indicate access to lower cost transportation.

Source:
Root Policy Research from the HUD AFFH-T Table 12, Opportunity Indicators by Race and Ethnicity, Low Cost Transportation Index.



Indicators Children's Well-Being

More than 225,000 Oregonians are under the age of five and 866,562 are under age 18. Findings from Our Children Oregon's 2020 KIDS COUNT provide statewide indicators of child well-being. Compared to prior years, Oregon's children fared better on most of these measures in the 2020 KIDS COUNT, including:

- A smaller proportion of children living in poverty—16% in 2018 compared to 21% in 2014;
- High school students graduating on time increased to 80 percent in the 2018-2019 school year compared 74 percent in the 2014-2015 school year;
- Improvements in all the health indicators; and
- Reductions in the number of children referred to the juvenile justice system to 12.9 per 1,000 from 14.7 per 1,000 in 2015.

Figure III-6 presents the KIDS COUNT 2020 indicators for Oregon overall and by race and ethnicity. Compared to the state average, there are differences by race and ethnicity on several key measures. These include:

- Children in Latino households are more likely to live in poverty (24% v. 16% statewide);
- While one in five high school students do not graduate on time statewide, nearly one in three (32%) Black or African American students and 35 percent of Native American students do not graduate on time;
- More than one in 10 (11%) Black or African American babies are born with low birth-weight, compared to 7 percent of all births; and
- The head of household lacks a high school diploma in more than one in three Latino or Hispanic families with children, compared to 13 percent of children statewide.

Figure III-6.
Oregon KIDS COUNTY 2020 Indicators by Race and Hispanic Origin

ECONOMIC WELL-BEING

		State Average	African American	American Indian	Asian and Pacific Islander	Latino	White	Two or more races
Children in Poverty	2018	16%			12%	24%	12%	15%
Children whose parents lack secure employment	2018	29%				24%	24%	28%
Children living in households with a high housing cost burden	2018	32%				43%	28%	37%
Teens not in school and not working	2018	7%	4%		4%	7%	7%	8%

EDUCATION

Young children (ages 3 and 4) not in school	2014-2018	55%				60%	54%	55%
Fourth-graders not proficient in reading	2019	66%		80%	61%	83%	62%	53%
Eighth-graders not proficient in math	2019	69%		87%	52%	87%	62%	59%
High school students not graduating on time	2017-2018	21%	32%	35%	12%	25%	20%	22%

HEALTH

Low birth-weight babies	2018	7%	11%	7%	8%	7%	6%	8%
Children without health insurance	2018	4%	1%	8%	3%	5%	3%	4%
Child and teen deaths per 100,000	2018	22				22	22	
Children and teens (ages 10 to 17) who are overweight or obese	2017-2018	24%				27%	24%	

FAMILY AND COMMUNITY

Children in single-parent families	2018	30%			17%	39%	26%	34%
Children in families where the household head lacks a high school diploma	2018	13%			10%	36%	6%	6%
Children living in high-poverty areas	2014-2018	4%	8%	17%	2%	7%	3%	5%
Teen births per 1,000	2018	13	22	17	6	24	10	16

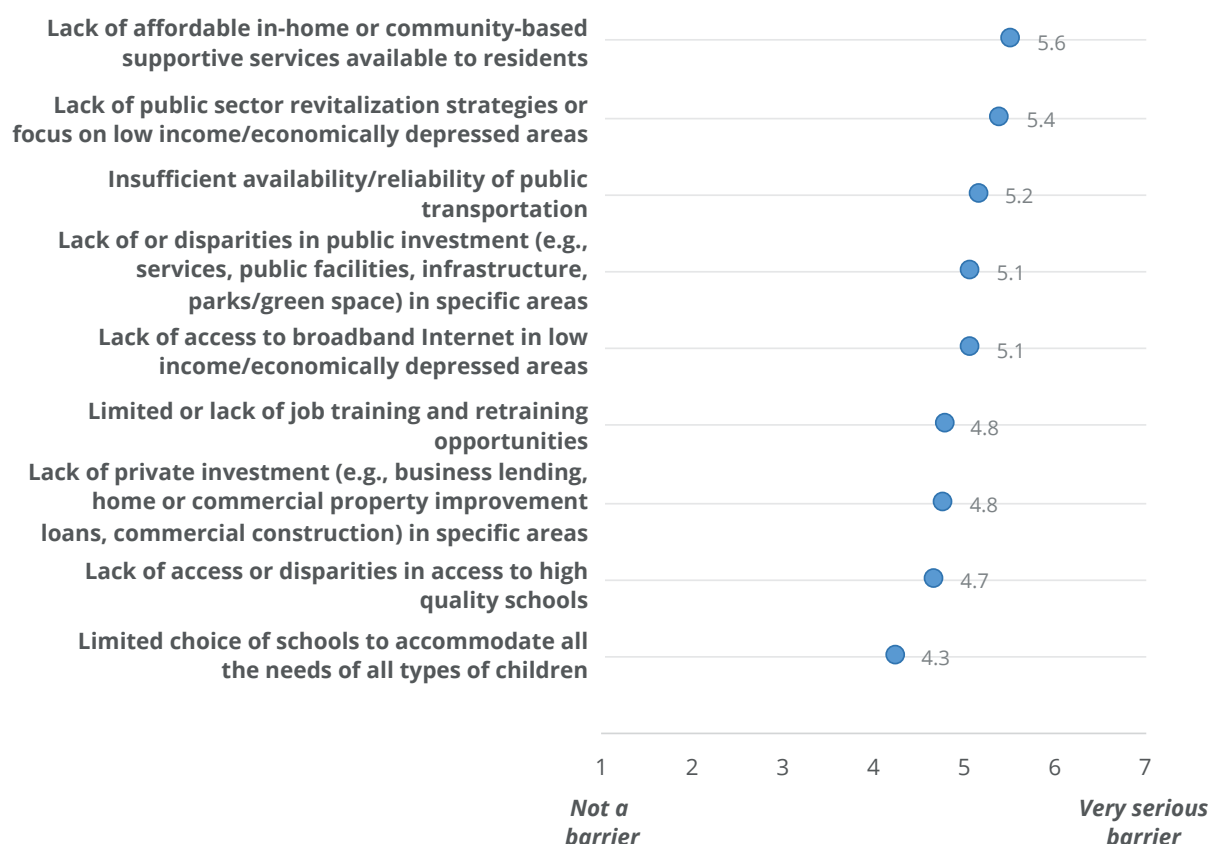
Source: Oregon Kids Count 2020, Our Children Oregon, <https://ourchildrenoregon.org/our-programs/research-data/#2020kidscountdatacards>.

Stakeholder Assessment of Opportunity Indicators

Respondents to the OHCS Stakeholder Survey assessed the extent to which different aspects of access to opportunity are a barrier to housing choice in their service area. As shown in Figure III-7, all of the potential barriers stakeholders rated all of the barriers somewhat serious (>4) to serious (>5). On average, the most serious barriers to housing choice related to access to opportunity include:

- A lack of affordable in-home or community-based supportive services available to residents;
- A lack of public sector revitalization strategies or focus on low income/economically depressed areas;
- Insufficient availability/reliability of public transportation;
- Lack of or disparities in public investment (e.g., services, public facilities, infrastructure); and
- Lack of access to broadband Internet in low income/economically depressed areas.

Figure III-7.
Seriousness of Potential Housing Choice Barriers Locally—Access to Opportunity



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=65.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

In stakeholder roundtables, participants described their community's public works infrastructure, access to the Internet, and the need for childcare as critical community development needs. From the perspective of stakeholders, acquiring housing and remaining housed, living in the neighborhood of their choice, finding employment, and accessing needed services are principal challenges faced by persons with disabilities and are discussed in more detail throughout this chapter.

Education

Oregon is a national leader in education policy, and in recent years the legislature has passed sweeping legislation focused on closing achievement gaps and investing resources in students who historically have been underserved. The state has intentionally incorporated equity principles into education policy, including developing student success plans for focused on African American/Black students, American Indian/Alaska Native students, students of Latino and Hispanic descent, and LGBTQ2SIA+ students.

State policies and education legislation. Several key pieces of legislation guide education policy in Oregon and are implemented at the state level by the Oregon Department of Education (ODE). These include the Oregon Educational Act for the 21st Century (ORS 329.015), House Bill 3427 the Student Success Act (SSA), Senate Bill 13, and House Bill 2016. Together, these recent pieces of legislation direct Oregon educators to invest resources to fund curricula and programs to support the success of students who have historically been underserved in the education system. Every two years the SSA is estimated to fund \$2 billion in early learning and K-12 education; these funds are dedicated the State School Fund (\$200 million) and the balance divided among the Early Learning Account (at least 20%), the Student Investment Account (at least 50%), and the Statewide Education Initiatives Account (up to 30%).²

- **Early Learning Account (ELA)**—Investments of ELA funds are meant to provide more low income Oregon families with access to early childhood education through expansion of existing early learning programs, the addition of an Equity Fund, a parenting education program, and state investment in the early childhood education workforce. The goal is to serve 15,000 children, including 60 percent of families in poverty and 15 percent of low income families overall.³ The Early Childhood Equity Fund provides grants to programs for kindergarten readiness or family support that are culturally responsive and culturally relevant to children of color and Native children. Early Learning Hubs in 16 regions across Oregon are being developed to streamline local systems, coordinate resources, and provide family-centered services.⁴
- **Student Investment Account (SIA)**—The SIA funds efforts to “meet students’ mental and behavioral health needs” and “increase academic achievement and reduce disparities for students of color; students with disabilities; emerging bilingual students; and students navigating poverty, homelessness, and foster care; and other student groups that have historically experienced academic disparities.”⁵ In 2020, ODE received 208 applications for the non-competitive grant, however, due to the economic impacts of COVID-19 total funds dedicated to SIA were reduced to \$150 million.
- **Statewide Education Initiatives Account**—The Statewide Education Initiatives Account funds ODE programs that improve “educational opportunities for Oregon students, especially for historically underserved student groups.”⁶ Programs range widely, from those focused on the success of all high school students, expanded child nutrition programs, school safety, support for children with disabilities, early

² <https://www.oregon.gov/ode/studentsuccess/Pages/default.aspx>

³ <https://oregonearlylearning.com/student-success-act>

⁴ <https://oregonearlylearning.com/administration/what-are-hubs/>

⁵ <https://www.oregon.gov/ode/StudentSuccess/Documents/SIAKeyMilestones.pdf>

⁶ <https://www.oregon.gov/ode/StudentSuccess/Pages/Statewide-Education-Initiatives-Account.aspx>

intervention, accountability, educator support, and the implementation of the African American/Black Student Success Statewide Plan, the American Indian/Alaska Native Student Success Plan, the Latinx Student Success Statewide Plan, and the LGBTQ2SIA+ Student Success Plan.

School suspensions and discipline rates. School suspensions have been found to be linked to adverse behavior in adulthood, particularly for boys of color. A recent study found that students assigned to a school with a one standard deviation higher suspension rate are 15–20 percent more likely to be arrested and incarcerated as adults. They were also less likely to attend a four-year college. Male students of color are most likely to be affected negatively by stricter school policy.⁷

Statewide, one in 20 students (5%) experienced at least one discipline incident that resulted in a suspension. Figure III-8 presents the proportion of students, by student group, with discipline incidents in the 2019-2020 school year. Compared to the state rate, several student segments experienced higher rates of discipline incidents. Segments with discipline rates at least two percentage points higher than the state rate include:

- One in ten (10%) Black and African American students;
- One in 11 (9%) Native American students;
- One in 11 (9%) of special education students;
- One in 14 (7%) Native Hawaiian/Pacific Islander students;
- One in 14 (7%) of economically disadvantaged students; and
- One in 14 (7%) of male students.

⁷ *The School to Prison Pipeline: Long-Run Impacts of School Suspensions on Adult Crime*
<https://www.nber.org/papers/w26257>

Figure III-8.
Proportion of Students with Discipline Incidents, 2019-2010 School Year

Student Group	Percent of Enrolled Students with One or More Discipline Incidents in the 2019-20 School Year
Total	4.9%
Male	6.9%
Female	2.7%
Non-Binary	6.3%
Asian	1.3%
Black/African American	10.0%
Hispanic/Latino	5.5%
American Indian/Alaska Native	9.2%
Multi-Racial	5.4%
Native Hawaiian/Pacific Islander	7.0%
White	4.5%
Economically Disadvantaged	6.5%
Not Economically Disadvantaged	3.1%
Talented and Gifted (TAG)	1.8%
Not TAG	5.1%
English Learners	5.0%
Not English Learners	4.9%
Special Education ¹	9.1%
Not Special Education	4.2%

Source: 2019-20 Spring Membership Approximation, Discipline Incidents, Title III: English Learner.

Note: Includes only discipline incidents resulting in suspension (in school or out of school) or expulsion. Special Education is the count of students who were receiving services at the time of their discipline incident compared to the number of students receiving Special Education services at any point during the school year up to May 1.

Source: Oregon Department of Education, "Oregon Statewide Report Card 2019-2020, An Annual Report to the Legislature on Oregon Public Schools," November 20, 2020.

Proficient schools. As shown in Figure III-9, 29 percent of Oregon 8th graders met the National Assessment of Educational Progress (NAEP) reading proficiency levels and 27 percent scored below basic—similar to national results. The share of students meeting the NAEP proficiency standard varies by income, ability, and race and ethnicity. Asian students are most likely to score proficient (41%), and students of Hispanic or Latino descent are least likely to be proficient (19%) when scores are compared by race and ethnicity. Overall, English language learners and students with disabilities are the least likely to meet proficiency standards, and the 85 percent of English language learners scoring below basic

is 12 percentage points lower than the national average and the difference is statistically significant. Proficiency in math displayed similar patterns to the reading proficiency scores.

Figure III-9.
National Assessment of Educational Progress—Grade 8 Reading
Proficiency, Oregon and United States, 2019

National Assessment of Educational Progress: Reading, Grade 8, 2019

2019 NAEP Grade 8 Reading Results Achievement Levels & Participation Rates		NAEP Advanced %	NAEP Proficient %	NAEP Basic %	Below Basic %	Participating %
All Students	Oregon	5	29	39	27	99
	United States	4	29	39	28	98*
Economically Disadvantaged	Oregon	2	22	41	36	~
	United States	1	18	40	40*	~
English Learners	Oregon	#	1	14	85	94
	United States	#	3	24*	73*	92
Students with Disabilities	Oregon	#	5	27	68	93
	United States	#	6	25	69	89*
Female	Oregon	6	33	37	24	99
	United States	5	33	39	23	99*
Male	Oregon	3	26	40	31	98
	United States	3	25	39	34	98*
American Indian/Alaska Native (not of Hispanic origin)	Oregon	1	30	37	33	99
	United States	1	19	41	40	98
Asian (not of Hispanic origin)	Oregon	12	41	32	14	~
	United States	13	43	30	13	~
Black (not of Hispanic origin)	Oregon	~	~	~	~	~
	United States	1	14	39	47	98
Hispanic origin	Oregon	2	19	40	40	98
	United States	1	20	40	38	97
Native Hawaiian or other Pacific Islander (not of Hispanic origin)	Oregon	~	~	~	~	~
	United States	2	23	38	38	~
Two or more races (not of Hispanic origin)	Oregon	8	34	38	20	99
	United States	5	31	40	24	99
White (not of Hispanic origin)	Oregon	5	34	39	22	99
	United States	5	36	39	19	98*

Legend

~ Not reported by U.S. Department of Education

Rounds to zero

* Value is significantly different from OR

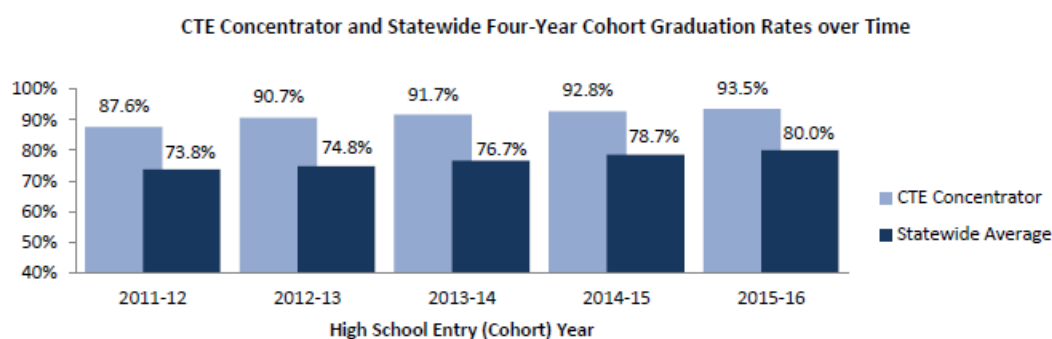
Note: *National value is statistically different from Oregon.

Source: Oregon Department of Education, "Oregon Statewide Report Card 2019-2020, An Annual Report to the Legislature on Oregon Public Schools," November 20, 2020.

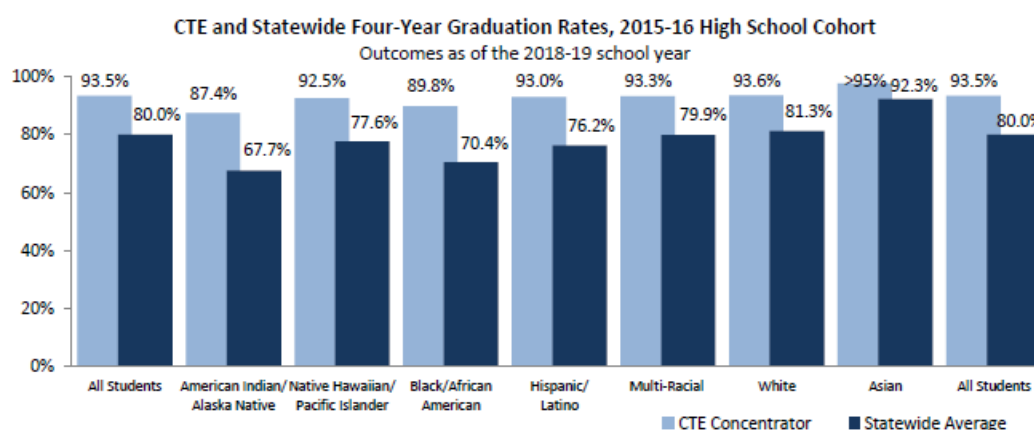
Graduation rates. Figure III-10 presents graduation rates for all Oregon high school students and students who are Career and Technical Education (CTE) students. For the 2018-2019 school year, 80 percent of students graduated, continuing the state's trend toward increasing graduation rates. As shown, students who participate in CTE programs have much higher graduation rates overall and by race and ethnicity. While 70 percent of Black and African American students graduated in 2019, 90 percent participating in CTE

programs graduation. American Indian/Alaska Native students graduate from CTE programs at rates 20 percentage points higher than those who do not participate in CTE.

Figure III-10.
Career and Technical Education Concentrator and Statewide Four-Year Cohort Graduation Rates Over Time and by Race and Ethnicity for the 2018-2019 School Year



Not only did CTE concentrators graduate at higher rates than students in the same population statewide, they graduated above the statewide average of 80 percent in every racial/ethnic student population measured.

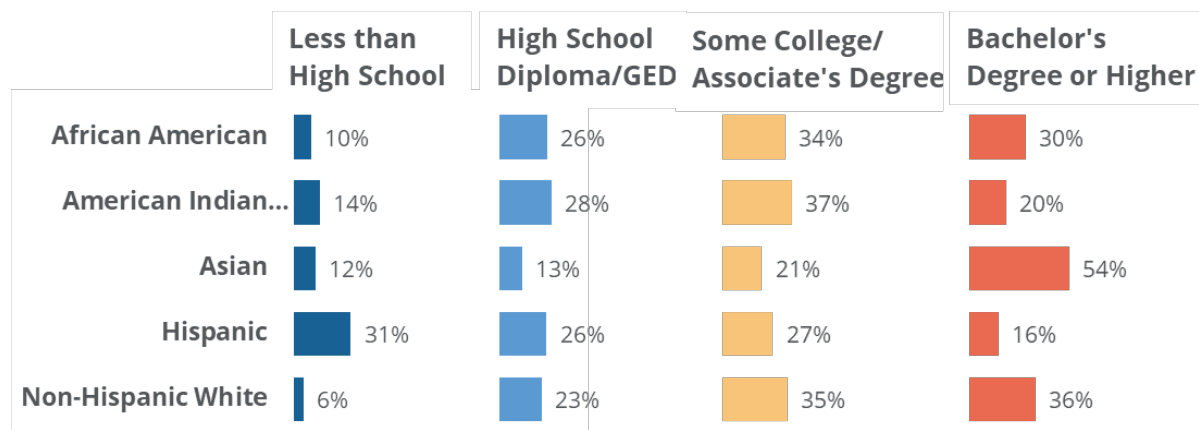


Note: A CTE concentrator is defined as, “[a]ny secondary student who has earned one or more credits in technical skill-based courses as part of an Oregon state-approved CTE program, of which at least one-half credit must be designated as a required course.”

Source: Oregon Department of Education, “Oregon Statewide Report Card 2019-2020, An Annual Report to the Legislature on Oregon Public Schools,” November 20, 2020.

Educational attainment. In 2019, more than one in three (35%) Oregonians ages 25 and older had completed a Bachelor’s degree or higher level of education, two percentage points higher than adults nationwide. Figure III-11 compares educational attainment by race and ethnicity. As shown, more than half of Asian residents age 25 or older has completed a Bachelor’s degree, more than twice the rate of Hispanic and Native American residents. About three in 10 Hispanic residents did not have the opportunity to complete high school or a GED, more than twice the rate of Native American and Asian residents.

Figure III-11.
Educational Attainment by Race and Ethnicity, Oregon 2019



Source: Root Policy Research from 2019 1-year ACS.

Access to childcare. In the community engagement conducted for the AI, the highest priority community development outcome identified by the greatest proportion of stakeholder survey respondents was “higher quality and affordable childcare centers.” In each regional roundtable discussion, a lack of childcare availability was considered one of the highest priority community needs.

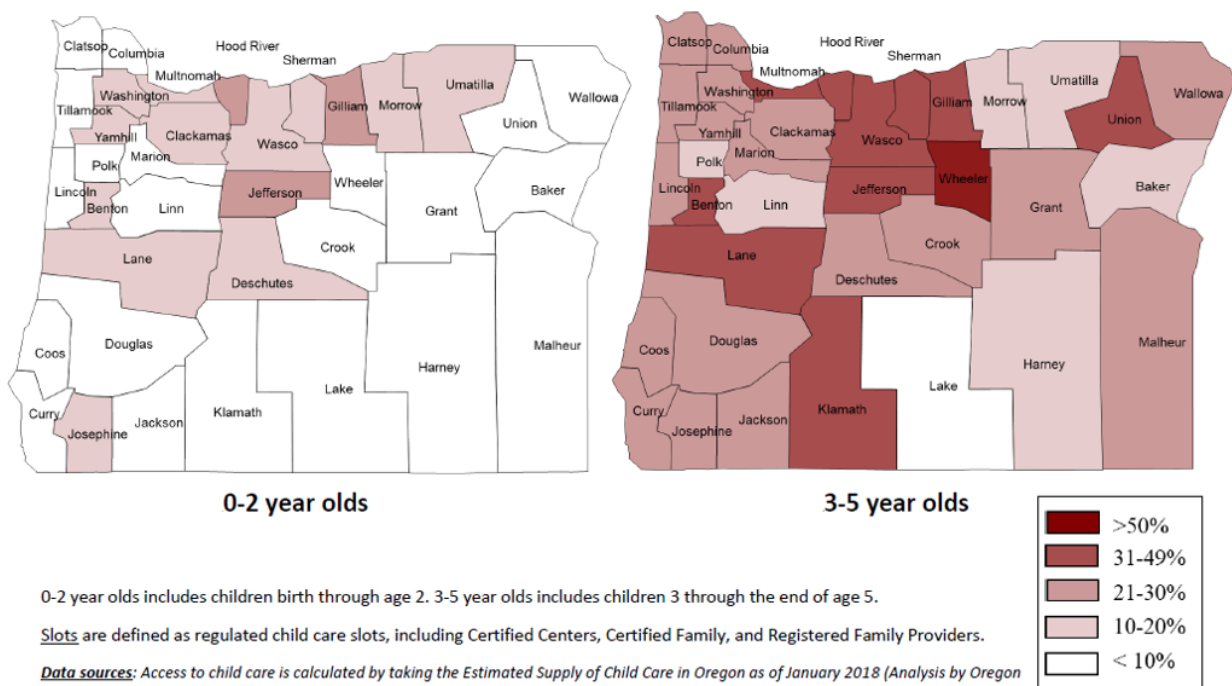
- *“COVID rules have caused a lack of childcare for those who want to work; getting people back to work has been a huge barrier as they are making \$1000/week not working and then lack of schools open or childcare for their kids.” (Stakeholder survey respondent)*
- *“Finding childcare providers is a major barrier for the workforce. We have facilities but cannot attract providers due to low wages, risk to exposure, other factors.” (Stakeholder survey respondent)*
- *“One of the clinics has its own childcare center, one homebased in my neighborhood, at least two commercial childcare centers. We also have Head Start. Our Building Healthy Families organization has early childcare for 0-3 and they are an institution that offers wraparound services. Anecdotally, we always hear about big gap in available slots versus need. The childcare center at the church I attended is probably not even within regulations. It would be nice to invest in planning.” (Columbia Gorge/Northeast Oregon roundtable participant)*

Childcare deserts. In 2019, researchers from Oregon State University’s College of Public Health and Human Services Oregon Childcare Research Partnership released “Oregon’s Childcare Deserts”. The authors defined a childcare desert as a community with more than three children for every regulated childcare slot. By this definition, *every* Oregon county is a childcare desert for families with infants and toddlers. Access to existing care is further

limited by a lack of affordability. From 1995 to 2018, Oregon lost 5,500 regulated childcare slots for children under age 13. In regional roundtables, stakeholders reported that their communities had lost childcare providers or that the number of available childcare slots reduced sharply due to COVID-19 closures and restrictions. Figure III-12 maps the percentage of young children with access to childcare

Figure III-12.
Percent of Oregon Young Children with Access to Regulated Childcare Slots by Age, 2018

Map 1. Percent of Oregon Young Children with Access to Regulated Child Care Slot by Age



0-2 year olds includes children birth through age 2. 3-5 year olds includes children 3 through the end of age 5.

Slots are defined as regulated child care slots, including Certified Centers, Certified Family, and Registered Family Providers.

Data sources: Access to child care is calculated by taking the Estimated Supply of Child Care in Oregon as of January 2018 (Analysis by Oregon Child Care Research Partnership, Oregon State University using data collected by 211 and the CCR&R system) and dividing it by the population of children in the county who fall in the age group (2017 Annual Population Report Tables, Portland State University Population Research Center).

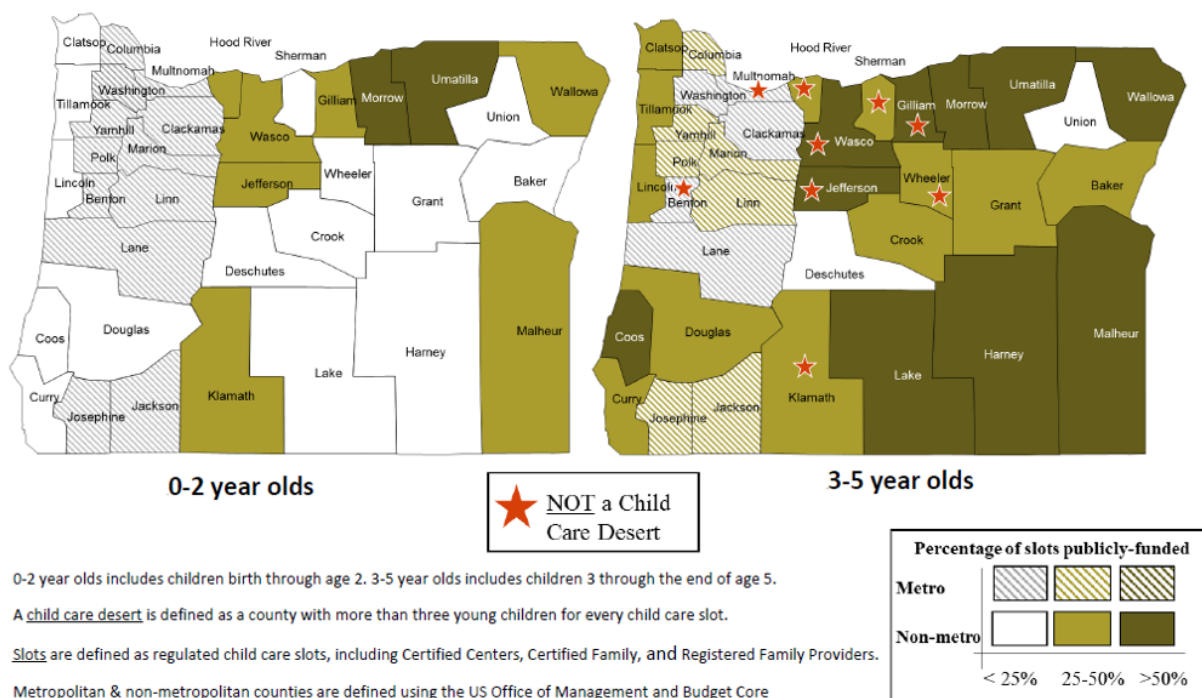
Note: Darker shading indicates a greater proportion of children with access to regulated childcare slots.

Source: Oregon State University, College of Public Health and Human Sciences, Oregon Child Care Research Partnership "Oregon's Child Care Deserts: Mapping Supply by Age Group, Metropolitan Status, and Percentage of Publicly Funded Slots," January 2019.

Figure III-13 maps the locations of childcare deserts. As shown, every Oregon county is a childcare desert for infants and toddlers, and all but nine counties are childcare deserts for children ages three to five. The share of childcare slots that are publicly funded varies widely across the state and by child age. In all but eight counties, less than 25 percent of infant and toddler slots are publicly-funded, yet in Morrow and Umatilla more than 50 percent of slots are subsidized. In the three to five year old age range, Multnomah, Hood River, Sherman, Gilliam, Wheeler, Wasco, Jefferson, Benton, and Klamath counties are not considered childcare deserts.

Figure III-13.
Childcare Deserts and Share of Publicly-Funded Childcare Slots by Age,
2018

Map 9. For 0-2 year olds, every county is a desert, and the percentage of publicly funded slots is substantially lower than for 3-5 year olds.



Data sources: Public slots include Oregon Head Start Prekindergarten, Early Head Start, Preschool Promise, Federal and Tribal Head Start, and Federal Migrant and Seasonal Head Start managed by the Oregon Child Development Coalition. Percentage of slots that are publicly funded is calculated by dividing the number of public slots by the total number of regulated slots for age group (Estimated Supply of Child Care in Oregon as of January 2018; Analysis by Oregon Child Care Research Partnership, Oregon State University using data collected by 211 and the R&R system).

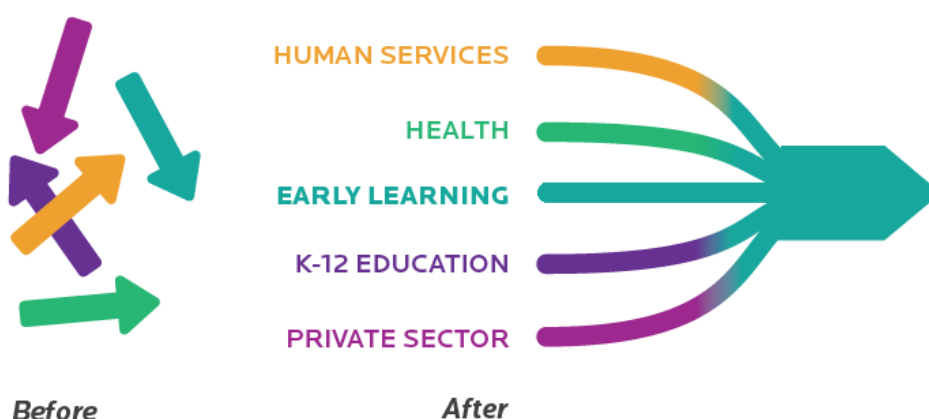
Note: Darker shading indicates a greater proportion of publicly funded childcare slots. Counties that are not childcare deserts are indicated by a star, and are only found in the analysis of childcare deserts for children ages three to five.

Source: Oregon State University, College of Public Health and Human Sciences, Oregon Child Care Research Partnership "Oregon's Child Care Deserts: Mapping Supply by Age Group, Metropolitan Status, and Percentage of Publicly Funded Slots," January 2019.

State efforts to expand access to early childhood education. The SSA's Early Learning Account will expand access to childcare for low and very low income households in Oregon, especially those who have historically been underserved. Early Learning Hubs are a core part of the programming providing not only access to early childhood education so all children thrive, but also to support the whole family to become "healthy, stable and attached."

Figure III-14.
System Improvement and Enhancement—Early Learning Hubs

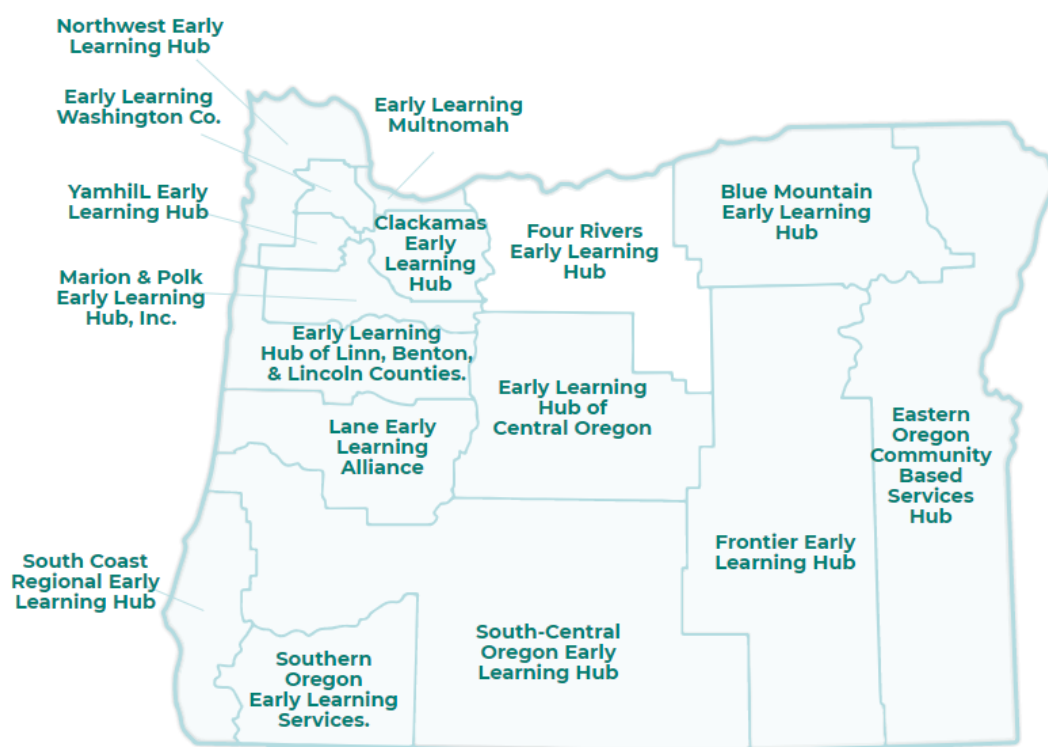
Early Learning Hubs are creating streamlined systems that are easier to navigate for families, increase access to and enrollment in quality childcare and preschool, and improve the quality of preschool provider care.



Source: http://orearlylearning.brewhousepdx.com/wp-content/uploads/2017/02/Early-Learning-Hub_1Pager.pdf.

Sixteen regional Early Learning Hubs are in development. Figure III-15 maps the Early Learning Hub regions. Each Early Learning Hub is developing a sector plan identifying priority populations (e.g., children who are learning English as their second language, children with developmental delays and disabilities, and children and families living at or below 200% of the family poverty level) and, through engagement with parents, identifying the childcare preferences of local families so that service delivery can align with family priorities and needs. For example, the Blue Mountain Early Learning Hub's mission is to develop a system to prepare all children for kindergarten. In order to be family-focused and to incorporate family preferences into the Hub's design, the Blue Mountain Hub engaged with local parents of children in their priority populations. With respect to parents of English language learners, the Hub team learned that these parents prioritize safety and cleanliness in family home and childcare centers; that even households that qualify for Head Start can't afford it; and that transportation is an additional barrier that must be overcome. For those families that work in agriculture, childcare must be affordable and service hours must be extended to align with work hours. As the Early Learning Hubs develop, they will implement family-centered practices to support the goal of increasing kindergarten readiness in each region.

Figure III-15.
Regional Early Learning Hubs



Source: <https://oregonearlylearning.com/administration/what-are-hubs/>.

Employment

Labor force participation, unemployment, and earnings are all indicators of access to employment opportunities experienced by residents of Oregon.

Labor force participation and unemployment. Figure III-16 presents the labor force participation and unemployment rates for Oregonians in 2015 and 2019. The ACS calculates labor force participation rates by race based on the population ages 16 and older. In 2019, Oregon's labor force participation rate was 63 percent. The age profile of a racial or ethnic group influences the labor force participation rates. For example, Oregon's non-Hispanic White population's median age in 2019 was 44, compared to age 34 for the Black and African American population and 27 for the Hispanic or Latino population. Given the relatively younger age profile of Oregon's Hispanic and African American populations it is not surprising that labor force participation rates for Hispanic (73%) and Black or African American (65%) residents are higher than those of the non-Hispanic White population (60%). Less than half of working age adults with disabilities and working age adults living in poverty were in the labor force in 2019.

From 2015 to 2019, the unemployment rates for Black or African American residents, Native American residents, and residents with disabilities fell dramatically, and, in the case

of Native Americans and persons with a disability, was accompanied by an increased labor force participation rate. In 2019, working age adults in poverty were four times as likely as the average Oregonian to be unemployed (20% v. 5%).

Figure III-16.

Labor Force Participation Rate and Unemployment Rate, Selected Demographic and Socioeconomic Characteristics, 2015 and 2019

	Labor Force Participation Rate		Unemployment Rate	
	2015	2019	2015	2019
Population ages 16+	62%	63%	7%	5%
Non-Hispanic White	60%	60%	6%	5%
Hispanic or Latino	72%	73%	8%	6%
Black or African American	67%	65%	12%	6%
American Indian/Alaskan Native	59%	63%	17%	7%
Asian	65%	67%	5%	4%
Some other race	76%	75%	7%	6%
Two or more races	63%	67%	11%	8%
Population ages 20 to 64	77%	78%	6%	5%
Disability	44%	49%	13%	9%
No disability	77%	78%	-	-
Below poverty level	52%	47%	23%	20%
Above poverty level	82%	83%	4%	3%
Population ages 25 to 64	77%	78%	6%	4%
Less than high school	67%	64%	9%	6%
High school diploma/GED	71%	71%	8%	5%
Some college/Associate's degree	76%	78%	6%	5%
Bachelor's degree or higher	84%	86%	4%	2%

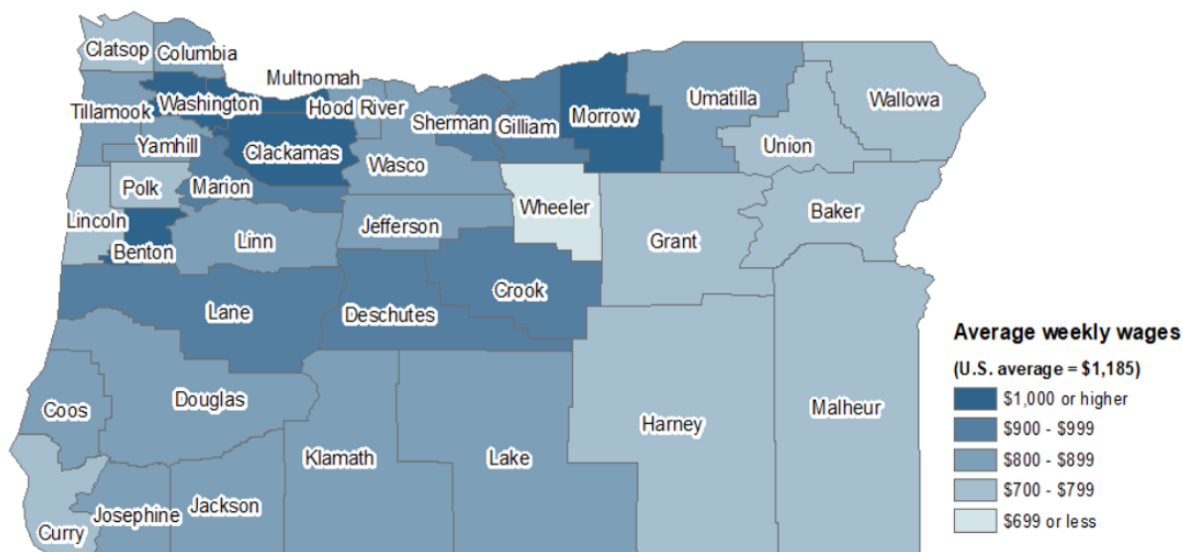
Note: Sample sizes for Native Hawaiian/Other Pacific Islander too small to report. Unemployment rate for working age adults without a disability is not reported.

Source: Root Policy Research from the 2015 1-year ACS and 2019 1-year ACS.

Earnings. Figure III-17 maps average weekly wages by county in Oregon in the fourth quarter of 2019. As shown, average weekly wages are highest in the Portland MSA and lowest in Wheeler County, the eastern counties, and the northern and southern coast.

Figure III-17.
Average Weekly Wages by County, Fourth Quarter 2019

Chart 1. Average weekly wages by county in Oregon, fourth quarter 2019

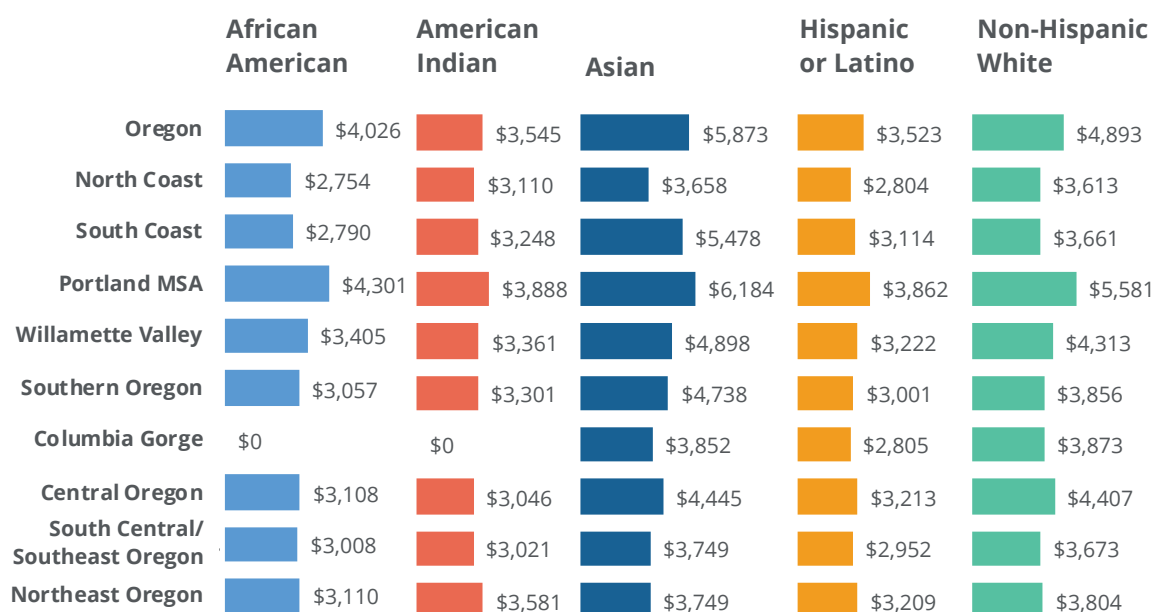


Source: U.S. Bureau of Labor Statistics.

Source: U.S. Bureau of Labor Statistics, https://www.bls.gov/regions/west/news-release/countyemploymentandwages_oregon.htm#table1.

Figure III-18 presents regional variation in average monthly earnings by race and ethnicity for the 4th quarter of 2019. Wages are lowest for Native American workers in Northeast Oregon, and for all other groups in the North Coast region. As shown, for all groups, the Portland MSA has the highest average wages but also some of the widest gaps in wages by race and ethnicity. For example, in the Portland MSA, the average Hispanic worker earns 69 percent of the average monthly earnings of non-Hispanic White workers. Native Americans earn 70 percent, African Americans earn 77 percent, and Asian residents earn 111 percent of the average monthly wage of non-Hispanic White workers.

Figure III-19.
Average Monthly Earnings, Regional Variation by Race and Ethnicity,
Fourth Quarter 2019

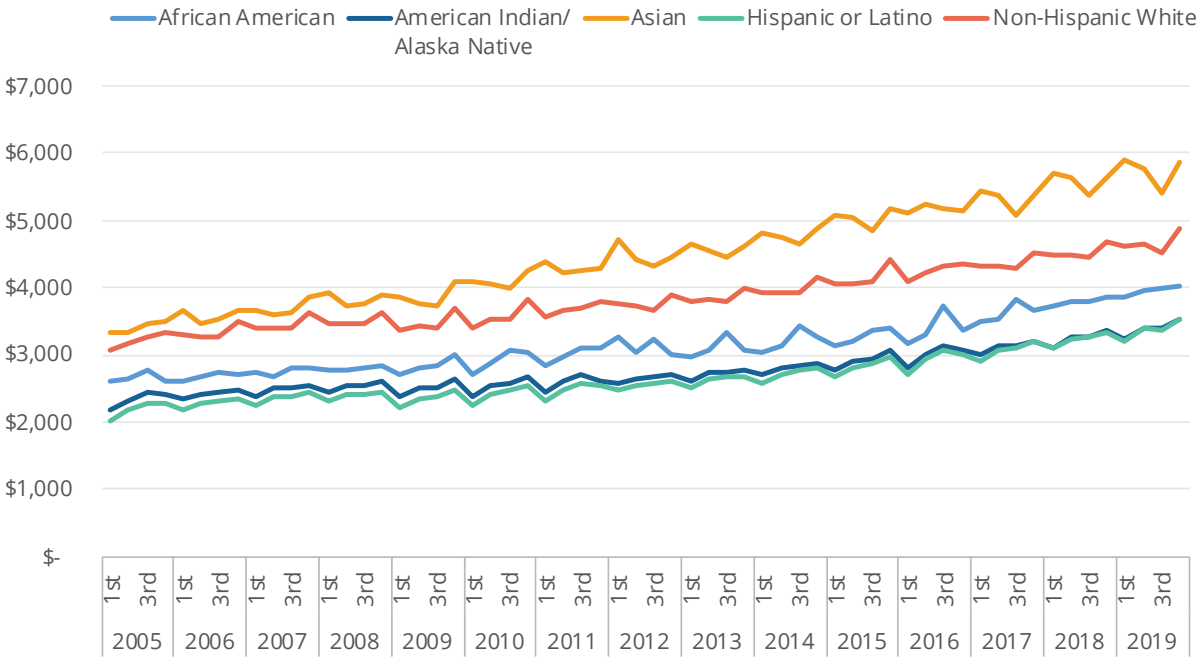


Note: Earnings data by race was not available in all regions due to small sample sizes.

Source: Root Policy Research from Quarterly Workforce Indicators, Q4 2019, QWI U.S. Census Bureau, qwiexplorer.ces.census.gov.

Figure III-20 presents trends in average monthly wages by race and ethnicity for Oregon. As shown, the gap in average wages by race and ethnicity is not new and has grown wider over time. In the 4th quarter of 2005, the gap between the highest monthly wage (Asian workers, \$3,513) and the lowest monthly wage (Hispanic workers, \$2,271) was \$1,242. In the 4th Quarter of 2019, this gap had nearly doubled to \$2,350.

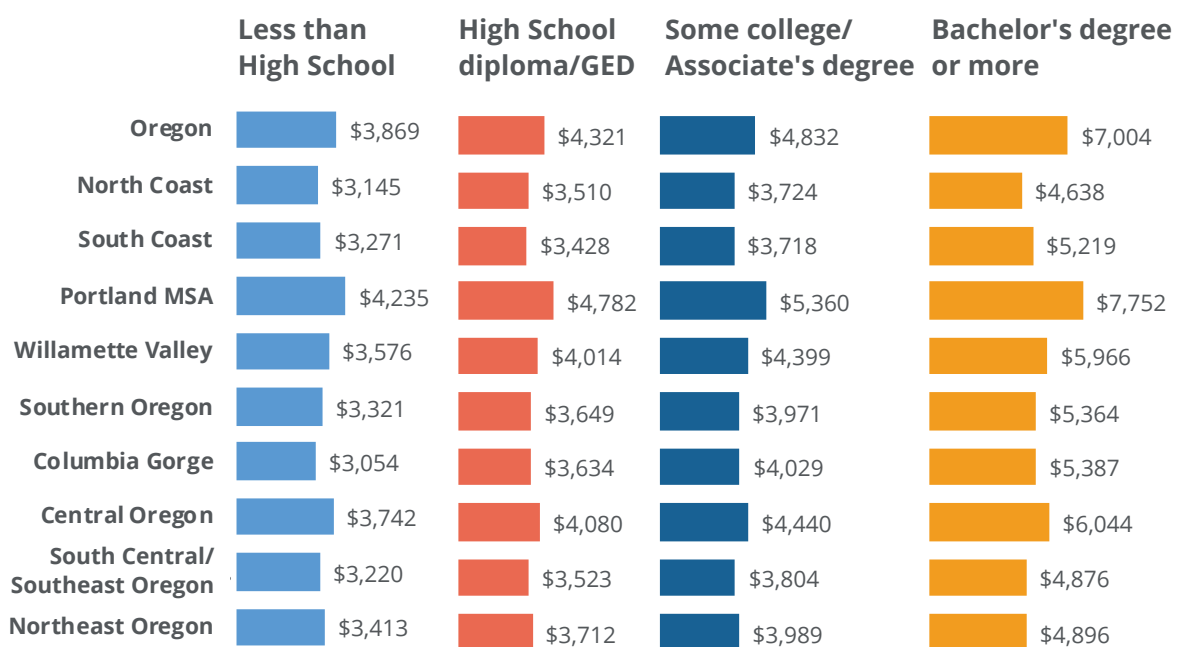
Figure III-20.
Average Monthly Wages by Race and Ethnicity, Oregon, 2005-2019



Source: Root Policy Research from Quarterly Workforce Indicators, QWI U.S. Census Bureau, qwiexplorer.ces.census.gov

Average earnings increase significantly with education, as shown in Figure III-21. In the Portland MSA, a worker with less than a high school education will earn 55 cents for every dollar earned by a college graduate; workers with a high school diploma or GED fare slightly better, earning 62 cents of every dollar earned by someone with a Bachelor’s degree. This pattern holds in each region of the state, but is most pronounced in the Portland MSA.

Figure III-21.
Average Monthly Earnings, Regional Variation by Educational Attainment,
Fourth Quarter 2019

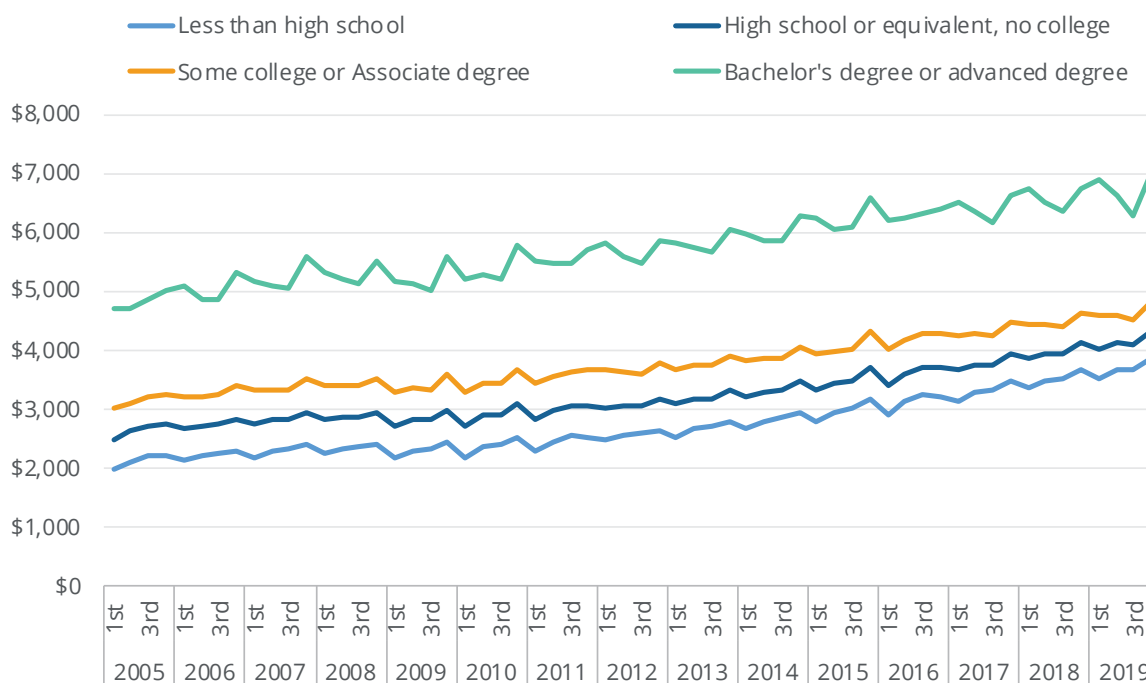


Note: Educational attainment data is reported for workers age 25 and older.

Source: Root Policy Research from Quarterly Workforce Indicators, Q4 2019, QWI U.S. Census Bureau, qwexplorer.ces.census.gov/exp-r/11b1e5.html.

Figure III-22 presents trends in monthly wages in Oregon by educational attainment. As expected, workers with Bachelor's degrees or higher earn higher wages than workers with less formal education. On average, workers with a high school diploma or GED in the 4th quarter of 2019 earned \$2,683 less per month than those with a Bachelor's degree.

Figure III-22.
Average Monthly Wages by Educational Attainment, Oregon, 2005-2019



Source: Root Policy Research from Quarterly Workforce Indicators, QWI U.S. Census Bureau, qwiexplorer.ces.census.gov.

Access to employment—residents with disabilities. In 2015, the State of Oregon entered into a settlement agreement with the U.S. Department of Justice to resolve alleged violations of the Americans with Disabilities Act (ADA) in the lawsuit *Lane v. Kitzhaber*. The lawsuit alleged that the State of Oregon’s employment services for residents with intellectual and developmental disabilities (I/DD) directed people with I/DD to sheltered workshops rather than integrated supported or group employment, denying them the opportunity make informed choices to work in integrated settings. As a result of the settlement agreement, Oregon committed to transform its employment services system to provide supported employment and invest in preparing these youth for supported, integrated employment using person-centered planning.

From the perspective of stakeholders, resources to help residents with disabilities access the workforce are inadequate and range from a lack of access to assistive devices or technologies to employers willing to employ residents with disabilities.

- *“Lack of assistance agencies to help in finding employment, individuals may not have access or means to the Internet or devices.” (Stakeholder survey respondent)*
- *“Need specific services for specific disabilities. More access to technology.” (Stakeholder survey respondent)*

- *"Since COVID it is very difficult." (Stakeholder survey respondent)*
- *"Inability to work without losing benefits." (Stakeholder survey respondent)*
- *"There is a lack of employers in my community that will work with people who have challenges maintaining employment." (Stakeholder survey respondent)*
- *"Few resources or providers of supportive employment." (Stakeholder survey respondent)*

Transportation

Access to transportation is a factor that influences where households are able to live or work. For those who are transit dependent, the availability, reliability, frequency, and accessibility of transit is a key point of consideration. For others, a reliable, affordable personal vehicle may expand housing and employment opportunities. At the state level, the Oregon Department of Transportation (ODOT) is responsible for planning, constructing, and maintaining the state highway system and is the lead agency for federal transportation initiatives to subsidize public transit availability, including in rural communities that could not otherwise support public transit services.

ODOT and equity. Equity is one ODOT's strategic priorities. ODOT's strategic priorities for 2021-2023 are a modern transportation system, sufficient and reliable funding, and equity. ODOT's equity strategic priority will "Prioritize diversity, equity, and inclusion by identifying and addressing systemic barriers to ensure all Oregonians benefit from transportation services and investments."⁸ ODOT defines equity as: "Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power and opportunity to those communities."⁹ In the next five years, ODOT is committed to developing and applying an equity framework to all of its projects, a process underway with the I-205 and I-5 Toll Projects. An Equity and Mobility Advisory Committee developed an equity framework for the toll project which aims to:

- "Gain better outcomes for communities who have been historically and are currently underrepresented and underserved by transportation projects; and
- Be inclusive and intentional when engaging communities in solutions."¹⁰

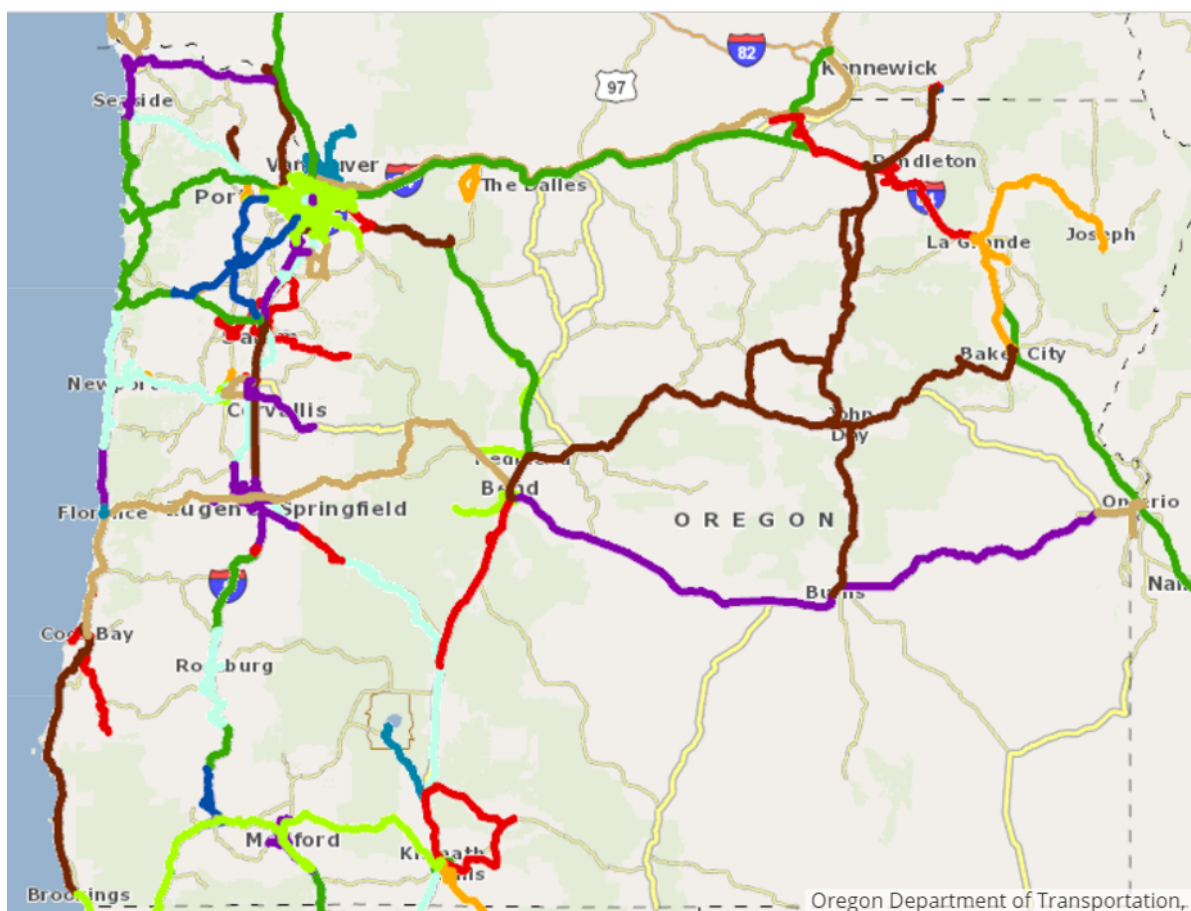
⁸ ODOT Strategic Action Plan, October 2020 <https://www.oregon.gov/odot/SAPDocs/Strategic-Action-Plan.pdf>

⁹ <https://oregondot.foleon.com/odot/alb-blog-16/home/>

¹⁰ <https://www.oregon.gov/odot/tolling/Pages/Mobility-Equity.aspx>

Public transportation. Figure III-23 presents ODOT's TransGIS map of fixed transit routes across Oregon and connecting to cities in Washington, Idaho, and California. As shown in the map, much of Oregon is connected by transit, but the frequency of service and transit service within communities varies widely. At the state level, ODOT's Public Transportation Division (PTD) supports public transit statewide through administration of the Mass Transit Vehicle Replacement Program, the 5311 Formula Grants for Rural areas Program, and the 5339 Bus and Bus Facilities Program. These programs help local transit providers purchase and maintain buses and bus facilities. Oregon's Special Transportation Fund and the Federal Transit Administration's 5310 Enhanced Mobility Program fund transportation services for older adults and people with disabilities. By operating the POINT Intercity Bus Service, the Columbia Gorge Express, and the Amtrak Cascades Passenger Rail services, the PTD strengthens the state's regional transit network.

Figure III-23.
Oregon Transit Routes, ODOT TransGIS



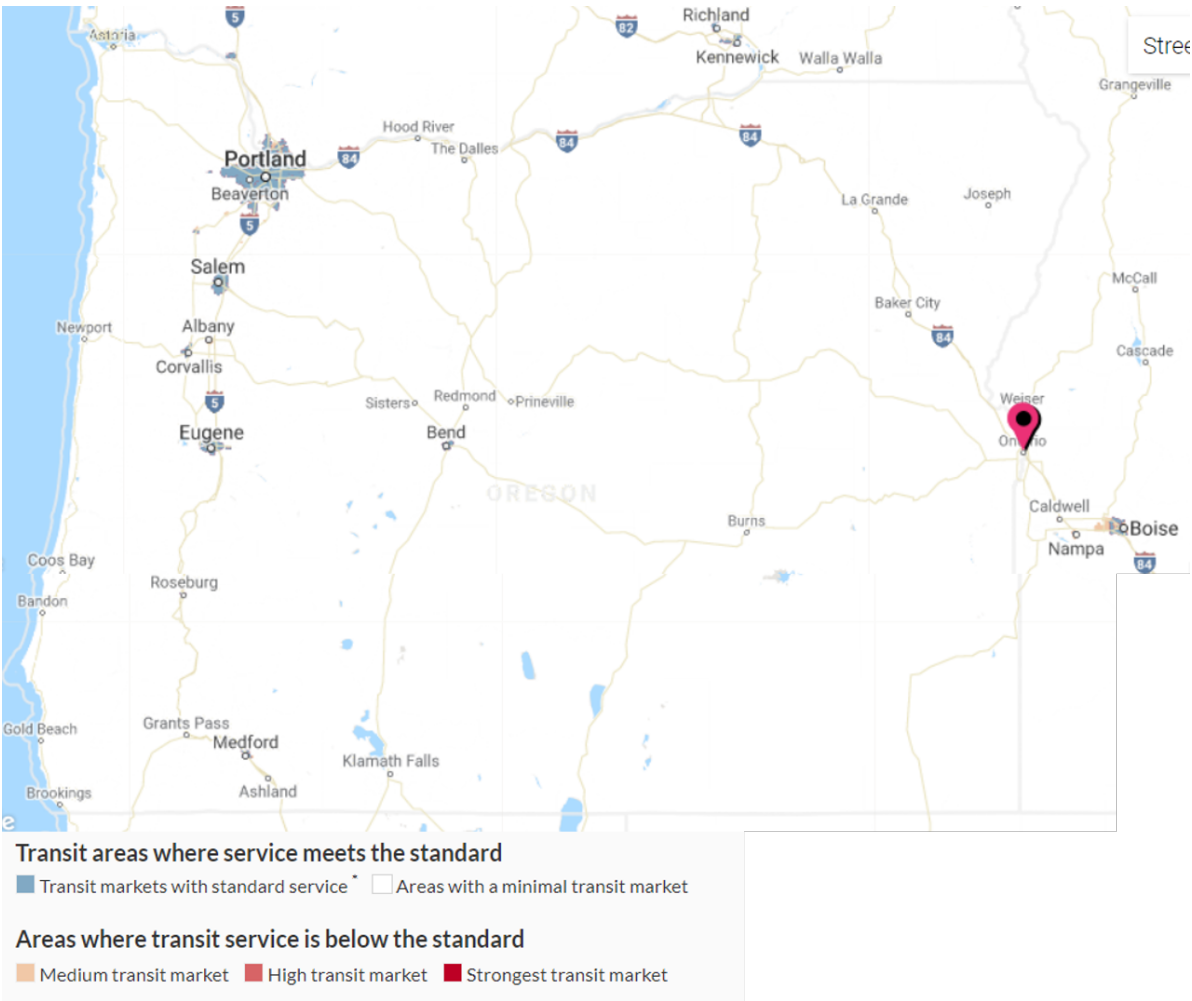
Note: Transit fixed routes.

Source: Root Policy Research from <https://gis.odot.state.or.us/transgis/>.

Gaps in transit service. The Center for Neighborhood Technology's (CNT's) AllTransit™ information system provides an analysis of transit gaps, identifying areas that are

underserved by transit but that have a sufficient market to support transit.¹¹ Figure III-24 maps the AllTransit™ gaps in Oregon. Not all areas have sufficient population to support transit service, thus a lack of transit does not necessarily mean that an area has a gap. AllTransit's™ methodology to identify gaps in transit service is based on areas with a market (demand) for transit and compares that demand to service availability.¹² Areas without shading do not have sufficient transit market strength—are places with minimal transit markets—such that “adding transit would not represent an improvement.” As shown, outside of larger cities, most of Oregon's communities are places with minimal transit markets.

Figure III-24.
AllTransit™ Transit Gaps in Oregon



¹¹ <https://alltransit.cnt.org/gap-finder/>

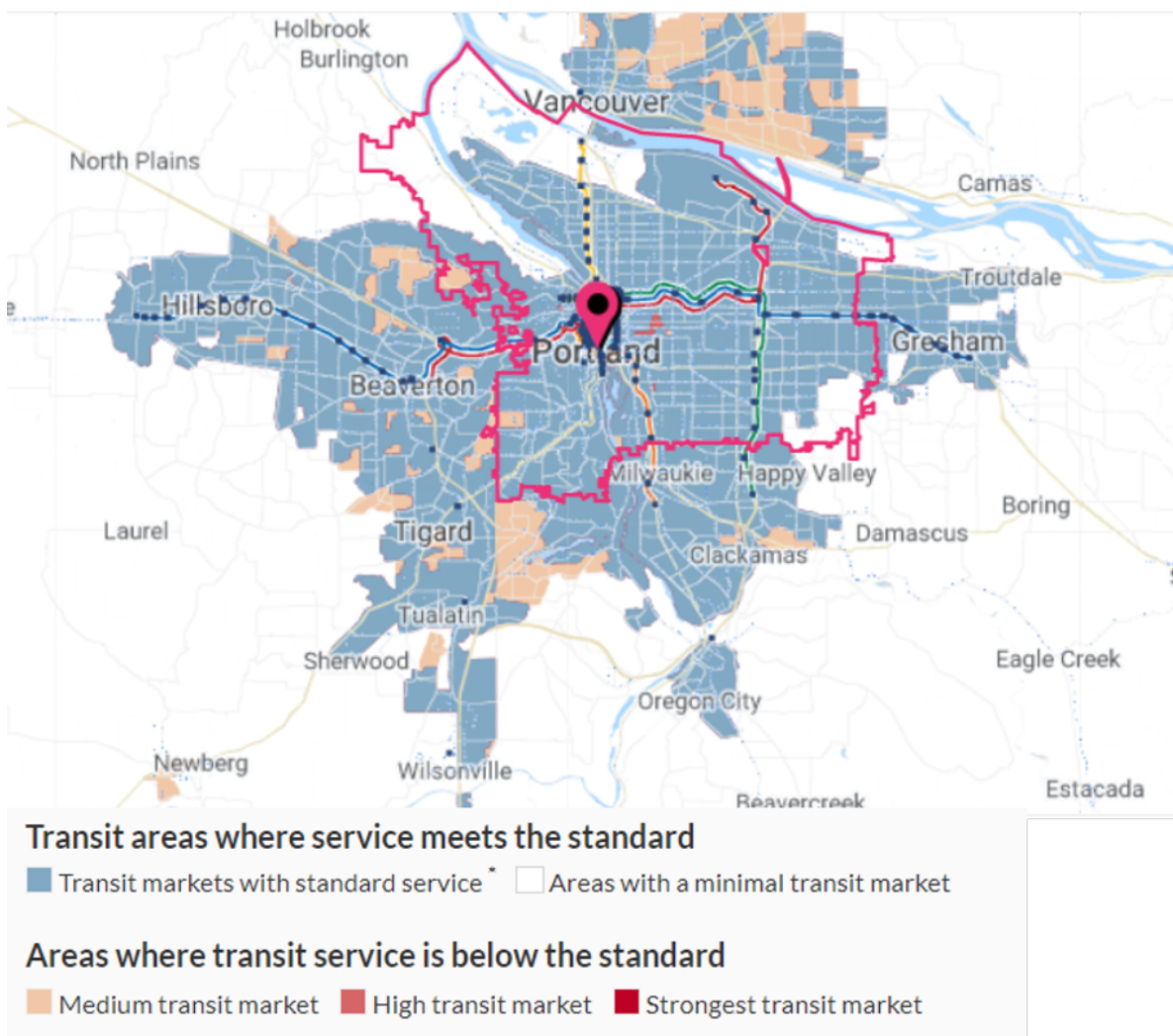
¹² AllTransit's™ measure of transit demand is a function of demographics, employment, commerce, and urban form. For more detail on their methods see: <https://alltransit.cnt.org/methods/gap-methods-v1.pdf> and <https://staging.alltransit.cnt.org/methods/AllTransit-Methods.pdf>

Note: Areas with blue shading indicate transit markets with standard (average) service. Areas with light orange shading are medium transit markets with below standard service, light red are high transit markets with below standard service, and the darkest red areas are the strongest transit markets with below standard service.

Source: Root Policy Research from <https://alltransit.cnt.org/gap-finder/>.

Transit gaps in selected entitlement communities. To illustrate how levels of service vary in larger communities, the AllTransit™ transit gaps for the Portland MSA, the Eugene and Springfield area, and in Bend are shown in the figures below. Figure III-25 presents the transit gaps in the greater Portland MSA. While much of the region's population live where transit service meets the standard, there are neighborhoods with medium transit markets (shown in tan) where transit service is below the standard. These areas are primarily found in the suburbs to the west and south of Portland. Within the city of Portland, there are neighborhoods—shown in red—with high transit markets where transit service is substandard.

Figure III-25.
AllTransit™ Transit Gaps in the Portland MSA

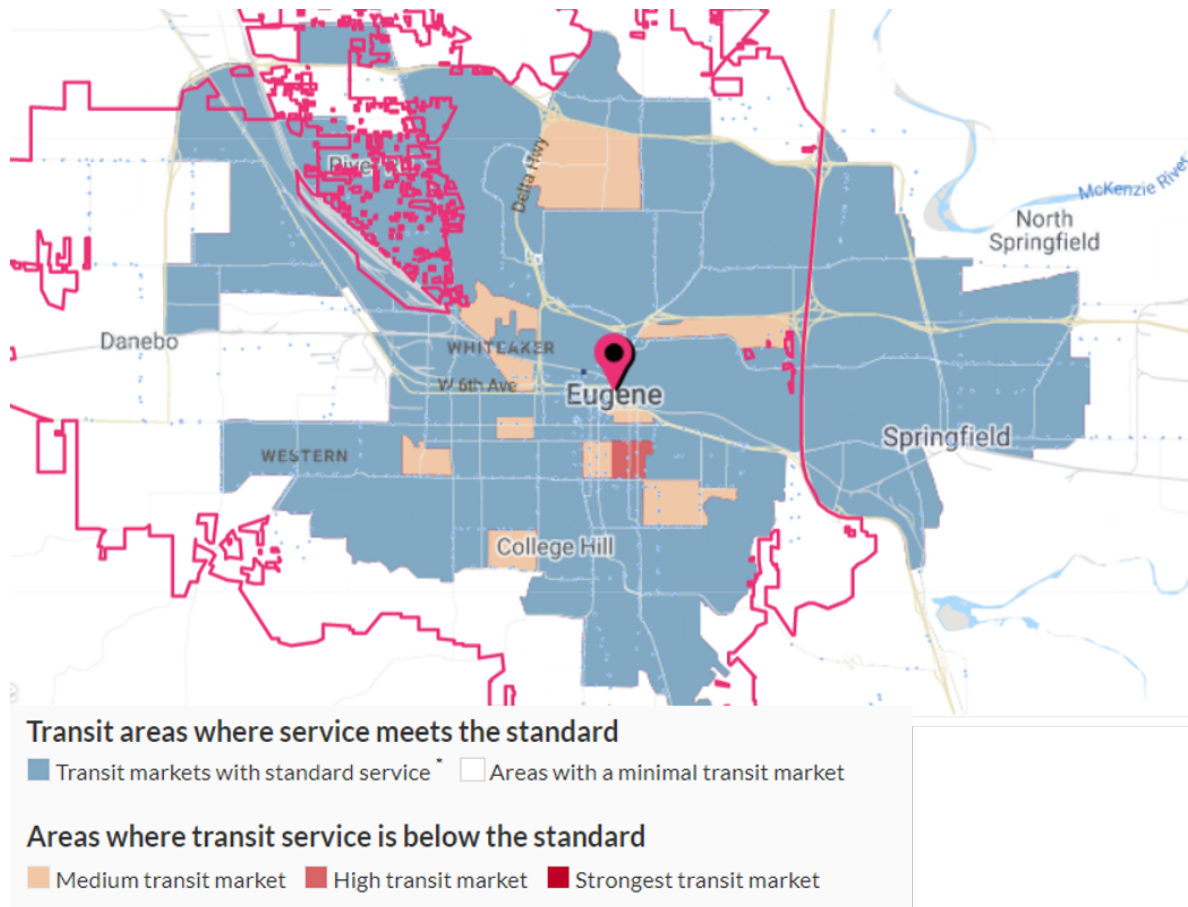


Note: Areas with blue shading indicate transit markets with standard (average) service. Areas with light orange shading are medium transit markets with below standard service, light red are high transit markets with below standard service, and the darkest red areas are the strongest transit markets with below standard service.

Source: Root Policy Research from <https://alltransit.cnt.org/gap-finder/>.

In the Eugene-Springfield area, transit gaps are found in several neighborhoods with medium transit markets and in one neighborhood with a high transit market.

Figure III-26.
AllTransit™ Transit Gaps in Eugene and Springfield

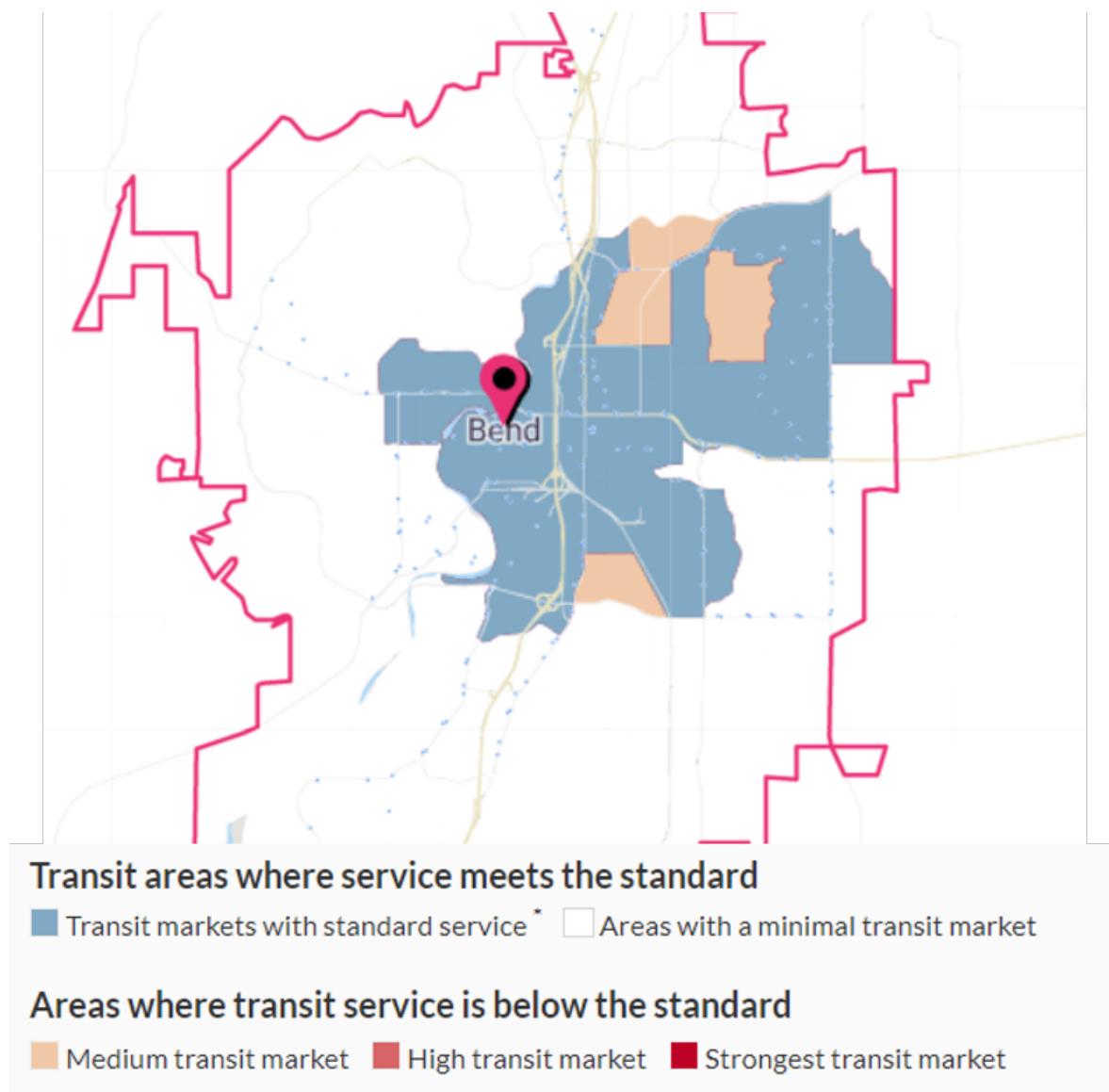


Note: Areas with blue shading indicate transit markets with standard (average) service. Areas with light orange shading are medium transit markets with below standard service, light red are high transit markets with below standard service, and the darkest red areas are the strongest transit markets with below standard service.

Source: Root Policy Research from <https://alltransit.cnt.org/gap-finder/>.

In Bend, four neighborhoods with medium transit markets have transit service below the standard, as shown in Figure III-27.

Figure III-27.
AllTransit™ Transit Gaps in Bend



Note: Areas with blue shading indicate transit markets with standard (average) service. Areas with light orange shading are medium transit markets with below standard service, light red are high transit markets with below standard service, and the darkest red areas are the strongest transit markets with below standard service.

Source: Root Policy Research from <https://alltransit.cnt.org/gap-finder/>.

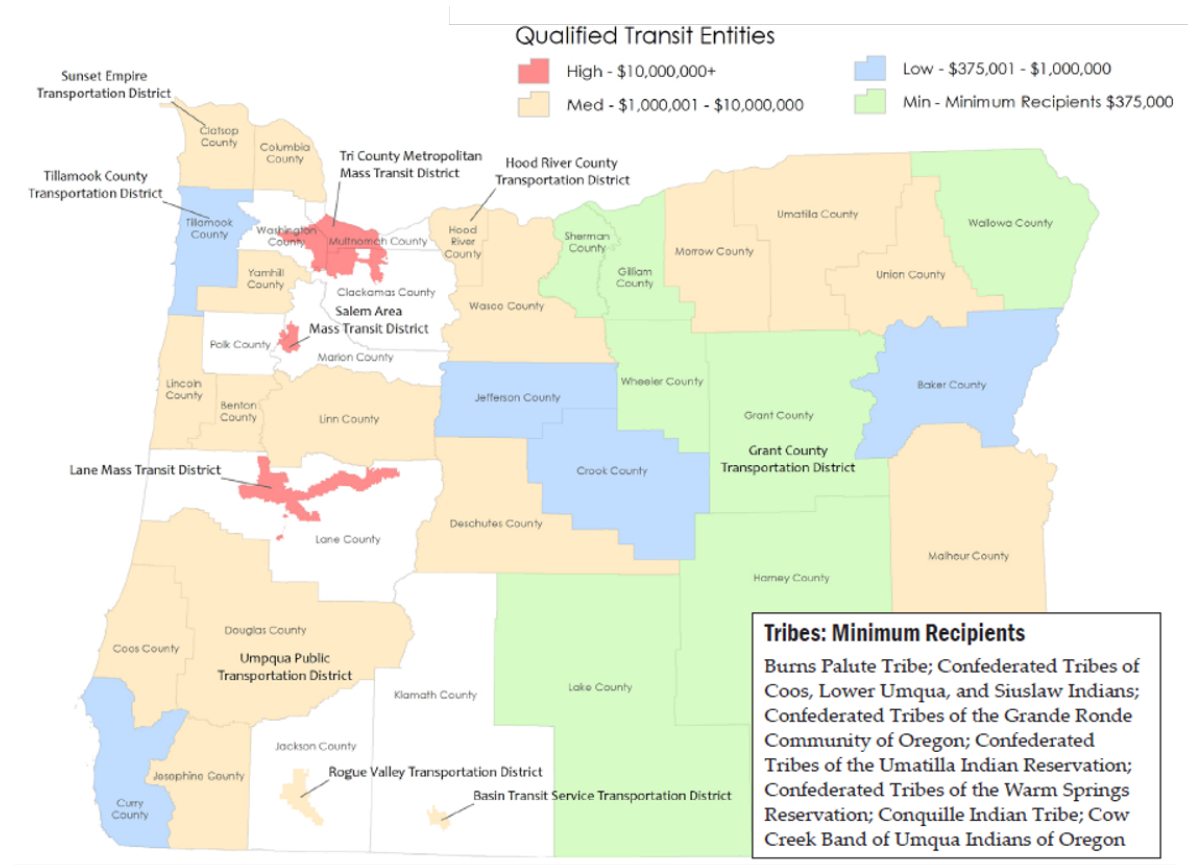
Transit service in small communities. Despite the analysis demonstrating that most communities in Oregon with populations less than 50,000 have minimal transit markets, the state and local communities choose to invest in providing limited transit service within the community and regional connections to larger cities. The Statewide Transportation Improvement Fund (STIF) provides formula funds to expand transit options across Oregon, as shown in Figure III-28. The STIF statute specifies that formula funds be used primarily for:

- “Fare reduction for low-income households;
- Purchase of low/no emission vehicles;
- Improved service connections between communities;
- Increased frequency of bus service for low-income households;
- Expansion of bus routes to reach low-income households;
- Coordination between Public Transportation Service Providers; and
- Improved transit service for students in grades 9-12.”¹³

In addition to the formula funds, STIF includes discretionary and intercommunity funds that are awarded on a competitive basis.

¹³ January 2020 Report to the Joint Committee on Transportation
<https://www.oregon.gov/odot/RPTD/RPTD%20Committee%20Meeting%20Documents/STIF-Legislative-Report.pdf>

Figure III-28.
STIF Formula Fund for Qualified Transit Entities



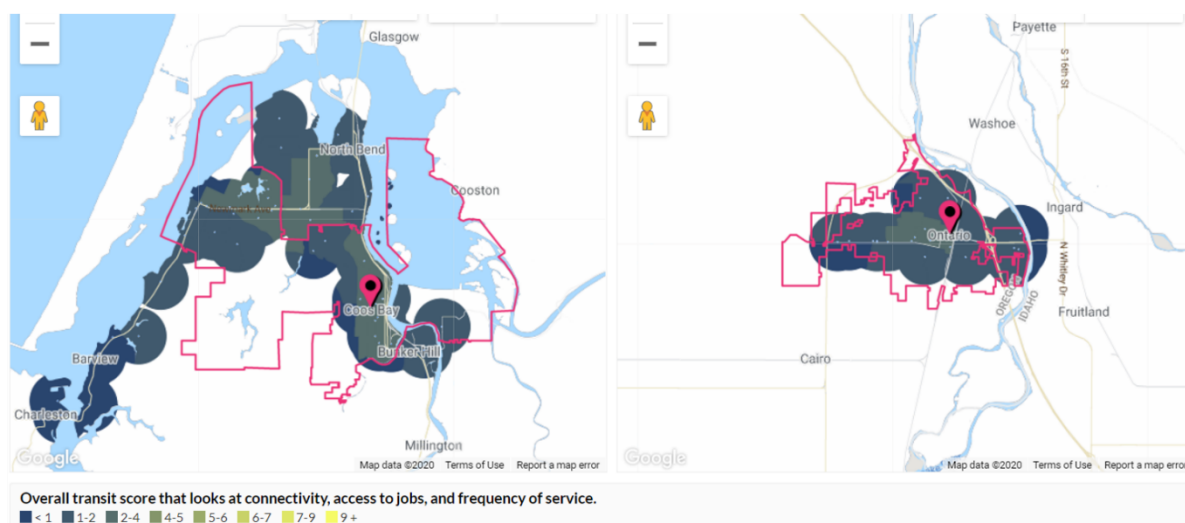
Note: Qualified transit entities include mass transit districts, transportation districts, counties without either a mass transit or transportation district, and federally-recognized tribes.

Source: Root Policy Research from January 2020 Report to the Joint Committee on Transportation
<https://www.oregon.gov/odot/RPTD/RPTD%20Committee%20Meeting%20Documents/STIF-Legislative-Report.pdf>

In most smaller communities, transit service is very limited, typically characterized by either a local or regional provider offering a few fixed routes with limited frequency and potentially connections to neighboring communities. These communities have minimal transit markets, as shown in Figure III-28 above. Federal, state, and local investments in transit provide limited service, as identified by stakeholders' assessment potential barriers to housing choice—on average, insufficient transit availability/reliability was the third most serious barrier among the access to opportunity factors.

As an illustration of transit access in two smaller communities, Figure III-29 presents the AllTransit™ Transit Scores for Coos Bay and Ontario. As shown, both communities generally have the lowest transit score on the scale with some sectors receiving service with slightly better connectivity, access to jobs, and frequency of service. Similar patterns are shown in other non-entitlement and smaller communities across the balance of state.

Figure III-29.
AllTransit™ Transit Score—Coos Bay and Ontario



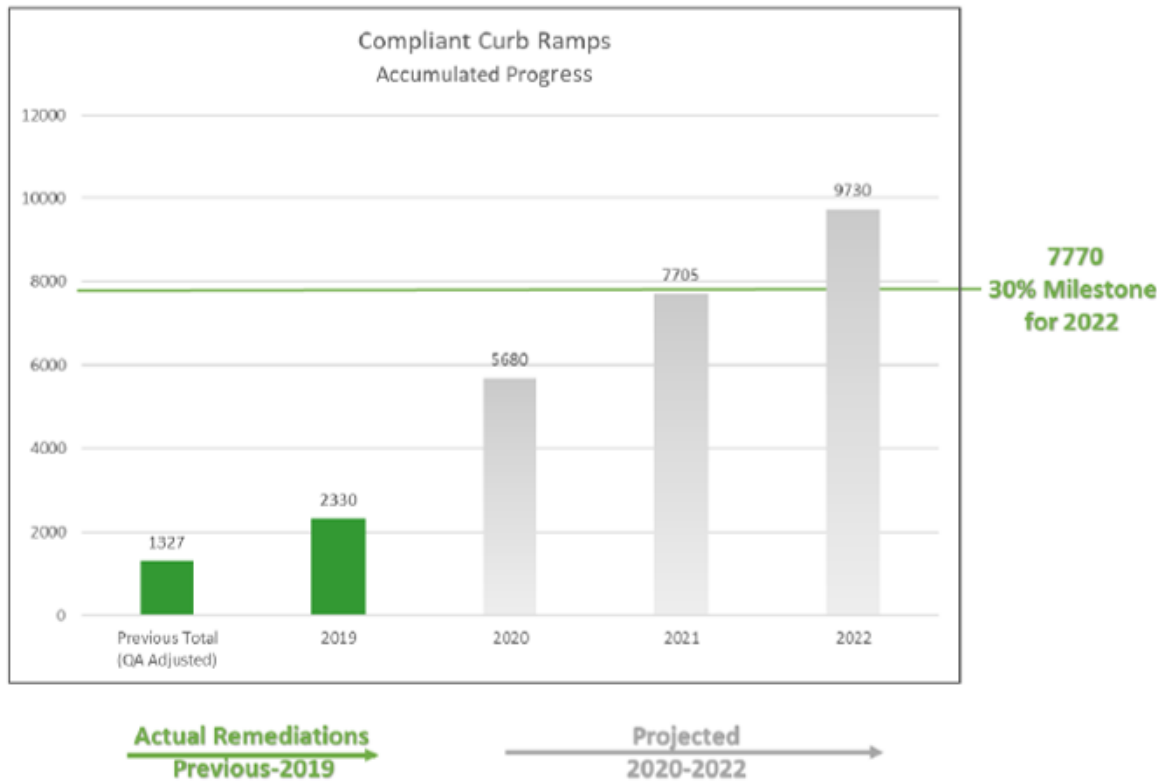
Note: Darker shading indicates lower transit score. Transit score measures connectivity, access to jobs, and frequency of service.

Source: Root Policy Research from <https://alltransit.cnt.org/metrics/#map>.

ODOT and ADA. In 2016, ODOT entered into a settlement agreement to resolve *Association of Oregon Centers for Independent Living, et al. v. Oregon Department of Transportation, et al.*¹⁴ The class action lawsuit brought on behalf of Oregonians with physical disabilities alleged that ODOT failed to provide compliant curb ramps and accessible pedestrian signals on state highways as required by Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The settlement agreement requires ODOT to complete an inventory of curb ramps and pedestrian signals on the state highway system, to bring all of the identified curb ramp locations into compliance by December 31, 2032, and, as feasible, ODOT will remediate pedestrian signals as curb locations are addressed and ODOT will provide audible pedestrian signals by request. Figure III-30 presents ODOT's current and planned remediations through 2022. A total of 25,807 ramps require remediation statewide. In addition to progress on increasing the number of compliant ramps on state highway crossing, ODOT inventory found that 55 percent of pedestrian crossing signals are not in compliance with ADA standards. ODOT also formed an ADA Workgroup to engage with residents with disabilities as part of the Public Transportation Advisory Committee's work advising the Rail and Public Transit Division and the Oregon Transportation Commission.

¹⁴ https://www.oregon.gov/odot/About/Documents/AOCILvODOT-Final_Settlement_Agreement.pdf

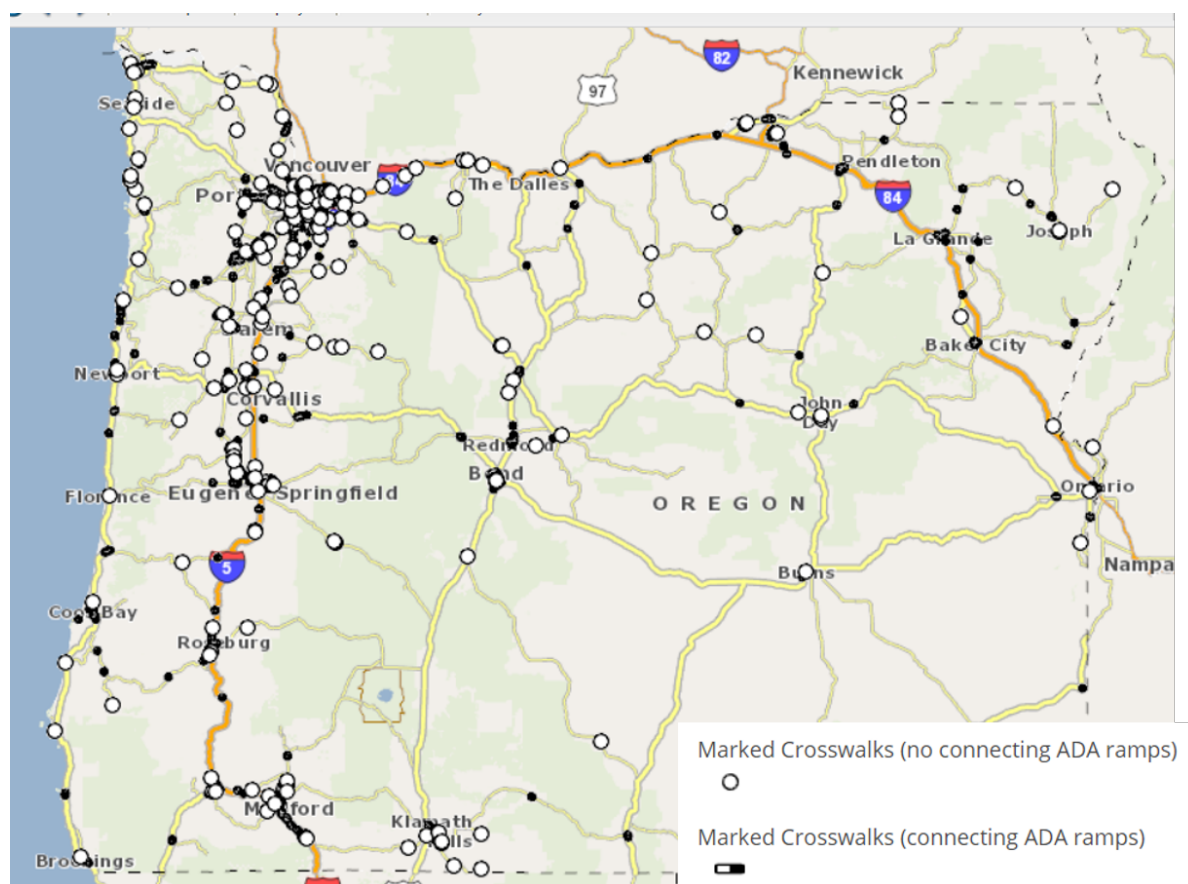
Figure III-30.
ODOT Curb Ramp Remediation, Actual Remediations through 2019 and Projected Remediations through 2022



Note: Figure 1, p. 2.
Source: ODOT ADA Settlement Agreement Report for 2019 As Required per Section 8, August 2020.

Figure III-31 depicts the locations of marked state highway crosswalks with and without connecting ADA ramps. While noting that these are only a subset of crosswalks that require remediation, the map demonstrates that many areas of the state do not meet the ADA accessibility needs of persons with disabilities wishing to safely cross state highways.

Figure III-31.
Marked Crosswalks on State Highways With and Without Connecting ADA Ramps



Note: Black dots indicate that a marked crosswalk has an ADA connecting ramp. White dots indicate a marked crosswalk with no ADA connecting ramps.

Source: Root Policy Research from <https://gis.odot.state.or.us/transgis/>.

From the perspective of stakeholders, lack of access to transportation that is accessible, reliable, efficient, and affordable disproportionately impacts residents with disabilities in Oregon as these households seek housing, employment, education, health care and supportive services. Examples include:

- *“Transportation, navigating housing search [are challenges for persons with disabilities to acquire housing].” (Stakeholder survey respondent)*
- *“[Accessing needed services is] limited without transportation and Internet, especially during COVID.” (Stakeholder survey respondent)*

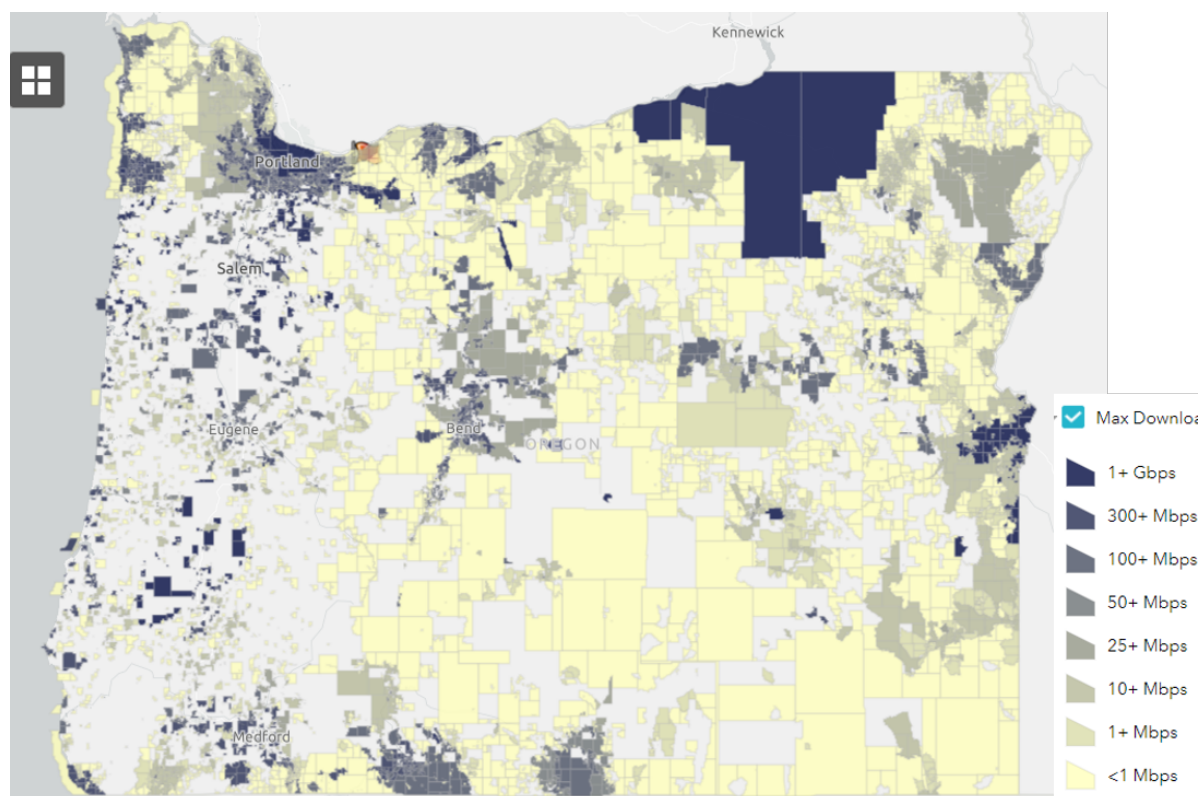
Digital Access

Statewide, 83 percent of households have a desktop computer and 86 percent have a smartphone. Seventy-two percent of households have broadband access by cable, fiber, or

DSL while 88 percent have broadband of any kind. Over 191,000 households (12%) have no Internet subscription and over 173,000 households (11%) only have Internet through a cellular data plan. The COVID-19 pandemic and resulting shift to remote work and online delivery of education, healthcare, government services, religious services, and other aspects of daily living widened the gap between communities and households with adequate digital access and those without. Business Oregon has begun to respond to these critical needs by directing some of the State's CDBG-CV allocations to provide Internet access to low and moderate income families—with the hope that increased reliance on broadband services, and therefore increased demand demonstrated by the COVID-19 crisis, will reduce the financial barriers that prevent the private sector from developing broadband capacity in rural areas.

Current service availability. Internet infrastructure to bring broadband access to Oregon communities and last-mile connections to low and moderate income neighborhoods is a one of the most urgent community development needs identified by stakeholders. Oregon's Broadband Advisory Council, established by the legislature in 2009, leads the Oregon Broadband Mapping Project. As shown in Figure III-32, much of central and eastern Oregon does not have broadband service, and maximum download speeds in these areas ranges from less than 1 Mbps to 10 Mbps.

Figure III-32.
Internet Download Speed

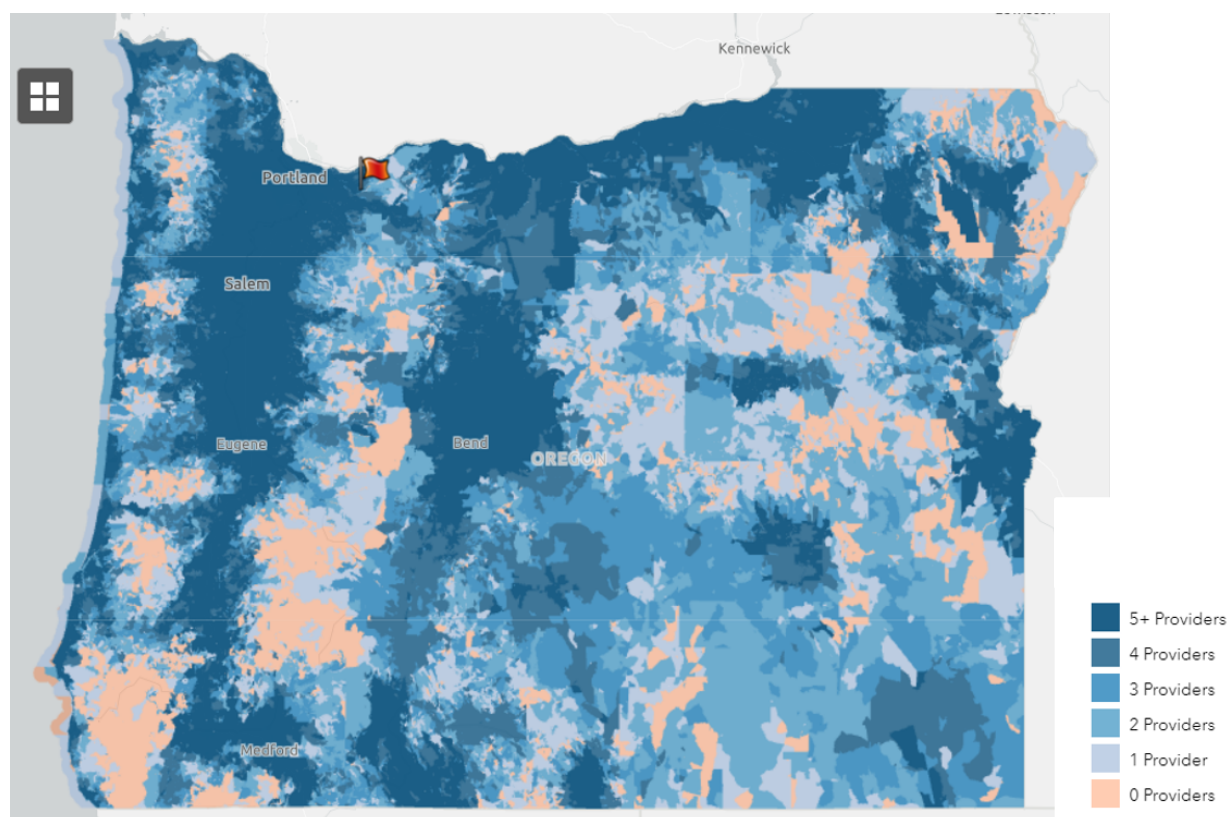


Note: Darker shading indicates faster speeds.

Source: Oregon Broadband Mapping Project, November 2020. <https://www.oregon4biz.com/Broadband-Office/Interactive-Map/Map/>.

According to the Federal Communications Commission database, Oregon has a range of access to competitive broadband markets. Many rural Census tracts have access to only one or two potential service providers, while most urban Census tracts have access to four or more providers. More competition in rural areas and coverage in areas currently lacking a provider could increase quality of access and decrease costs for those residents not living in urban areas.

Figure III-33.
Number of Broadband Providers



Note: Darker shading indicates a greater number of Broadband providers.

Source: Oregon Broadband Mapping Project, November 2020. <https://www.oregon4biz.com/Broadband-Office/Interactive-Map/Map/>.

Not surprisingly, respondents to both stakeholder surveys believe there are barriers to digital/broadband access in their service area, as shown in Figure III-34.

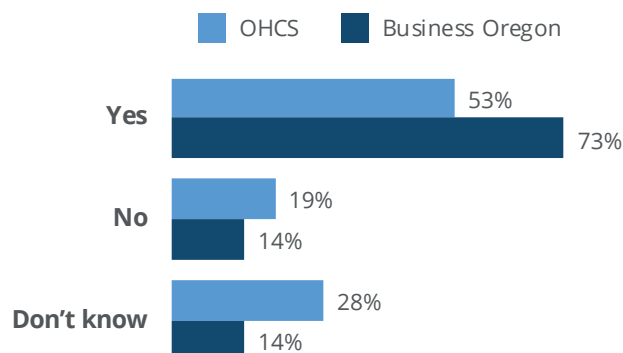
Figure III-34.
Are there barriers to
Digital/Broadband
access in your
service area?

Note:

n=78 OHCS. n=40 Business Oregon.

Source:

Root Policy Research from the 2020
 OHCS Housing Stakeholder Survey
 and the 2020 Business Oregon
 Community Development
 Stakeholder Survey.



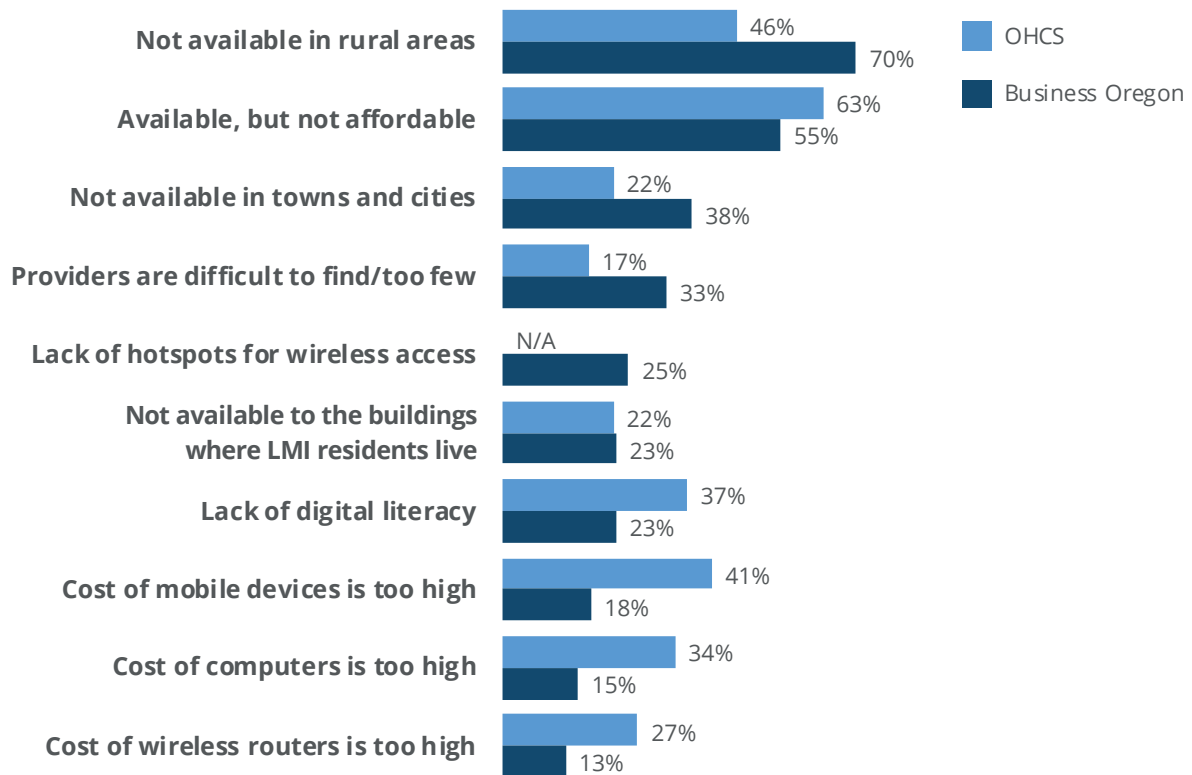
Primary barriers to access. The greatest proportion of community and economic development stakeholders consider the primary barriers to digital broadband access to be a lack of availability in rural areas, while the greatest proportion of housing and human services stakeholders identify unaffordable service to be the primary barrier. In general, the primary barriers identified by both groups of stakeholders center on lack of availability, service that is available but unaffordable, and lack of affordable devices to access the Internet.

- *“Since COVID hit, the lack Internet bandwidth to these locations (Baker County ranches and farms) has become so apparent—it is nonexistent. It took a month to get online school up and running—people were scrambling, not just the underserved. ... The district thought of hotspots... A month later, we got hotspots. If a family had to get Internet, the cost to get it up and running was \$180. **They were not eating to get Internet.** Families with multiple kids could not get enough bandwidth for all kids to be on at once. I also had A/B students starting to flunk and get so depressed. I also had high school students leaving classes to help and support their younger siblings who were learning at home.” (Latino community stakeholder interview participant)*
- *“COVID has exaggerated the gaps in the have/have nots with internet access. Many of our rural areas are struggling to remain connected and are unable to work remotely. Business and education in these areas are quickly falling further behind.” (Stakeholder survey respondent)*
- *“The barriers caused by the lack of good internet are increasingly made clear. Businesses have had to increasingly focus on online sales and marketing.” (Stakeholder survey respondent)*
- *“Broadband access has become a huge barrier to equity in education, workforce, and access to federal benefits (unemployment and more).” (Stakeholder survey respondent)*

- *“The need for businesses and school children utilizing internet and web based activities have caused a huge strain and need on whatever services are there.”
(Stakeholder survey respondent)*

Figure III-35.

What are the primary barriers to accessing Digital/Broadband in your service area?



Note: Lack of digital literacy includes lack of basic computer, Internet, and email skills. Numbers add to greater than 100 percent due to multiple response. n=40 OHCS respondents and n=41 Business Oregon respondents.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey and the 2020 Business Oregon Community Development Stakeholder Survey.

Due to the barriers to digital/broadband access identified above, nearly seven in 10 Business Oregon survey respondents believe it is difficult for small business to succeed, and two-thirds think that lack of access increases social isolation for the elderly or other populations vulnerable to COVID-19. Other economic and social difficulties experienced by residents due to the digital divide include difficulties applying for jobs and preventing residents from getting health care information and assistance.

Supportive Services

A lack of access to services for mental illness and substance use disorders (i.e., alcoholism and drug addiction) was a consistent theme in the community engagement process conducted with stakeholders and residents living and working in Oregon's balance of state.

Oregonians considered by stakeholders to be most at-risk of homelessness are those with serious and persistent mental illness (SPMI), substance use disorders (SUDS), history of justice involvement, those who are precariously housed, and persons with cognitive disabilities. Supportive services, especially those addressing mental health and substance use disorders (SUDS) are essential to helping many vulnerable residents remain housed and living in integrated settings. Current resources are described as insufficient and are not available in many rural communities. Stakeholders identify building capacity in rural Oregon to support housing stability of residents transitioning out of homelessness and for those with mental illness or substance use disorders as a priority to reduce homelessness and prevent returns to homelessness.

Supportive service needs. Stakeholder survey respondents who identified supportive services as an urgent activity needed to achieve or maintain housing stability described the types of services most needed. By far, stakeholders emphasized mental health services, alcohol and drug rehabilitation services, and behavioral health services—all necessary, in their view, to maintain housing. Supportive services not directly addressing SPMI or SUDs focused on life skills for very low income residents, such as budgeting, parenting skills, and navigating benefit programs; support gaining and maintaining employment; legal services; and child care. Examples include:

- *“Access to services for individuals with SPMI and substance use disorder especially in support of tenancy.” (Stakeholder survey respondent)*
- *“Assistance with budgeting, life skills, maintaining a home, filling out applications, locating housing, understanding programs that help.” (Stakeholder survey respondent)*
- *“Employment, education, behavioral health, credit/debt counseling or forgiveness including fines, tickets, court, and legal fees.” (Stakeholder survey respondent)*
- *“I believe some supportive services already exist, (i.e. Centers for Independent Living help with locating resources, help contacting agencies, help completing applications) but there needs to be follow up services and supports to maintain stability and there needs to be funds to help with this process. But first there needs to be housing units available to rent.” (Stakeholder survey respondent)*
- *“I believe that mental health along with substance abuse are the main barrier to people for obtaining housing. After that, come past convictions and evictions that makes it difficult for landlords to trust the renter coming out of homelessness. Also, the need for life skill training is important for these individuals to find a job that they will sustain and will help maintain housing.” (Stakeholder survey respondent)*
- *“Countywide mental health and drug addiction facility that is available to all [is needed].” (Stakeholder survey respondent)*

- *“Support obtaining ID, legal documents etc. and childcare.” (Stakeholder survey respondent)*

Barriers to accessing needed services. Challenges associated with accessing needed services in the balance of state include lack of access to transportation, lack of Internet access, and a lack of local service providers or capacity among local providers to meet service needs.

- *“Limited without transportation and internet, especially during COVID.” (Stakeholder survey respondent)*
- *“Not enough local service providers.” (Stakeholder survey respondent)*
- *“People have to be connected to a system. Those systems are often at capacity.” (Stakeholder survey respondent)*
- *“No access to mental health services.” (Stakeholder survey respondent)*
- *“Insufficient capacity for cultural affirmation and trauma-informed practices to resolve barriers.” (Stakeholder survey respondent)*
- *“Limited services and long distances.” (Stakeholder survey respondent)*
- *“Few resources or providers; limited service hours.” (Stakeholder survey respondent)*

Integration of housing and services. The Supreme Court’s 1999 decision in *Olmstead v. L.C.* requires states “eliminate unnecessary segregation of persons with disabilities and to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs.” This landmark civil rights decision held that Title II of the Americans with Disabilities Act (ADA) prohibits unjustified segregation of individuals with disabilities. While the decision addressed the needs of individuals seeking to leave institutional settings, it also applies to the state’s provision of treatment, services, and supports to prevent institutionalization. The Supreme Court allowed public agencies the opportunity to develop plans (known as *Olmstead Plans*) to comply with the decision’s integration mandate, rather than compliance through litigation.

Since the *Olmstead* decision, states like Oregon have shifted the delivery of long-term services and supports (LTSS) away from institutional settings to home and community-based services (HCBS) funded in large part (60%) by Medicaid under Section 1915(c). A 2014 Centers for Medicare and Medicaid Services (CMS) rule requires states to deliver HCBS such that beneficiaries “have the same degree of access to employment, control of personal

resources, and engagement in community life as others in the community”¹⁵ by March 17, 2022. After March 17, 2022, settings that do not meet the rule’s requirements will not receive payment for HCBS. Oregon’s transition plan for compliance was approved in February 2019.¹⁶ OHA’s Health Systems Division operates Oregon’s HCBS State Plan Option and the Department of Human Services operates Oregon’s Section 1915(c) HCBS waiver programs—Children’s HCBS Waiver, Adults’ HCBS Waiver, Medically Fragile Hospital Model, Behavioral Model Waiver, and the Medically Involved Children’s Waiver.

Oregon’s HCBS On-Site Compliance Assessment for Residential Programs conducts on-site visits of every residential program site funded by Medicaid HCBS and determines whether or not the provider is in compliance with the 2014 CMS rule. Providers are evaluated on several indicators of community versus institutional characteristics such as integration, choices, control of schedule, privacy, dignity, respect and freedom from coercion or restraint, privacy (including locking the door), choice of roommate, furnishing and decorating, access to food, visitors, and a residency agreement. Programs are either compliant or in need of remediation. The most recent publicly available Provider Status Report (February 2019) found that 2,198 of 5,142 resident programs assessed required heightened scrutiny or remediation.¹⁷

Figure III-36 presents the distribution by type of setting of LTSS recipients in Oregon. As shown, the majority live in family homes and none are shown to be living in large group settings (16+ group). Figure III-37 shows that nearly 25,000 Oregonians received LTSS in 2017, and that none lived in long-term care facilities or intermediate care facilities. According to the Institute on Community Integration at the University of Minnesota, no Oregon residents were on waitlists to receive HCBS waivers.

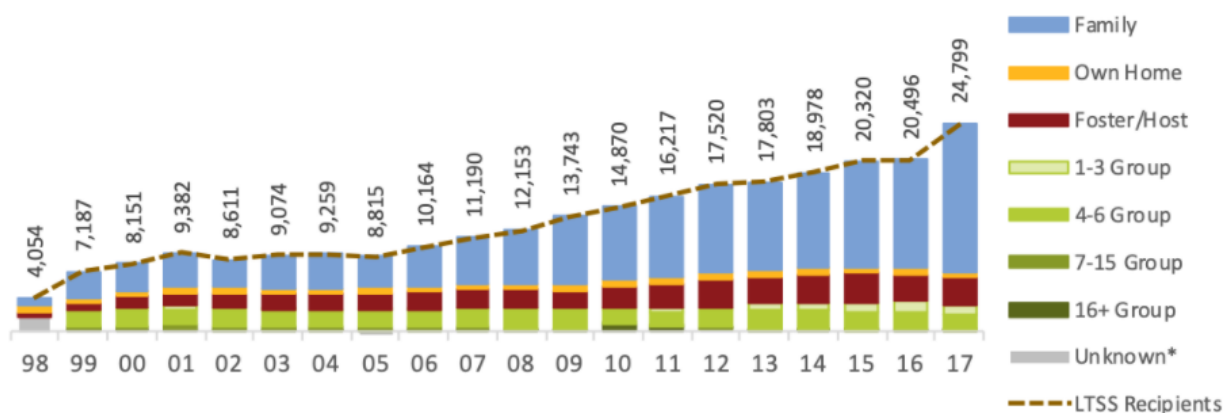
¹⁵ <https://www.macpac.gov/wp-content/uploads/2019/12/Implementation-of-the-Home-and-Community-Based-Services-Settings-Rule.pdf>

¹⁶ <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/HCBS/TransitionPlan/Oregons-Approved-Transition-Plan-Feb-2019.pdf>

¹⁷ <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/HCBS/Pages/ODDS.aspx>

Figure III-36.
IDD Agency Long Term Supports and Services (LTSS) and Services
Recipients by Residence Type, Oregon, 1998-2017

IDD Agency Long Term Supports and Services Recipients by Residence Type

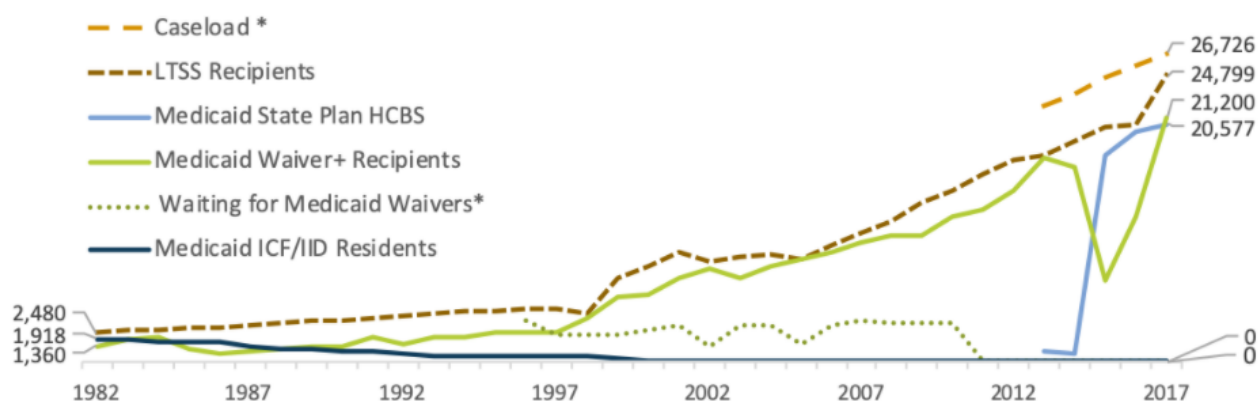


* Unknown setting type or size reported in FY 2017 and gaps in all other years

Source: Larson, S.A., Taylor, B., Pettingell, S., Sowers, M., & Bourne, M.L. (2020). In-home and residential long-term supports and services for persons with intellectual or developmental disabilities: Status and trends through 2017. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Figure III-37.
Long-Term Supportive Services (LTSS) and Medicaid Recipients and
Waiting for Waivers, Oregon, 1982-2017

LTSS and Medicaid Recipients and Waiting for Waivers* 1982-2017



* Caseload of the State ID/DD Agency, Waiting while living in the home of a family member

Source: Larson, S.A., Taylor, B., Pettingell, S., Sowers, M., & Bourne, M.L. (2020). In-home and residential long-term supports and services for persons with intellectual or developmental disabilities: Status and trends through 2017. Minneapolis: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Availability of housing and services for adults with SPMI. The significant need for housing and services for adults with SPMI in Oregon identified by stakeholders

dovetails with the U.S. Department of Justice (DOJ) investigation into Oregon's Compliance with the *Olmstead* integration mandate as it applies to adults with SPMI. As a result of the DOJ's investigation, Oregon developed the Oregon Performance Plan (OPP) and committed to numerous actions to improve mental health services for adults with SPMI. This includes building capacity for Assertive Community Treatment (ACT), mobile crisis response teams, and supportive housing for persons with SPMI. A June 2020 report on the State's compliance with the OPP found that the state was nearly in compliance with supportive housing commitments but still needs to make progress toward meeting other goals:

- The number of adults with SPMI receiving ACT, 1,325, fell short of the goal of serving 2,000 adults.

All Oregon counties now have some form of mobile crisis service and served 8,905 residents in 2019—much higher than the 3,700 goal. One of the benefits of this approach is significantly reducing the number of criminal justice interactions from crisis episodes; in 2019, 83 percent of cases individuals in crisis did not interact with the criminal justice system. Expansion of community mental health services is still inadequate, and community services rely heavily on mobile crisis response.

In the OPP, Oregon committed to increase the number of SPMI adults in supported housing that best meets the individual's needs and choices. The state fell just short of meeting its goal of 2,000 (1,903 housed). With budget reductions due to revenue shortfalls caused by the COVID-19 pandemic Oregon's Rental Assistance Program (RAP)—which provided much of the funding for supportive housing efforts—is facing budget cuts which will likely result in the state being unable to maintain its commitment of 2,000 adults with SPMI living in supported housing.

Community engagement participants emphasized the need for housing and supportive services for adults with SPMI and other disabilities to address fair housing barriers in Oregon.

- *"People with disabilities, especially mental health issues—they may get into housing with a conventional landlord, but they may have behavioral issues, or may not be able to get an accommodation. So, we need some way of keeping some type of housing support for people with mental health issues. Where they can live safely, and where they can get into housing even with a blemished history." (Community Advisory Group focus group participant)*
- *"We need some kind of setup for transitional housing for mental health—for when they go into a breakdown, the family would lose everything. When my mom would get out of the hospital, she was placed into foster living, which was really good until she was ready to transition into her own independent room, and then transition into her own apartment. I don't think that's available now. It's really challenging because we don't have the support system within mental health, someone to check in can*

recognize signs of spiraling. They could get help then, so they wouldn't continue to go through the cycle of losing everything." (Community Advisory Group focus group participant)

- *"Increase housing stock with units set aside for individuals with SPMI and SUD disabilities." (Stakeholder survey respondent)*
- *"Support mission based housing providers committed to providing low barrier, affordable housing." (Stakeholder survey respondent)*
- *"Not only is there an ever increasing need for greater affordable supply, much of our current supply is in need of general safety maintenance. Ideally, I would like to see more investments to better support people with disabilities' housing needs and I understand there's significant challenges to doing so." (Stakeholder survey respondent)*

SECTION IV.

COMPLAINT AND LEGAL REVIEW

SECTION IV.

Complaint and Legal Review

This section provides an overview of fair housing complaints filed and investigated since the last AI was conducted, as well as a summary of legal cases that have occurred in the state in the past 10 years. The intent of this section is to highlight the most common and persistent fair housing violations and alleged discriminatory activity in the state.

Fair Housing Protections

The Federal Fair Housing Act, passed in 1968 and amended in 1988 (and thus referred to as the Fair Housing Act—Amended or FHAA), prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status and disability. The FHAA covers most types of housing including rental housing, home sales, mortgage and home improvement lending and land use and zoning. Excluded from the FHAA are owner-occupied buildings with no more than four units, single family housing units sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.

The State of Oregon fair housing laws extend protection to other groups, including:

- Marital status;
- Source of income;¹
- Sexual orientation including gender identity; and
- Status as a survivor of domestic violence.

Fair Housing Complaints

This section provides a summary of the process for filing and investigating fair housing complaints in Oregon. Additionally, trends in fair housing complaints filed by Oregon residents since the past AI are included to highlight the most common fair housing violations in the state and procedural outcomes.

Process for filing complaints. The Civil Rights Division of the Oregon Bureau of Labor and Industries (BOLI) has the primary responsibility for enforcing state fair housing law. BOLI also enforces laws related to discrimination and furthers equal opportunity in the

¹ Source of income is intended to protect benefit income, such as social security income or disability income. State legislation was updated on July 1, 2014 to include Section 8 vouchers and other forms of rental subsidy as a protected source of income.

areas of employment, public accommodations, and career schools. For Oregon residents who feel they experienced discrimination, several options are available.

- Residents can contact the Fair Housing Council of Oregon (FHCO) for guidance on filing a complaint or for a referral to an attorney;
- If BOLI and HUD do not have adequate evidence for the case to proceed in state or federal court, residents can also contact an attorney directly to pursue a civil complaint. Low income residents can seek representation by Legal Aid Services of Oregon (LASO);
- Residents can file a complaint with HUD, which oversees housing discrimination for federal protected classes; and/or
- Residents can file a complaint with BOLI, who investigates violations of state law.

BOLI and HUD. Prior to 2016, Oregon’s fair housing law was designated as “substantially equivalent” by HUD—this designation was granted in 2008. However, due to legislative changes to Oregon’s state law, HUD deemed BOLI no longer substantially equivalent and terminated its partnership with BOLI as of April 3, 2016. Local officials in Oregon have since feared a decrease in enforcement as residents navigate a “backlogged federal process” and the state bureau ceased on-the-ground investigations.

Following a report that investigated housing discrimination in Portland in 2018—which found more than one in four renters experienced discrimination—there was increased interest in state fair housing enforcement. Van Hoyle, Oregon’s statewide labor commissioner, wrote in an opinion piece titled, “Housing discrimination all too real,” for the Register-Guard in January of 2020:

“When I took office one year ago, I was surprised to learn that this state had previously walked away from a state/federal partnership with the federal Housing and Urban Development agency to investigate certain instances of housing discrimination, a move that leaves many people experiencing racism relying exclusively on a federal process that is long and backlogged. I believe we should re-engage with the federal government to maximize our ability to serve Oregonians who are fighting discrimination, and I’m working with legislators in Salem to get my agency back on that track. To take on discrimination, we have to be in the fight as full partners, not passive observers.”

During the 2020 legislative session, Senate Bill 1534 was introduced to increase enforcement of Fair Housing Law in Oregon and reinstate the state-federal partnership between BOLI and HUD. According to supporters of the proposed bill, federal dollars for cases of housing discrimination will cover 90 percent of enforcement costs once the program is up and running. Although Senate Bill 1534 did not go to a vote, BOLI’s substantial equivalency will be restored under current law in October 2021.

Filing with BOLI. State law designates BOLI as the state agency with the authority for enforcing both housing and employment protections.² The BOLI intake process begins by completing a questionnaire available on BOLI's website or by phone. An intake officer then drafts a formal complaint document that will be mailed to the complainant and must be signed by the complainant before it is returned to BOLI. After the signed complaint is received, notice of the complaint is sent to the complainant and the respondent. Complaints must be filed within one year of the date when the alleged discrimination occurred.

Case assessment. If it is determined unlikely that an investigation would yield substantial evidence supporting the allegations, the case will be closed and BOLI provides the complainant with information regarding their right to file in civil court.

Further investigation. If BOLI determines there is prima facie case³, a BOLI investigator notifies the complainant and respondent and conducts interviews. During the investigation, the case conciliator attempts to find a way to settle the case. The complainant may be required to attend a fact-finding conference, which aims to identify points of agreement and disagreement to potentially settle the complaint. If a settlement is achieved at this stage, a conciliation agreement—a voluntary no-fault settlement of a complaint—is created and the case is closed.

If conciliation is not reached, BOLI continues to investigate. The burden of proof rests with the complainant. To prove discrimination occurred, substantial evidence must be provided linking the activity to one's protected class. When the investigation is complete, the investigator makes a recommendation whether to find cause or dismiss the case.

Determination of discrimination. If BOLI finds substantial evidence of discrimination, the investigator issues a Substantial Evidence Determination and sends the case to management for review. The case is reviewed for evidence required for an administrative hearing. If the review determines that evidence is not present, the case is closed.

Administrative hearing. An administrative hearing is similar to a court hearing and is held before an Administrative Law Judge (ALJ). After the hearing, the ALJ issues a proposed order to the Commissioner of BOLI. The Commissioner may adopt, reject, or modify the proposed order. The Commissioner's Final Order has the same weight as a judge's decision and may specify remedies including the rental, lease, or sale of real property; the provision

² Oregon law that governs discriminatory activity in housing transactions is found in ORS 659A-145 and 421.

³ Defined by Cornell Law School Legal Information Institute as, "the establishment of a legally required rebuttable presumption. A prima facie case is a cause of action or defense that is sufficiently established by a party's evidence to justify a verdict in his or her favor, provided such evidence is not rebutted by the other party."

of services; out-of-pocket expenses or benefits lost because of the discriminatory practice; and compensation for emotional distress.

Filing with HUD. Federal claims of fair housing violations will have to be filed directly with HUD. The HUD complaint intake process is free of charge and fair housing complaints can be filed by either individuals or groups. Similar to BOLI, complaints may be filed with HUD by telephone, mail, or via the internet by filling out a complaint form.

A formal complaint is then drafted and sent to the complainant for review and signature. Once the signed draft is received, HUD will contact the respondent informing them that a complaint has been filed against them along with a copy of the complaint. The respondent must submit answers relevant to the complaint with 10 days of receiving the notice.

Investigation. The investigation may consist of collecting relevant documents, interviews, and site visits. HUD has authority to take depositions, issue subpoenas and interrogatories, and compel testimony or documents. HUD is required by the Fair Housing Act to attempt to bring the parties together to reach conciliation in every complaint case. However, conciliation is voluntary for both parties.

A conciliation agreement will end the investigation and close the case. Conciliation agreements between parties and signed by HUD must protect the public interest. If the agreement is breached by either party, HUD may recommend the U.S. Department of Justice (DOJ) intervene to enforce the agreement.

Determination of discrimination. Prior to conciliation, HUD may determine there is no reasonable cause to believe that discrimination occurred resulting in a “no reasonable cause” determination. Such a determination will close the case. If the complainant disagrees with HUD’s decision, they may request that the case be reconsidered. Such a request would prompt further evidence gathering and investigation. Following the review of new evidence, the “no reasonable cause” finding may be upheld, at which point HUD will take no further action, or the case may be re-opened. The complainant may pursue recourse in civil court in the appropriate US district court if “no reasonable cause” is determined.

If “reasonable cause” is determined by investigators, HUD will issue a “reasonable cause” determination, the respondent will be charged, and the case will be heard by a HUD Administrative Law Judge. Alternatively, either party may elect to have the case heard in federal civil courts. This election must be made within 20 days of the charge receipt and the DOJ will commence a civil action on behalf of the aggrieved person in U.S. District Court within 30 days.

Administrative hearing. If the case goes to the HUD Administrative Law Judge, the judge will hear the case and make an initial decision. If the defendant is found guilty, the

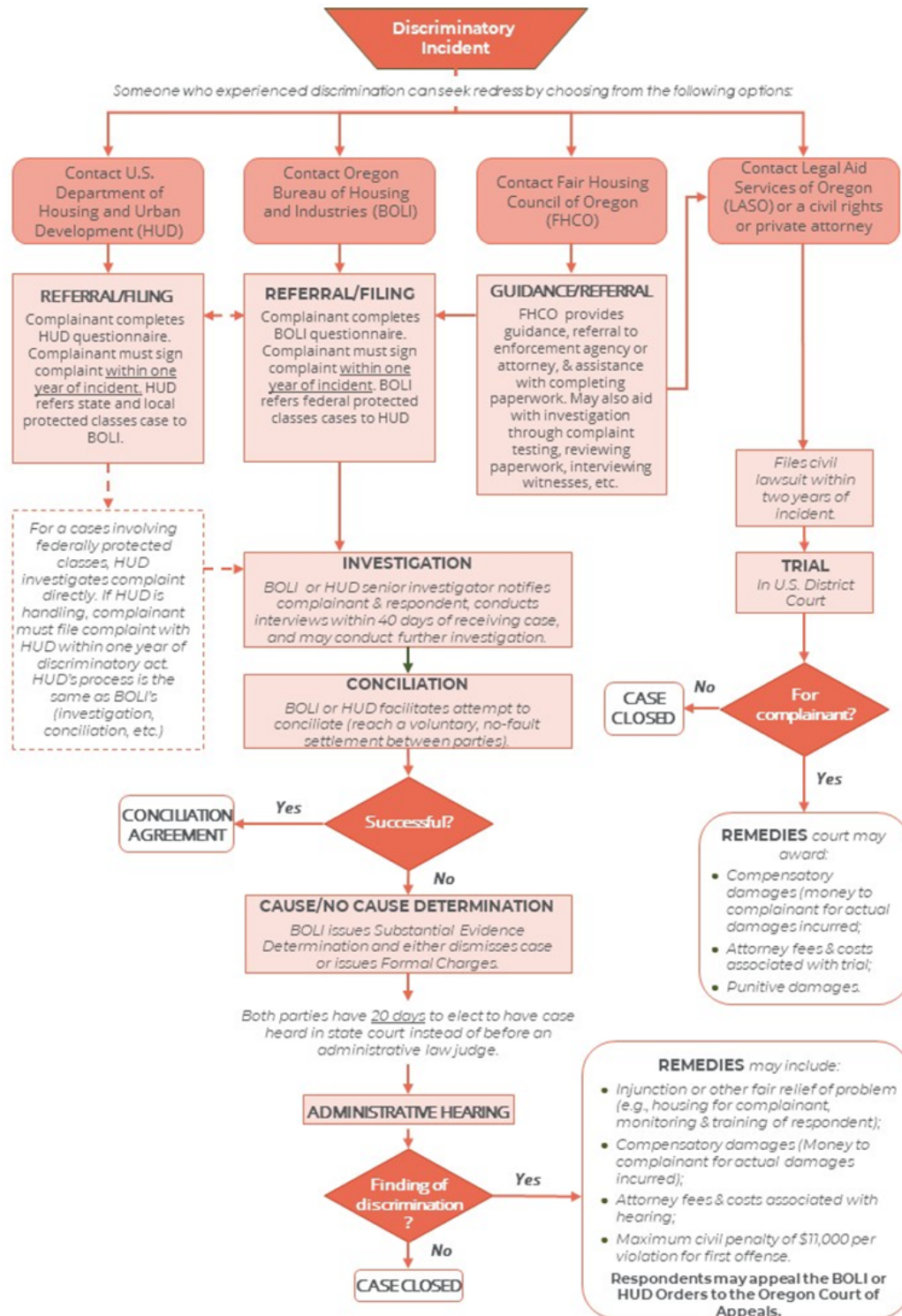
judge may award a maximum civil penalty of \$11,000 per violation for a first offense in addition to damages for the complainant and attorneys' fees.

Within 15 days of the initial decision, any party can petition the Secretary of HUD for review. The Secretary has 30 days to affirm, modify, or set aside the initial decision or remand the initial decision for further proceedings. If no action is taken within 30 days, the initial decision will be the final decision. After the final decision is made, any aggrieved party may appeal to the appropriate court of appeals.

Fair Housing Council of Oregon. The Fair Housing Council of Oregon (FHCO) is a state advocacy organization whose mission is to eliminate illegal housing discrimination through enforcement and education. FHCO maintains a hotline for residents who have experienced discrimination. FHCO staff provide guidance for residents who call the hotline on the best way to proceed—including filing a complaint with the appropriate state or local government agency or bringing the lawsuit in federal or state court.

Figure IV-1 provides an overview of the primary steps involved in pursuing a fair housing complaint in Oregon.

Figure IV-1.
Fair Housing Complaint Flowchart for Oregon



Note: This diagram is a simplified summary of common pathways for seeking protection of remedies under the Fair Housing Act. It includes principal, but not all, steps and options.

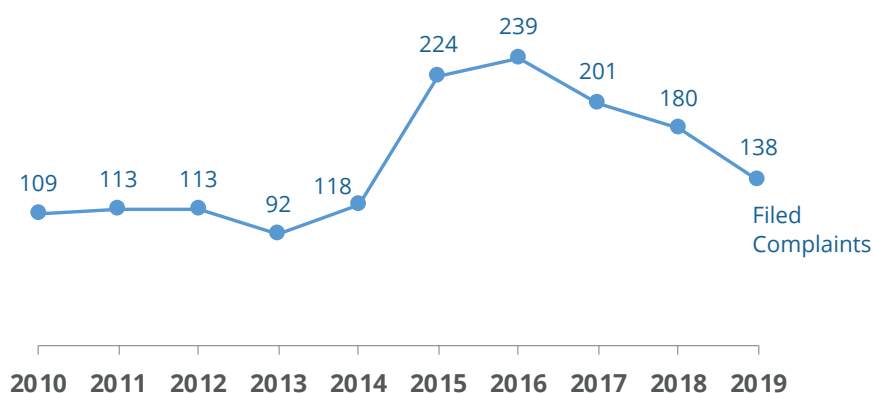
Source: HUD and BOLI.

Oregon complaint trends. This section examines trends in fair housing complaints obtained from the Fair Housing Council of Oregon (FHCO). Between January 1, 2015 and December 31, 2019, a total of 982 complaints of alleged discriminatory acts were examined by BOLI. Complaints were filed in 34 counties (excluding Wheeler and Sherman counties). These complaints represent a significant increase (80%) in the total number of complaints during the preceding five year period from January 1, 2010 to December 31, 2014, when a total of 545 were made.

Complaint trends over time. Figure IV-2 shows year over year changes to the total number of complaints filed. Complaints peaked in 2016—with a total of 239 complaints—and have since been on a decline.

Figure IV-2.
Number of
Complaints by
Year, 2010–2019

Source:
Bureau of Labor and Industries.



Basis of complaints. Figure IV-3 compares the primary basis given for complaints from 2010 through 2014 and 2015 through 2019. From 2015 to 2019, most complaints (55%) provided disability as the primary basis for the complaint. This is consistent with the previous five year period, in which disability-based complaints represented 52 percent of all complaints.

The share of complaints that provide source of income as the primary basis increased from 1 percent of complaints between 2010 and 2014 and to 12 percent between 2015 and 2019. This is largely due to the enactment of source of Income protections in 2013.

Figure IV-3.
Basis of Complaints, State of Oregon, 2010–2014, 2015–2019

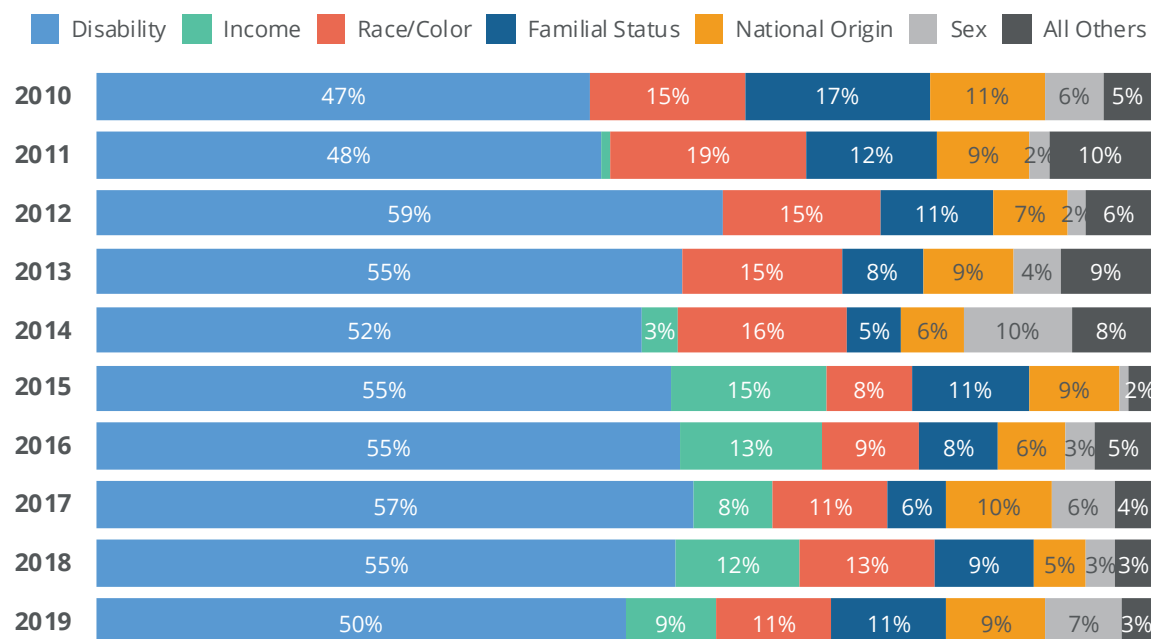
Basis	2010 through 2014		Basis	2015 through 2019	
	Number of Complaints	Percent of Complaints		Number of Complaints	Percent of Complaints
Disability	284	52%	Disability	536	55%
Race and Color	87	16%	Source of Income	113	12%
Familial Status	58	11%	Race or Color	100	10%
National Origin	45	8%	Familial Status	86	9%
Sex	26	5%	National Origin	76	8%
Retaliation	20	4%	Sex	36	4%
Sexual Orientation	12	2%	Domestic Violence	18	2%
Religion	8	1%	Gender Identity	6	1%
Source of Income	5	1%	Sexual Orientation	4	0%
Total Complaints	545	100%	Religion	3	0%
			Age	2	0%
			Marital Status	2	0%
			Total Complaints	982	100%

Note: For 2010 through 2014 data, one primary basis was reported for each complaint. For 2015 through 2019 data, the primary basis represents the first basis reported for each complaint

Source: Bureau of Labor and Industries.

Figure IV-4 examines trends in the primary basis of complaint by year. Complaints on the basis of disability typically account for half of all complaints in any given year. Cases based on familial status, national origin, source of income, and sex vary greatly year to year.

Figure IV-4.
Primary Basis of Complaints by Year, State of Oregon, 2010–2019



Note: Percentages less than 2% are not labeled. Total yearly complaints were between 92 and 239. Between 2010 and 2014, only one basis was provided per complaint. Between 2015 and 2019, the primary basis represents the first basis reported for each complaint. The label income represents source of income in this chart.

Source: Bureau of Labor and Industries.

More than half (53%) of complaints made between 2015 and 2019 had more than one basis of discrimination, as shown in Figure IV-5.

Figure IV-5.
Bases Per Complaint, State of Oregon, 2015–2019

Note:
Multiple basis may be given in a single complaint. Totals represents the total number of times a basis was given, not the total number of complaints.

Source:
Bureau of Labor and Industries.

Number of Bases Given per Complaint	Number of Complaints	Percent of Complaints
1	460	47%
2	375	38%
3	77	8%
4	49	5%
5	10	1%
6	7	1%
7	4	0%
All Complaints	982	100%

Figure IV-6 shows the distribution of complaints for all bases. Disability remains the top basis for a complaint. Source of income is slightly less prevalent among all bases than primary bases (9% compared to 12%) and race or color is slightly more prevalent (11%

compared to 10%). Overall, statewide proportions remained relatively consistent whether evaluating the prevalence of primary or all bases.

Figure IV-6.
All Bases of Complaints, State of Oregon, 2015–2019

Note:

Multiple bases may be given in a single complaint. Totals represents the total number of times a basis was given, not the total number of complaints.

Source:

Bureau of Labor and Industries.

Basis	Number of Bases	Percent of Bases
Disability	964	55%
Race or Color	188	11%
Source of Income	152	9%
National Origin	127	7%
Familial Status	122	7%
Sex	107	6%
Domestic Violence	31	2%
Age	15	1%
Gender Identity	15	1%
Sexual Orientation	14	1%
Religion	13	1%
Marital Status	5	0%
Domestic Partnership	2	0%
Type of Occupation	1	0%
Veterans Status (WA)	1	0%
Total Basis	1,757	100%

Geographic distribution. Figure IV-7 shows the share of statewide complaints by county compared to the distribution of the state’s population by county in 2019. Generally, the proportion of complaints mirrors the proportion of residents (i.e., higher population counties have higher shares of the total complaints).

However, there are several counties that have a disproportionately high share of the complaints relative to their share of population. Multnomah, the most populous county in the state, represents 19 percent of the state population and 34 percent of total complaints. Multnomah County had the same disproportionate share of complaints in the previous five year period. Similarly, Lincoln County, although much less populous, has a disproportionate share of complaints (4% of complaints compared to 1% of residents).

Conversely, Clackamas County has disproportionately fewer complaints (6%) relative to its population share (10%). The share of complaints in Clackamas County in the period 2010 through 2014 was 10 percent, roughly equivalent to the county’s complaint share of 9 percent.

**Figure IV-7.
Share of Complaints
and Population by
County, 2015–2019**

Note:

Population calculation based on 2019.

Source:

Bureau of Labor and Industries.

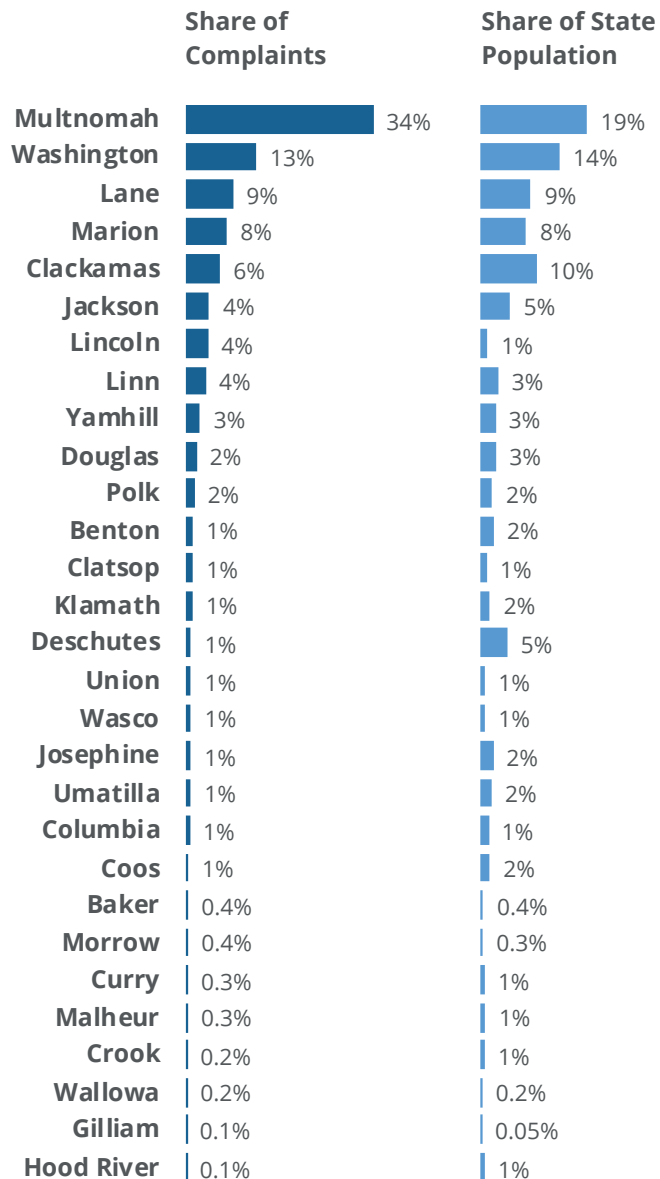


Figure IV-8 presents complaints as a ratio (complaints per 10,000 people) to control for population size. The ratio of complaints to population is highest in Lincoln, Gilliam, and Multnomah counties. Higher ratios in Lincoln and Gilliam counties may be due to high rates of residents with at least one disability observed in Census data. Overall, complaints per 10,000 residents for the State of Oregon overall was 2.3—an increase from 1.4 during the previous five year period.

Figure IV-8.
Counties with the Most Complaints, 2015–2019

Top 10 Counties		Number of Complaints	Top 10 Counties		Complaints per 10,000 residents
1	Multnomah	335	1	Lincoln	7.8
2	Washington	127	2	Gilliam	5.2
3	Lane	84	3	Multnomah	4.1
4	Marion	74	4	Union	3.7
5	Clackamas	61	5	Wasco	3.7
6	Jackson	42	6	Morrow	3.4
7	Lincoln	39	7	Clatsop	3.2
8	Linn	35	8	Wallowa	2.8
9	Yamhill	26	9	Linn	2.7
10	Douglas	19	10	Baker	2.5
State of Oregon		982	State of Oregon		2.3

Note: Population calculation based on 2019.

Source: Bureau of Labor and Industries.

The following figures show the top 10 counties with the most common bases of complaints statewide—disability, race and color, and source of income.

- Counties with higher-than-statewide proportions of disability complaints are largely rural areas.
- Race and/or color based are most common in more populous counties, which are also more diverse racially and ethnically.
- Source of income complaints have no distinct geographic pattern and do not appear correlated with urban areas where housing choice voucher numbers are the highest.

**Figure IV-9.
Counties with the
Highest Percentage
of Disability- Based
Complaints, 2015–
2019**

Note:

The primary basis represents the first basis reported for each complaint. The table excludes counties with low (<10) total complaints.

Source:

Bureau of Labor and Industries.

Top 10 Counties		Disability Basis Given	Total Bases Given	Percent
1	Linn	46	63	73%
2	Josephine	12	17	71%
3	Union	11	16	69%
4	Douglas	21	32	66%
5	Polk	17	26	65%
6	Columbia	7	11	64%
7	Yamhill	25	40	63%
8	Clatsop	13	22	59%
9	Lane	80	136	59%
10	Benton	14	24	58%
State of Oregon		964	1,757	55%

**Figure IV-10.
Counties with the
Highest Percentage
of Race/Color-
Based Complaints
2015–2019**

Note:

Multiple basis may be given in a single complaint. Totals represents total number of times a basis was given, not the total number of complaints. The table excludes counties with low (<10) basis totals.

Source:

Bureau of Labor and Industries.

Top 10 Counties		Race/Color Basis Given	Total Bases Given	Percent
1	Columbia	2	11	18%
2	Multnomah	101	614	16%
3	Clackamas	15	104	14%
4	Lane	14	136	10%
5	Washington	19	204	9%
6	Clatsop	2	22	9%
7	Jackson	8	92	9%
8	Klamath	2	26	8%
9	Yamhill	3	40	8%
10	Union	1	16	6%
State of Oregon		188	1,757	11%

**Figure IV-11.
Counties with the
Highest Percentage
of SOI-Based
Complaints 2015–
2019**

Note:

Multiple basis may be given in a single complaint. Totals represents total number of times a basis was given, not the total number of complaints. The table excludes counties with low (<10) basis totals.

Source:

Bureau of Labor and Industries.

Top 10 Counties		Income Basis Provided	Total Basis Provided	Percent
1	Wasco	7	22	32%
2	Klamath	4	26	15%
3	Yamhill	6	40	15%
4	Jackson	13	92	14%
5	Lane	19	136	14%
6	Clatsop	3	22	14%
7	Union	2	16	13%
8	Polk	3	26	12%
9	Deschutes	2	19	11%
10	Columbia	1	11	9%
State of Oregon		152	1,757	9%

Fair housing complaints—stakeholder perspectives. In interviews and focus groups, stakeholders emphasized the importance of Oregon restoring substantial equivalency and continuing to reform BOLI's complaint process. It is still viewed as cumbersome, lengthy, and highly selective in the cases pursued.

- *“BOLI complaints are not effective—unless you have a piece of paper with something that says ‘your children are not allowed to...’ BOLI won’t take it. But, BOLI is not an effective enforcement mechanism. It takes too long.” (Community Advisory Group focus group participant)*

In focus groups and interviews, participants discussed their view that discrimination on the basis of race is underreported in Oregon and nationally. Participants attribute the lack of reporting to several factors, including reluctance to report or file complaints and low awareness of or trust in organizations that file complaints. Fair housing stakeholders described their efforts to partner with organizations trusted by communities of color to build relationships to increase trust and reporting.

- *“Over the summer we saw a rise in hate and harassment based inquiries; some tied to politics, BLM, etc. but also saw more increase in people wanting to speak out more.” (Fair housing stakeholder focus group participant)*
- *“While we see reporting that is 50 percent or more on the basis of disability, race/national origin are likely much higher. FHCO has developed partnerships with the Urban League of Portland, for example, to source complaints. We see more allegations on the basis of race when partnering with culturally specific organizations.” (Fair housing stakeholder focus group participant)*

Fair Housing Legal Case Review

This section describes fair housing legal actions that were brought or resolved during the past ten years. The cases in this section are from the United States Department of Justice Housing and Civil Enforcement Cases Database.

The purpose of this section is to highlight recent legal findings that concern fair housing laws. Case summaries are provided for local government leaders, staff, stakeholders, and the public to better understand the more complex aspects of fair housing laws and raise awareness.

Cases on the basis of disability. Of the 11 cases filed since 2010, the majority (7) were filed on the basis of disability. Five of these cases resulted in settlements in favor of the complainant while two were dismissed. Cases brought with the basis of disability included reasonable accommodations complaints (4) and complaints regarding design/construction and the adherence to FFHA and ADA requirements (2).

Bureau of Labor and Industries of the State of Oregon v. Prometheus Real Estate Group Inc., et al. (2014). This case involves a complaint filed with the Bureau of Labor and Industries (BOLI) against Prometheus Real Estate Group for failure to make a reasonable accommodation.

The complainant requested an accessible parking spot closer to their unit because their disability limited their ability to walk. The apartment complex in which the complainant lived failed to comply with the request. Several months later, the complainant was injured in the parking lot of the housing complex and died a week later due to injuries sustained on the property. A complaint was filed with BOLI, which found substantial evidence of unlawful discrimination on the part of the Prometheus Real Estate Group—including a failure to make reasonable accommodation.

The Prometheus Real Estate Group agreed to pay \$475,000 and submit fair housing regulatory audits of its properties to settle allegations that it failed to provide a reasonable accommodation. The agreement also stipulated that the company notify all tenants of their rights to reasonable accommodation.

Book v. Hunter (2013). This case involved a refusal to make reasonable accommodation. The complainant, a resident with a disability living with an emotional assistance service dog, sought to rent an apartment from the defendants. After the complainant's rental application was preliminarily approved, they provided the defendants with a physician's note identifying their need for a service animal. The rental application was subsequently denied due to, "inaccurate or false information supplied by applicant," and "undisclosed or unpermitted pet." The court held that the defendants violated the FFHA by failing to reasonably accommodate the complainant's disability. The court ruled in favor of the complainant and awarded \$12,000 in damages and recovery of attorney's fees and costs.

Steven Kulin v. Deschutes County (2010). This case involves alleged violation of FFHA and ADA based on disability status. The complainant was a business owner with a disability who operated their business from home. They received notices from Deschutes County that they violated the county code associated with their property and that a variance from the code was required for them to run their business. The complainant claimed that the county deprived them of their property and enjoyment of their home due to their refusal to accommodate persons with disabilities in the application of the county code and by requiring persons with disabilities to apply for a variance in order to receive accommodation. The court did not find sufficient evidence to support the allegation that the defendants were liable for the violation and dismissed the complainant's claims.

Kuhn v. McNary Estates Homeowners Assoc. (2017). In this case, the McNary Estates Homeowners Association (HOA) was challenged for denying a reasonable accommodation for an adult child living with a disability. Defendant McNary Estates Homeowners Association, Inc., ("HOA") denied the request for an exception to the HOA's restrictive covenant prohibiting residents of McNary Estates from parking large vehicles in their driveways. After the HOA denied the plaintiffs' request, the plaintiffs filed an action against the HOA and its president, asserting violations of the federal Fair Housing Amendments Act ("FHAA") and the Oregon Fair Housing Act, as well as a claim for negligence. This lawsuit was settled for \$300,000.

United States v. Montagne Development, Inc. (2013) This complaint alleged that the defendants failed to design and construct Gateway Village Apartments in compliance with the Fair Housing Act. Under the terms of the partial consent order, the defendants must perform the necessary accessibility retrofits to covered apartment interiors and to the development's public and common use areas. The defendant paid \$48,000 to the Fair Housing Council of Oregon (FHCO) and \$32,000 to establish a settlement fund to compensate individuals with disabilities who were impacted by the accessibility violations.

McVick LLC and JDV Corporation v. United States Department of Housing and Urban Development (2012). This case involves noncompliance with accessibility requirements in the FFHA for persons with disabilities. The Fair Housing Council of Oregon (FHCO) filed a complaint with HUD alleging that McVick LLC discriminated on the basis of disability by building a property that did not comply with the FFHA's accessibility requirements. McVick LLC repeatedly refused to allow HUD to inspect the interior of the units. They also filed counterclaims that HUD's inspection should be banned because the complainant, the FHCO, lacked standing and was not an "aggrieved person" under the FFHA. The court ruled in favor of HUD, concluding that McVick LLC knew of the defendant's desire to inspect the property and that they failed to provide evidence of irreparable harm caused by allowing interior inspections.

Discrimination against a protected class. There were five cases brought with the complainant claiming discrimination against a protected class. Complaints included

refusal to rent, predatory lending, and land use discrimination. One of the five cases resulted in a settlement.

Fishing Rock Owners' Association, Inc. v. David Roberts and Sharon Roberts (2014). This case involves a counterclaim against an HOA for denying a request from a homeowner to operate a drug rehabilitation facility in the Fishing Rock subdivision. While initial claims made by the HOA were not fair housing related, the homeowner alleged in their counterclaim discrimination on the basis of disability citing restrictive parking rules. The court ruled that the homeowner failed to present any evidence to support a reasonable accommodation claim or to support the claim that the association interfered with their attempts to establish a rehabilitation facility by creating restrictive parking rules. The court dismissed the owner's counterclaims.

Pacific Community Resource Center et al., v. City of Glendale, Oregon (2014). This case involves alleged discriminatory enforcement of the City of Glendale's ordinance on occupancy requirements. The complainant alleged that zoning changes that would disallow the operation of a motel for residential use discriminated against the Native American tenants of the motel. The complainant established a motel in a commercial zone district and requested permission from City Council to allow for residential tenant rentals. The City Council then changed the zoning ordinance to prohibit multifamily use in commercial districts and provided notice. The motel owner was later charged with violating the city zoning ordinance, which resulted in penalties and fines. The court found the complainants' evidence provided only an inference of discriminatory impact, not a direct discriminatory impact. The complainants' claim of disparate impact on the Native American community of Glendale was considered insufficient by the court because two of the three Native American tenants were able to relocate during litigation. The court denied the complainants' motion for relief.

Woodworth v. Bank of America (2011). This case involves alleged discrimination in lending by a financial institution. The complainants in this case were living with disabilities and relied on Social Security Disability income. They contacted Bank of America to obtain financing for needed repairs to their home. Instead of providing a home equity line of credit, the bank refinanced the complainants mortgage successively for several years to allow them to gain access to the capital they needed. However, the increased payments eventually resulted in the tenants inability to pay their loan payments resulting in default. The bank subsequently planned to foreclose on the home. The complainants claimed that their housing was made unavailable through predatory mortgage lending and discrimination on the basis of disability. The court ruled in favor of the defendants, who argued the FFHA only applies to purchase transactions, not refinance loans at issue in this case. The court also held that the complainants failed to provide substantial evidence showing directly or raising the inference that discriminatory intent motivated the defendants' conduct.

United States of America and Fair Housing Council of Oregon v. Hadlock (2010).

The Fair Housing Council of Oregon (FHCO) filed a complaint on behalf of the complainant against the defendant for discriminating on the basis of familial status. The complainant contacted the defendant to inquire about an advertised rental property. The defendant asked the complainant if they had any children because they did not intend to rent the property to anyone with children, a preference that was confirmed with later testing phone calls.

The court found substantial evidence that the defendant made discriminatory statements that discouraged families from renting. The complainants successfully demonstrated the differential treatment resulting from the defendant's statements. The court ruled in favor of the complainant and required the defendant retain a professional management company to continue renting the property, to obtain fair housing training, and to pay damages and attorney's fees to FHCO.

Dean v. Jones (2010). This case involves alleged violation of due process rights and retaliation under the FFHA. The complainant represented themselves and the other residents of the Alder House—a low income housing facility that receives federal housing credits. The complainant alleged that the defendants discriminated against the Alder House tenants by posting unlawful violation notices and fines against the complainants.

The court held that the complainant cannot claim discrimination under the FFHA because they did not claim to be a member of any of the classes protected by the Act or that the defendants' adverse actions were based on their status as a protected class. The court ruled in favor of the defendant and dismissed the complainant's claims.

SECTION V.

REVIEW OF STATE LEVEL PUBLIC SECTOR BARRIERS TO FAIR HOUSING IN OREGON

Section V.

Review of State Level Public Sector Barriers to Fair Housing in Oregon

The FHAA creates obligations that private individuals and entities and all levels of government not “make unavailable” housing to serve certain protected groups of U.S. citizens. This duty has frequently been interpreted by the courts to mean that housing must be available to those protected groups on the same basis it is made available to others. When governments “make unavailable” housing for these citizens it is usually through errors of omission, either by not extending fair housing protections to the full range of citizens protected by federal law, or by failing to consider how facially neutral and well-intentioned requirements could have unintentional discriminatory impacts.

This section reviews whether Oregon state-level laws have the effect of making housing unavailable for groups of citizens protected by the Fair Housing Amendments Act of 1988 (the “FHAA” as later amended and interpreted by the courts). This regulatory review was guided by the U.S. Department of Housing and Urban Development’s (HUD) Fair Housing Planning Guide, Volume 1, and subsequent HUD rulemaking activity.¹ This document updates and clarifies information provided in a similar report prepared by Clarion Associates² to support the State of Oregon 2015 AI.

It is important at the outset to define exactly what this review covers—and what it does not cover.

- **State level focus.** This review focuses on state regulations only. Local government regulations are examined in jurisdictional-level fair housing analyses for entitlement communities. Oregon, like most states in the western and southern U.S., delegates much land use and housing authority to its cities and counties. Unlike many states, however, Oregon’s unique statewide planning system imposes several constraints on how local governments use their powers. The primary question addressed in this review is whether Oregon’s land use and subdivision enabling authorities, taken in conjunction with the statewide planning system that limits the use of those

¹ At the time this section was prepared, HUD’s requirements for Affirmatively Furthering Fair Housing (AFFH) were in flux. Two different rules to amend the AFFH requirement were put forth in 2020. The second, *Preserving Community and Neighborhood Choice*, does not prescribe an approach to AFFH such as the Analysis of Impediments to Fair Housing Choice (AI). It became active shortly before the transition in federal administrations. In April 2021, the Biden Administration filed paperwork suggesting that the AFFH will be restored; however, the reporting requirements for HUD grantees are unspecified.

² <https://www.clarionassociates.com/>

authorities, create barriers to the provision of fair housing. The fact that an Oregon city or county could decide to use state-granted, facially-neutral land use authority that complies with the statewide planning systems in ways that would violate the FHAA is not considered a *state-created* barrier to fair housing.

- **Fair housing focus.** The FHAA prohibits housing discrimination based on race, color, religion, sex, national origin, familial status (which includes pregnant women, but which has been interpreted not to prevent regulations favoring households with children) or disability (which includes the frail, persons with AIDS, physically and developmentally disabled, mentally ill, and person recovering from substance abuse challenges, but not current abusers who are not “recovering”). We refer to those groups as the “FHAA-protected citizens.” That list does not include low income persons, and, as such, this review does not specifically review impacts of state regulations on housing affordability. However, where there is a probable overlap between the FHAA protected classes (such as persons with disabilities) and lower income populations, this review addresses the potential impacts of decreased affordability on the supply of housing for FHAA-protected citizens. Following HUD’s convention in past AIs, these are noted as “observations,” but not “impediments,” because facially neutral and otherwise legal impacts on housing affordability do not constitute barriers to fair housing under the FHAA.
- **Disparate impact.** Consistent with 24 CFR Part 100 et. seq., this review is not limited to regulations that appear to be based on discriminatory intent. It includes those that could have disparate impacts on FHAA protected groups or households.

Covered statutes and regulations. This review covered relevant sections of the following Oregon Statutes and Regulations. Although some Oregon cities and counties use the terms “ordinance” and “regulation” differently, we use the term “regulations” to refer to zoning, subdivision, land use, and other development controls adopted by both cities and counties.

- OAR 660-015 (Statewide Planning Goals)
- Chapter 90 (Residential Landlord and Tenant)
- Chapter 91 (Tenancy)
- Chapter 197 (Comprehensive Land Use Planning)
- Chapter 215 (County Planning and Zoning; Housing Codes)
- Chapter 227 (City Planning and Zoning)
- Chapter 268 (Public Organizations for Community Service)
- Chapter 427 (Persons with Intellectual or Developmental Disabilities)
- Chapter 443 (Residential Care; Adult Foster Homes; Hospice)

- Chapter 446 (Manufactured Dwellings and Structures)
- Chapter 447 (Plumbing; Architectural Barriers)
- Chapter 456 (Housing)
- Chapter 659A (Unlawful Discrimination in Employment, Public Accommodations, and Real Estate Transactions)
- Chapter 701 (Construction Contractors and Contracts)

This review is organized into the following topics:

- | | |
|-----------------------------------|------------------------------|
| ■ Land Use Planning | ■ Urban Growth Boundaries |
| ■ Zoning and Subdivision Platting | ■ Manufactured Homes |
| ■ Farmworker Housing | ■ Assisted Living Facilities |
| ■ Accessibility to Housing Units | ■ Building Occupancy |
| ■ Regulation of Housing Prices | ■ Inclusionary Zoning |

The Link Between Zoning and Fair Housing

The ability of private real estate markets to meet the housing needs of any community is strongly affected by zoning, subdivision, and land development regulations adopted by local governments. Those local actions are, in turn, affected by the powers granted by state governments that allow local regulation of land use. When those regulations effectively or have the potential to limit housing choice for certain protected classes, they create fair housing barriers.

In *U.S. ex. rel. Anti-discrimination Center v. Westchester County*³, a U.S. District Court confirmed that local government eligibility for federal Community Development Block Grant (CDBG) funds requires certification that the city or county is in compliance with the FFHA through taking steps to “affirmatively further fair housing,” or AFFH. At the time of the lawsuit, AFFH meant that a local government (a) conduct an Analysis of Impediments to Fair Housing (AI), (b) take actions to address the effects of those impediments, and (c) maintain records of the analysis and the steps taken. The way in which a jurisdiction receiving federal housing and community development funds complies with the FFHA was modified by HUD in 2020, yet the obligation to AFFH remains. HUD no longer prescribes completion of an AI and leaves the AFFH obligation up to jurisdictions to define. Some feel this makes jurisdictions more vulnerable to fair housing challenges.

As discussed in the body of this report, many FHAA-protected citizens are disproportionately represented in lower income groups due to historical discriminatory

³ 495 F.Supp.2nd 375 (S.D.N.Y. 2007).

practices. For that reason, facially neutral local regulations that have the effect of increasing housing prices may reduce not only housing affordability in general but the supply of housing available to FHAA-protected citizens in particular. In many cases, local regulations and practices that intentionally or unintentionally exclude some types of housing can offset the impact of affordable housing subsidies or increase the amount of subsidies necessary for the market to meet housing needs.

In *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*, the United States Supreme Court held that disparate impact claims are cognizable under the Fair Housing Act without proof of intentional discrimination.⁴ Nonetheless, the Court found that a claim that state or local actions that have a disparate impact on FHAA-protected citizens cannot be sustained solely by evidence of a statistical disparity and imposed several safeguards to protect potential defendants against questionable claims of disparate impact.⁵

In 2019, HUD proposed rulemaking based on the Supreme Court's disparate impact decision that tends to bolster a defendant's ability to challenge a disparate impact claim; this proposed rule was being litigated at the time of this writing. Regardless of the outcome, both state and local governments should be aware that regulations that tend to increase housing prices may have a disparate impact on FHAA-protected citizens. In general, state and local governments should strive to design remedies to disparate impacts on FHAA-protected citizens through facially neutral means.⁶ Increasing the supply of affordable housing is one way to do that.

For all of these reasons, it is important that state governments review their zoning, subdivision and land development authorizing legislation to ensure that they do not create unnecessary barriers to private production of affordable housing. It is also important that states take reasonable steps to ensure that state grants of power to regulate housing or to address affordable housing needs do not unintentionally create barriers to fair housing choice.

Review of Oregon's State Level Land Use Statutes and Regulations

Primary Findings

The State of Oregon has a multi-faceted approach to the regulation of fair housing, needed housing, and housing in general. Oregon statutes include a fairly detailed system to evaluate demands for various types of housing, to prepare plans based on those evaluations of need, and to adopt local land use regulations to implement the adopted

⁴ 135 S. Ct. 2507 (2015).

⁵ *Id.*

⁶ *Id.* At 2524.

plans. Notably, the state has put in place numerous statutes that reflect the language of the FHAA, the ADA, and the Rehabilitation Act of 1973.

More specifically, Oregon statutes:

- Require local governments to provide for “needed housing” through single-family, multi-unit/missing middle, and multifamily housing for both owner and renter occupancies, government assisted housing, mobile or manufactured home parks, manufactured homes on individual lots, and housing for farmworkers, and that manufactured homes and farmworker housing be treated as substantially the equivalent of other single-family and multifamily housing, through statutes that are facially neutral with respect to FHAA-protected citizens;
- Now require cities and areas inside Urban Growth Boundaries to allow middle housing types in single family neighborhoods;
- Now require cities with populations of more than 10,000 to produce a Housing Needs Analysis and Housing Production Strategy on a regular and periodic basis (8 years in most of the state and 6 years inside the Portland metro area). Housing Production Strategies are a new concept that require cities detail actions to promote the development of needed housing. Most significant for the AI, the Administrative Rules prescribe standards for the Housing Production Strategies that require cities to explain how their efforts will “achieve fair housing and equitable housing outcomes” and adopt the 2015 language that HUD used in defining affirmatively furthering fair housing;
- Required OHCS and the state land use agency to collaborate in creating and evaluating a model Regional Housing Needs Analysis to address inherent problems in the current system that perpetuate and reinforce wealth and income disparities among jurisdictions;
- Prohibit local governments from barring government assisted housing that is similar to unassisted housing;
- Grant cities and counties relatively standard zoning and subdivision powers, with the important qualification that they be consistent with adopted comprehensive plans created through the statewide land use planning system, through statutes that are facially neutral with respect to FHAA-protected citizens.
- Require small multi-unit developments to be permitted in areas zoned for residential use that allow detached single-family dwellings in cities and counties, with variations by size of jurisdiction. This new legislation also contained provisions strengthening tenants’ rights for causes and notification of eviction filings.
- Create some exceptions to its strict limits on residential development on forest, agriculture, and other resource lands in order to promote economically viable rural land uses or to reduce burdens on rural property owners in ways that would not have major impacts on the overall statewide planning system. *This could be improved if the*

state made additional exceptions to allow the construction of housing needed for FHAA-protected citizens (such as assisted living facilities) in rural areas. That said, it has no legal duty to do so, and failure to do so does not constitute a barrier to fair housing choice.

- Allow rehabilitation of farmworker housing stock in areas outside cities to standards that do not meet the statewide building code. While this may have an effect on the resulting quality of farmworker housing, it appears to have been adopted in order to expand the supply of that type of housing, and is facially neutral with respect to FHAA-protected citizens. The adoption of this differential standard does not constitute a barrier to fair housing choice.
- Require that residential home (for up to 5 residents, including but not limited to FHAA-protected citizens, plus caregivers) be permitted in each residential and commercial district that permits single-family homes, and that the standards for approval for a residential home be no stricter than those applied to a single family dwelling. In addition, the statutes allow residential homes to occupy existing dwelling structures in farm use zones without the imposition of requirements different than occupancy of the structure by a single-family home. These provisions are more favorable to the accommodation of assisted housing than those of many other states.
- Require that residential facilities (for 6 to 15 residents, including but not limited to FHAA-protected citizens, plus caregivers,) be permitted wherever multifamily residential uses are a permitted use, and a conditional use in any zone where multifamily residential uses are a conditional use. *These strong provisions could be further strengthened by imposing a standard similar to that for residential homes prohibiting the adoption of regulations for residential facilities that are stricter than those for multifamily housing.*
- Require local governments to provide reasonable modifications to housing (particularly for the disabled), as well as reasonable accommodation in housing rules and policies.
- Include key language related to housing accessibility from the Americans with Disabilities Act, the FHAA, and the Rehabilitation Act of 1973, including the FHAA's broad definition of "disability," the ADA's definition of places of "public accommodation," and requirements that renovations of "affected buildings" include improvements to accessibility.
- Prohibit discrimination on the basis of disability in the selling, renting, or making available of housing units.
- Establish building features to promote accessibility that must be included in housing development projects that include state or federal subsidies.
- Include standards to allow reasonable landlord limits on building occupancy based on health and safety concerns and taking into account the size of the rooms and the nature of the dwelling unit, provided those standards are applied equitably.

- Now allow cities and counties to mandate the inclusion of affordable housing units in new multifamily developments, which may also increase the housing supply for FHAA-protected citizens.

In general, these standards are stronger, and remove barriers to fair housing choice more effectively, than those in the statutes of most other states. They are also well aligned with the requirements of the FHAA, ADA, and Rehabilitation act of 1973, which should reduce the inadvertent gaps in coverage between state and federal definitions that occur in some states.

As discussed in the community engagement section of this study, some stakeholders perceive the state's rural land preservation regulations as limiting buildable land and housing supply and limiting affordable housing. We acknowledge this tension between environmental preservation, economic growth, and housing development. The Oregon legislature has historically been willing to create exceptions to its strict controls on rural subdivision and development to achieve other state goals—i.e., agricultural production and environmental preservation. Accommodating housing supply has more recently taken the form of expanding opportunities making use of existing, developed, parcels and public infrastructure as a way to balance environmental preservation and meet housing goals.

Land Use Planning

Oregon's state and local level land use authorities and regulations are grounded in the Statewide Planning Goals and Guidelines set forth in OAR 660 and ORS Chapter 197. Oregon's local government zoning and subdivision enabling acts are unusually short (and has more limited coverage than other states) because so much of the content as to what must or may or cannot be done through local zoning and subdivision is contained in the statewide planning system. Goals 2 (Land Use Planning) and 10 (Housing) are particularly relevant to our review. Relevant portions of the regulations are set forth in the gray box below.⁷

GOAL 2: LAND USE PLANNING. OAR 660-015-0000(2)

PART I—PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Affected Governmental Units – are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

Comprehensive Plan – as defined in ORS 197.015(5).

Coordinated – as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

Implementation Measures – are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

Plans – as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

PART II—EXCEPTIONS

A local government may adopt an exception to a goal when:

- a. The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
- b. The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- c. The following standards are met:

1. Reasons justify why the state policy embodied in the applicable goals should not apply;
2. Areas which do not require a new exception cannot reasonably accommodate the use;
3. The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
4. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met. Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner. Upon review of a decision approving or denying an exception:

- a. The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;
- b. The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and
- c. The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

- a. Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;
- b. Does not comply with some or all goal requirements applicable to the subject properties or situations; and
- c. Complies with standards for an exception.

PART III—USE OF GUIDELINES

Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the 3 goals. All land-use plans shall state how the guidelines or alternative means utilized achieve the goals.

Guidelines – are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (Guidelines or the alternative means selected by governmental bodies will be part of the Land Conservation and Development Commission's process of evaluating plans for compliance with goals.)

GUIDELINES

A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units. The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases. The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be consulted, and availability of the necessary information. Sufficient time should be allotted for:

1. collection of the necessary factual information
2. gradual refinement of the problems and issues and the alternative solutions and strategies for development
3. incorporation of citizen needs and desires and development of broad citizen support
4. identification and resolution of possible conflicts with plans of affected governmental units

B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

C. PLAN CONTENT

1. Factual Basis for the Plan

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- a. Natural resources, their capabilities and limitations
- b. Man-made structures and utilities, their location and condition
- c. Population and economic characteristics of the area
- d. Roles and responsibilities of governmental units.

2. Elements of the Plan

The following elements should be included in the plan:

- a. Applicable statewide planning goals
- b. Any critical geographic area designated by the Legislature
- c. Elements that address any special needs or desires of the people in the area
- d. Time periods of the plan, reflecting the anticipated situation at appropriate future intervals.

All of the elements should fit together and relate to one another to form a consistent whole at all times.

D. FILING OF PLANS (not repeated here)

E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES (not repeated here)

F. IMPLEMENTATION MEASURES

The following types of measure should be considered for carrying out plans:

1. Management Implementation Measures

- a. Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.
 - b. Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.
 - c. Capital improvement budgets which set out the projects to be constructed during the budget period.
 - d. State and federal regulations affecting land use.
- 2. Annexations, consolidations, mergers and other reorganization measures.**

3. Site and Area Specific Implementation Measures

- a. Building permits, septic tank permits, driveway permits, etc.; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.
- b. The construction of public facilities (schools, roads, water lines, etc.).
- c. The provision of land-related public services such as fire and police.
- d. The awarding of state and federal grants to local governments to provide these facilities and services.
- e. Leasing of public lands.

G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS

Guidelines for most statewide planning goals are found in two sections—planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

GOAL 10: HOUSING. OAR 660-015-0000(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.

Buildable Lands – refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use.

Government-Assisted Housing – means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Household – refers to one or more persons occupying a single housing unit.

Manufactured Homes – means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

Needed Housing Units – means housing types determined to meet the need shown for housing within particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed

housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

GUIDELINES

A. PLANNING

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.
2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.
3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.
4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.
2. Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.
3. Decisions on housing development proposals should be expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.
5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.
6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

The text from Goals 2 and 10 above creates a sound state-level basis for requiring local governments to plan for housing to meet the expected needs of the population, and then to implement those plans through zoning, subdivision, and other land use regulations. The housing goal explicitly recognizes the need to plan for housing affordable to the local community, which may have an indirect benefit to FHAA-protected citizens. While statewide planning goal 10 does not explicitly mention fair housing or FHAA-protected citizens, it is not required to do so, and its facial neutrality on these issues does not create a barrier to fair housing.

Further, Oregon's statutes set forth fairly objective criteria for local governments to obtain an "exception" to a statewide planning goal. While it is technically possible that the exception process could be used to undermine affordability or to use local land use powers to avoid building needed housing for FHAA-protected citizens, the exception process itself is facially neutral with respect to both affordable housing and fair housing, and does not create a barrier to fair housing.

Recent amendments to ORS 197 have changed some land use requirements. House Bill 2001, signed into law on the final day of the 2019 session, modifies some land use planning and needed housing requirements (needed housing is discussed in the following section). An emergency clause made the provisions effective upon passage. The Bill amends ORS 197.296, 197.303, and 197.312, and those language changes have been reflected in this report.

House Bill 2001 requires cities and counties of 25,000 or more to permit duplexes, triplexes, quadplexes, cottage clusters and townhouses in areas zoned for residential use that allow detached single-family dwellings. For cities and counties of more than 10,000 and less than 25,000, duplexes must be permitted on all lots that allow detached single-

family dwellings. Cities of more than 25,000 have until June 2021 to review their plans in accordance with the Bill, while cities of more than 10,000 and less than 25,000 have an extra year.

The Bill will likely have the effect of increasing the housing supply generally including for low income groups—and, where there is intersection between lower income groups and FHAA-protected citizens, increase the housing stock for FHAA-protected citizens.

A companion bill, House Bill 2003, requires cities over 10,000 people to analyze what housing is needed for current and future residents every six to eight years; complete a housing production strategy within one year of that analysis; and list specific actions that the city will take to promote the development of identified housing needs. The bill also allows cities to allow affordable housing to be built on public land inside urban growth boundaries and allows multiple buildings for affordable housing to be built near places of worship. This bill does not specifically call for an examination of disproportionate needs of FHAA-protected groups. However, to the extent that these efforts increase housing supply for FHAA-protected citizens, this could expand housing choice.

Urban Growth Boundaries and Needed Housing

In addition to its statewide planning system, Oregon has established a system of mandatory urban growth boundaries and provisions requiring that “needed housing” be accommodated within those boundaries. These provisions appear in ORS Chapter 197. Relevant portions of the regulations are set forth in the gray boxes below.

ORS 197.295 Definitions As used in ORS 197.295 to 197.314 and 197.475 to 197.490:

1. “Buildable lands” means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. “Buildable lands” includes both vacant land and developed land likely to be redeveloped.
2. “Manufactured dwelling park” has the meaning given that term in ORS 446.003.
3. “Government assisted housing” means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.
4. “Manufactured homes” has the meaning given that term in ORS 446.003.
5. “Mobile home park” has the meaning given that term in ORS 446.003.
6. “Periodic review” means the process and procedures as set forth in ORS 197.628 to 197.651.
7. “Urban growth boundary” means an urban growth boundary included or referenced in a comprehensive plan.

ORS 197.296 Factors to establish sufficiency of buildable lands within urban growth boundary; analysis and determination of residential housing patterns

- a. The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.
 - b. The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.
2. At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.
3. In performing the duties under subsection (2) of this section, a local government shall:
 - a. Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and
 - b. Conduct an analysis of existing and projected housing need by type and density range, in accordance with all factors under ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.
4.
 - a. For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:
 - A. Vacant lands planned or zoned for residential use;
 - B. Partially vacant lands planned or zoned for residential use;
 - C. Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
 - D. Lands that may be used for residential infill or redevelopment.
 - b. For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

- A. The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;
 - B. A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and
 - C. The presence of a single family dwelling or other structure on a lot or parcel.
 - c. Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.
- 5.
 - a. Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity and need pursuant to subsection (3)(a) of this section must be based on data relating to land within the urban growth boundary that has been collected since the last periodic review or six years, whichever is greater. The data shall include:
 - A. The number, density and average mix of housing types of urban residential development that have actually occurred;
 - B. Trends in density and average mix of housing types of urban residential development;
 - C. Market factors that may substantially impact future urban residential development; and
 - D. The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.
 - b. A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity and need. The shorter time period may not be less than three years.
 - c. A local government shall use data from a wider geographic area or use a time period for economic cycles and trends longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.
- 6. If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the

local government shall take one or both of the following actions to accommodate the additional housing need:

- a. Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary;
- b. Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.; or
- c. As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

7. Using the housing need analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.
8. a. A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive

plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

- b. A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved following the adoption of these actions. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

- 9. In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section and is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

- a. Increases in the permitted density on existing residential land;
- b. Financial incentives for higher density housing;
- c. Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- d. Removal or easing of approval standards or procedures;
- e. Minimum density ranges;
- f. Redevelopment and infill strategies;
- g. Authorization of housing types not previously allowed by the plan or regulations;
- h. Adoption of an average residential density standard; and
- i. Rezoning or redesignation of nonresidential land.

- 10. a. The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

- b. At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- A. Determine the estimated housing needs within the jurisdiction for the next 20 years;

- B. Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- C. Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

c. For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section. *ORS Chapters 197, 298, and 302 contain specific provisions for estimating housing needs for the Metro area (not included here).*

ORS 197.303 “Needed housing” defined

1. As used in ORS 197.295 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- a. Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- b. Government assisted housing;
- c. Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- d. Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- e. Housing for farmworkers.

2. For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- a. Household sizes;
- b. Household demographics in terms of age, gender, race or other established demographic category;
- c. Household incomes;
- d. Vacancy rates; and

e. Housing costs.

3. A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.
4. A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.
5. Subsection (1)(a) and (d) of this section shall not apply to:
 - a. A city with a population of less than 2,500.
 - b. A county with a population of less than 15,000.

3. A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

ORS 197.304 contains specific provisions for Lane County (not included here).

ORS 197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings

1. The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.
2. Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.
3. When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.
4. Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
 - a. May include, but are not limited to, one or more provisions regulating the density or height of a development.

- b. May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

5. The provisions of subsection (4) of this section do not apply to:

- a. An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
- b. An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

6. In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- a. The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
- b. The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- c. The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

7. Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

- a. Set approval standards under which a particular housing type is permitted outright;
- b. Impose special conditions upon approval of a specific development proposal; or
- c. Establish approval procedures.

ORS 197.307(8) addresses manufactured housing, and is discussed later in this review.

Taken together, Subsections 4 through 7 contain what is known as the “clear and objective standards” provisions, which require local governments to regulate the development of housing only through clear and objective standards, conditions, and procedures. In *Warren v. Washington County*, the Oregon Appellate Court clarified that the clear and objective standards apply to the regulation of housing development, including needed housing, regardless of whether the development is on buildable land.⁸ By attempting to reduce the barriers to housing production in general and specifically providing for affordable housing for low income households, the clear and objective standards requirement likely helps increase the affordability of the overall housing stock, which in turn may increase the

⁸ *Warren v. Washington Cty.*, 439 P.3d 596 (Ore. App. 2019).

supply of housing for FHAA-protected citizens. However, the clear and objective standards requirement itself is content neutral; it does not aim at removing barriers to housing for any particular group of citizens, and it does not create an impediment to fair housing.

ORS 197.309 includes a prohibition regulating residential sales prices, and is discussed separately below.

ORS 197.312 Limitation on city and county authority to prohibit certain kinds of housing; zoning requirements for farmworker housing; real estate sales office.

1. A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

ORS 197.312(2) and (3) address farmworker housing, and are discussed below.

ORS 197.313 Interpretation of ORS 197.312. Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing.

Consistent with statewide planning Goal 10 (Housing), these “needed housing” provisions require the creation of clear and objective standards for housing affordability for all citizens, rather than for FHAA-protected citizens in particular. They are facially neutral with respect to the sex, race, nationality, familial status, or disability of residents to be benefitted by the application of clear and objective standards to help produce needed housing. To the degree they may have a disparate impact on FHAA-protected citizens, it is probably positive rather than negative.

ORS 197.312(1) is an important regulation that promotes a diverse supply of housing and prevents discrimination based on source of income, and probably has the effect of increasing the supply of housing for low-income groups (and to the degree they are correlated, also to FHAA-protected citizens). ORS 197.313 clarifies that the intended effect of ORS 197.312 is not to require local government expenditures to build or subsidize housing, but to prevent the exclusion of certain types of housing that would otherwise be built by private or public builders to meet housing needs. This is consistent with the intent of the FHAA, which is to prohibit discrimination in housing provided by the public or private markets rather than to require public expenditures to build needed housing.

Zoning and Subdivision Platting

Zoning and subdivision platting are two of the most powerful tools that cities and counties can use to regulate the type, character, and location of housing development within their boundaries. State level zoning and land use regulations can create barriers to fair housing choice if they require local governments to use zoning or subdivision standards or

definitions that reduce the supply or availability of housing for FHAA-protected citizens but the mere fact that they do not prevent local governments from taking those actions does not constitute a state-level barrier to fair housing.

Cities. The State of Oregon—like every other state in the United States—grants municipalities zoning authority to divide land into districts and regulate things like building height, lot coverage, setbacks, and density.⁹ Relevant portions of the regulations are set forth in the gray box below.

ORS 227.090 Powers and Duties of Commission

1. Except as otherwise provided by the city council, a city planning commission may:

- a. Recommend and make suggestions to the council and to other public authorities concerning:
 - A. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
 - B. Betterment of housing and sanitation conditions;
 - C. Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;
 - D. Protection and assurance of access to incident solar radiation; and
 - E. Protection and assurance of access to wind for potential future electrical generation or mechanical application.
- b. Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.
- c. Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.
- d. Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.
- e. Encourage industrial settlement within the city.
- f. Make economic surveys of present and potential industrial needs of the city.

⁹ Levine, Jonathan. *Zoned Out*. Washington, RFF Press (2006).

- g. Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.
- h. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227. and 227.180.
- i. Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof.

ORS 227.100 Submission of Plats for Subdivisions and Plans for Street Alterations and Public Buildings to Commission; Report. All subdivision plats located within the city limits, and all plans or plats for vacating or laying out, widening, extending, parking and locating streets or plans for public buildings shall first be submitted to the commission by the city engineer or other proper municipal officer, and a report thereon from the commission secured in writing before approval is given by the proper municipal official.

ORS 227.110 City Approval Prior to Recording of Subdivision Plats and Plats or Deeds Dedicating Land to Public Use Within Six Miles of City; Exception.

1. All subdivision plats and all plats or deeds dedicating land to public use in that portion of a county within six miles outside the limits of any city shall first be submitted to the city planning commission or, if no such commission exists, to the city engineer of the city and approved by the commission or engineer before they shall be recorded. However, unless otherwise provided in an urban growth area management agreement jointly adopted by a city and county to establish procedures for regulating land use outside the city limits and within an urban growth boundary acknowledged under ORS 197.251, if the county governing body has adopted ordinances or regulations for subdivisions and partitions under ORS 92.044, land within the six-mile limit shall be under the jurisdiction of the county for those purposes.
2. It shall be unlawful to receive or record such plat or replat or deed in any public office unless the same bears thereon the approval, by indorsement, of such commission or city engineer. However, the indorsement of the commission or city engineer of the city with boundaries nearest the land such document affects shall satisfy the requirements of this section in case the boundaries of more than one city are within six miles of the property so mapped or described. If the governing bodies of such cities mutually agree upon a boundary line establishing the limits of the jurisdiction of the cities other than the line equidistant between the cities and file the agreement with the recording officer of the county containing such boundary line, the boundary line mutually agreed upon shall become the limit of the jurisdiction of each city until superseded by a new agreement between the cities or until one of the cities files with such recording officer a written notification stating that the agreement shall no longer apply.

ORS 227.215 Regulation of Development.

1. As used in this section, “development” means a building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions as provided in ORS 92.010 to 92.285, and creating or terminating a right of access.
2. A city may plan and otherwise encourage and regulate the development of land. A city may adopt an ordinance requiring that whatever land development is undertaken in the city comply with the requirements of the ordinance and be undertaken only in compliance with the terms of a development permit.
3. A development ordinance may provide for:
 - a. Development for which a permit is granted as of right on compliance with the terms of the ordinance;
 - b. Development for which a permit is granted discretionarily in accordance and consistent with the requirements of ORS 227.173;
 - c. Development which need not be under a development permit but shall comply with the ordinance; and
 - d. Development which is exempt from the ordinance.
4. The ordinance may divide the city into districts and apply to all or part of the city.

The text of ORS 227.215 is fairly typical of state enabling acts for city zoning and subdivision—and more concise and clear than the authority in many states. While not mentioning either affordable or fair housing, it is facially neutral on those issues. While the power to regulate land use and the intensity of development raises the possibility that individual cities could restrict density in ways that raise the costs of housing, the state Act does not create or encourage that result. These statutes do not require local governments to take any actions that would restrict access to housing for FHAA-protected citizens, and do not create state level barriers to fair housing for those groups. Taken in conjunction with the requirement that local implementation measures comply with Goal 10 (Housing) discussed above, ORS 227.215 does not create barriers to the availability of fair housing in Oregon.

Counties. Oregon’s grant of authority allowing its county governments to engage in planning and to regulate land use through zoning and subdivision controls are contained in ORS Chapter 215. These regulations must be read in light of the state’s many restrictions on the use of rural lands for urbanized development, which could have two results:

- First, it tends to reduce the density and number of people living in unincorporated areas, which may also reduce the number of FHAA-protected citizens living in those areas. As a result, the need for county governments to allow the wide variety of creative housing options is reduced; many of those housing types are more appropriate in urban areas.

- Second, it may reduce the ability of Oregon counties to allow creative housing solutions for those FHAA-protected citizens that do live within its jurisdiction. As an example, Oregon's limits on zoning for multifamily development in rural areas outside of growth boundaries could indirectly make it more difficult for county governments to plan for or approve larger group home development even if needed to serve its existing FHAA-protected citizens. Relevant portions of the regulations are set forth in the gray box below.

ORS 215.050 Comprehensive Planning, Zoning and Subdivision Ordinances.

1. Except as provided in ORS 527.722, the county governing body shall adopt and may from time to time revise a comprehensive plan and zoning, subdivision and other ordinances applicable to all of the land in the county. The plan and related ordinances may be adopted and revised part by part or by geographic area.
2. Zoning, subdivision or other ordinances or regulations and any revisions or amendments thereof shall be designed to implement the adopted county comprehensive plan.
3. A county shall maintain copies of its comprehensive plan and land use regulations, as defined in ORS 197.015, for sale to the public at a charge not to exceed the cost of copying and assembling the material

ORS 215.283 Uses Permitted in Exclusive Farm Use Zones in Nonmarginal Lands

1. The following uses may be established in any area zoned for exclusive farm use:
 - d. A dwelling on real property used for farm use if the dwelling is occupied by a relative of the farm operator or the farm operators spouse, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use and the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS 215.780 if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250 and the foreclosure shall operate as a partition of the homesite to create a new parcel.

ORS 215.284 Dwelling Not in Conjunction with Farm Use; Existing Lots or Parcels; New Lots or Parcels.

1. In the Willamette Valley, a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
- b. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils;
- c. The dwelling will be sited on a lot or parcel created before January 1, 1993;
- d. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
- e. The dwelling complies with such other conditions as the governing body or its designee considers necessary.

2. In counties not described in subsection (1) of this section, a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
- b. The dwelling is situated upon a lot or parcel or portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel may not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land;
- c. The dwelling will be sited on a lot or parcel created before January 1, 1993;
- d. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
- e. The dwelling complies with such other conditions as the governing body or its designee considers necessary.

3. In counties in western Oregon, as defined in ORS 321.257, not described in subsection (4) of this section, a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

- b. The dwelling is situated upon a lot or parcel or portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel may not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land;
 - c. The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under ORS 215.263 (4);
 - d. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
 - e. The dwelling complies with such other conditions as the governing body or its designee considers necessary.
- 4. a. In the Willamette Valley, a lot or parcel allowed under paragraph (b) of this subsection for a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that the originating lot or parcel is equal to or larger than the applicable minimum lot or parcel size and:
 - A. Is not stocked to the requirements under ORS 527.610 to 527.770;
 - B. Is composed of at least 95 percent Class VI through Class VIII soils; and
 - C. Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber.
- b. Any parcel to be created for a dwelling from the originating lot or parcel described in paragraph (a) of this subsection will not be smaller than 20 acres.
 - c. The dwelling or activities associated with the dwelling allowed under this subsection will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 - d. The dwelling allowed under this subsection will not materially alter the stability of the overall land use pattern of the area.
 - e. The dwelling allowed under this subsection complies with such other conditions as the governing body or its designee considers necessary.
- 5. No final approval of a nonfarm use under this section shall be given unless any additional taxes imposed upon the change in use have been paid.
- 6. If a single-family dwelling is established on a lot or parcel as set forth in ORS 215.705 to 215.750, no additional dwelling may later be sited under subsection (1), (2), (3), (4) or (7) of this section.

7. In counties in eastern Oregon, as defined in ORS 321.805, a single-family residential dwelling not provided in conjunction with farm use may be established, subject to the approval of the county governing body or its designee, in any area zoned for exclusive farm use upon a finding that:

- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
- b. The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under ORS 215.263 (5);
- c. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
- d. The dwelling complies with such other conditions as the governing body or its designee considers necessary.

ORS 215.293 Dwelling in Exclusive Farm Use or Forest Zone; Condition; Declaration; Recordation

The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

ORS 215.705 Dwellings in Farm or Forest Zone; Criteria; Transferability of Application

1. A governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a farm or forest zone as set forth in this section and ORS 215.710, 215.720, 215.740 and 215.750 after notifying the county assessor that the governing body intends to allow the dwelling. A dwelling under this section may be allowed if:

a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

A. Prior to January 1, 1985; or

B. By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

b. The tract on which the dwelling will be sited does not include a dwelling.

c. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.

- d. The lot or parcel on which the dwelling will be sited, if zoned for farm use, is not on that high-value farmland described in ORS 215.710 except as provided in subsections (2) and (3) of this section.
- e. The lot or parcel on which the dwelling will be sited, if zoned for forest use, is described in ORS 215.720, 215.740 or 215.750.
- f. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
- g. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.

2. a. Notwithstanding the requirements of subsection (1)(d) of this section, a single-family dwelling not in conjunction with farm use may be sited on high-value farmland if:

- A. It meets the other requirements of ORS 215.705 to 215.750;
- B. The lot or parcel is protected as high-value farmland as described under ORS 215.710 (1); and
- C. A hearings officer of a county determines that:
 - i. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - ii. The dwelling will comply with the provisions of ORS 215.296 (1).
 - iii. The dwelling will not materially alter the stability of the overall land use pattern in the area.

- b. A local government shall provide notice of all applications for dwellings allowed under this subsection to the State Department of Agriculture. Notice shall be provided in accordance with the governing body's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the hearings officer under paragraph (a) of this subsection.

3. Notwithstanding the requirements of subsection (1)(d) of this section, a single-family dwelling not in conjunction with farm use may be sited on high-value farmland if:

- a. It meets the other requirements of ORS 215.705 to 215.750.
- b. The tract on which the dwelling will be sited is:

- A. Identified in ORS 215.710 (3) or (4);

- B. Not protected under ORS 215.710 (1); and
 - C. Twenty-one acres or less in size.
- c. A. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993;
- B. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within the urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
- C. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within the urban growth boundary, but only if the subject tract abuts an urban growth boundary. As used in this subparagraph:
- i. “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - ii. “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to that side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
4. If land is in a zone that allows both farm and forest uses, is acknowledged to be in compliance with goals relating to both agriculture and forestry and may qualify as an exclusive farm use zone under this chapter, the county may apply the standards for siting a dwelling under either subsection (1)(d) of this section or ORS 215.720, 215.740 and 215.750 as appropriate for the predominant use of the tract on January 1, 1993.
5. A county may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under this section in any area where the county determines that approval of the dwelling would:
- a. Exceed the facilities and service capabilities of the area;
 - b. Materially alter the stability of the overall land use pattern in the area; or

c. Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

6. For purposes of subsection (1)(a) of this section, "owner" includes spouses in a marriage, son, daughter, parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, parent-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
7. When a local government approves an application for a single-family dwelling under the provisions of this section, the application may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

ORS 215.720 Criteria for Forestland Dwelling under ORS 215.705

1. A dwelling authorized under ORS 215.705 may be allowed on land zoned for forest use under a goal protecting forestland only if:
 - a. The tract on which the dwelling will be sited is in western Oregon, as defined in ORS 321.257, and is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - A. A United States Bureau of Land Management road; or
 - B. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
 - b. The tract on which the dwelling will be sited is in eastern Oregon, as defined in ORS 321.805, and is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - A. A United States Bureau of Land Management road; or
 - B. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
2. For purposes of this section, “commercial tree species” means trees recognized under rules adopted under ORS 527.715 for commercial production.
3. No dwelling other than those described in this section and ORS 215.740, 215.750 and 215.755 may be sited on land zoned for forest use under a land use planning goal protecting forestland.

ORS 215.730 Additional Criteria for Forestland Dwellings under ORS 215.705.

1. A local government shall require as a condition of approval of a single-family dwelling allowed under ORS 215.705 on lands zoned forestland that:
 - a. A. If the lot or parcel is more than 30 acres in eastern Oregon as defined in ORS 321.805, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met; or
 - B. If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor

and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

b. The dwelling meets the following requirements:

- A.** The dwelling has a fire retardant roof.
- B.** The dwelling will not be sited on a slope of greater than 40 percent.
- C.** Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.
- D.** The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
- E.** If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- F.** If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- G.** The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.

2. a. If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.

b. If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment.

ORS 215.740 Large Tract Forestland Dwelling; Criteria; Rules.

1. If a dwelling is not allowed under ORS 215.720 (1), a dwelling may be allowed on land zoned for forest use under a goal protecting forestland if it complies with other provisions of law and is sited on a tract:

- a.** In eastern Oregon of at least 240 contiguous acres except as provided in subsection (3) of this section; or
- b.** In western Oregon of at least 160 contiguous acres except as provided in subsection (3) of this section.

2. For purposes of subsection (1) of this section, a tract shall not be considered to consist of less than 240 acres or 160 acres because it is crossed by a public road or a waterway.

3.
 - a. An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total 320 acres or more in eastern Oregon or 200 acres or more in western Oregon to qualify for a dwelling under subsection (1) of this section.
 - b. If an owner totals 320 or 200 acres, as appropriate, under paragraph (a) of this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records for the tracts in the 320 or 200 acres, as appropriate. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.
 - c. The Land Conservation and Development Commission shall adopt rules that prescribe the language of the deed restriction, the procedures for recording, the procedures under which counties shall keep records of lots or parcels used to create the total, the mechanisms for providing notice to subsequent purchasers of the limitations under paragraph (b) of this subsection and other rules to implement this section. [1993 c.792 §4(2),(3),(5)]

ORS 215.750 Alternative Forestland Dwellings; Criteria.

1. In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels;
 - b. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 - c. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels.
2. In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

- a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels;
- b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels;
or
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - A. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - B. At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- 3. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- 4. A proposed dwelling under this section is not allowed:
 - a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - b. Unless it complies with the requirements of ORS 215.730.
 - c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - d. If the tract on which the dwelling will be sited includes a dwelling.
- 5. Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- 6. a. If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - A. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

B. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

7. Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

ORS 215.755 Other Forestland Dwellings; Criteria.

Subject to the approval of the governing body or its designee, the following dwellings may be established in any area zoned for forest use under a land use planning goal protecting forestland, provided that the requirements of the acknowledged comprehensive plan, land use regulations and other applicable provisions of law are met:

1. Alteration, restoration or replacement of a lawfully established dwelling that:

- a. Has intact exterior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring for interior lights;
- d. Has a heating system; and
- e. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.

2. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this subsection. A temporary dwelling established under this section shall not qualify for replacement under the provisions of subsection (1) of this section.

3. Caretaker residences for public parks and public fish hatcheries.

ORS 215.780 Minimum Lot or Parcel Sizes; Land Division to Establish a Dwelling; Recordation.

1. Except as provided in subsection (2) of this section, the following minimum lot or parcel sizes apply to all counties:
 - a. For land zoned for exclusive farm use and not designated rangeland, at least 80 acres;
 - b. For land zoned for exclusive farm use and designated rangeland, at least 160 acres; and
 - c. For land designated forestland, at least 80 acres.
2. A county may adopt a lower minimum lot or parcel size than that described in subsection (1) of this section in any of the following circumstances:
 - a. When the county can demonstrate to the Land Conservation and Development Commission that the county can adopt a lower minimum lot or parcel size while continuing to meet the requirements of ORS 215.243 and 527.630 and the land use planning goals adopted under ORS 197.230.
 - b. To divide by partition an area of land zoned for forest use to create a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - A. The parcel created may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel may not be larger than 10 acres; and
 - B. The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - i. Meets the minimum lot or parcel size of the zone; or
 - ii. Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
 - c. To divide by partition an area of land zoned for mixed farm and forest use to create a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
 - A. The parcel created may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel may not be larger than 10 acres;
 - B. The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - i. Meets the minimum lot or parcel size of the zone; or
 - ii. Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;
 - C. The minimum tract eligible under this paragraph is 40 acres;

- D. The tract must be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321; and
 - E. The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.
- d. To allow a division by partition of forestland to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of subsection (1)(c) of this section or paragraph (a) of this subsection. Parcels created pursuant to this subsection:
- A. Are not eligible for siting of a new dwelling;
 - B. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - C. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - D. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - i. Facilitate an exchange of lands involving a governmental agency; or
 - ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland.
- e. To allow a division by partition of a lot or parcel zoned for forest use or mixed farm and forest use under a statewide planning goal protecting forestland if:
- A. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - B. Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213 (1)(q) or 215.283 (1)(p);
 - C. Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - D. At least one dwelling is located on each parcel created under this paragraph; and
 - E. The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently

authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.

- f. To allow a proposed division of land in a forest zone or a mixed farm and forest zone as provided in ORS 215.783.
3. A county planning director must maintain a record of lots and parcels that do not qualify for division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record shall be readily available to the public.
4. A lot or parcel may not be divided under subsection (2)(e) of this section if an existing dwelling on the lot or parcel was approved under:
 - a. A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
 - b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under a statewide planning goal protecting forestland.
5. A county with a minimum lot or parcel size acknowledged by the commission pursuant to ORS 197.251 after January 1, 1987, or acknowledged pursuant to periodic review requirements under ORS 197.628 to 197.651 that is smaller than those prescribed in subsection (1) of this section need not comply with subsection (2) of this section.
6.
 - a. An applicant for the creation of a parcel pursuant to subsection (2)(b) and (c) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. An applicant for the creation of a parcel pursuant to subsection (2)(d) of this section shall provide evidence that a restriction on the newly created parcel has been recorded with the county clerk of the county where the property is located. The restriction may not allow a dwelling unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.
 - b. A restriction imposed under this subsection is irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forestland.
 - c. The county planning director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this subsection. The record must be readily available to the public.
7. A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner and the landowner's successors in

interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

While facially neutral with respect to both fair and affordable housing, the provisions above show that the Oregon legislature has historically been willing to create exceptions to its strict controls on rural subdivision and development to achieve other state goals (in this case, the economic viability of the rural land use, environmental preservation, and/or simply to reduce the burdens on rural property owners in situations that would not have major impacts on the state's overall planning system). By analogy, it could have created an exception for housing needed to meet the needs of FHAA-protected citizens in rural areas, but the absence of such an exception does not create a state-level barrier to affordable housing.

Manufactured Homes

Manufactured homes are a potential source of affordable housing that could accommodate FHAA-protected citizens, but the availability of manufactured homes is often restricted by local zoning and subdivision ordinances. State level regulations governing individual manufactured homes are addressed in ORS Chapters 197, 307, and 446. Relevant portions of the regulations are set forth in the gray box below.

ORS 197.475 Policy

The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings.

ORS 446.003 Definitions

22. a. Manufactured dwelling means a residential trailer, mobile home or manufactured home.

b. Manufactured dwelling does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

23. Manufactured dwelling park means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local

government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

24. a. Manufactured home, except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

b. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, manufactured home has the meaning given the term in the contract.

25. a. Manufactured structure means a recreational vehicle, manufactured dwelling or recreational structure.

b. Manufactured structure does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

29. Mobile home means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

30. Mobile home park means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Mobile home park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192

ORS 197.314 Required Siting of Manufactured Homes; Minimum Lot Size; Approval Standards

1. Notwithstanding ORS 197.296 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307.

2. Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610.
3. Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.
4. Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.
5. Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.
6. A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

- a. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
- b. The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

7. This section shall not be construed as abrogating a recorded restrictive covenant.

ORS 197.307 Effect of Need for Certain Housing in Urban Growth Areas

Subsections 1-7 are discussed earlier in this review.

8. In accordance with subsection (4) of this section and ORS 197.314 (Required siting of manufactured homes), a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

- a. The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
- b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- c. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

- d. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
- e. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- f. The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
- g. In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

ORS 197.480 Planning for Parks, Procedures, Inventory.

1. Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:
 - a. By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and
 - b. In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.
2. A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:
 - a. Population projections;
 - b. Household income levels;
 - c. Housing market trends of the region; and
 - d. An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

3. The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.
4. Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.
 - a. A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.
 - b. If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing
 - c. No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.295 and 197.475 to 197.490.

ORS 197.485 Prohibition on Restrictions of Manufactured Dwelling

1. A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.
2. A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.
3. A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403).

ORS 197.490 Restriction on Establishment of Park

1. Except as provided by ORS 446.105, a mobile home or manufactured dwelling park shall not be established on land, within an urban growth boundary, which is planned or zoned for commercial or industrial use.
2. Notwithstanding the provisions of subsection (1) of this section, if no other access is available, access to a mobile home or manufactured dwelling park may be provided through a commercial or industrial zone.

By requiring the accommodation of manufactured homes in all single-family zone districts on terms no stricter than those applied to “stick-built” homes and that each housing needs

analysis specifically consider the needs for new or expanded manufactured home parks, the Oregon statutes make clear that this type of housing is not to be restricted or discouraged. Although a number of states have passed state legislation encouraging or requiring the accommodation of manufactured homes in both parks and on individual residential lots, the Oregon provisions are very strong. The legislation promotes housing affordability and does not create a barrier to fair housing choice in Oregon.

Farmworker Housing

Oregon statutes also address the need to protect farmworker housing in some detail. Although farmworkers are not a group specifically included in the FHAA-protected citizens, it is likely that a disproportionate share of farmworkers may have national origins outside the U.S. In addition, Oregon statutes acknowledge the need to provide adequate housing conditions for farmworker families and children. Because both national origin and familial status are categories for which the FHAA prohibits housing discrimination, a review of the farmworker housing statutes are included. Relevant portions of the regulations are set forth in the gray boxes below.

ORS 197.312 Limitation on City and County Authority to Prohibit Certain Kinds of Housing

2. a. A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.
 - b. A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.
3. a. Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.
 - b. A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

To the degree that farmworkers may be disproportionately of non-U.S. national origin, these requirements ensure that farmworker housing is treated like other forms of single-family residential development. By reducing opportunities for exclusion of this type of housing, the statute removes a potential barrier to fair housing choice.

ORS 197.667 Policy

In that the agricultural workers in this state benefit the social and economic welfare of all of the people in Oregon by their unceasing efforts to bring a bountiful crop to market, the Legislative Assembly declares that it is the policy of this state to insure adequate agricultural labor accommodations commensurate with the housing needs of Oregon's workers that meet decent health, safety and welfare standards. To accomplish this objective in the interest of all of the people in this state, it is necessary that:

1. Every state and local government agency that has powers, functions or duties with respect to housing, land use or enforcing health, safety or welfare standards, under this or any other law, shall exercise its powers, functions or duties consistently with the state policy declared by ORS 197.307, 197.312, 197.677 to 197.685, 215.213, 215.277, 215.283, 215.284 and 455.380 and in such manner as will facilitate sustained progress in attaining the objectives established;
2. Every state and local government agency that finds farmworker activities within the scope of its jurisdiction must make every effort to alleviate insanitary, unsafe and overcrowded accommodations;
3. Special efforts should be directed toward mitigating hazards to families and children; and
4. All accommodations must provide for the rights of free association to farmworkers in their places of accommodation.

ORS 197.680 Legislative Findings

The Legislative Assembly finds that:

1. This state has a large stock of existing farmworker housing that does not meet minimum health and safety standards and is in need of rehabilitation;
2. It is not feasible to rehabilitate much of the existing farmworker housing stock to meet building code standards;
3. In order to assure that minimum standards are met in all farmworker housing in this state, certain interim measures must be taken; and
4. Limited rehabilitation, outside city boundaries, must be allowed to a lesser standard than that set forth in the existing building codes.

ORS 197.685 Location of Farmworker Housing

1. The availability of decent, safe and sanitary housing opportunities for farmworkers is a matter of statewide concern.
2. Farmworker housing within the rural area of a county shall be permitted in a zone or zones in rural centers and areas committed to nonresource uses.
3. Any approval standards, special conditions and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in

themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Like the provisions of ORS 197.312(2) and (3) above, the intent of these statutes is to maintain and increase the supply of farmworker housing, and to allow local governments to approve rehabilitation construction projects that do not meet the requirements of the state building code. The intent expressed on ORS 197.667.3 is consistent with FHAA provisions protecting households against discrimination based on familial status. In addition, by permitting housing maintenance and improvement to lower standards, ORS 197.667-685 will tend to maintain (and potentially improve) a stock of housing that might otherwise fall into disrepair, which tends to improve housing choice. While the adoption of lower standards of quality for farmworker housing may result in lower housing quality, the reduction in quality must be weighed against the probable increase in quantity of farmworker housing available. Since the thrust of the FHAA is that actions not “make unavailable” housing to FHAA-protected citizens, and the FHAA does not address the quality of housing (except as necessary to accommodate the disabilities or special needs of the occupants), the provisions of ORS 197.667-685 do not create a barrier to fair housing choice.

Assisted Living Facilities (Residential Homes and Residential Facilities)

The definition of FHAA-protected citizens includes the frail, persons with HIV/AIDS, physically and developmentally disabled, mentally ill, and persons in recovery from substance abuse challenges. Many of those individuals will require supportive services in order to have a housing environment on par with other citizens, which is often found in assisted living facilities. As such, it is important that state legislation authorize (and if possible encourage) local governments to allow a wide variety of assisted living facilities through their zoning and subdivision regulations.

There has been significant litigation over the years over whether group homes must be treated as residential (rather than commercial) uses—and therefore permitted in residential areas—under certain circumstances. In general, the courts have required that group homes that have the characteristics of single family homes, most notably in the size and number of people residing in the facility, must be treated as a residential use. That means that group homes similar in character to single family homes generally need to be allowed in at least one residential district either by right or through a permit system.¹⁰ Oregon statutes exceed this basic requirement. Relevant portions of the regulations are set forth in the gray box below.

¹⁰ See for example: *Rhodes v. Palmetto Pathway Homes, Inc.*, 400 S.E.2d 484 (S.C. 1991); *Dornbach v. Holley*, 854 S.O.2d 211 (2002 FL); *Evergreen Meadows Homeowners Association*, 773 P.2d 1046 (Colo. 1989); and *Baltimore Neighborhoods Inc., v. Rommel Builders*, 40 F.Supp.2d 700 (1999).

ORS 197.660 Definitions. As used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283, 215.284 and 443.422:

1. "Residential facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
2. "Residential home" means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
3. "Zoning requirement" means any standard, criteria, condition, review procedure, permit requirement or other requirement adopted by a city or county under the authority of ORS chapter 215 or 227 that applies to the approval or siting of a residential facility or residential home. A zoning requirement does not include a state or local health, safety, building, occupancy or fire code requirement.

ORS 197.663 Legislative Findings

The Legislative Assembly finds and declares that:

1. It is the policy of this state that persons with disabilities and elderly persons are entitled to live as normally as possible within communities and should not be excluded from communities because their disability or age requires them to live in groups;
2. There is a growing need for residential homes and residential facilities to provide quality care and protection for persons with disabilities and elderly persons and to prevent inappropriate placement of such persons in state institutions and nursing homes;
3. It is often difficult to site and establish residential homes and residential facilities in the communities of this state;
4. To meet the growing need for residential homes and residential facilities, it is the policy of this state that residential homes and residential facilities shall be considered a residential use of property for zoning purposes; and
5. It is the policy of this state to integrate residential facilities into the communities of this state. The objective of integration cannot be accomplished if residential facilities are concentrated in any one area.

ORS197.665 Location of Residential Homes

1. Residential homes shall be a permitted use in:
 - a. Any residential zone, including a residential zone which allows a single-family dwelling; and
 - b. Any commercial zone which allows a single-family dwelling.
2. A city or county may not impose any zoning requirement on the establishment and maintenance of a residential home in a zone described in subsection (1) of this section that is more restrictive than a zoning requirement imposed on a single-family dwelling in the same zone.
3. A city or county may:
 - a. Allow a residential home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203.
 - b. Impose zoning requirements on the establishment of a residential home in areas described in paragraph (a) of this subsection, provided that these requirements are no more restrictive than those imposed on other nonfarm single-family dwellings in the same zone; and
 - c. Allow a division of land for a residential home in an exclusive farm use zone only as described in ORS 215.263.

ORS 197.667 Location of Residential Facility; Application and Supporting Documentation

1. A residential facility shall be a permitted use in any zone where multifamily residential uses are a permitted use.
2. A residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use.
3. A city or county may allow a residential facility in a residential zone other than those zones described in subsections (1) and (2) of this section, including a zone where a single-family dwelling is allowed.
4. A city or county may require an applicant proposing to site a residential facility within its jurisdiction to supply the city or county with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.410 to 192.505. However, cities and counties shall not require independent proof of the same conditions that have been required by the Department of Human Services under ORS 418.205 to 418.327 for licensing of a residential facility.

ORS 197.670 Zoning Requirements and Prohibitions for Residential Homes and Residential Facilities

1. As of October 3, 1989, no city or county shall:

- a. Deny an application for the siting of a residential home in a residential or commercial zone described in ORS 197.665.
 - b. Deny an application for the siting of a residential facility in a zone where multifamily residential uses are allowed, unless the city or county has adopted a siting procedure which implements the requirements of ORS 197.667.
- 2. Every city and county shall amend its zoning ordinance to comply with ORS 197.660 to 197.667 as part of periodic land use plan review occurring after January 1, 1990. Nothing in this section prohibits a city or county from amending its zoning ordinance prior to periodic review.

The cross-referenced definitions are set forth below.

ORS 443.400 Definitions for ORS 443.400 to 443.455. As used in ORS 443.400 to 443.455 and 443.991, unless the context requires otherwise

- 7. "Residential care facility" means a facility that provides residential care in one or more buildings on contiguous properties:
 - a. For six or more socially dependent individuals or individuals with physical disabilities; or
 - b. For fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings.
- 8. "Residential facility" means a residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home or conversion facility.
- 9. "Residential training facility" means a facility that provides, for six or more individuals with intellectual or developmental disabilities, residential care and training in one or more buildings on contiguous properties.
- 10. "Residential training home" means a facility that provides, for five or fewer individuals with intellectual or developmental disabilities, residential care and training in one or more buildings on contiguous properties, when so certified and funded by the Department of Human Services.
- 11. "Residential treatment facility" means a facility that provides, for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties.
- 12. "Residential treatment home" means a facility that provides for five or fewer individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties.
- 13. "Training" means the systematic, planned maintenance, development or enhancement of self-care skills, social skills or independent living skills, or the planned sequence of

systematic interactions, activities or structured learning situations designed to meet each resident's specified needs in the areas of physical, social, emotional and intellectual growth.

14. "Treatment" means a planned, individualized program of medical, psychological or rehabilitative procedures, experiences and activities designed to relieve or minimize mental, emotional, physical or other symptoms or social, educational or vocational disabilities resulting from or related to the mental or emotional disturbance, physical disability or alcohol or drug problem.

ORS 443.705 Definitions for ORS 443.705 to 443.825

As used in ORS 443.705 to 443.825:

1. "Adult foster home" means any family home or facility in which residential care is provided in a homelike environment for five or fewer adults who are not related to the provider by blood or marriage

These definitions are clear and concise compared to those used in some other states, and appear to cover the full range of FHAA-protected citizens. More specifically, these definitions cover "socially dependent individuals," "physically disabled" individuals, "individuals with intellectual or developmental disabilities," "and individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence." The legislation requires that every city and county permit each of these types of facilities in neighborhoods where the scale of the facility matches the general scale or occupancy of residential dwellings in that area (i.e., "homes" providing services to five or fewer individuals must be permitted in areas permitting single-family homes, and larger "facilities" must be allowed in areas where larger multifamily dwelling are permitted). These regulations meet the intent of the FHAA regarding FHAA-protected citizens and do not create a barrier to fair housing choice for those citizens.¹¹

Unlike some other states, the Oregon land use statutes reviewed above do not authorize local governments to adopt minimum spacing requirements between assisted living facilities. In fact, the provisions of ORS 197.665(2) appear to prevent spacing standards for residential homes by requiring that they be treated like single family homes. Interestingly, the same restriction against special standards does not appear in ORS 197.667 and apparently does not apply to larger residential facilities. Including such a provision for residential facilities would remove a potential barrier to fair housing choice for FHAA-protected citizens in those larger residential facilities.

Although not prohibited by most court decisions, spacing requirements can create barriers to fair housing if the state authorizes (or local governments adopt) excessive requirements.

¹¹ The cited statutes do not mention mixed use districts, but since that type of district involves residential as well as commercial uses, we assume they are included in the state's definition of a residential zone district.

Under the FHAA, the only legitimate reason to require minimum distances between group home facilities is for the benefit of those residing in those facilities. Since the goal of most smaller assisted living facilities is to allow their residents to receive treatment or assistance in a typical neighborhood environment, it is possible that the grouping of several assisted living facilities close together would defeat this purpose, since the neighborhood might no longer appear or function as a typical residential neighborhood.

To prevent that result, a spacing requirement could help distribute assisted living facilities in a way that is beneficial to their residents—i.e., in a way that helps FHAA-protected citizens to achieve the type of housing they need. However, court decisions have not been helpful in determining how much spacing between smaller assisted living facilities is required to avoid “overcrowding” or how large a separation distance might be excessive or exclusionary under the FHAA.

Unfortunately, in our experience, most conversations about spacing focus on the desires of the residential neighborhoods to limit the number of assisted living facilities in the area rather than the needs or rights of FHAA-protected citizens to live in a typical residential environment. For those reasons, assisted living facility spacing requirements can become barriers to fair housing choice. While the Oregon statutes cited above do not authorize spacing requirements, neither do they explicitly prohibit them. While an explicit prohibition on spacing requirements would remove a potential barrier to fair housing, the Oregon statutes are facially neutral on this issue, and that neutrality does not create a barrier to fair housing.

While assisted living facility spacing requirements are not addressed in Oregon’s statewide planning or city and county zoning enabling statutes, the issue is indirectly addressed in the state’s licensing statutes. Relevant portions of the regulations are set forth in the gray box below.

ORS 443.422 Siting of Licensed Residential Facilities

To prevent the perpetuation of segregated housing patterns, the Department of Human Services, in consultation with the Oregon Health Authority, shall determine the location and type of licensed residential facilities and the location of facilities subject to the provisions of ORS 169.690. Before a license is issued for a residential facility as defined in ORS 443.400, the issuing agency shall determine the number and type of any other licensed residential facilities and the number and type of facilities subject to the provisions of ORS 169.690 within a 1,200 foot radius. None of the data collected under this section shall be used in a manner that violates the Fair Housing Amendments Act of 1988.

The text above suggests that Oregon intends to consider the possibility of overcrowding (i.e. “segregated housing patterns” in which assisted living facilities are concentrated) during statewide licensing rather than during land use permitting. This approach is preferable because the decision is more likely to be based on professional opinions related

to the housing needs of assisted living facility residents and less likely to be driven by neighborhood desires to limit the number of these facilities.

In addition, ORS Chapter 427 (Persons with Intellectual or Developmental Disabilities) addresses “community housing.” ORS 427.335 addresses the state’s authority to “purchase, receive, hold, exchange, operate, demolish, construct, lease, maintain, repair, replace, improve, and equip community housing” for “individuals with intellectual disabilities or developmental disabilities, to provide financial assistance to community housing facilities,” and to sell those facilities “upon such terms and conditions as the department considers advisable to increase the quality and quantity of community housing for individuals with intellectual disabilities or other developmental disabilities.” While “individuals with intellectual disabilities or other developmental disabilities” is not as broad as the range of citizens protected by the FHAA (for example, it does not include people with HIV/AIDS or persons recovering from drug and alcohol addiction), this chapter does not address state or local powers to exclude housing, it simply authorizes the state to spend public funds in certain ways. As noted above, the thrust of the FHAA is to prevent discrimination and not to require public expenditures for housing. The fact that Oregon statutes contain explicit authority to spend public funds on housing that benefits some – but not all – FHAA-protected citizens, is not a barrier to fair housing choice.

Finally, Oregon statutes address residential treatment, training, or care facilities as part of a larger category of “domiciliary care facilities.” Relevant portions of the regulations are set forth in the gray box below.

ORS 443.205 Definitions

As used in ORS 443.215 443.225, domiciliary care facilities means facilities providing residential care to adults, including adult foster homes, group care facilities or residential treatment, training or care facilities, established, contracted for or operated by the Department of Human Services or the Oregon Health Authority.

ORS 443.214 Policy

1. The Legislative Assembly recognizes the importance of providing a high quality of domiciliary care facilities throughout the State of Oregon.
2. It is the intent of ORS 443.205 to 443.225 to distribute domiciliary care facility capacity on the basis of population and the regional origin of institutionalized persons.

ORS 443.225 Location and Capacity of Domiciliary Care Facilities

1. Except as otherwise provided by subsections (3) and (4) of this section, the capacity of all domiciliary care facilities must be located throughout the state based on the relationship of the population of the county in which the additional capacity is proposed to be located to the number of persons originating from the county who are determined to be in need of domiciliary care. However, nothing in this subsection is intended to prevent the placement of a person who is or was not a resident of the county in a domiciliary care facility in the county.

2. The Department of Human Services shall determine the number of persons originating from a county who are in need of domiciliary care if the domiciliary care facility is an adult foster home as defined in ORS 443.705, a residential care facility or residential training facility as those terms are defined in ORS 443.400 or other group care facility.
3. The Oregon Health Authority shall determine the number of persons originating from a county who are in need of domiciliary care if the domiciliary care facility is a residential treatment facility as defined in ORS 443.400.
4. When a county is too sparsely populated to produce a meaningful ratio of county population to population in need, or a county is lacking necessary support services, the population of two or more counties may be combined. The area of the combined counties may be considered a county for purposes of subsection (1) of this section.
5. The computation required by subsection (1) of this section does not require reduction in any domiciliary care facility capacity existing on October 4, 1977.
6. Subject to the appropriate licensing requirements, the governing body of a county may authorize a domiciliary care facility located in the county to exceed the capacity limit imposed by subsection (1) of this section upon:
 - a. Request of an individual or organization operating or proposing to operate a domiciliary care facility;
 - b. Consultation with an advisory committee appointed by the governing body and consisting of persons who are particularly interested in the type of domiciliary care facility contemplated; and
 - c. Finding of good cause following notice and public hearing.

The above text establishes a system in which domiciliary care facilities are distributed throughout Oregon based on the population of persons needing those services. Since those facilities “must” be located throughout the state, this appears to be information that must be taken into account in city and county planning related to Goal 10 (Housing), which must in turn be implemented through local land use regulations. Since FHAA-protected citizens are among those to be served by domiciliary care facilities, this requirement for rational distribution of those facilities reduces the likelihood of local exclusion or limitation of domiciliary care facilities and helps remove a potential barrier to fair housing choice.¹²

Accessibility of Housing Units

The Fair Housing Act offers protection to persons with disabilities (broadly defined) to ensure they have equal access to safe and affordable housing options. However, that right will be impaired if none of the available housing is accessible to disabled persons (i.e., doors are too narrow to accommodate wheelchairs, or building entries are located above

or below grade level with no means for a wheelchair to accommodate that change in grade). Oregon statutory text related to housing design and accessibility are shown below.

Permitting persons with disabilities to make modifications to a dwelling unit in order to live safely in that unit is an important aspect of providing housing choice for this class of FHAA-protected citizens. 42 U.S.C. 3604(f)(3)(A) and (B) provide that “discrimination includes:

A. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

B. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling . . .”

Oregon implements this portion of the FHAA in part through the provisions of Chapter 659A. Relevant portions of the regulations are set forth in the gray box below.

ORS 659A. Unlawful Discrimination Against Persons with Disabilities

ORS 659A.103 Policy

1. It is declared to be the public policy of Oregon to guarantee individuals the fullest possible participation in the social and economic life of the state, to engage in remunerative employment, to use and enjoy places of public accommodation, resort or amusement, to participate in and receive the benefits of the services, programs and activities of state government and to secure housing accommodations of their choice, without discrimination on the basis of disability.
2. The guarantees expressed in subsection (1) of this section are hereby declared to be the policy of the State of Oregon to protect, and ORS 659A.103 to 659A.145 shall be construed to effectuate such policy.

ORS 659A.104. Description of Disability for the Purposes of ORS 659A.103 to 659A.145

1. An individual has a disability for the purposes of ORS 659A.103 to 659A.145 if the individual meets any one of the following criteria:
 - a. The individual has a physical or mental impairment that substantially limits one or more major life activities of the individual.
 - b. The individual has a record of having a physical or mental impairment that substantially limits one or more major life activities of the individual. For the purposes of this paragraph, an individual has a record of having a physical or mental impairment if the individual has a history of, or has been misclassified as

having, a physical or mental impairment that substantially limits one or more major life activities of the individual.

- c. The individual is regarded as having a physical or mental impairment that substantially limits one or more major life activities of the individual. For the purposes of this paragraph:

- A. An individual is regarded as having a physical or mental impairment if the individual has been subjected to an action prohibited under ORS 659A.112 to 659A.139 because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity of the individual.

- B. An individual is not regarded as having a physical or mental impairment if the individual has an impairment that is minor and that has an actual or expected duration of six months or less.

- 2. Activities and functions that are considered major life activities for the purpose of determining if an individual has a disability include but are not limited to:

- a. Caring for oneself;
- b. Performing manual tasks;
- c. Seeing;
- d. Hearing;
- e. Eating;
- f. Sleeping;
- g. Walking;
- h. Standing;
- i. Lifting;
- j. Bending;
- k. Speaking;
- l. Breathing;
- m. Learning;
- n. Reading;
- o. Concentrating;
- p. Thinking;
- q. Communicating;
- r. Working;
- s. Socializing;

- t. Sitting;
- u. Reaching;
- v. Interacting with others;
- w. Employment;
- x. Ambulation;
- y. Transportation;
- z. Operation of a major bodily function, including but not limited to:
 - A. Functions of the immune system;
 - B. Normal cell growth; and
 - C. Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions; and

aa. Ability to acquire, rent or maintain property.

3. An individual is substantially limited in a major life activity if the individual has an impairment, had an impairment or is perceived as having an impairment that restricts one or more major life activities of the individual as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. An impairment that substantially limits one major life activity of the individual need not limit other major life activities of the individual. An impairment that is episodic or in remission is considered to substantially limit a major life activity of the individual if the impairment would substantially limit a major life activity of the individual when the impairment is active. Nonetheless, not every impairment will constitute a disability within the meaning of this section.
4. When determining whether an impairment substantially limits a major life activity of an individual, the determination shall be made without regard to the ameliorative effects of mitigating measures, including:

- a. Medication;
- b. Medical supplies, equipment or appliances;
- c. Low vision devices or other devices that magnify, enhance or otherwise augment a visual image, except that ordinary eyeglasses or contact lenses or other similar lenses that are intended to fully correct visual acuity or eliminate refractive error may be considered when determining whether an impairment substantially limits a major life activity of an individual;
- d. Prosthetics, including limbs and devices;
- e. Hearing aids, cochlear implants or other implantable hearing devices;
- f. Mobility devices;

- g. Oxygen therapy equipment or supplies;
- h. Assistive technology;
- i. Reasonable accommodations or auxiliary aids or services; or
- j. Learned behavioral or adaptive neurological modifications.

5. Nothing in subsection (4)(c) of this section authorizes an employer to use qualification standards, employment tests or other selection criteria based on an individual's uncorrected vision unless the standard, test or other selection criteria, as used by the employer, are shown to be job-related for the position in question and is consistent with business necessity.

ORS 659A.145 Discrimination Against Individual with Disability in Real Property Transactions Prohibited

1. As used in this section:

- a. Dwelling has the meaning given that term in ORS 659A.421.
- b. Purchaser has the meaning given that term in ORS 659A.421.

2. A person may not discriminate because of a disability of a purchaser, a disability of an individual residing in or intending to reside in a dwelling after it is sold, rented or made available or a disability of any individual associated with a purchaser by doing any of the following:

- a. Refusing to sell, lease, rent or otherwise make available any real property to a purchaser.
- b. Expelling a purchaser.
- c. Making any distinction or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or the furnishing of any facilities or services in connection with the real property.
- d. Attempting to discourage the sale, rental or lease of any real property.
- e. Representing that a dwelling is not available for inspection, sale, rental or lease when the dwelling is in fact available for inspection, sale, rental or lease.
- f. Refusing to permit, at the expense of the individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual if the modifications may be necessary to afford the individual full enjoyment of the premises. However, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a reasonable modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

g. Refusing to make reasonable accommodations in rules, policies, practices or services when the accommodations may be necessary to afford the individual with a disability equal opportunity to use and enjoy a dwelling.

h. Failing to design and construct a covered multifamily dwelling as required by the Fair Housing Act.

3. A person may not publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, or sign of any kind relating to the sale, rental or leasing of real property that indicates any preference, limitation, specification or discrimination against an individual on the basis of disability.
4. A person whose business includes engaging in residential real estate related transactions, as defined in ORS 659A.421 (Discrimination in selling, renting or leasing real property prohibited) (3), may not discriminate against any individual in making a transaction available, or in the terms or conditions of the transaction, because of a disability.
5. A real estate broker or principal real estate broker may not accept or retain a listing of real property for sale, lease or rental with an understanding that the purchaser, lessee or renter may be discriminated against solely because an individual has a disability.
6. A person may not deny access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any individual in the terms or conditions of the access, membership or participation, because that individual has a disability.
7. A person may not assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section.
8. A person may not coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this section.
9. A person may not, for profit, induce or attempt to induce any other person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of an individual who has a disability.
10. In the sale, lease or rental of real property, a person may not disclose to any person that an occupant or owner of the real property has or died from human immunodeficiency virus or acquired immune deficiency syndrome.
11. Any violation of this section is an unlawful practice.

Subsections f, g, and h above reflect similar language in the FHAA requiring that modifications necessary to make a housing unit usable by a disabled tenant be permitted, at the tenant's expense. Because they closely parallel the language of the FHAA and reiterate it as the state's policy, they help remove barriers to fair housing choice. In addition, all of the above text is consistent with FHAA provisions addressing rental, sales, and operations of housing, and make those provisions applicable to private housing providers. As intended by the FHAA, they prevent the creation of certain common barriers to fair housing.

In addition, ORS 447.210-280 address accessibility in multiple family dwellings and other areas of public accommodation in language that attempts to integrate relevant provisions of the FHAA and the Americans with Disabilities Act. Relevant portions of the regulations are set forth in the gray box below.

ORS 447.210-280 Standards and Specifications for Access by Persons with Disabilities

ORS 447.210 Definitions for ORS 447.210 to 447.280. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

1. "Affected buildings" includes any place of public accommodations and commercial facilities designed, constructed and altered in compliance with the accessibility standards established by the Americans with Disabilities Act. "Affected buildings" also includes any government building that is subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private entities, private membership clubs and churches that have more than one floor level and more than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top surface of the lowest flooring to the highest interior overhead finish of the building. . .
3. "Architectural barriers" are physical design features that restrict the full use of affected buildings and their related facilities by persons with disabilities. . .
5. "Covered multifamily dwellings" means buildings consisting of four or more dwelling units if such buildings have one or more elevators, and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings. . .
11. "Public accommodations" means a facility whose operations affect commerce and fall within at least one of the following categories:
 - a. Places of lodging not including owner-occupied establishments renting fewer than six rooms;
 - b. Establishments serving food or drink;
 - c. Places of exhibition or entertainment;
 - d. Places of public gathering;
 - e. Sales or rental establishments;

- f. Service establishments;
- g. Public transportation terminals, depots or stations;
- h. Places of public display or collection;
- i. Places of recreation;
- j. Places of education;
- k. Social service center establishments; and
- l. Places of exercise or recreation.

12. "Related facilities" means building site improvements including, but not limited to, parking lots, passageways, roads, clustered mailboxes located either on the site or in an adjacent public right of way or any other real or personal property located on the site.

ORS 447.220 Purpose

It is the purpose of ORS 447.210 to 447.280 to make affected buildings, including but not limited to commercial facilities, public accommodations, private entities, private membership clubs and churches, in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act, and to make covered multifamily dwellings in the state accessible to and usable by all persons with disabilities, as provided in the Fair Housing Act. In requiring that buildings and facilities be usable by persons with disabilities, it is not the intention of the Legislative Assembly to require that items of personal convenience such as rest rooms, telephones and drinking fountains be provided for members of the public who have disabilities if they are not otherwise provided for members of the public who do not have disabilities. However, pursuant to the Americans with Disabilities Act, the Director of the Department of Consumer and Business Services may provide greater protection to individuals with disabilities by adopting more stringent standards than prescribed by the Americans with Disabilities Act.

ORS 447.230-280 carry out this intent by directing state agencies to align their rules with the Americans with Disabilities Act. The Oregon state building code, in particular, is to be aligned with the ADA, including both standards for buildings and for accessible parking spaces. In addition, ORS 447.241 addresses required modifications to existing buildings in some detail. Relevant portions of the regulations are set forth in the gray box below.

ORS 447.241 Standards for Renovating, Altering or Modifying Certain Buildings; Barrier Removal Improvement Plan.

1. Every project for renovation, alteration or modification to affected buildings and related facilities that affects or could affect the usability of or access to an area containing a primary function shall be made to insure that, to the maximum extent feasible, the paths of travel to the altered area and the rest rooms, telephones and drinking fountains serving the altered area are readily accessible to and usable by individuals

with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope.

2. Alterations made to the path of travel to an altered area may be deemed disproportionate to the overall alteration when the cost exceeds 25 percent of the alteration to the primary function area.
3. If the cost of alterations to make the paths of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the paths of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.
4. In choosing which accessible elements to provide under this section, priority shall be given to those elements that will provide the greatest access. Elements shall be provided in the following order:
 - a. Parking;
 - b. An accessible entrance;
 - c. An accessible route to the altered area;
 - d. At least one accessible rest room for each sex or a single unisex rest room;
 - e. Accessible telephones;
 - f. Accessible drinking fountains; and
 - g. When possible, additional accessible elements such as storage and alarms.
5. A series of small alterations to an area served by a single path of travel does not satisfy the obligation to provide an accessible path of travel created under subsection (1) of this section.
6. If an area containing a primary function has been altered without providing an accessible path of travel to the area and subsequent alterations affecting the same path of travel are undertaken within three years of the original alteration, the total cost of the alterations to the primary function area on the path of travel during the preceding three-year period shall be considered in determining whether the cost of making the path of travel accessible is disproportionate.
7.
 - a. A barrier removal improvement plan may satisfy the requirements of subsection (1) of this section. The plan shall require an equivalent or greater level of barrier removal than required by subsection (1) of this section.
 - b. The barrier removal improvement plan shall include:
 - A. A letter of participation from the building owner;
 - B. A building survey that identifies existing architectural barriers;
 - C. An improvement plan and time schedule for removal of architectural barriers; and

D. An implementation agreement.

c. The barrier removal improvement plan may be reviewed and accepted through the waiver process under ORS 447.250. The plan shall be reviewed upon completion or every three years for compliance with the requirements of this section.

8. For purposes of this section, “primary function” is a major activity for which the facility is intended.

Not only is the intent of these provisions to expand the accessibility of multifamily dwellings to persons with disabilities, but its language is aligned with the requirements of both the FHAA and the ADA.

In addition, ORS 456.506-514 provide accessibility requirements for buildings that receive state subsidies or tax credits linked to federal laws of funding. This appears to be based on federal requirements in the 1973 Rehabilitation Act. Relevant portions of the regulations are set forth in the gray box below.

ORS 456.506 Subsidized Development Visitability

The Legislative Assembly finds and declares that:

1. People with disabilities and senior citizens over 85 years of age are the fastest growing population in Oregon. The second fastest growing population in Oregon are the members of the massive baby boom generation, who will, as they age, demand services and accommodations at an unprecedented rate.
2. The policy of this state is to encourage the design and construction of dwellings that enable easy access by individuals with mobility impairments and that are adaptable to allow continued use by aging occupants.

ORS 456.508 Definitions

As used in ORS 456.510 and 456.513.

1. Accessible means that housing complies with federal accessibility guidelines implementing the Fair Housing Amendments Act of 1988, 42 U.S.C. 3601 et seq., as amended and in effect on January 1, 2004.
2. Common living space means a living room, family room, dining room or kitchen.
3. Contiguous units means units that are on the same tax lot or on contiguous tax lots that have a common boundary. Tax lots that are separated by a public road are contiguous tax lots for purposes of this subsection.
4. New means that the housing being constructed did not previously exist in residential or nonresidential form. New does not include the acquisition, alteration, renovation or remodeling of an existing structure.
5. Powder room means a room containing at least a toilet and sink.

6. Rental housing means a dwelling unit designed for nonowner occupancy under a tenancy typically lasting six months or longer.
7. Subsidized development means housing that receives one or more of the following development subsidies from the Housing and Community Services Department:
 - a. The federal low-income housing tax credit under 26 U.S.C. 42(a), if no part of the eligible basis prior to the application of 26 U.S.C. 42(i)(2)(B) was financed with an obligation described in 26 U.S.C. 42(h)(4)(A), all as amended and in effect on January 1, 2004;
 - b. An agriculture workforce housing tax credit, as described in ORS 315.164.
 - c. A loan that qualifies the lending institution for a subsidized housing loan tax credit, as described in ORS 317.097.
 - d. Funding under the federal HOME Investment Partnerships Act, 42 U.S.C. 12721 to 12839, as amended and in effect on January 1, 2004;
 - e. Moneys from the Oregon Housing Fund created under ORS 458.620; or
 - f. Moneys from other grant or tax incentive programs administered by the Housing and Community Services Department under ORS 456.559.
8. Visitable means capable of being approached, entered and used by individuals with mobility impairments, including but not limited to individuals using wheelchairs.

ORS 456.510 Visitability Requirements

1. Except as provided in this section and ORS 456.513, the Housing and Community Services Department may not provide funding for the development of new rental housing that is a subsidized development unless:
 - a. Each dwelling unit of the housing meets the following requirements:
 - A. At least one visitable exterior route leading to a dwelling unit entrance that is stepless and has a minimum clearance of 32 inches.
 - B. One or more visitable routes between the visitable dwelling unit entrance and a visitable common living space.
 - C. At least one visitable common living space.
 - D. One or more visitable routes between the dwelling unit entrance and a powder room.
 - E. A powder room doorway that is stepless and has a minimum clearance of 32 inches.
 - F. A powder room with walls that are reinforced in a manner suitable for handrail installation.
 - G. Light switches, electrical outlets and environmental controls that are at a reachable height.

- b. For a development that has a shared community room or that has 20 or more contiguous units, there is at least one powder room available for all tenants and guests that is accessible.

- 2. For a multistory structure without an elevator, this section applies only to dwelling units on the ground floor of the structure.
- 3. This section does not apply to agriculture workforce housing as defined in ORS 315.163 that is located on a farm.

ORS 456.513 Exemption from Visitability Requirements

The Housing and Community Services Department shall exempt new rental housing that is a subsidized development from compliance with the requirements of ORS 456.510 if the department determines that the exemption is warranted by:

- 1. The topography at the construction site;
- 2. Community and design standards;
- 3. Undue costs or constraints; or
- 4. Conflicting funding requirements of another government agency if the agency contributes a significant amount of financial aid for the housing.

Again, the statute cited above attempts to align both in purpose and in text with the requirements of federal law, in this case the Rehabilitation Act of 1973. Although the possible exceptions in ORS 456.513 could undermine the effectiveness of ORS 456.510 in practice, on the whole this legislation is intended to reduce barriers to free housing choice among persons with disabilities.

Finally, Oregon's statutes regulating construction contractors provides that contractors "may" provide potential buyers with information that could make a housing unit more accessible, but does not obligate them to do so or require them to actually make the listed features available. Relevant portions of the regulations are set forth in the gray box below.

ORS 701.545 Provision of Accessible Features List to Purchaser

- 1. As used in this section and ORS 701.547:
 - a. Developer means a person who contracts to construct, or arrange for the construction of, new residential housing on behalf of, or for the purpose of selling the residential housing to, a specific individual the person knows is the purchaser of the residential housing.
 - b. Residential housing:
 - A. Means a structure designed for use as a residence and containing dwelling units for three or fewer families.
 - B. Means a structure that is a condominium as defined in ORS 100.005.

C. Does not mean a manufactured structure as defined in ORS 446.003.

2. A developer who enters into a contract to construct or arrange for the construction of new residential housing may, at the time of providing a purchaser with a written contract, also provide the purchaser with a list of features that may make residential housing more accessible to a person with a disability. The list may include the features identified in the model list of features adopted by the Construction Contractors Board by rule under ORS 701.547.
3. The inclusion of a feature on the list supplied by the developer under subsection (2) of this section does not obligate the developer to make the feature available to a purchaser. The list supplied by the developer may specify for each feature whether the feature is standard, optional, available on a limited basis or unavailable from the developer. If a listed feature is available from the developer as an option or on a limited basis, the list of features may specify the stage of construction by which the purchaser must submit to the developer any request that the residential housing be constructed with that feature.
4. This section, or the inclusion of a feature on the model list developed under ORS 701.547, does not affect the requirement that installation of a feature comply with the state building code or be approved under ORS 455.060.

ORS 701.547 Model List of Accessibility Features

The Construction Contractors Board shall adopt by rule a model list of features recommended for inclusion in a list of features that a developer supplies to a purchaser of residential housing under ORS 701.545. In developing the model list of features, the board shall solicit the comments of advocacy groups and other organizations serving persons with disabilities.

While worded as options available to, but not required of, builders, these provisions may increase awareness among FHAA-protected citizens of potential design modifications that might enable them to occupy and use the housing as fully as other citizens, which is consistent with the intent of the FHAA.

Building Occupancy

Restrictions on building occupancy in residential dwelling units help preserve health and safety and prevent overcrowding in dwelling units. Over time, however, some municipalities have used this tool to restrict the number of unrelated persons living together in one dwelling unit to restrict rental housing, group homes, student housing, and other affordable housing options.

Most building occupancy restrictions in zoning codes allow any number of related individuals to occupy a dwelling unit in order to avoid challenges based on due process or

equal protection.¹³ In contrast, many building occupancy codes simply establish a standard for overcrowding—a number of people per room, or per square foot—that cannot be exceeded regardless of whether the occupants are related. Building occupancy regulations that are too stringent can serve as a barrier to housing choice for lower income households and for large families. However, occupancy codes like manufactured home safety codes and building codes are considered a public health and safety protection in which the government's desire to ensure that all housing is safe and sanitary implicitly outweighs its impact on making some sizes, types or qualities of housing unavailable for the general public. Because occupancy laws rarely mention any group of occupants by name, they are seldom implicated in FHAA analysis. At worst, their impact is to make small housing units unavailable to large households, which is not a restriction based on familial status because it would have the same impact on a household of seven related family members as it would on a group of seven unrelated individuals living together.

Regardless of how well-accepted they currently are, it is important to acknowledge that occupancy codes may have a disproportionate impact on FHAA-protected households in two situations:

- First, many assisted living facilities for FHAA-protected households have more residents than an average family (6 or 7 persons, when care providers are included, compared to the less than 4 in an average family), so an occupancy limit anywhere below the average occupancy of small assisted living facility may have a disproportionate impact on group home occupants.
- Second, if households (family or not) of a particular racial group are likely to be larger than average, an occupancy limit anywhere below the average household size for that racial group may have a disproportionate impact on that group.

Oregon addresses the issue of unit occupancy in part through ORS 90.262. Relevant portions of the regulations are set forth in the gray box below.

ORS 90.262 Use and Occupancy Rules and Regulations

1. A landlord, from time to time, may adopt a rule or regulation, however described, concerning the tenants use and occupancy of the premises. It is enforceable against the tenant only if:
 - a. Its purpose is to promote the convenience, safety or welfare of the tenants in the premises, preserve the landlords property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;
 - b. It is reasonably related to the purpose for which it is adopted;
 - c. It applies to all tenants in the premises in a fair manner;

¹³ *Moore v. City of East Cleveland*, 431 U.S. 494 (1977).

- d. It is sufficiently explicit in its prohibition, direction or limitation of the tenants conduct to fairly inform the tenant of what the tenant must or must not do to comply;
 - e. It is not for the purpose of evading the obligations of the landlord; and
 - f. The tenant has written notice of it at the time the tenant enters into the rental agreement, or when it is adopted.
- 2. If a rule or regulation adopted after the tenant enters into the rental agreement works a substantial modification of the bargain, it is not valid unless the tenant consents to it in writing.
- 3. If adopted, an occupancy guideline for a dwelling unit shall not be more restrictive than two people per bedroom and shall be reasonable. Reasonableness shall be determined on a case-by-case basis. Factors to be considered in determining reasonableness include, but are not limited to:
 - a. The size of the bedrooms;
 - b. The overall size of the dwelling unit; and
 - c. Any discriminatory impact on those identified in ORS 659A.421.
- 4. As used in this section:
 - a. Bedroom means a habitable room that
 - A. Is intended to be used primarily for sleeping purposes;
 - B. Contains at least 70 square feet; and
 - C. Is configured so as to take the need for a fire exit into account.
 - b. Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not included.

Because the power to establish occupancy limits is limited by the requirements that they not be lower than two persons per bedroom, the statute includes criteria for determining reasonable standards above that level, and the rules must be applied to all residents in a fair manner, these regulations do not constitute a barrier to fair housing choice under the FHAA.

Regulation of Housing Rent and Tenant Provisions

In late February 2019, Senate Bill 608 was signed into law, establishing statewide standards for rent control. An emergency clause allowed the bill to take immediate effect.

Of the several standards created in the Bill, two have the most significant impact on the regulation of housing:

- First, the Bill eliminates the no-cause eviction standard for tenants who have lived at a property for over a year; and
- Second, the Bill limits rent increases to seven percent annually plus the change in the Consumer Price Index (but new construction is exempt if the certificate of occupancy was issued less than 15 years ago).

Relevant portions of Senate Bill 608 are set forth in the gray box below.

Senate Bill 608 Relating to Residential Tenancies; And Declaring an Emergency.

SECTION 1. ORS 90.427 is amended to read:

- c. Except as provided in subsection (8) of this section, at any time after the first year of occupancy, the landlord may terminate the tenancy only:
 - A. For a tenant cause and with notice in writing as specified in ORS 86.782 (6)(c), 90.380 (5), 90.392, 90.394, 90.396, 90.398, 90.405, 90.440 or 90.445; or
 - B. For a qualifying landlord reason for termination and with notice in writing as described in subsections (5) to (7) of this section.
4. If the tenancy is a fixed term tenancy:
 - a. The landlord may terminate the tenancy during the fixed term only for cause and with notice as described in ORS 86.782 (6)(c), 90.380 (5), 90.392, 90.394, 90.396, 90.398, 90.405, 90.440 or 90.445.
 - b. If the specified ending date for the fixed term falls within the first year of occupancy, the landlord may terminate the tenancy without cause by giving the tenant notice in writing not less than 30 days prior to the specified ending date for the fixed term, or 30 days prior to the date designated in the notice for the termination of the tenancy, whichever is later.
 - c. Except as provided by subsection (8) of this section, if the specified ending date for the fixed term falls after the first year of occupancy, the fixed term tenancy becomes a month-to-month tenancy upon the expiration of the fixed term, unless:
 - A. The landlord and tenant agree to a new fixed term tenancy;
 - B. The tenant gives notice in writing not less than 30 days prior to the specified ending date for the fixed term or the date designated in the notice for the termination of the tenancy, whichever is later; or
 - C. The landlord has a qualifying reason for termination and gives notice as specified in subsections (5) to (7) of this section.
5. The landlord may terminate a month-to-month tenancy under subsection (3)(c)(B) of this section at any time, or may terminate a fixed term tenancy upon the expiration of the fixed term under subsection (4)(c) of this section, by giving the tenant notice in

writing not less than 90 days prior to the date designated in the notice for the termination of the month-to-month tenancy or the specified ending date for the fixed term, whichever is later, if:

- a. The landlord intends to demolish the dwelling unit or convert the dwelling unit to a use other than residential use within a reasonable time;
- b. The landlord intends to undertake repairs or renovations to the dwelling unit within a reasonable time and:

- A. The premises is unsafe or unfit for occupancy; or
- B. The dwelling unit will be unsafe or unfit for occupancy during the repairs or renovations;

- c. The landlord intends for the landlord or a member of the landlord's immediate family to occupy the dwelling unit as a primary residence and the landlord does not own a comparable unit in the same building that is available for occupancy at the same time that the tenant receives notice to terminate the tenancy; or

- d. The landlord has:

- A. Accepted an offer to purchase the dwelling unit separately from any other dwelling unit from a person who intends in good faith to occupy the dwelling unit as the person's primary residence; and
- B. Provided the notice and written evidence of the offer to purchase the dwelling unit, to the tenant not more than 120 days after accepting the offer to purchase.

- 6. a. A landlord that terminates a tenancy under subsection (5) of this section shall:

- A. Specify in the termination notice the reason for the termination and supporting facts;
- B. State that the rental agreement will terminate upon a designated date not less than 90 days after delivery of the notice; and
- C. At the time the landlord delivers the tenant the notice to terminate the tenancy, pay the tenant an amount equal to one month's periodic rent.

- b. The requirements of paragraph (a)(C) of this subsection do not apply to a landlord who has an ownership interest in four or fewer residential dwelling units.

- 7. A fixed term tenancy does not become a month-to-month tenancy upon the expiration of the fixed term if the landlord gives the tenant notice in writing not less than 90 days prior to the specified ending date for the fixed term or 90 days prior to the date designated in the notice for the termination of the tenancy, whichever is later, and:

- a. The tenant has committed three or more violations of the rental agreement within the preceding 12-month period and the landlord has given the tenant a written warning notice at the time of each violation;

b. Each written warning notice:

- A.** Specifies the violation;
- B.** States that the landlord may choose to terminate the tenancy at the end of the fixed term if there are three violations within a 12-month period preceding the end of the fixed term; and
- C.** States that correcting the third or subsequent violation is not a defense to termination under this subsection; and

c. The 90-day notice of termination:

- A.** States that the rental agreement will terminate upon the specified ending date for the fixed term or upon a designated date not less than 90 days after delivery of the notice, whichever is later;
- B.** Specifies the reason for the termination and supporting facts; and
- C.** Is delivered to the tenant concurrent with or after the third or subsequent written warning notice.

8. If the tenancy is for occupancy in a dwelling unit that is located in the same building or on the same property as the landlord's primary residence, and the building or the property contains not more than two dwelling units, the landlord may terminate the tenancy at any time after the first year of occupancy:

a. For a month-to-month tenancy:

- A.** For cause and with notice as described in ORS 86.782 (6)(c), 90.380 (5), 90.392, 90.394, 90.396, 90.398, 90.405, 90.440 or 90.445;
- B.** Without cause by giving the tenant notice in writing not less than 60 days prior to the date designated in the notice for the termination of the tenancy; or
- C.** Without cause by giving the tenant notice in writing not less than 30 days prior to the date designated in the notice for the termination of the tenancy if:
 - 1.** The dwelling unit is purchased separately from any other dwelling unit;
 - 2.** The landlord has accepted an offer to purchase the dwelling unit from a person who intends in good faith to occupy the dwelling unit as the person's primary residence; and
 - 3.** The landlord has provided the notice, and written evidence of the offer to purchase the dwelling unit, to the tenant not more than 120 days after accepting the offer to purchase.

b. For a fixed term tenancy:

- A.** During the term of the tenancy, only for cause and with notice as described in ORS 86.782 (6)(c), 90.380 (5), 90.392, 90.394, 90.396, 90.398, 90.405, 90.440 or 90.445; or

B. At any time during the fixed term, without cause by giving the tenant notice in writing not less than 30 days prior to the specified ending date for the fixed term, or 30 days prior to the date designated in the notice for the termination of the tenancy, whichever is later.

9. a. If a landlord terminates a tenancy in violation of subsection (3)(c)(B), (4)(c), (5), (6) or (7) of this section:

A. The landlord shall be liable to the tenant in an amount equal to three months' rent in addition to actual damages sustained by the tenant as a result of the tenancy termination; and

B. The tenant has a defense to an action for possession by the landlord.

b. A tenant is entitled to recovery under paragraph (a) of this subsection if the tenant commences an action asserting the claim within one year after the tenant knew or should have known that the landlord terminated the tenancy in violation of this section.

SECTION 2. ORS 90.323 is amended to read:

1. If a tenancy is a week-to-week tenancy, the landlord may not increase the rent without giving the tenant written notice at least seven days prior to the effective date of the rent increase.

2. For purposes of this section, the term "consumer price index" refers to the annual 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor in September of the prior calendar year.

3. During any tenancy other than week-to-week, the landlord may not increase the rent:

a. During the first year after the tenancy begins.

b. At any time after the first year of the tenancy without giving the tenant written notice at least 90 days prior to the effective date of the rent increase.

c. During any 12-month period, in an amount greater than seven percent plus the consumer price index above the existing rent except as permitted under subsection (7) of this section.

4. The notices required under this section must specify:

a. The amount of the rent increase;

b. The amount of the new rent;

c. Facts supporting the exemption authorized by subsection (7) of this section, if the increase is above the amount allowed in subsection (2)(c) of this section; and

d. The date on which the increase becomes effective.

5. This section does not apply to tenancies governed by ORS 90.505 to 90.850.

6. A landlord terminating a tenancy with a 30-day notice without cause as authorized by ORS 90.427 (3) or (4) during the first year of a tenancy may not reset rent for the next tenancy in an amount greater than seven percent plus the consumer price index above the previous rent.
7. A landlord is not subject to subsection (3)(c) or (6) of this section when:
 - a. The first certificate of occupancy for the dwelling unit was issued less than 15 years from the date of the notice of the rent increase; or
 - b. The landlord is providing reduced rent to the tenant as part of a federal, state or local program or subsidy.
8. A landlord that increases rent in violation of subsection (3)(c) or (6) of this section is liable to the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.

The Bill has the effect of amending ORS 90.100, 90.220, 90.323, 90.427, 90.600, 90.643, 90.675, and 105.124 while adding a chapter to ORS 90. Before the enactment of the Bill, Oregon did not have any statewide rent control procedures and local governments were prohibited from regulating housing rent and sales prices. The latter is still true. ORS 91.225, which prohibits localities from regulating housing rent, remained untouched by the Bill. Relevant portions of the regulations are set forth in the gray box below.

ORS 91.225 Local Rent Control Prohibited

1. The Legislative Assembly finds that there is a social and economic need to insure an adequate supply of affordable housing for Oregonians. The Legislative Assembly also finds that the imposition of general restrictions on housing rents will disrupt an orderly housing market, increase deferred maintenance of existing housing stock, lead to abandonment of existing rental units and create a property tax shift from rental-owned to owner-occupied housing. Therefore, the Legislative Assembly declares that the imposition of rent control on housing in the State of Oregon is a matter of statewide concern.
2. Except as provided in subsections (3) to (5) of this section, a city or county shall not enact any ordinance or resolution which controls the rent that may be charged for the rental of any dwelling unit.
3. This section does not impair the right of any state agency, city, county or urban renewal agency as defined by ORS 457.035 to reserve to itself the right to approve rent increases, establish base rents or establish limitations on rents on any residential property for which it has entered into a contract under which certain benefits are applied to the property for the expressed purpose of providing reduced rents for low income tenants. Such benefits include, but are not limited to, property tax exemptions, long-term financing, rent subsidies, code enforcement procedures and zoning density bonuses.

4. Cities and counties are not prohibited from including in condominium conversion ordinances a requirement that, during the notification period specified in ORS 100.305, the owner or developer may not raise the rents of any affected tenant except by an amount established by ordinance that does not exceed the limit imposed by ORS 90.493.
5. Cities, counties and state agencies may impose temporary rent controls when a natural or man-made disaster that materially eliminates a significant portion of the rental housing supply occurs, but must remove the controls when the rental housing supply is restored to substantially normal levels.
6. As used in this section, dwelling unit and rent have the meaning given those terms in ORS 90.100.
7. This section is applicable throughout this state and in all cities and counties therein. The electors or the governing body of a city or county shall not enact, and the governing body shall not enforce, any ordinance, resolution or other regulation that is inconsistent with this section.

ORS 91.225 prevents local governments from regulating housing rents or sales prices. Nonetheless, localities are not prevented from creating and implementing incentives and development agreements to encourage the production of moderate or lower-cost housing.

As noted above, individuals with low income are not a protected class under the FHAA, but there is likely a correlation between FHAA-protected citizens and lower-than-average incomes. Oregon's statewide rent control, though facially neutral with regard to FHAA-protected citizens, will likely have the effect of increasing the supply of housing available to lower income groups, and, as such, likely increasing the supply of housing available to FHAA-protected citizens.

Inclusionary Zoning

Although Oregon statutes prohibit local municipalities from enacting rent control, recent statutory amendments have opened the door for localities to adopt regulatory measures that mandate affordable housing. Relevant portions of the regulations are set forth in the gray box below.

ORS 197.309 Local Ordinances or Approval Conditions Effectively Establishing Housing Sale or Rental Price; Exceptions

1. As used in this section:
 - a. "Affordable housing" means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.

- b. “Multifamily structure” means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.
- 2. Except as provided in subsection (3) of this section, a metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale or rent to a particular class or group of purchasers or renters.
- 3. The provisions of subsection (2) of this section do not limit the authority of a metropolitan service district to:
 - a. Adopt or enforce a use regulation, provision or requirement creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or requirement designed to increase the supply of moderate or lower cost housing units; or
 - b. Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.
- 4. Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.
- 5. A regulation, provision or requirement adopted or imposed under subsection (4) of this section:
 - a. May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing;
 - b. May apply only to multifamily structures containing at least 20 housing units;
 - c. Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates; and
 - d. Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:
 - A. Whole or partial fee waivers or reductions.
 - B. Whole or partial waivers of system development charges or impact fees set by the city or county.
 - C. Finance-based incentives.

D. Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of “low income” to mean income at or below 60 percent of the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of “low income” to mean income at or below 80 percent of the area median income.

6. A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

- a. Density adjustments.
- b. Expedited service for local permitting processes.
- c. Modification of height, floor area or other site-specific requirements.
- d. Other incentives as determined by the city or county.

7. Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

- a. Increase the number of affordable housing units in a development.
- b. Decrease the sale or rental price of affordable housing units in a development.
- c. Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

8. a. A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

b. If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

9. a. A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable

housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

b. Paragraph (a) of this subsection does not apply to:

- A.** An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
- B.** An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

c. In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- A.** The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;
- B.** The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- C.** The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

10. If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units.

Prior to 2016, inclusionary zoning—i.e., ordinances that require private developers to set aside some portion of their newly constructed units for sale or rent to persons with a defined income—was effectively prohibited in Oregon. Oregon statutes now permit cities and counties to pass regulations that require new multifamily developments of 20 units or more to include affordable housing. The statute limits municipalities from requiring more than 20 percent of the new housing units to be affordable. Although facially neutral with regard to FHAA-protected citizens, the state’s new grant of authority to enact inclusionary housing requirements within defined limits will tend to increase the amount of lower income housing, and, as such, may also provide more housing for FHAA-protected citizens.

House Bill 2997, passed in the 2019 legislative session, exempts continuing care retirement communities (CCRCs) from inclusionary zoning requirements that may be imposed by local governments. This does not apply to units that are offered or converted for residential sale or use.

SECTION VI.

FAIR HOUSING ACTION PLAN

SECTION VI.

Fair Housing Action Plan

This section contains an updated Fair Housing Action Plan (“FHAP”) for the State of Oregon to address identified impediments and barriers to housing choice. This FHAP is informed by:

- 1) The primary findings from the AI—particularly where disparities in housing choice and access to opportunity exist for protected classes;
- 2) Recommended action items arising through meetings with the consultant and staff team and input from stakeholders;
- 3) Public comments received during the review of the draft AI.
- 4) Awareness that affirmatively furthering fair housing choice (AFFH) is a complex effort, as housing choices are affected by a variety of market conditions and actions by both residents and industry—not all of which are within the state’s control. As such, AFFH is viewed by the state as an ongoing and private/public commitment.

Since the last statewide fair housing study was conducted in 2015, federal requirements for Affirmatively Furthering Fair Housing (AFFH) have changed, beginning with the implementation of the Assessment of Fair Housing Rule 2016, to a reversion to former 1994 Analysis of Impediments guidance, to an elimination of any formal requirement or guidance in 2020, to a reinstatement of the AFFH commitment in 2021. In sum, this study was undertaken during a period where expectations for AFFH are in flux.

The content and structure of this section draw upon past state approaches to fair housing assessments that led to actionable and outcome-driven action items. It places a strong emphasis on community engagement and an assessment of state regulations that influence housing choice. Community engagement is incorporated throughout the AI and summarized in Appendix A, state policies and programs are addressed in Sections II and III, and the assessment of state regulations pertinent to housing comprises Section V.

Past Fair Housing Actions

The State of Oregon files a Consolidated Annual Performance and Evaluation Report (CAPER) with HUD annually that contains, among other items, an update on how the state is fulfilling its latest Fair Housing Action Plan (FHAP). Oregon’s 2019 FHAP is included as Appendix C. The state’s strong and concerted efforts in mitigating barriers demonstrates its firm commitment to AFFH.

Impediments to fair housing choice identified in the 2016-2020 AI.

The following impediments are organized around the primary research findings from the 2016-2020 AI.

Research Finding #1: Persons with disabilities face widespread barriers to housing choice.

Impediments found to contribute to barriers to housing choice for persons with disabilities include:

- ***Impediment 1-1.*** There is a lack of affordable, accessible housing, including housing available for persons with disabilities who wish to leave nursing homes or other institutional settings.
- ***Impediment 1-2.*** Some landlords refuse to make reasonable accommodations for persons with disabilities.
- ***Impediment 1-3.*** There are limited resources to help persons with disabilities transition out of institutional settings.
- ***Impediment 1-4.*** Infrastructure in rural areas is generally inaccessible due to lack of sidewalks and paved roads. Public transit is very limited and is often difficult to access.
- ***Impediment 1-5.*** Some aspects of state statutes could be improved to clarify how group homes should be treated in local land use regulations and zoning codes. Although state law provides very prescriptive regulations in some areas, some loopholes exist that may cause differential treatment of group home facilities.

Research Finding #2: Discrimination against protected classes persists statewide.

Impediments that contribute to discrimination include:

- ***Impediment 2-1.*** Lack of enforcement of fair housing violations in rural areas.
- ***Impediment 2-2.*** Limited housing options for persons most vulnerable to housing discrimination: non-English speakers, persons of Hispanic descent, Native Americans, African Americans, large families and, as discussed above, persons with disabilities.

Research Finding #3. Residents lack knowledge of their fair housing rights, are not empowered to take action and have very limited fair housing resources locally.

Impediments related to this finding include:

- ***Impediment 3-1.*** Local fair housing resources are limited statewide, particularly in rural communities.

Research Finding #4. In many rural areas, credit is limited for residents who want to buy homes and developers who want to build multifamily housing.

Impediments and barriers related to this finding include:

- *Impediment 4-1.* Limited credit alternatives for households in rural areas who seek homeownership, and
- *Barrier 4-2.* Lack of capital to develop multifamily housing in rural areas.

The following barriers affect housing opportunities for households in general in Oregon, particularly low income households. They may also disproportionately affect protected classes—but that nexus depends on each particular case.

Research Finding #5. Condition of affordable housing is generally poor in rural areas.

Although poor housing condition generally affects households similarly regardless of protected class, it can be a particular problem for certain protected classes when:

- Fear of landlord retaliation if condition issues are reported and the experience of discrimination limits other housing choices of certain protected classes;
- Landlords maintain properties differently depending on the occupants; and
- Lack of code enforcement is selectively applied to certain types of properties (e.g., manufactured home parks mostly occupied by Hispanic residents or large families).

Research Finding #6. Oregon's state laws associated with inclusionary zoning may limit the ability of cities and counties to employ programs that are known to create a significant amount of affordable units in many other jurisdictions.

Actions taken to address impediments. These barriers were addressed in state legislative sessions (see following summary).

Research Finding #7. State laws and local practices, coupled with lack of housing in rural areas, create impediments to housing choice for persons with criminal backgrounds.

Actions taken to address impediments. Since the last AI was conducted in 2015, the State of Oregon has invested many resources toward addressing the identified impediments to fair housing choice and addressing housing needs statewide. Some of the key initiatives taken to address the 2015 impediments include:

Actions to increase fair housing enforcement and empower residents:

- Funded a wide range of fair housing outreach and education and capacity-building activities including expansion of the Fair Housing Council of Oregon (FHCO) to have a local presence in the Mid-Willamette Valley, Eastern Oregon and Southern Oregon regions—the first time fair housing personnel have been located outside of the Portland Metro area;
- Funded FHCO development and dissemination of the Inclusive Communities Toolkit¹ to local governments across the state;
- Funded audit testing to identify potential illegal discrimination in OHCS properties and fair housing complaint intake. Findings from audit testing are also used to inform education, outreach, and other enforcement efforts;
- Examined and enhanced resources available to non-English speaking residents, including funding FHCO to develop a model application, lease agreement; and reasonable accommodations policy in English, Russian, and Spanish, and funding for translation services in Arabic, Burmese, French, Karen, Korean, Lao, Russian, Somali, Spanish, Ukrainian, and Vietnamese. Funded culturally specific and culturally relevant fair housing outreach, education, and training, with a focus on tribal communities, Spanish speaking communities, new immigrants, and residents with LEP;
- Expanded the state’s protected classes to include source of income from any legal and ongoing source, including payment of rent through a housing authority or other program, such as the Housing Choice Voucher, or Section 8, program;

Actions to reduce disparities in rental housing choice:

- **State housing strategy.** Funded and completed a State Housing Plan in 2019 that will guide OHCS programs and investments for the next five years:
 - One of the six priorities determined from this process was the advancement of Equity and Racial Justice; and
 - As action items are further defined, approaches to furthering equity through housing accessibility will be explored. For example, vetting changes to OHCS required building design through the Project Development Manual to encourage additional accessible units beyond what is required.²
- **Increase state funding for housing and supportive services.** Dedicated more than \$336 million in the 2019 legislative session to address housing needs from homelessness to homeownership to³:

¹ <http://fhco.org/index.php/information-for-jurisdictions/affh>

² OHCS seeks to merge overlapping work items in all of its planning documents with the SWHP wherever possible.

³ <https://www.oregon.gov/ohcs/about-us/Documents/gov-relations/2019-07-29-Legislative-Highlights.pdf>

- Accelerate housing development in greater Oregon through lowering risk of rural housing development (HB 2056), increasing workforce housing (Greater Oregon Housing Accelerator), and helping local governments develop housing production strategies (HB 2003);
 - Increase and maintain the supply of affordable housing by acquiring and preserving existing affordable and attainable rental housing, providing housing opportunities to communities of color and rural communities (Local Innovation and Fast Track Housing or LIFT program), protections and opportunities for residents of manufactured housing (HB 2896 and SB 586); and prevent foreclosures;
 - Pilot supportive housing as a community-based treatment to address the gap in housing alternatives for residents who cycle in and out of institutions (e.g., jails, prisons, group homes, hospitals) via the Improving People's Access to Community-based Treatment (IMPACTS) Act; and
 - Invest in permanent supportive housing through development of housing units and funding supportive services in partnership with the Oregon Health Authority (OHA).
- ***Legislative action to affirmatively further fair housing choice in Oregon.*** In addition to the significant increases in funding described above, the state legislature took action to further fair housing choice through the passage of bills related to land use and zoning, tenant rights, and preserving housing affordability.
- Required that multi-unit developments be permitted in areas zoned for residential use that allow detached single-family dwellings;
 - Strengthened tenants' rights for causes and notification of eviction filings by limiting the "no cause" termination of tenancy after the first year unless in the case of demolition, renovation, moving in an immediate family member, or sale to someone who will live in the unit as a permanent residence. Notification for these landlord-based terminations must be provided with 90 day notice and relocation expenses of one month's rent;
 - Required 90 day notice for rent increases, limited rent increases to once per year, and set caps on rental increase amounts (no more than 7% + Consumer Price Index in a 12 month period); and
 - Changed how landlords may treat past evictions and criminal histories of rental applicants—in general, landlords may not consider prior arrests that did not result in conviction, or convictions unless involving drug related crime (excluding use/possession of marijuana), a person crime, a sex offense, financial fraud, or crimes that would adversely affect the property of the landlord or tenant or the health, safety, or peaceful enjoyment of the premises, and past evictions that were dismissed or resulted in general

judgment for the applicant before the application was submitted or evictions five or more years prior to the application.⁴

Actions to reduce barriers to accessing economic opportunity:

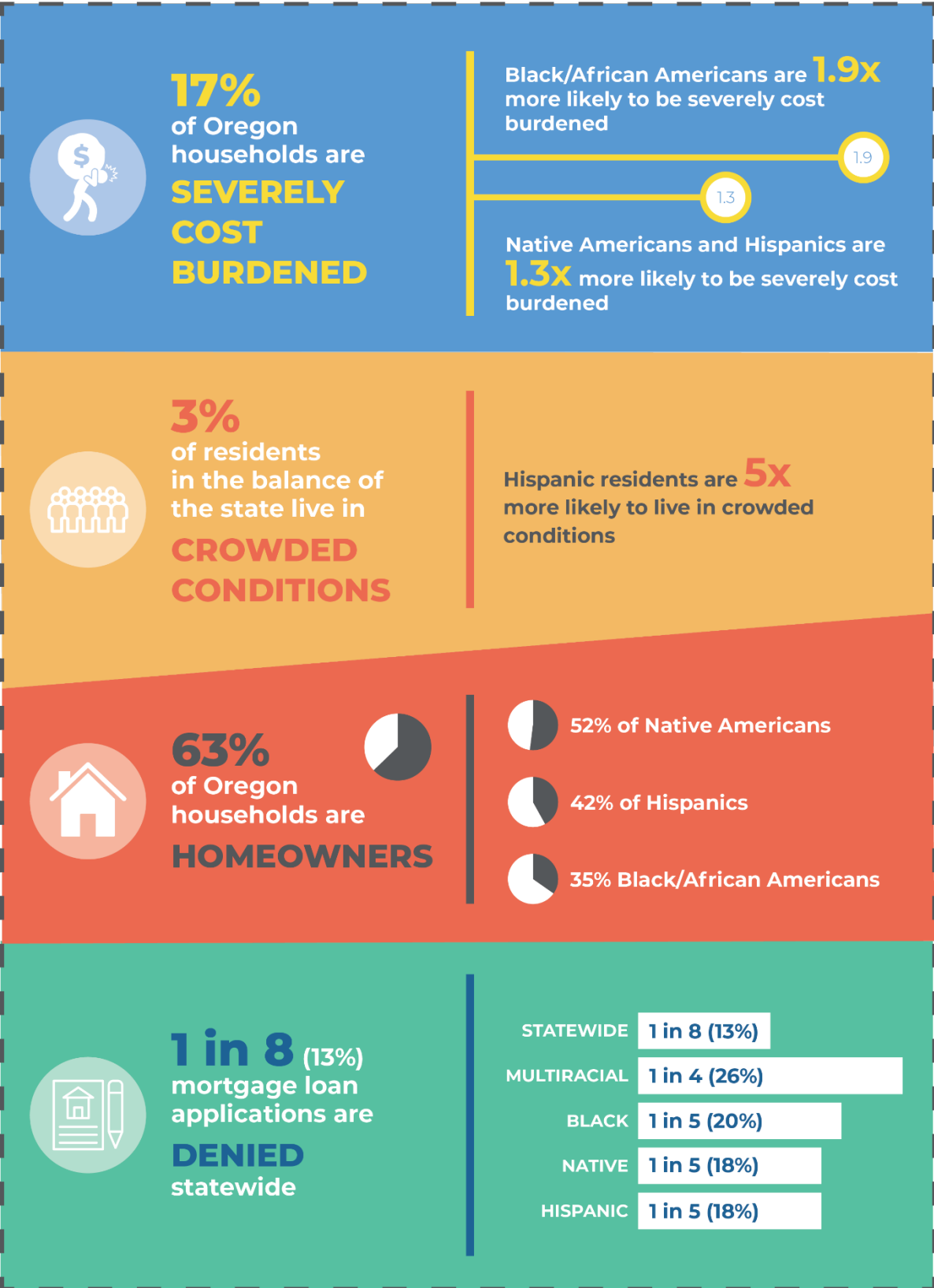
- Staff the Housing Choice Advisory Committee and monitoring implementation of HB 2639 (source of income protections);
- Continued programs to ensure that subsidized housing is available in a wide variety of neighborhoods, including engaging in community dialogue about the linkage between housing choice and access to economic opportunity—quality schools, healthy communities, and preventing displacement;
- Funded FHCO to partner with planning and land use professionals to review Post Acknowledgement Plan Amendments (PAPA) submitted to the Department of Land Conservation and Development (DLCD) to identify proposals that may have discriminatory impact;
- In support of the Rural Communities housing plan priority, the rural Peer Network focuses on efforts to provide Permanent Supportive Housing and building capacity to successfully implement PSH in rural areas, expanding opportunities for residents with supportive housing needs statewide; and
- To advance economic opportunity for underrepresented people, Business Oregon has invested in and supported culturally focused organizations, invested in Black entrepreneurship through Oregon Growth Board contributions to the Black Founders Matter Fund, and targeted COVID relief funds to underserved small businesses facing systemic barriers to success and to provide emergency broadband connectivity to improve Internet access for K12 distance learning.

2021 Fair Housing Impediments

Oregon should be commended for its ongoing commitment to address impediments to housing choice; the state is a national leader in this regard. Many barriers—especially those that are a result of decades of structural discrimination—are challenging to address. The following graphics summarize the primary disparities in housing and access to opportunity that remain in Oregon. These are the basis for the research findings and revised Fair Housing Action Plan.

⁴ Residents with criminal histories are not a protected class; however, there can be overlap with protected class categories, most commonly disability, including substance abuse challenges, and race/ethnicity.

Disparities in Housing



Disparities in Access to Opportunity



Oregon's
poverty rate is **13%**

Black/African Americans are **1.7x**
more likely to live in poverty

Hispanics are **1.4x** more likely to
live in poverty



1 in 5 high school students do not graduate on time

1 in 3 (35%)
Native American students

1 in 3 (32%)
Black/African American students

Black/African American students, Native American students, and students with disabilities are twice as likely to be suspended than other students state-wide (10%, 9%, 9%, respectively)



27%
of all Oregon 8th
graders score below
Basic in Reading
compared to...



85% of English Language Learners



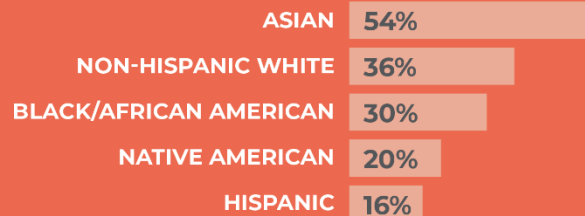
68% of students with disabilities



40% of Hispanic students



1 in 3
Oregonian
adults has a
college degree
compared to...



For every \$1
earned by a college
graduate in Oregon, a...

\$0.55

Worker with less than a high
school degree earns \$0.55

\$0.62

Worker with a high school
diploma/GED earns \$0.62

\$0.69

Worker with some college/
Associate's degree earns \$0.69



More than **25,000** state highway crossings are not ADA accessible
50% of state highway pedestrian crossings are not ADA compliant



> 191,000 (12%) households do not have an internet subscription

The primary fair housing impediments identified through the analysis conducted for this updated Analysis of Impediments include the following:

Research Finding #1—Members of protected classes, particularly people with disabilities and people of color, experience disparities in rental housing choice.

Rental housing impediments are found in the shortage of rental housing across the state, challenges with source of income protections, and limited options for certain “high barrier” prospective tenants—persons with serious and persistent mental illness, persons with substance use disorders, persons with criminal histories, and undocumented residents—and lack of affordable, accessible housing for persons with disabilities.

Impediment 1-1. The shortage of rental housing affordable to residents with incomes less than 30 percent and 50 percent of MFI—exacerbated by the loss of naturally occurring affordable housing in the 2020 wildfires—is the most urgent housing need identified by stakeholders in every region of the state. That members of protected classes, especially people of color, persons with disabilities, and single parent households, are more likely to be severely cost burdened, to live in poverty, and to earn lower wages than the regional average demonstrates that the state’s rental housing shortage disproportionately affects some protected classes.

Impediment 1-2. Direct discrimination on the basis of protected class status, including refusal to rent, denial of reasonable accommodations, continues to occur in Oregon. The majority of complaints involve disability, and likely underreport discrimination on the basis of race, national origin, and source of income. In their experience, stakeholders engaged in fair housing enforcement note that residents with disabilities tend to be more willing to pursue discrimination-based complaints, due to effective advocacy in the disability community regarding fair housing rights related to reasonable accommodations and modifications and that those who may have a case on the basis of race or national origin discrimination may be reluctant to assert their rights. Stakeholders report that this reluctance to file may be addressed by strengthening partnerships with trusted culturally relevant organizations.

Impediment 1-3. Residents with criminal histories, history of eviction, and poor credit all experience great difficulty meeting tenant screening criteria. The broad application of these screening criteria disproportionately impacts persons of color, persons with serious and persistent mental illness, and persons with a history of substance use disorders. Undocumented residents experience rental housing application denials as housing providers require a Social Security Number for their tenant background and credit screening system processes.

Impediment 1-4. Residents with disabilities cannot find accessible and affordable rental units, especially in rural Oregon, and often live in housing that is in poor condition or does not meet their accessibility needs.

Impediment 1-5. Naturally occurring affordable housing is often in poor condition in rural Oregon. In non-entitlement areas, 15 percent of Hispanic households live in substandard housing conditions. Stakeholders identify poor housing condition to be a persistent challenge in rural Oregon, and housing rehabilitation programs are oversubscribed. Residents with barriers to renting (see Impediment 1-2) often live in housing of last resort, characterized by poor or substandard conditions.

Impediment 1-6. It is extremely difficult for voucher holders to find landlords willing to rent to program participants—despite the state’s source of income protections. Landlords continue to advertise “No Section 8” or advertise that a unit does not meet HUD quality standards. Fines are too low to spur widespread compliance and noncompliance is perceived as a low risk.

Stakeholders report that the state-administered insurance fund available to housing providers whose property is damaged by tenants covered by source of income protections—the Housing Choice Landlord Guarantee Program—is not considered an effective and efficient remedy. The program is seen as administratively cumbersome, requires landlords to obtain a Small Claims⁵ judgment against the tenant before applying for relief, and the \$5,000 cap is too low to justify the time and effort necessary to obtain relief funds. Since the program began in September 2014, OHCS has received 362 applications for payment from landlords, of which 280 were approved for funding.⁶

Research Finding #2—People of color disproportionately experience barriers to attaining homeownership.

There are significant differences in homeownership rates by race and ethnicity statewide and among counties. Black and African American homeownership is 30 percentage points lower and Hispanic homeownership rates are 20 percentage points lower than non-Hispanic White homeownership rates statewide. The barriers to homeownership of householders of color include:

Impediment 2-1. Historical segregation and disinvestment coupled with past discrimination in lending and disparities in access to economic opportunity creates a wealth gap that negatively impacts mortgage lending outcomes.

⁵ The Small Claim judgment is not the same as a Forcible entry Detainer or an eviction judgment.

⁶ <https://app.smartsheet.com/b/publish?EQBCT=c6e839a87fea4020acddbc2902115019>

Impediment 2-2. Lenders deny Black and African American, Native American, and Latino/Hispanic applicants at higher rates than non-Hispanic White applicants, and these higher denial rates persist even after accounting for income.

Observation. While not a barrier to attaining homeownership, applicants of color are much more likely than non-Hispanic White applicants to be denied loans for refinancing, home improvements, or cash out refinancing. In the long run, these disparities negatively impact home values and housing condition, further eroding the potential equity gains of non-Hispanic White homeowners.

Research Finding #3—Members of protected classes disproportionately experience barriers to accessing economic opportunity.

Impediments to economic opportunity include disparities in access to quality learning environments, lack of access to state entrepreneurial program resources, and state agency challenges in compliance with federal Americans with Disabilities Act (ADA) and the *Olmstead* integration regulations.

Impediment 3-1. Disparities in access to high quality learning environments by students of color, English language learners, and by students with disabilities are evidenced in school discipline rates⁷, test scores, and graduation rates. These disparities limit educational attainment and future employment opportunities of affected-students.

Impediment 3-2. Inadequate Internet infrastructure in rural Oregon disproportionately impacts families with children and people of color, limiting access to remote learning, employment opportunities, and telehealth.

Impediment 3-3. One of the CDBG program's signature economic development initiatives is the Microenterprise program. The analysis of program beneficiaries found that none of the Microenterprise program participants were businesses owned by persons of color.

Impediment 3-4. Since the last AI, the state of Oregon has entered into three settlement agreements to address failures to comply with ADA and *Olmstead* integration mandates related to lack of accessible ramps at state highway pedestrian crossings, lack of emphasis on supported employment in integrated environments rather than sheltered workshops, and lack of integrated, community

⁷ School suspensions have been found to be linked to adverse behavior in adulthood, particularly for boys of color. A recent study found that students assigned to a school with a one standard deviation higher suspension rate are 15–20 percent more likely to be arrested and incarcerated as adults. They were also less likely to attend a four-year college. Male students of color are most likely to be affected negatively by stricter school policy. The School to Prison Pipeline: Long-Run Impacts of School Suspensions on Adult Crime <https://www.nber.org/papers/w26257>

based independent living options for residents with serious and persistent mental illness.

Impediment 3-5. Lack of access to mental health services, substance use disorder treatment, and other supportive services leads to housing instability and homelessness, disproportionately impacting persons with disabilities, African American, Native American, and Hispanic residents.⁸

Research Finding #4—While progress has been made, residents still lack knowledge of their fair housing rights, are not empowered to take action, and have very limited fair housing resources locally.

Discrimination on the basis of protected class status, whether race, national origin, disability, or familial status, continues to occur in Oregon. The state of Oregon is fortunate to have the Fair Housing Council of Oregon (FHCO), and a recent OHCS grant that enabled FHCO to establish a local presence in the Mid-Willamette Valley, Eastern Oregon, and Southern Oregon regions is already bearing fruit, including identifying the lack of compliance with source of income protections in the balance of state.

Impediment 4-1. Residents still have low awareness of their fair housing rights and of resources available to them to assert their rights, especially in the balance of state. Building the fair housing capacity of local culturally specific and culturally relevant organizations to provide fair housing education and outreach is needed to increase the effectiveness of outreach and enforcement.

Impediment 4-2. Landlords, especially medium and small housing providers in the balance of state, would benefit from fair housing education and training, especially related to reasonable accommodations and source of income protections.

Impediment 4-3. Stakeholders familiar with the complaint process note that while BOLI has made some improvements since the last AI, the complaint process remains lengthy and complex, and the state is still not substantially equivalent. It is our understanding that substantial equivalency should be reinstated Spring 2021 when the moratorium expires.

⁸ Representation of some protected classes among persons living homeless may be understated due to federal definitions. For example, stakeholders believe the true extent of Hispanic homelessness is understated by HUD's definition of homelessness due to the cultural affinity for sheltering family or friends who lose their housing.

2021-2025 Fair Housing Action Plan

The following Action Items reflect the decision by OHCS and Business Oregon to prioritize:

- Mitigating barriers with a significant effect on limiting fair housing choice,
- Addressing barriers for residents with disproportionate needs and limited resources; and
- Considering capacity in determining the timeline for implementation—i.e., the ability of OHCS, OBDD-IFA/Business Oregon and their partners to address the barrier and willingness of other state agencies/partners to commit to the action.

Actions to reduce disparities in rental housing choice

Current strategies to continue

- Continue to prioritize rental housing development and preservation in rural Oregon, emphasizing the State Housing Plan Equity and Racial Justice and Rural Communities priorities. *Impediments 1-1 through 1-6.*
- Continue to fund fair housing enforcement, including testing, to address direct housing discrimination. *Impediments 1-1 through 1-6.*
- Continue to fund home rehabilitation for low and moderate income homeowners. *Impediments 1-4 and 1-5.*

Legislation, policy development, regulatory changes

- Support regulatory changes to strengthen the state's source of income protection including increased resources dedicated to enforcement, higher fines, and piloting locally-delivered housing provider protection/insurance funds. *Impediments 1-1, 1-2, 1-3, 1-4, 1-6.*
- Support adding immigrants and refugees as a protected class at the state level. *Impediment 1-3.*
- Support efforts to amend state law to provide for the award of attorney fees if a legal challenge to the development farmworker housing is unsuccessfully challenged. *Impediment 2.2.*
- Reform the state housing provider protection/insurance fund to be more responsive to housing provider needs and expand the fund or develop other incentives to mitigate or offset the risk housing providers take/perceive when renting to high barrier tenants who otherwise would not meet standard screening criteria (e.g., prior eviction, criminal history, poor credit). *Impediment 1-3.*
- Convene housing providers and fair housing stakeholders to develop best practices housing providers can use to fairly screen applicants who are undocumented and a

process for individualized assessments for those with criminal histories. Learn from Portland’s implementation of the FAIR ordinance. *Impediment 1-3.*

New approaches to preserving and developing affordable rental housing

- Explore developing an incentive program to improve the condition of naturally occurring affordable housing (NOAH) while preserving affordability—for example, grants or low interest loans for condition improvements or acquisition of NOAH in exchange for guaranteed affordability for a term of years. *Impediments 1-5.*
- Explore providing funding bonuses or scoring incentives for housing providers to increase and exceed the federally required number of accessible units among their properties. *Impediments 1-4.*
- Review the effectiveness of recent legislation (e.g., HB 2001) in expanding the supply of housing in the balance of state. If units are not being built, identify remaining barriers, which could include other land use or environmental rules, and develop policies or incentives to mitigate them. *Impediment 1-1.*

Address underlying challenges for residents seeking affordable housing

- As in most states, the search for affordable housing in Oregon (and in most states) is time consuming, complex, and requires under-resourced and vulnerable households to sign up for multiple waitlists, research properties that have accessible units or that are felon-friendly, or that have units where rent is based on income. These create considerable barriers to housing access for some residents, including those without computers/phones, with certain disabilities (cognitive, developmental, visual), and with challenging work or family schedules. Consider investing in a comprehensive, “push” technology system that replaces multiple lists of affordable housing rental developments with a single system that matches applicants to properties. San Francisco’s system is the best in class nationally.⁹ *Impediments 1-1 through 1-6.*

Actions to reduce disparities in attaining homeownership

Current strategies to continue

- Continue to support and enhance the Residential Loan Program (Oregon Bond Residential Loan Program). Review and strengthen affirmative marketing of the program to members of protected classes in the balance of state. Continue to strengthen partnerships with lenders and CDFIs to increase lending opportunities in rural communities. *Impediments 2-1, 2-2.*
- Continue to provide down payment assistance for low income homebuyers, focusing on homebuyers of color. Look for opportunities to strengthen affirmative marketing to communities of color in the balance of state. Consider conducting focus groups or

⁹ <https://housing.sfgov.org/>

other consultation with residents of color to increase the effectiveness of state homeownership programs in serving communities of color. The Colorado Housing Finance Authority (CHFA) is currently conducting this type of engagement with Colorado's Black and African American community with the goal of increasing Black and African American homeownership statewide. *Impediments 2-1, 2-2.*

- Continue the Oregon Individual Development Account (IDA) Initiative. Review and strengthen affirmative marketing of the program, particularly to communities of color in the balance of state. *Impediments 2-1, 2-2.*
- Continue to support homeownership counseling, homebuyer education, and financial education programs for low income Oregonians. Review and strengthen affirmative marketing of such programs to communities of color in the balance of state.

Address underlying causes of mortgage lending disparities

- Engage the Portland branch of the Federal Reserve Bank of San Francisco to sponsor a workshop to identify actionable solutions to disparities in mortgage lending and the homeownership rate of persons of color in Oregon. *Impediments 2-1, 2-2.*
- Explore the potential to help low and moderate income, including renters with challenging backgrounds, build credit through a positive rental reporting requirement and "good tenant" programs. *Impediments 2-1, 2-2*

Elevate the importance of effective affirmative marketing strategies

- For any OHCS-funded homeownership products, review and strengthen affirmative marketing strategies. *Impediments 2-1, 2-2.*

Actions to reduce barriers to accessing economic opportunity

Current strategies to continue

- Continue to incentivize siting affordable housing in communities with strong economic assets like proficient schools, employment opportunities, and affordable and accessible transportation. *Impediment 3-1.*
- Continue to seek opportunities to increase Internet infrastructure in rural Oregon, especially in unserved low income areas and communities of color. *Impediment 3-2.*
- Continue to prioritize progress on the state's three ADA and *Olmstead*-related settlement agreements. Look for opportunities to go above and beyond the requirements, prioritizing accessibility and adaptability in projects. *Impediment 3-4.*

Elevate the importance of effective affirmative marketing strategies across all CDBG programs

- Review and strengthen affirmative marketing of direct-to-consumer CDBG programs like the Microenterprise program and continue to prioritize developing relationships

with culturally specific and culturally responsive organizations operating in the balance of state. *Impediment 3-3.*

Engage with other state departments to increase access to opportunity

- Monitor implementation of the Student Success Act and encourage provision of student enrichment or before/after school learning opportunities in OHCS funded properties with supportive services for families. *Impediment 3-1.*
- Partner with state and local government agencies and providers of affordable and NOAH (not just PSH) to increase the availability of and access to supportive services within affordable housing. These would include mental health services, substance use disorder treatment, case management, and other services demonstrated to increase housing stability in vulnerable populations, and support a multigenerational approach to providing needed supportive services (both child- and adult-centered programs). Such programs have been shown to reduce tenant turnover and improve the quality of the tenant/landlord relationship, therefore reducing management costs for providers; they can also mitigate displacement. *Impediment 3-5.*

Actions to increase fair housing enforcement and empower residents.

Current strategies to continue

- Continue to fund the presence of fair housing educators and enforcement staff outside of the Portland MSA. Continue to dedicate resources to nurture effective partnerships between fair housing organizations and local culturally specific and culturally relevant organizations to increase fair housing knowledge and empower residents to assert their rights. *Impediment 4-1.*

Expand fair housing education and training to reach more housing providers

- Require front line staff at partner organizations involved in housing or supportive services to take fair housing training. *Impediment 4-1.*
- Explore policies, including legislation, to require housing providers and/or leasing personnel, to participate in fair housing training. *Impediment 4-2.*

Reduce the burden of filing complaints and reaching resolution

- Partner with BOLI to streamline the complaint process to increase ease of consumer use and to speed response and resolution times. *Impediment 4-3.*

Empower local fair housing and affordable housing commitments

These action steps help address all impediments by increasing housing choice.

- Support the adoption of state legislation to establish AFFH policy;
- Support the adoption of an ongoing Regional Housing Needs Analysis (RHNA) program, along with the needed resources and state agency staff capacity for

successful implementation. The program can measure compliance, help allocate subsidized housing resources, and assist local governments in meeting their housing obligations;

- Support funding for the OHCS and DLCD workgroup on RHNA implementation. The work of this group should include determination of the appropriate accountability structure for land use decisions to support the development of needed housing; and
- Support funding to reinstitute an effective Periodic Review process which evaluates local plan and land use regulation compliance with statewide planning goals.¹⁰

¹⁰ This process was initiated with adoption of SB100 in 1973 to create Oregon's land use system but has since lapsed.

APPENDIX A.

COMMUNITY PARTICIPATION

APPENDIX A.

Community Participation

This Appendix details findings from the community engagement process conducted on behalf of the Oregon Business Development Department (“Business Oregon”), Oregon Housing and Community Services (OHCS), and Oregon Health Authority (OHA) to inform development of the State of Oregon’s 2021-2025 Five-year Consolidated Plan (Consolidated Plan) and 2021 Analysis of Impediments to Fair Housing Choice (AI).

Primary Findings

Primary findings from community engagement focus on housing, homelessness, and community development needs, priorities, and outcomes.

Housing needs, priorities, and outcomes—

- Consistent with findings from the Statewide Housing Plan, **there is a critical need to increase the supply of housing statewide, and especially the supply of housing that is affordable to low and moderate income households.**
- Housing in substandard condition continues to be a challenge, and stakeholder roundtable participants emphasized that much of the naturally occurring affordable housing (NOAH) in their region is in **poor condition**. Resources dedicated to housing rehabilitation are oversubscribed.
- **Supportive services**, especially those addressing mental health and substance use disorders (SUDS) are essential to helping many vulnerable residents remain housed. Current resources are described as insufficient and are not available in many rural communities. Stakeholders identify building capacity in rural Oregon to support housing stability of residents transitioning out of homelessness and for those with mental illness or substance use disorders as a priority to reduce homelessness and prevent returns to homelessness.
- Persons with criminal histories, persons with serious and persistent mental illness (SPMI), those who are currently precariously housed, persons with substance use disorders are considered to have **disproportionate housing needs** by at least half of stakeholder survey respondents. Two in five stakeholders identify residents with a prior eviction, persons with cognitive disabilities, persons with physical disabilities, residents of Hispanic descent, immigrants lacking documentation, and seniors as having disproportionately high housing needs.

- **Source of income protections are not effective** in the balance of state, as the likelihood of enforcement and fines are too low to change landlord behavior. The state-administered insurance fund available to housing providers whose property is damaged by tenants covered by source of income protections is not considered an effective and efficient remedy. The program is seen as administratively cumbersome, requires landlords to go through court processes, and is capped at an amount too low to justify the time and effort necessary to obtain relief funds.
- The housing activities stakeholders prioritized to address the **most urgent housing needs** in their region are:
 - More rental units for extremely low income households;
 - Emergency shelters for people who are homeless;
 - More rental housing for very low income households;
 - Transitional housing for people moving out of homelessness; and
 - Affordable and accessible housing for people with disabilities.
- **Among persons experiencing homelessness**, stakeholders believe that those with mental health challenges, those who are chronically homeless, persons with substance use disorders, persons with criminal histories or felonies, and people in rural areas have the **greatest unmet housing or supportive service needs**.
- Oregonians considered by stakeholders to be **most at-risk of homelessness** are those with serious and persistent mental illness (SPMI), SUDS, history of justice involvement, those who are precariously housed, and persons with cognitive disabilities. Black and African Americans and persons of Hispanic descent are also considered to be at higher risk of homelessness.
- The housing and service activities stakeholders prioritize as having **the greatest impact on homelessness** in Oregon, included:
 - Permanently Supportive Housing (PSH);
 - Additional affordable housing;
 - Emergency shelter beds;
 - Emergency rent assistance; and
 - Housing assistance/vouchers.
- With respect to **housing outcomes** from investment of CDBG, HOME, HTF, ESG and other public and private resources, in a survey to support the Consolidated Plan development, stakeholders prioritized:

- #1—Larger supply of affordable rental housing
- #2—Expanded beds/shelters to assist persons who are homeless
- #3—Larger supply of rental subsidies/housing choice rental vouchers
- #4—More equitable dispersion of HUD resources for populations historically underserved (i.e., within communities of color)
- #5—More equitable geographic dispersion of HUD housing resources

Community development priorities and outcomes—

- When stakeholders ranked the **most urgent unmet community development needs**, they assigned the highest priority to:
 - Infrastructure for Internet access to a community or parts of a community;
 - Water and sewer infrastructure;
 - Community facilities/capacity for mental health services;
 - Downtown/Main Street revitalization; and
 - Infrastructure for Internet access to connect existing fiber/cable to homes or buildings.
- The five **community development outcomes** from investment of CDBG and other public and private resources considered a priority by the greatest proportion of stakeholders in the survey are:
 - #1—Higher quality and affordable childcare centers;
 - #2—Digital/broadband available to residents regardless of their geographic location;
 - #3—Economic growth/positive economic impact;
 - #4—Increase in local jobs; and
 - #5—Increase in local businesses.

COVID and wildfire impacts—

The COVID-19 pandemic exposed significant gaps in access in rural Oregon: precarious financial situations of small business; shortage of childcare providers; gaps in Internet access for employment and education. These impacts, plus a lack of facilities to provide in-person services—previously delivered in shared buildings—and increased need for mental health facilities and services are among the many examples of changes in needs raised by stakeholders as a result of the COVID crisis and made more critical by wildfires. Nearly 60 percent of stakeholders believe homelessness in their service area has increased due to COVID and the wildfires.

Community Engagement Elements

The Root team is grateful to the residents and stakeholders who shared their experiences and perspectives on the most pressing housing, community development, economic development, and fair housing needs across Oregon. The community engagement process included:

- A stakeholder survey **focused on economic and community development** fielded with local and regional economic and community development experts, local elected officials, and city and county staff (Business Oregon Community Development Stakeholder Survey, 76 respondents);
- A separate stakeholder survey **focused on housing needs**, special needs populations, and fair housing with a diverse range of local experts in housing, human services, advocacy and more (OHCS Housing Stakeholder Survey, 109 respondents);
- Six regional roundtable discussions (conducted by zoom) with representatives of rural Oregon community and economic development organizations and human service agencies (26 participants);
- Focus groups and in-depth interviews with residents most likely to experience housing discrimination and economic insecurity (conducted by zoom and conference call):
 - Persons with disabilities and older adults;
 - Extremely and very low income residents;
 - Veterans who have experienced homelessness and their advocates;
 - Latino immigrants with limited English proficiency (conducted in Spanish);
- Focus groups with the education and enforcement staff of the Fair Housing Council of Oregon (FHCO) and a focus group with FHCO Community Advisory Group members from the Eastern, Southern, and Mid-Willamette Valley regions; and
- In-depth interviews with state and local experts on topics ranging from emergency management and disaster recovery to broadband access to advocacy and service provision to the state's immigrant communities and Latino community stakeholders in southern, central, and northeastern Oregon.

The Root team would like to thank all of the staff at OHCS, Business Oregon, the Oregon Disabilities Commission, Governor's Commission on Senior Services, Baker School District, Building Healthy Families, FHCO, Community Services Consortium, Community Action Team, CARE Inc, Clatsop Community Action, Lake County, Latino Community Association, Marta's House, Malheur County, Malheur ESD, Operation Rebuild Hope, Oregon Coalition Against Domestic and Sexual Violence, Peace at Home, Treasure Valley Women & Family

Medicine, and Umatilla Morrow Head Start who collaborated on the resident focus group hosting and recruiting or participated in stakeholder interviews.

Engagement timing—Wildfires and the COVID pandemic. In late summer and fall 2020 the COVID pandemic continued to impact daily life in Oregon and some of the most severe wildfires in the state’s history devastated much of rural Oregon. It was in this context that the community engagement occurred, providing an opportunity to understand acute needs caused or heightened by the fires and COVID as well as insights into longer term, more systemic housing, community, and economic development needs in the state.

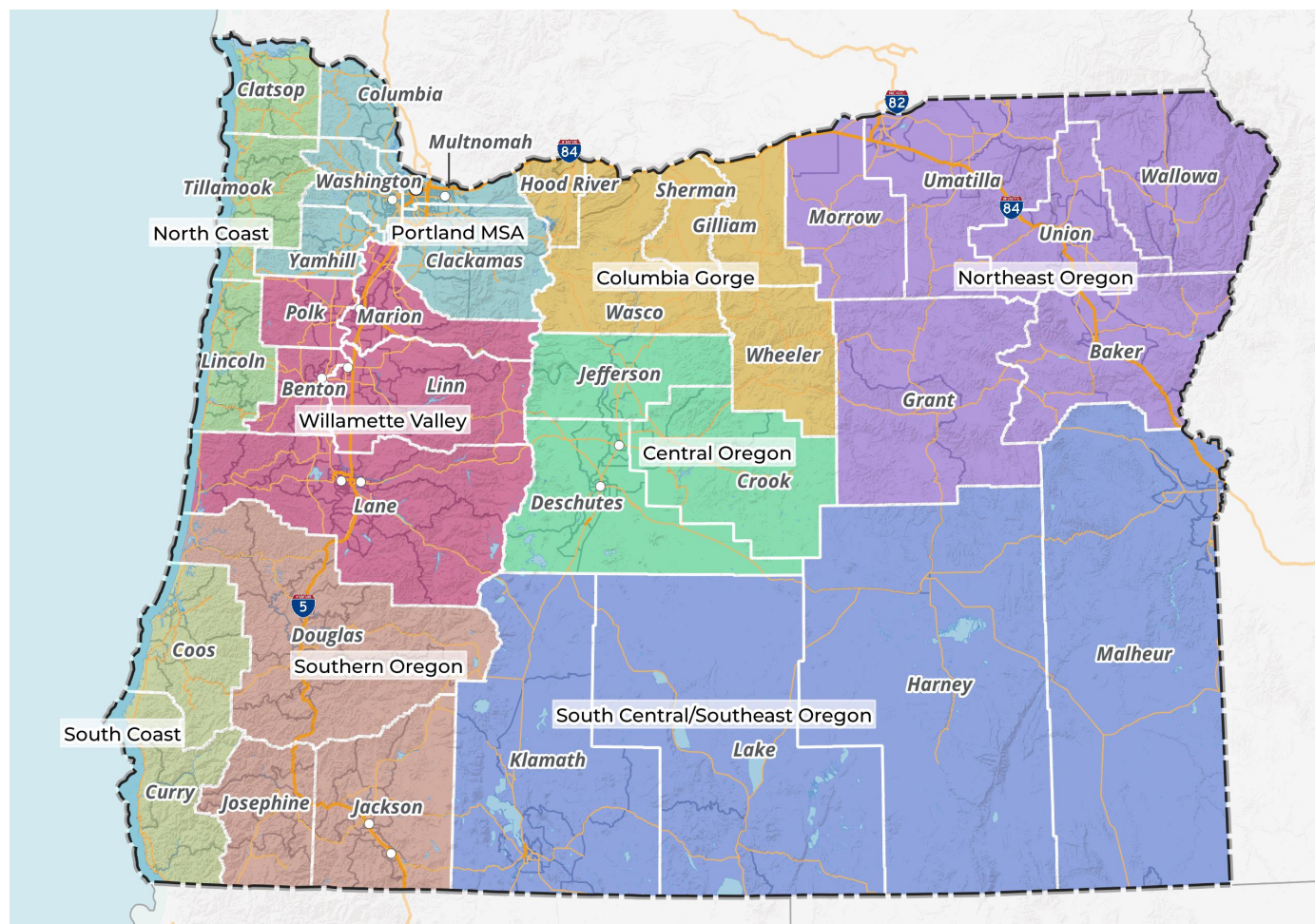
Regions. To facilitate analysis of regional differences, Business Oregon and OHCS chose to apply the nine regions used by the Oregon Office of Economic Analysis. These are:

- Central Oregon
- Columbia Gorge
- North Coast
- Northeast Oregon
- Portland MSA
- South Central/Southeast Oregon
- South Coast
- Southern Oregon
- Willamette Valley

The following map presents the location of the nine regions.

**Figure A-1.
Oregon Regions
and Constituent
Counties**

Source:
Oregon Office of Economic
Analysis.



Respondents to the Business Oregon and OHCS stakeholder surveys live and work throughout Oregon and represent local governments and organizations involved in housing, community and economic development in Oregon’s non-entitlement areas.

Figure A-2 shows the regions of Oregon served by participants in the Housing and Community Development stakeholder surveys. Each region of the state is represented as well as organizations with statewide operations.

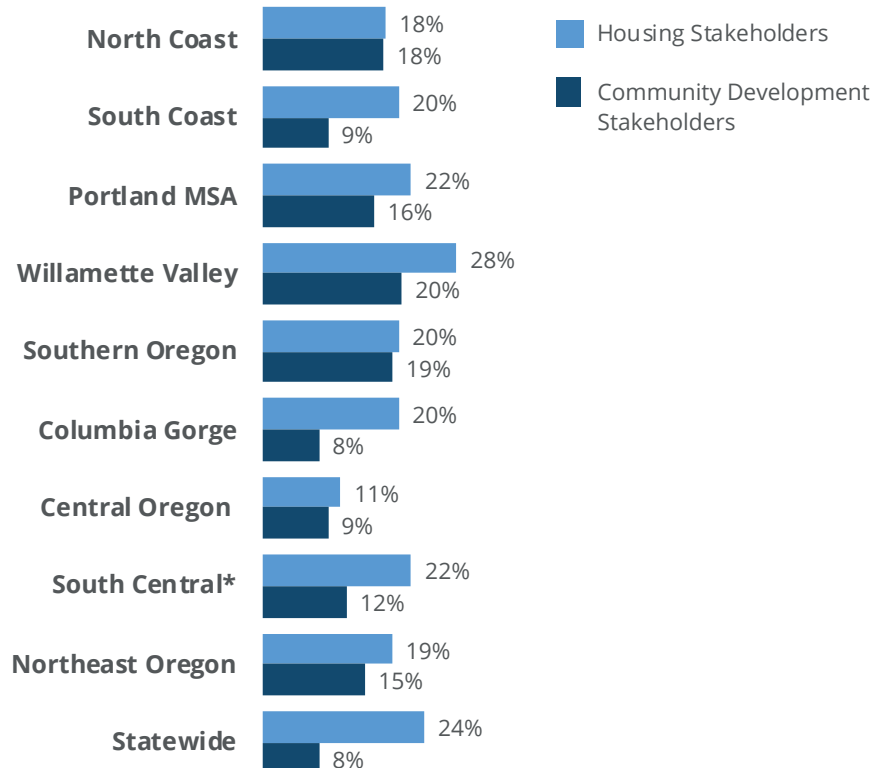
**Figure A-2.
Region(s) Served**

Note:

Numbers add to greater than 100 percent due to multiple response. n=106 housing stakeholders and n=74 community development stakeholders.

Source:

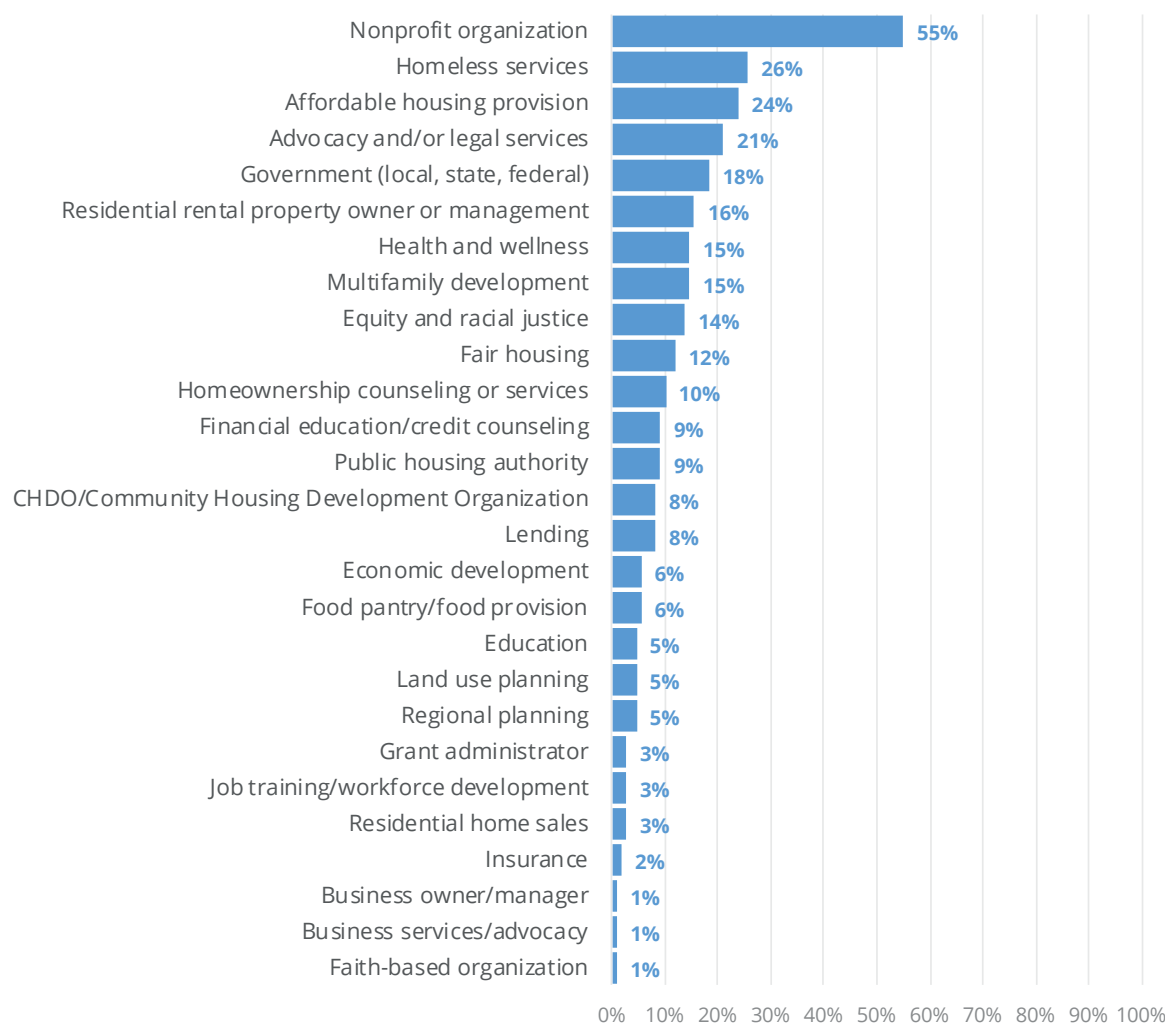
Root Policy Research from the 2020 OHCS Housing Stakeholder Survey and the 2020 Business Oregon Community Development Stakeholder Survey.



Profile of Housing Stakeholder Survey Participants

More than half of OHCS stakeholder survey participants work for nonprofit organizations. As shown in Figure A-3, the industry or organization type of these respondents is diverse and includes homeless services (26%), affordable housing (24%), advocacy and legal services (21%), government (18%), and rental property owners and managers (16%).

Figure A-3.
Type of Industry or Organization—Housing Stakeholder Survey

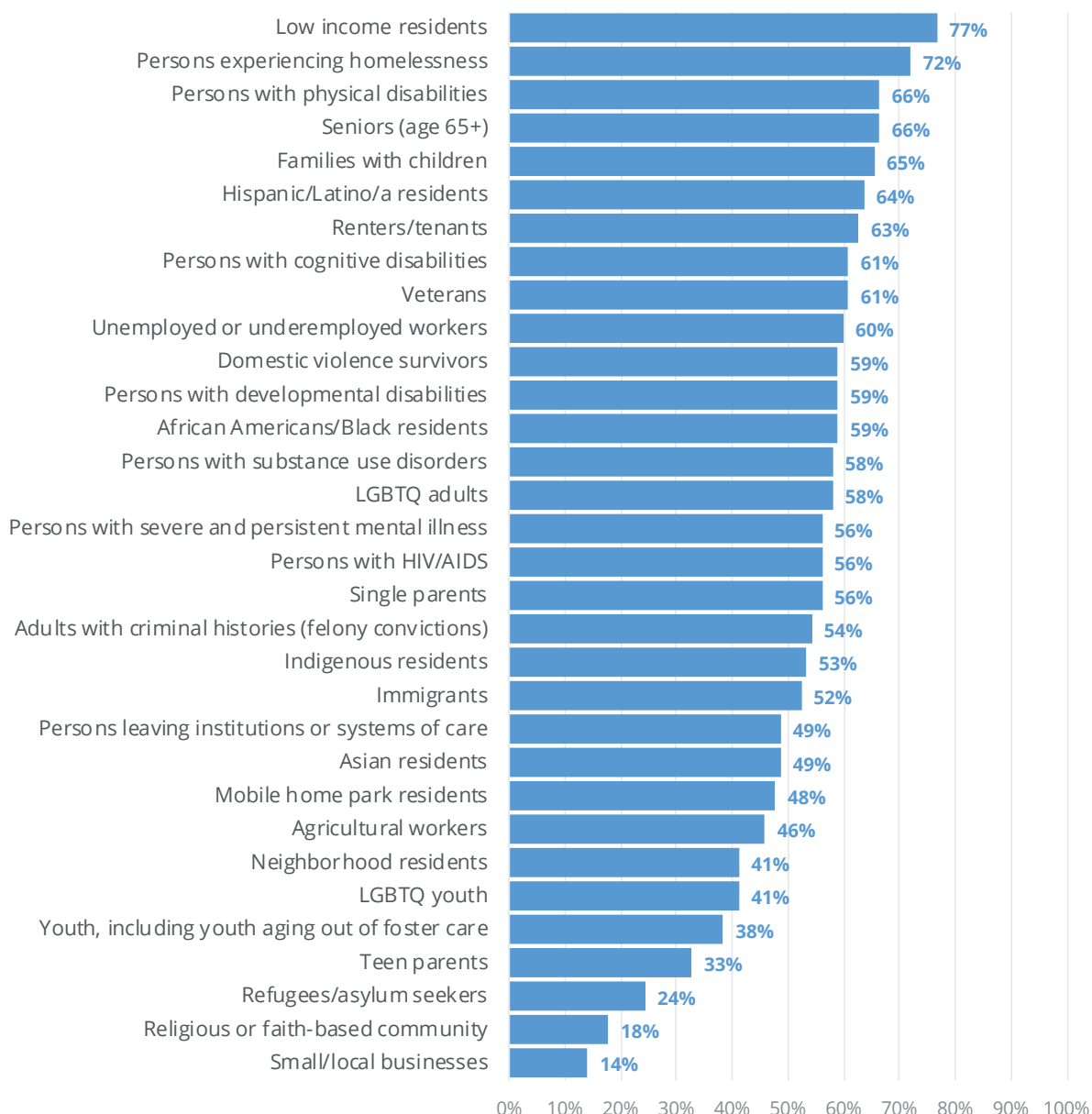


Note: n=109. Numbers add to greater than 100 percent due to multiple response.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Figure A-4 presents the different types of Oregon residents served by participants in the OHCS housing stakeholder survey. While nearly four out of five stakeholders serve low income residents, it is clear that participants in the OHCS Housing Stakeholder Survey serve or represent a diverse range of Oregon individuals and households, from those experiencing homelessness to people of color to persons with disabilities to the faith community and small/local businesses.

Figure A-4.
Populations Served



Note: n=109.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Housing Needs

OHCS Housing Stakeholder Survey respondents identified the housing activities they believe are needed to address the most urgent housing needs in the non-entitlement areas they serve. Similarly, participants considered the housing and services that would have the greatest positive impact on residents experiencing homelessness or who are at-risk of

homelessness. After identifying up to five housing activities or services, participants prioritized their selections in a ranking exercise.

Most urgent housing needs. Figure A-5 shows the number of respondents who selected each of 24 housing activities to meet urgent housing needs in their service area. As demonstrated in the figure, the activities selected by the greatest number of respondents are:

- Housing activities that result in more rental units for extremely low income households (<30% Area Median Income or AMI), very low income households (<60% AMI), and low to moderate income households (<80% AMI);
- Emergency shelters for people who are homeless and transitional housing for people moving out of homelessness;
- Repurposing vacant buildings for affordable housing; and
- Affordable and accessible housing for people with disabilities.

Figure A-5.

Among the following housing activities, where should housing funds be directed to meet urgent needs in your service area? (Select up to 5.)

Housing Activity	# of Responses
More rental units for extremely low income/poverty-level households (at 30% AMI)	61
More rental housing for very low income households (60% AMI or less)	61
Emergency shelters for people who are homeless	49
Transitional housing for people moving out of homelessness	46
More rental housing for low to moderate income households (80% AMI or less)	42
Repurpose vacant/underutilized properties into affordable housing	41
Affordable and accessible housing units for people with disabilities	40
Long-term tenant based rental assistance (6+ months)	38
Funds to pay rental debts accumulated from March 2020 to present (COVID-related)	28
More homes for low to moderate income households to buy (60%-120% AMI)	28
Services that help residents achieve or maintain housing stability (supportive services)	26
Navigators to help residents locate and qualify for affordable housing/housing assistance	24
Emergency assistance to pay utilities	18
Short-term tenant based rental assistance (3-6 months)	15
Preservation of affordable homeownership in manufactured home communities	15
Funds to pay mortgage debts accumulated from March 2020 to present (COVID-related)	14
Assistance to low income homeowners for accessibility modifications (ramps, grab bars)	14
Emergency assistance for vehicle repairs	11
Assistance for health and safety repairs for low and moderate income homeowners	11
Assistance to low income renters for accessibility modifications (ramps, grab bars)	10
Search engine/database to locate and qualify for affordable housing/housing assistance	10
Assistance for health and safety repairs for low and moderate income renters	6
Housing for area workforce	6
Lead-based paint abatement and control	2

Note: n=99.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

In stakeholder roundtables, workforce housing and rental housing affordable to extremely low income and very low income households was consistently a top need discussed by participants.

- In the Columbia Gorge/Northeast Oregon stakeholder roundtable, top housing needs include workforce housing, including housing for seasonal workers, and addressing

substandard housing. These participants described a bar-bell shaped housing supply, with the greatest numbers of housing units concentrated on two extreme ends—housing affordable to low and moderate income households and housing affordable to high income households. The differences in type and quality are stark. Housing units affordable to low income households consist of mobile homes and older housing in very poor condition, much of it in floodplains. On the other end of the income spectrum housing products cater to retirees and tourists, ranging in price from \$300,000 to \$10 million homes. There is little middle income housing, and all new development is higher end.

- The Central/South Central and Southeast Oregon stakeholder roundtable participants described the need to increase the supply of housing available in the region affordable to all income levels. Blight and condition issues are a pressing problem in Lake County as is a lack of housing affordable to extremely low income households and housing for higher income households. In the last three years only five homes have been built in the county. In Klamath County lack of housing, particularly affordable housing is a significant challenge. Blight is a concern in Maude and Chiloquin.
- Participants in the North Coast region stakeholder roundtable identified increasing the supply of affordable rental housing, rental assistance and funding for owner-occupied home repair to address poor conditions as the greatest housing needs in the region. Participants shared that current programs to make condition improvements are vastly “oversubscribed” and more resources are needed. Stakeholders described a lack of workforce housing that is exacerbated by a lack of local capacity to develop housing. *“We are underproducing all types of housing. It is hard to get contractors to be willing to go to rural areas.”* Stakeholders shared that one in four households eligible for federal rental assistance receive assistance and that the gap is more pronounced at the lowest income levels.
- In the Willamette Valley region stakeholder roundtable, participants described the difficulty low and moderate income households experience trying to find housing they can afford. Many work in more affluent communities and must drive long distances to housing they can afford. In addition to a gap in housing affordable to very low income households, participants described a lack of affordable homeownership opportunities for first-time buyers. With deposit requirements, participants estimate that the average household must have \$3,000 available to secure an apartment to rent, resulting in more and more households doubling up, living in their vehicles, or camping. These participants prioritize diversifying the housing stock in the region, and reducing barriers to developing truly affordable housing for the Valley’s workforce. When new construction occurs, it is primarily designed to meet the needs of college students and is not suitable for families. Local businesses have difficulties recruiting employees due to housing issues.

- Southern Oregon stakeholder roundtable participants characterized housing needs in the region as “critical.” The combination of an aging population and aging housing stock leads to substandard housing conditions. The region’s housing market serves homeowners who can afford homes priced greater than \$300,000 well, but there is a significant lack of supply of rental and ownership opportunities available for all other household incomes. A lack of workforce housing hinders economic development as prospective employers are reticent to invest in communities that cannot meet employee’s housing needs. Participants would like to see state, CDBG, or other federal funds used for land acquisition and multifamily rental property rehabilitation in the Southern Oregon region.
- Participants in the South Coast roundtable discussion described the need to increase housing across the income spectrum as a pressing need. One of the biggest impediments to housing construction in this region is wetland mitigation requirements. For many communities, the only buildable land in the region has been deemed wetlands, and it is cost prohibitive for these small communities to participate in wetland banking or other offsets. A lack of contractors to build housing is an addition impediment the region must overcome to meet local housing needs.

In resident focus groups, participants shared similar stories of the difficulty they experienced trying to find affordable housing, and, in the case of participants with mobility disabilities, finding rental housing that is both affordable and accessible. Stories ranged from taking the only apartment available to rent in a county to searching more than 10 months for an affordable unit accessible to a woman in a wheelchair.

Supportive service needs. Those respondents who identified supportive services as an urgent activity needed to achieve or maintain housing stability described the types of services most needed. By far, stakeholders emphasized mental health services, alcohol and drug rehabilitation services, and behavioral health services—all necessary, in their view, to maintain housing. Supportive services not directly addressing serious and persistent mental illness (SPMI) or substance use disorders (SUDs) focused on life skills for very low income residents, such as budgeting, parenting skills, and navigating benefit programs; support gaining and maintaining employment; legal services; and childcare. Examples include:

- *“Access to services for individuals with SPMI and substance use disorder especially in support of tenancy.” (Stakeholder survey respondent)*
- *“Assistance with budgeting, life skills, maintaining a home, filling out applications, locating housing, understanding programs that help.” (Stakeholder survey respondent)*
- *“Employment, education, behavioral health, credit/debt counseling or forgiveness including fines, tickets, court, and legal fees.” (Stakeholder survey respondent)*

- *"I believe some supportive services already exist, (i.e. Centers for Independent Living help with locating resources, help contacting agencies, help completing applications) but there needs to be follow up services and supports to maintain stability and there needs to be funds to help with this process. But first there needs to be housing units available to rent." (Stakeholder survey respondent)*
- *"Support obtaining ID, legal documents etc. and childcare." (Stakeholder survey respondent)*

Farmworker housing needs. With respect to farmworker housing, several stakeholders commented on the need to help owners of farmworker housing make condition improvements. Others noted that those who leave employer-provided housing often have no rental or credit history in the U.S., making it difficult to rent or buy a home.

- *"Orchards are charging a fee to live in cabins and sometimes these cabins are in not in the best condition to live in. A lot of workers have no AC in the summer or heaters in the winter. Maybe addition support to orchardist to help make the cabins livable." (Stakeholder survey respondent)*
- *"There is a need for farmworker housing and agriculture worker housing, including canning and packing house employees." (Stakeholder survey respondent)*
- *"Farmworkers are seasonal usually, but about 30 percent of them stay and live in ag fam homes/cabins that need to made livable or at least better conditions. I hear so many heart breaking stories about workers suffering repercussions or afraid to speak up." (Stakeholder survey respondent)*
- *"We are very rural in Baker County. It is mostly cattle ranching and farming. The employers provide the housing for their employees. The employees do not pay rent but housing is part of compensation while they work for them. They do have to pay their own utilities. If they leave their jobs at ranches and find work in town, they have to rent or own. No credit history. They have no rental history because have had homes through ranches." (Latino community stakeholder interview participant)*

Priority housing activities to meet urgent needs. Once survey respondents identified their five housing activities to address the most urgent housing needs in their area, stakeholder prioritized the activities in a ranking exercise. As shown in Figure A-6, the five housing activities stakeholders ranked most highly to address their area's most urgent housing needs are:

- More rental units for extremely low income households;
- Emergency shelters for people who are homeless;
- More rental housing for very low income households;

- Transitional housing for people moving out of homelessness; and
- Affordable and accessible housing for people with disabilities.

Figure A-6.
Highest Priority Housing Activities to Meet Urgent Needs (By Weighted Rank Score)

Housing Activity	Weighted Rank Score	
More rental units for extremely low income households	168	<div></div>
Emergency shelters for people who are homeless	165	<div></div>
More rental housing for very low income households	148	<div></div>
Transitional housing for people moving out of homelessness	127	<div></div>
Affordable and accessible housing for people with disabilities	98	<div></div>
Repurpose vacant/underutilized properties into affordable housing	86	<div></div>
More low/mod rental housing	80	<div></div>
Long-term tenant based rental assistance (6+ months)	79	<div></div>
Homes for low/mod ownership	53	<div></div>
Pay COVID rent debts	51	<div></div>
Supportive services	43	<div></div>
Navigators to help locate and qualify for affordable housing/housing assistance	37	<div></div>
Short-term tenant based rental assistance (3-6 months)	27	<div></div>
Accessibility modifications for homeowners	22	<div></div>
Emergency utility assistance	19	<div></div>
Preservation of affordable homeownership in manufactured home communities	18	<div></div>
Pay COVID mortgage debts	16	<div></div>
Repairs for low/moderate income homeowners	15	<div></div>
Accessibility modifications for renters	11	<div></div>
Housing for area workforce	9	<div></div>
Emergency cash assistance for vehicle repairs	8	<div></div>
Search engine/database to locate and qualify for affordable housing/housing assistance	4	<div></div>
Repairs for low/mod renters	3	<div></div>
Lead-based paint abatement	0	<div></div>

Note: Higher Weighted Rank Scores indicate a greater number of respondents ranking an activity overall and ranking an activity highly. Weighted Rank Score = (number of #1 rank * 5) + (number of #2 rank * 4) + (number of #3 rank * 3) + (number of #4 rank * 2) + (number of #5 rank * 1). Highest possible score = 445.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Reasons for priority rankings. Stakeholders shared their reasoning for how they decided to rank the five activities they considered high priorities to address urgent local housing needs. Stakeholders balanced quick wins with longer term investments in local housing stock, and the extent to which their chosen priority activities work together to support a broader goal, such as long term housing stability for those who previously experienced homelessness or supporting the transition from renting to owning. Many sought to quickly fill local resource gaps, such as communities that offer no options for emergency shelter.

- *"I based my overall prioritization on those needs that do not currently have dedicated funding. 1) Oregon desperately needs more shelters, especially low barrier shelters across the state to address our high rates of unsheltered homelessness. Too many communities rely on volunteers and donated shelter space, which has fallen through during the pandemic. 2) While we have programs/funding for electric and heat assistance we also have a need for water/sewer utility assistance, and no current programs for this. 3) Rent assistance and the growing rental debts from COVID are also huge needs; I ranked them lower because I feel like the state has been funding these through other resources, however more is needed of course." (Stakeholder survey respondent)*
- *"There is a critical lack of units for low income renters. No amount of supportive services can compensate. We need more construction of both supportive housing units and family homes and apartments. Rental subsidies are helpful for people at risk of homelessness, but only if they are ongoing." (Stakeholder survey respondent)*
- *"Because we don't have any 24/7 emergency shelters in either county except during winter but even then, it's only for the nighttime. Also, we don't really have transitional services to help clients adjust to becoming renters except for coordinators who may not have experienced homelessness or understand how to best support them." (Stakeholder survey respondent)*
- *"Chronic lack of affordable housing only exacerbates all other issues. Need different models for transitional housing—not all homeless are ready for Permanent Supportive Housing. Lack of shelters means we have a hard time serving homeless populations." (Stakeholder survey respondent)*
- *"Financial constraints are the biggest impediment to renters finding quality housing that is sanitary/healthy, safe, affordable, secure and stable. In our estimation, adequate rental housing allows renters at the 60%-120% income range to contemplate home ownership." (Stakeholder survey respondent)*
- *"For purposes of racial justice there needs to be more homes to purchase; to provide a continuum of housing types that will free up rental housing as homeownership increases among those able to purchase." (Stakeholder survey respondent)*

- *“Majority of service area is below 80% AMI and workforce housing is needed at lower end of scale due to the number of units needed for service industry workers and people who make under median annual salary for area.” (Stakeholder survey respondent)*

Transitional housing needs. In focus groups, some stakeholders and residents described a need for some transitional housing to be included in their community’s housing spectrum. In particular, some form of transitional housing option was suggested for residents with mental illness, residents leaving treatment programs for SUDs or who are otherwise in early sobriety, and for some veterans transitioning out of homelessness. In particular, participants identified a gap in housing type for residents who may need shorter term temporary (transitional) supported housing before being successful living independently, but do not require the intensive service levels of permanent supportive housing.

- *“We need some kind of setup for transitional housing for mental health—for when they go into a breakdown, the family would lose everything. When my mom would get out of the hospital, she was placed into foster living, which was really good until she was ready to transition into her own independent room, and then transition into her own apartment. I don’t think that’s available now. It’s really challenging because we don’t have the support system within mental health, someone to check in can recognize signs of spiraling. They could get help then, so they wouldn’t continue to go through the cycle of losing everything.” (Community Advisory Group focus group participant)*

Populations with disproportionately high housing needs. Figure A-7 depicts the populations stakeholders believe have disproportionately high housing needs relative to all low and moderate income populations. Those with criminal histories, persons with serious and persistent mental illness (SPMI), those who are currently precariously housed, persons with substance use disorders are considered to have disproportionate housing needs by at least half of respondents.

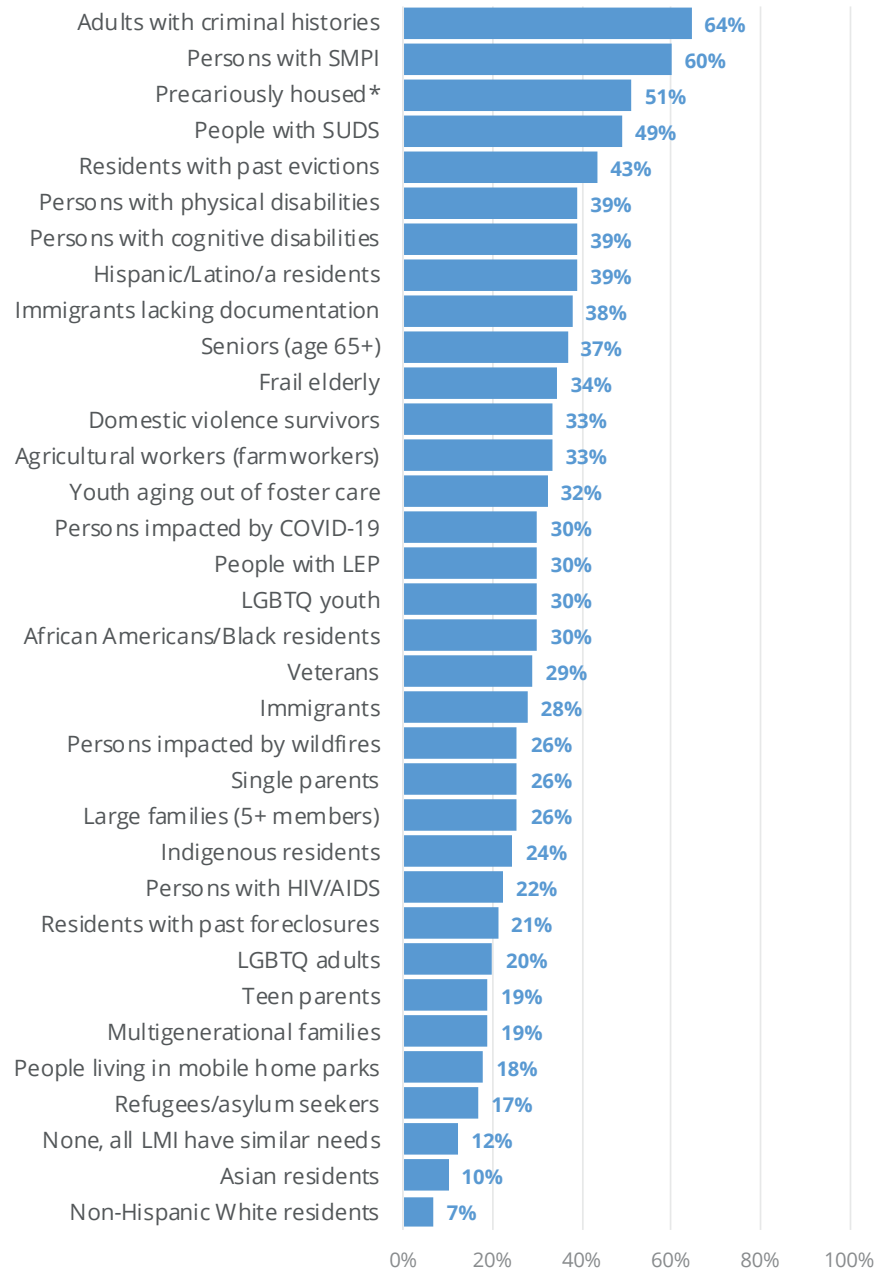
Figure A-7.
Which of the
following
populations have
disproportionately
high housing
needs relative to
all low and
moderate-income
populations
overall in your
service area?

Note:

*Precariously housed are residents living in non-traditional and/or multiple-family/"couch-surfing" situations who are vulnerable to being evicted or kicked out (e.g., due to a fight with friends). SUDS = substance use disorders, SPMI = serious and persistent mental illness.

Source:

Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.



Housing or supportive service priorities to address disparities. To address the disparities observed among these populations, stakeholder recommend a range of service and housing solutions. These include supports for those exiting jails and prisons to have housing secured prior to release, programs to help households with past evictions secure and maintain housing, development of affordable housing in rural Oregon, and building capacity in rural Oregon to support housing stability of residents transitioning out of homelessness and for those with mental illness or substance use disorders.

- *“People with disabilities, especially mental health issues—they may get into housing with a conventional landlord, but they may have behavioral issues, or may not be able to get an accommodation. So, we need some way of keeping some type of housing support for people with mental health issues. Where they can live safely, and where they can get into housing even with a blemished history.” (Community Advisory Group focus group participant)*
- *“Having a social worker inside jails and prisons to ensure that people have housing arranged for when they get released. Incentivizing more landlords to accept tenants with criminal history. Creating more affordable housing that does not require a state-issued ID or social security number. More transitional housing programs that do not have a sober requirement.” (Stakeholder survey respondent)*
- *“I believe that more bilingual staff at agencies and more intentionally outreach to those agencies that serve BIPOC are needed. In the aftermath of the recent wildfires, many mobile home and manufactured home parks were destroyed, and this has disproportionately impacted agricultural workers and low income Seniors. As rebuilding efforts are crafted, these populations need to be prioritized.” (Stakeholder survey respondent)*
- *“Some sort of program or services specifically for those who have been evicted in the past.” (Stakeholder survey respondent)*
- *“Construction of supportive housing units where people transitioning out of long-term homelessness, people with mental illnesses, veterans and others can live and receive services. We need these in all parts of the state, particularly coastal counties and in rural southern Oregon.” (Stakeholder survey respondent)*
- *“Construction of subsidized 1 to 3 bedroom units for low income renters and/or buyers. Much of the available low income housing in rural areas and even smaller cities is aging, unhealthy and undignified to live in. We need counties to develop new units, particularly in counties where many homes have burned.” (Stakeholder survey respondent)*
- *“Our Native American population is also being affected largely with lack of housing options for them. They need more support and resources to help them find housing.” (Stakeholder survey respondent)*
- *“People with disabilities are in desperate need for affordable housing that can accommodate their critical needs.” (Stakeholder survey respondent)*

Participants in resident focus groups discussed the need for “second chance” housing for people with criminal histories or substance use disorders.

Homelessness. Stakeholders representing organizations that provide services to residents experiencing homelessness or who are at-risk of homelessness responded to a series of questions regarding the most impactful types of housing or services needed and

insight into the populations that are disproportionately more likely to experience or be at-risk of homelessness.

Most impactful use of resources. Increasing the affordable housing stock, emergency shelter beds, mental health resources, permanently supportive housing units, and emergency rent assistance are the top five activities stakeholders believe would have the greatest impact on persons experiencing homelessness or those at risk of homelessness in Oregon’s non-entitlement areas.

Figure A-8.

Where should housing funds be directed to have the greatest impact on persons experiencing homelessness or at-risk of homelessness in your community? (Top 20 responses)

Most Impactful Type of Housing or Service	# of Responses	
Additional affordable housing stock	36	<div></div>
Emergency shelter beds	35	<div></div>
Mental health services	35	<div></div>
Permanently supportive housing units	34	<div></div>
Emergency rent assistance	33	<div></div>
Transitional housing units (up to two years tenancy)	31	<div></div>
Deposit assistance (first and last month, security, pet)	30	<div></div>
Financial assistance for rental application fees, background checks	30	<div></div>
Case management/housing navigator	30	<div></div>
Financial assistance in overcoming barriers to tenancy (e.g., debts owed)	29	<div></div>
Finding housing providers who will forgive/accept past convictions	28	<div></div>
Providing housing assistance benefits (e.g. Housing Choice Vouchers, VASH)	26	<div></div>
More flexible dollars to assist folks in overcoming these barriers	25	<div></div>
Addiction services	24	<div></div>
Finding housing providers who will forgive/accept past evictions	23	<div></div>
Emergency utility assistance	22	<div></div>
Transportation vouchers	20	<div></div>
Culturally-specific or responsive services	20	<div></div>
Life skills training/support	20	<div></div>
Street outreach to homeless	20	<div></div>

Note: n=56.

Figure presents the top 20 out of 40 potential housing and service options.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Participants in regional stakeholder roundtables discussed growing numbers of residents experiencing homelessness who are unsheltered. Many rural communities do not have emergency shelter bed capacity, or shelters have had to close due to COVID.

- *“A real concern for me is people experiencing homelessness. We do not have concrete solutions for that subset of our population. Including warming centers. That’s a big gap.”*
(North Coast roundtable discussion participant)

Priority housing and services for greatest impact on homelessness. When stakeholders prioritized the most impactful housing and services in a ranking exercise, the top five activities considered to have the greatest impact on homelessness in Oregon are:

- Permanently supportive housing;
- Additional affordable housing;
- Emergency shelter beds;
- Emergency rent assistance; and
- Housing assistance/vouchers.

Figure A-9 presents the prioritized housing and services activities by weighted rank score. Higher priority activities have higher scores.

Figure A-9.
Highest Priority Housing and Services Activities to have the Greatest Impact on Persons Experiencing or At-Risk of Homelessness (By Weighted Rank Score)

Highest Priority Housing or Service Activities	Weighted Rank Score	
Permanently supportive housing	95	<div></div>
Additional affordable housing	78	<div></div>
Emergency shelter beds	72	<div></div>
Emergency rent assistance	62	<div></div>
Housing assistance/vouchers	55	<div></div>
Transitional housing (up to 2 years)	39	<div></div>
Utility assistance	38	<div></div>
Mental health services	36	<div></div>
More flexible dollars	35	<div></div>
Money management skills	32	<div></div>
Case management/navigator	31	<div></div>
Street outreach to homeless	25	<div></div>
Obtaining employment	21	<div></div>
Culturally responsive services	21	<div></div>
Time to find housing	13	<div></div>
Time to find employment	13	<div></div>
Transportation vouchers	12	<div></div>
Deposit assistance	12	<div></div>
Money for fees, background checks	11	<div></div>
Addiction services	10	<div></div>

Note: Higher Weighted Rank Scores indicate a greater number of respondents ranking an activity overall and ranking an activity highly. Rank Score = (number of #1 rank * 5) + (number of #2 rank * 4) + (number of #3 rank * 3) + (number of #4 rank * 2) + (number of #5 rank * 1). Highest possible score=280. n=56.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Reasons for priority rankings. When asked to describe the reasoning behind the housing activities they prioritized, stakeholders emphasized the stabilizing factor of affordable housing in general, and more specifically Permanent Supportive Housing (PSH) and transitional housing.

- *“The core need is more housing, particularly units that will accept tenants with criminal histories, previous evictions or other barriers. We also need short-term solutions like emergency shelters, emergency rental assistance, etc.” (Stakeholder survey respondent)*

- *“PSH and Transition Beds are top priority as are shelter beds. Mental Health and Addiction Services are necessary to help individuals stay stably and safely housed. Affordable housing stock and financial assistance are needed to help individuals remain housed.” (Stakeholder survey respondent)*
- *#1, The hardest to house people need to have PSH now to prevent further health/financial crisis. #2. We need to get people off the streets and connected to services to make other housing options more effective for this population. #3. In order for any of this to be successful, we need funding. Ideally this funding should support both Behavioral (Mental) Health AND Housing support programs. No more unfunded mandates. #4. At all <AMI income levels to provide access and reduce pressure on the existing housing stock, thus reducing (hopefully) the overall housing cost inflation (assuming that it is a supply/demand market force issue to some degree, which the data seems to support). #5. This could be structured as a tool that allows support agencies and CCOs to direct funds to the utility of the affected population to directly address their specific barriers - because individual and household needs are not monolithic and need a great deal of flexibility to overcome. support transitions from managed to independent housing as needed. 7. helping to remove barriers to the marginally housed population. This is likely the easiest item on this list to achieve by increasing funding in HRS/Flexible services to CCOs or CAP agencies.”*
- *“The need for affordable units is urgent and has been for the last 5+ years. Many people are working full time+ and STILL cannot afford rent, so transitional housing needs to be longer as well. Food, utilities, childcare—it is all related to the ability, or lack thereof, to maintain housing.” (Stakeholder survey respondent)*
- *“I believe that mental health along with substance abuse are the main barrier to people for obtaining housing. After that, come past convictions and evictions that makes it difficult for landlords to trust the renter coming out of homelessness. Also, the need for life skill training is important for these individuals to find a job that they will sustain and will help maintain housing.” (Stakeholder survey respondent)*

In a focus group with residents with lived experience of homelessness, participants shared the positive impact a motivated case worker has on helping people who are homeless transition successfully into housing.

Homeless populations with greatest unmet housing or supportive service needs. Among persons experiencing homelessness, stakeholders believe that those with mental health challenges, those who are chronically homeless, persons with substance use disorders, and those with criminal histories or felonies, and people in rural areas have the greatest unmet housing or supportive housing needs.

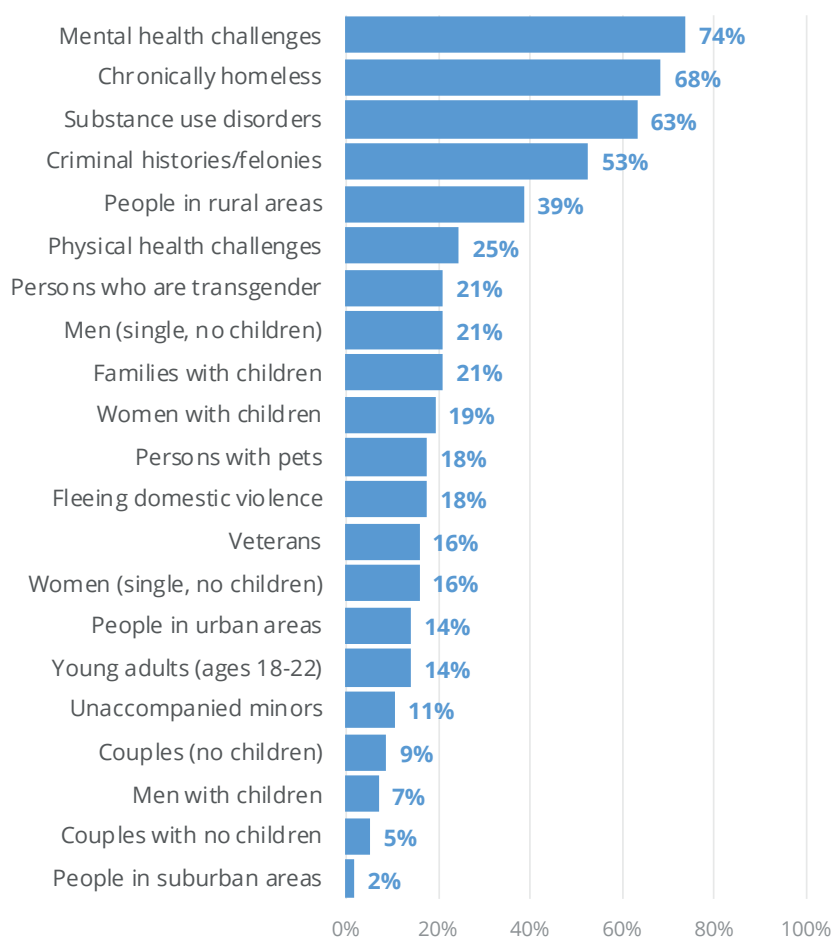
- *“Homelessness due to criminal history or substance abuse or behavioral health problems in our counties is increasingly growing. We need more transition homes, drug treatment*

facilities and programs and long term housing options for them.” (Stakeholder survey respondent)

Figure A-10.
Among persons
experiencing
homelessness,
those with the
greatest unmet
housing or
supportive service
needs are or have...

Note:
n=57.

Source:
Root Policy Research from the 2020
OHCS Housing Stakeholder Survey.



Veterans experiencing homelessness. In focus groups, veterans and veteran serving agency staff described the high housing and service need of veterans experiencing homelessness in the balance of state. In general, need exceeds resources. For example, Lake County has significant encampments of persons experiencing homelessness, many of whom are veterans, but no VASH vouchers and, were vouchers available, no homes in which to use a voucher. Operation Rebuild Hope in Coos County has created a 14 person home for veterans using land and an old house donated by the county and a \$500,000 renovation budget. In Malheur County, like others in central, southern, and eastern Oregon, housing is in short supply and landlords charge more per unit than the allowed maximum for VASH vouchers.

In interviews, stakeholders described a lack of housing for women veterans who are homeless. One of the difficulties with housing female veterans who are homeless is the perception among these women that veteran housing is for men. Another challenge is not being able to set aside units or vouchers specifically for female veterans, as that would be

discriminating on the basis of sex. For some female veterans, transitional housing is the most suitable first step out of homelessness, but that is not the priority of OHCS; the VA provides some transitional housing options.

Populations most at-risk of homelessness. Similarly, Oregonians considered by stakeholders to be most at-risk of homelessness are those with serious and persistent mental illness (SPMI), substance use disorders (SUDS), criminal histories, those who are precariously housed, and persons with cognitive disabilities.

Among households who are precariously housed are those who, while not meeting HUD's definition of homelessness, do not have a home of their own. They are couch surfing, moving from household to household every few days to avoid sleeping in a vehicle or outside. In focus groups, stakeholders described these households, many of whom are Latino, as being overlooked by housing assistance programs and indicative of a gap in housing resources. Taking in family who lose their home is part of Latino culture, and results in Hispanic households being undercounted in point-in-time counts and discussions of homelessness.

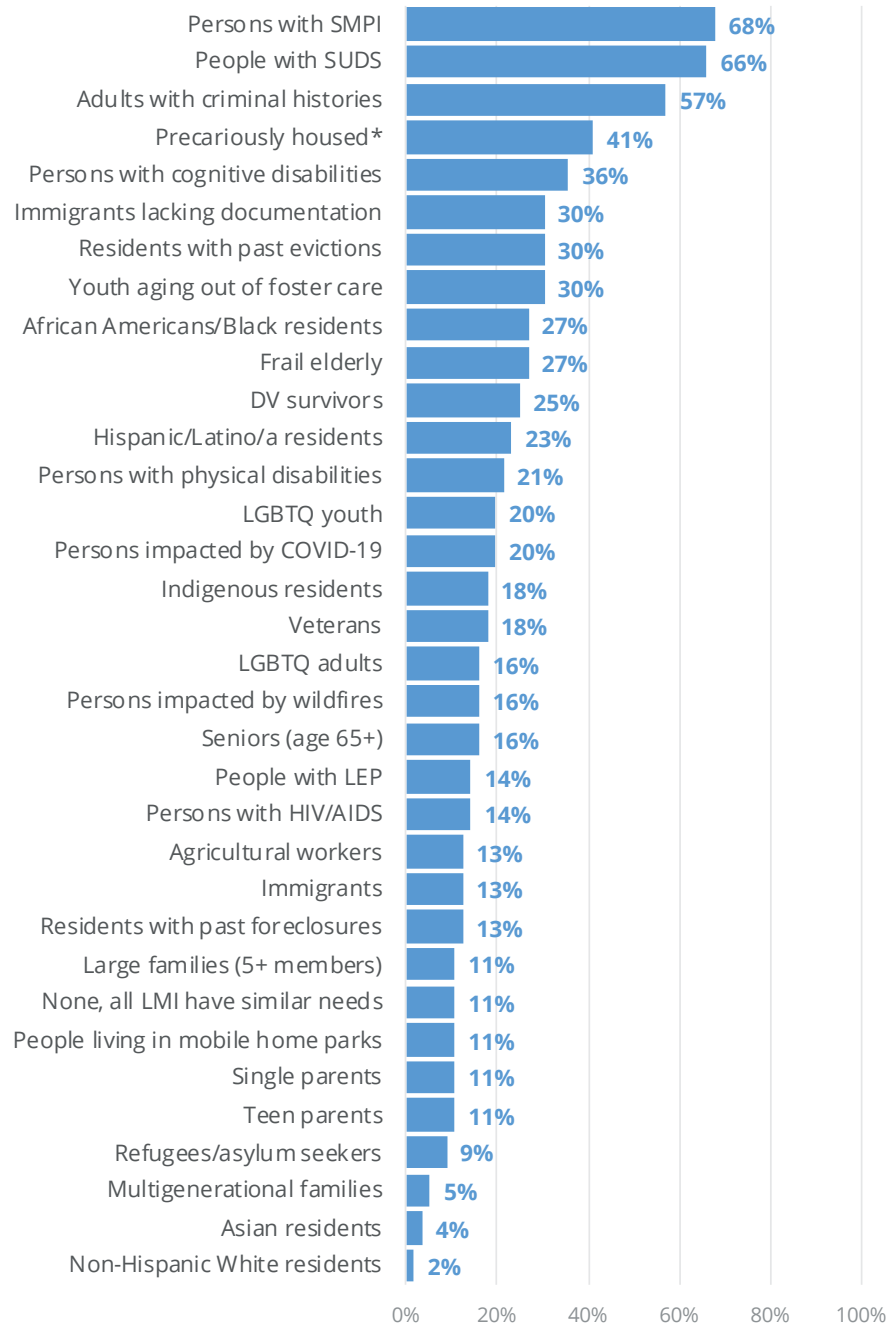
Figure A-11.
Among low or moderate income households, which populations are disproportionately at higher risk for homelessness in your service area?

Note:

*Precariously housed are residents living in non-traditional and/or multiple-family/"couch-surfing" situations who are vulnerable to being evicted or kicked out (e.g., due to a fight with friends). SUDS = substance use disorders, SPMI = serious and persistent mental illness.

Source:

Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.



Community Development

Participants in the Business Oregon survey described their primary role in their community as:

- Economic development (45%);
- Community development (29%);

- Grant administrator (22%);
- Public works (17%);
- Land use planning (12%); and
- City administration or City Manager (11%).

The balance identified roles ranging from finance to regional planning to transportation planning and being an elected official.

Business Oregon Stakeholder Survey respondents identified and prioritized the greatest community development needs in Oregon's non-entitlement areas.

Highest priority needs. As shown in Figure A-12, nearly half of all stakeholders consider water and sewer infrastructure to be one of the greatest unmet community development needs in their service area, followed by infrastructure for Internet access to a community or parts of a community, downtown/Main Street revitalization, community facilities/capacity for mental health services, and microenterprise business assistance.

Figure A-12.

What are the top five greatest unmet community development needs in your service area?

Community Development Activity	% of Responses
Water and sewer infrastructure	45%
Infrastructure for Internet access to a community or parts of a community	40%
Downtown/Main Street revitalization	37%
Community facilities/capacity for mental health services	36%
Microenterprise business assistance (formation, bookkeeping, etc)	25%
Sidewalk improvements	22%
Infrastructure for Internet access to connect existing fiber/cable to homes or buildings	21%
Job training/skill development	21%
Lack of/limited capacity of nonprofits to provide needed public services	18%
Hotspots for wireless access at community locations	12%
Stormwater infrastructure	12%
Adapting existing facilities to meet CDC, state, or local public health guidelines	12%
Public transit	10%
Capacity building and technical assistance	10%
Community centers (general)	9%
Community facilities/capacity for food bank/food provision	7%
Community facilities/capacity for Head Start or Early Childhood Education programs	7%
Programs to increase digital literacy (e.g., basic Internet skills)	7%
Removal of structural barriers to achieve ADA accessibility	7%
Flood drainage infrastructure	7%
Other type of community facility	6%
Internet-capable devices (e.g., smartphones, tablets) for residents in need	6%
Historic preservation or restoration	6%
Community facilities/capacity for domestic violence shelter	4%
Community facilities/capacity for senior centers	4%
Community facilities/ capacity for libraries	3%
Community facilities/ capacity for fire stations	3%

Note: n=67.

Source: Root Policy Research from the 2020 Business Oregon Community Development Stakeholder Survey.

In stakeholder roundtables, participants described their community's public works infrastructure, access to the Internet, and the need for childcare as critical community development needs.

- The most pressing community development needs identified by Columbia Gorge/Northeast Oregon stakeholders include broadband Internet access, replacing septic with sewer, and acquiring land and investing in infrastructure to support local economic development. Childcare is also a longstanding need in the region, a situation made more critical by loss of providers and changes in provision rules resulting from the COVID pandemic.
- Water and sewer infrastructure, broadband access, childcare, technical assistance to write successful grant proposals and increasing local capacity to manage infrastructure and other projects are the most pressing community development concerns raised by participants in the Central/South Central and Southeast Oregon stakeholder roundtable discussion. Participants also described the need for small area income studies, so that CDBG funds can be directed to pockets of extreme poverty in Census tracts that otherwise do not meet LMI criteria. A lack of housing for higher income employees has impeded economic development. For example, the Red Rock biofuels plant is nearly ready for production, but the company is having great difficulty recruiting a management team due to a lack of housing.
- Addressing the region's aging water and wastewater infrastructure, electric system upgrades, broadband infrastructure, and childcare are the most urgent community development needs described by participants in the North Coast stakeholder roundtable discussion. *"Broadband is one of the top projects in our strategy list, Some communities have built their own solutions but some have no funding for that. There are large spots with no coverage."* Participants shared that, for communities with no paid staff, participating in the CDBG program is unrealistic unless funding is available to pay for project management and compliance.
- Among participants in the Willamette Valley stakeholder roundtable, affordable childcare and infrastructure to facilitate affordable housing development are the primary community development needs discussed. Participants noted that the changes in income limits to qualify for childcare subsidies in response to the COVID pandemic have been extremely helpful to households who needed childcare but did not qualify previously. Participants encouraged the state to retain the higher income limits post-pandemic. A need to build capacity at local nonprofits to write successful CDBG applications, and other grant writing, as well as manage regulatory compliance if awarded a grant is another issue hindering community development in the region.
- With respect to community development, Southern Oregon stakeholder roundtable participants described a critical need for investing CDBG in infrastructure projects for

water and sewer. In their experience, the funding maximums for infrastructure projects are often too low and noted that it is very difficult for small towns to fund the required income surveys. Southern Oregon communities need workforce development, particularly for skilled tradespeople. The lack of childcare and lack of dependable or affordable broadband are also needs that hinder economic and community development. The South Coast Development Council started a Broadband Consortium to begin to address the issue and have found there are not enough funds to support broadband development.

- Participants in the South Coast stakeholder roundtable emphasized the need for economic diversification and workforce development in the region. Trade training and apprenticeships, especially in the maritime (“Blue”) economy is needed, as communities have identified pursuing Blue jobs as an economic development strategy. This region also experiences economic development limitations due to a lack of adequate broadband infrastructure and access to childcare. Funding for feasibility studies, project management, and other technical assistance is necessary to successfully compete for infrastructure and other projects. The wildfires exposed a critical need for redundant communications infrastructure to ensure that residents can access information in real time even when phone lines are down.

Priority ranking of most urgent community development needs. When stakeholders prioritized the most urgent unmet community development needs, they assigned the highest priority to:

- Infrastructure for Internet access to a community or parts of a community;
- Water and sewer infrastructure;
- Community facilities/capacity for mental health services;
- Downtown/Main Street revitalization; and
- Infrastructure for Internet access to connect existing fiber/cable to homes or buildings.

Figure A-13.
Priority Urgent Community Development Needs by Rank Score

Community Development Needs	Weighted Rank Score	
Infrastructure for Internet access to a community or parts of a community	88	<div></div>
Water and sewer infrastructure	82	<div></div>
Community facilities/capacity for mental health services	59	<div></div>
Downtown/Main Street revitalization	50	<div></div>
Infrastructure for Internet access to connect existing fiber/cable to homes or buildir	43	<div></div>
Microenterprise business assistance (formation, bookkeeping, etc)	38	<div></div>
Lack of/limited capacity of nonprofits to provide needed public services	37	<div></div>
Sidewalk improvements	32	<div></div>
Adapting existing facilities to meet CDC, state or local public health guidelines	21	<div></div>
Job training/skill development	20	<div></div>
Stormwater infrastructure	19	<div></div>
Community facilities/capacity for Head Start or Early Childhood Education programs	19	<div></div>
Community facilities/capacity for food bank/food provision	17	<div></div>
Community centers (general)	15	<div></div>
Capacity building and technical assistance	13	<div></div>
Public transit	13	<div></div>
Hotspots for wireless access at community locations	12	<div></div>
Community facilities/capacity for domestic violence shelter	11	<div></div>
Flood drainage infrastructure	9	<div></div>
Internet-capable devices (e.g., smartphones, tablets) for residents in need	8	<div></div>
Programs to increase digital literacy (e.g., basic Internet skills)	7	<div></div>
Removal of structural barriers to achieve ADA accessibility	6	<div></div>
Historic preservation or restoration	4	<div></div>
Other type of community facility	4	<div></div>
Community facilities/capacity for libraries	3	<div></div>
Community facilities/capacity for senior centers	3	<div></div>
Community facilities/capacity for fire stations	2	<div></div>

Note: Higher Rank Scores indicate a greater number of respondents ranking an activity overall and ranking an activity highly. Rank Score = (number of #1 rank * 5) + (number of #2 rank * 4) + (number of #3 rank * 3) + (number of #4 rank * 2) + (number of #5 rank * 1). Highest possible score =260. n=52.

Source: Root Policy Research from the 2020 Business Oregon Community Development Stakeholder Survey.

Stakeholders explained their prioritization selections. These ranged from local or regional factors that elevate one need over another to opportunities to address persistent issues applicable statewide.

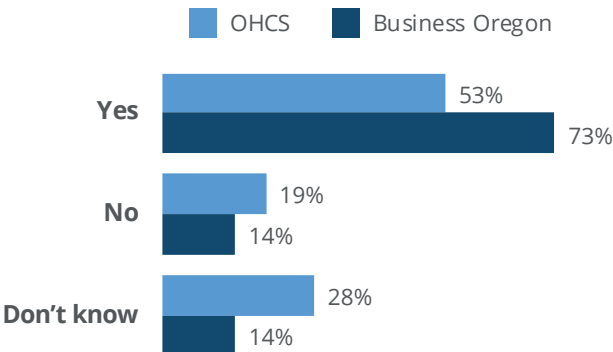
- With respect to prioritizing Business Oregon’s microenterprise program and small business lending: *“Access to capital to start a business based on character, education, possibilities of success, rather than the ability to have collateral or enough “Business record” when a business is starting there’s no such record. DCFDI mostly offer capital for equipment, but not operating capital which stops entrepreneurs from starting business with confidence on their ability to operate. This is especially detrimental for minorities.” (Stakeholder survey respondent)*
- With respect to prioritizing childcare facilities/capacity: *“I did not see a listing for transportation infrastructure but that is another very high need. Finally, childcare. Business assistance doesn’t work if employees don’t have access to safe childcare.” (Stakeholder survey respondent)*
- With respect to the need for community facilities and small business support: *“Rural communities need accessible spaces to meet, collaborate, and promote their businesses. Isolation is a real issue in rural—even within their own towns, and worse now with COVID. Morale and mental health issues are real, but often hidden. Spaces where they can gather and access experts/other resources. Programs who support these businesses need sustainable funding as part of the state’s long-term economic development plans. Creating cultures of entrepreneurship is key to ensuring vital rural communities in Oregon over the next 10-20 years. Also ensuring the arts and cultural programs are well-funded.” (Stakeholder survey respondent)*
- With respect to prioritizing community facilities/capacity for mental health services: *“School and student support needs have increased dramatically. Mental health/drug addiction and homelessness needs increasing dramatically.” (Stakeholder survey respondent)*
- With respect to prioritizing access to Internet infrastructure and community facilities: *Klamath County’s urban growth boundary is rich in fiber optics. Outlying areas of Klamath County are significantly underserved communities who cannot effectively deploy telehealth, remote work, or distance learning due to lack of infrastructure. In addition, we do not have a tax district for community centers to really exist. There is no recreation district set to support organized arts, sports, seniors, etc. which greatly adds to a child/adult/senior’s livability.” (Stakeholder survey respondent)*

Digital divide. Respondents to both stakeholder surveys believe there are barriers to digital/broadband access in their service area, as shown in Figure A-14.

Figure A-14.
Are there barriers to Digital/Broadband access in your service area?

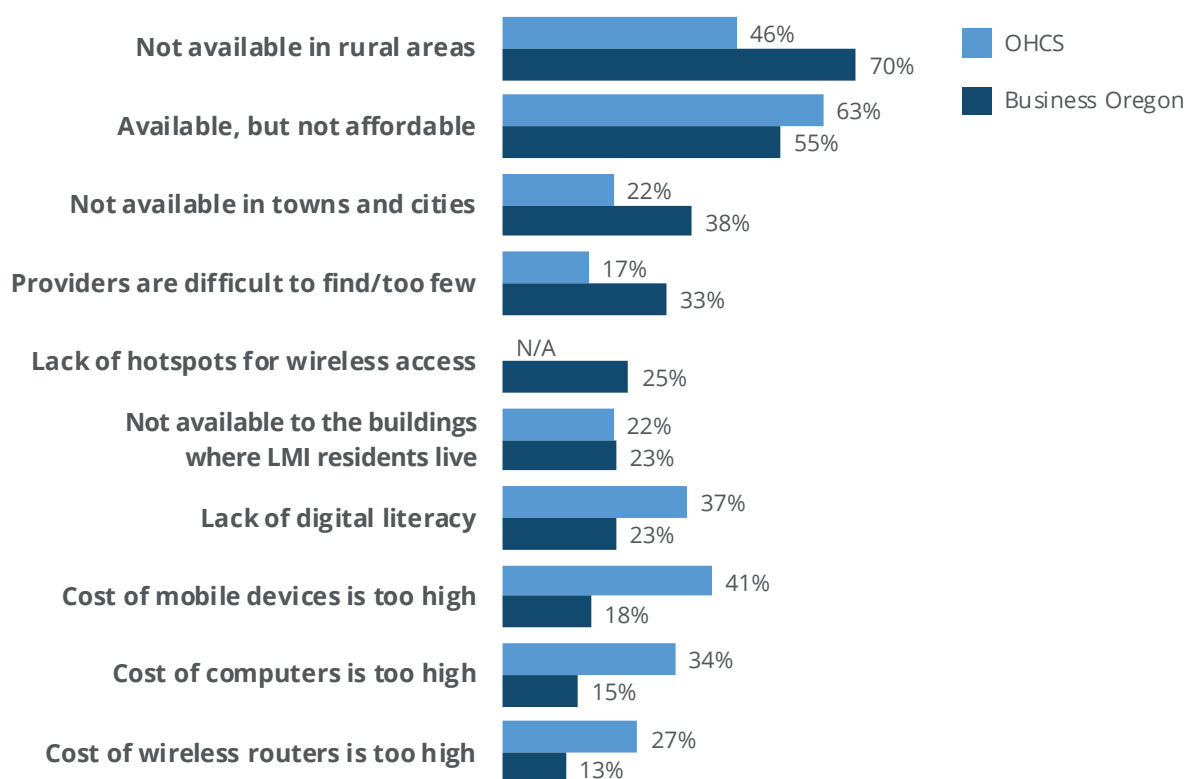
Note:
n=78 OHCS. N=40 Business Oregon.

Source:
Root Policy Research from the 2020 OHCS Housing Stakeholder Survey and the 2020 Business Oregon Community Development Stakeholder Survey.



Primary barriers to digital/broadband access. The greatest proportion of community and economic development stakeholders consider the primary barriers to digital broadband access to be a lack of availability in rural areas, while the greatest proportion of housing and human services stakeholders identify unaffordable service to be the primary barrier. In general, the primary barriers identified by both groups of stakeholders center on lack of availability, service that is available but unaffordable, and lack of affordable devices to access the Internet.

Figure A-15.
What are the primary barriers to accessing Digital/Broadband in your service area?



Note: Lack of digital literacy includes lack of basic computer, Internet, and email skills. Numbers add to greater than 100 percent due to multiple response. n=40 OHCS respondents and n=41 Business Oregon respondents.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey and the 2020 Business Oregon Community Development Stakeholder Survey.

Due to the barriers to digital/broadband access identified above, nearly seven in 10 Business Oregon survey respondents believe it is difficult for small business to succeed, and two-thirds think that lack of access increases social isolation for the elderly or other populations vulnerable to COVID. Other economic and social difficulties experienced by residents due to the digital divide include difficulties applying for jobs and preventing residents from getting health care information and assistance.

Business Oregon CDBG program effectiveness. Participants with experience with Business Oregon’s Microenterprise, Public Works, Community/Public Facilities, Regional Housing Rehabilitation Grant/Loan, and Emergency Projects programs shared the strengths and challenges of these programs and made suggestions to improve the effectiveness of each. It is important to note that one of the most common aspects of the CDBG programs stakeholders consider to be working best is the staff of Business Oregon with whom they interact.

Microenterprise grant program. About one-third or 20 respondents to the Business Oregon survey had experience with the Microenterprise grant program.

What is working best? The best aspects of the Microenterprise program are that it is available at all and that it is much more flexible than similar programs available through other agencies and that applying for Microenterprise funds is an easier process than applying for other CDBG programs. Stakeholders value the quick response time.

- *“Provides an opportunity for those wishing to start or expand a business.” (Stakeholder survey respondent)*
- *“Quick response time. This is currently one of our most agile programs.” (Stakeholder survey respondent)*

What are the challenges? Elements of the Microenterprise program, especially the collateral requirement and to some extent the jobs requirements, are a barrier to participation. One stakeholder encouraged Business Oregon to expand the organizations—Certified Entities—available to support businesses participating in the Microenterprise program.

- *“The communities we’ve worked with who participate in this program are most concerned about rural businesses not having to provide collateral and keeping fees low. Most rural small businesses are not in a position to deal with either.” (Stakeholder survey respondent)*
- *“Inconsistent messaging within Business Oregon—particularly on application forms—about requirements. Uncoordinated release of grants around the region, leading to confusion and duplication of efforts.” (Stakeholder survey respondent)*
- *“Many of the company’s we referred to this program were not funded. The barriers are too high—want too much collateral.” (Stakeholder survey respondent)*
- *“Their list of Certified Entities—that they require a business work with—should be expanded. It’s leaving off several programs that are highly qualified to support these businesses (e.g. many accelerator programs in the state, Oregon RAIN, The Foundry, OTBC, TIE Oregon, etc.).” (Stakeholder survey respondent)*

Suggestions for greater effectiveness. In addition to addressing the challenges discussed above, offering grants or a combination of grants and loans, providing technical assistance for small businesses along with a loan, expanding the number of organizations authorized to administer funds, and expanding community outreach are the primary suggestions for improving the effectiveness of the program.

- *“Offer grants and not loans. Or offer a combo of grants and loans. Expand the list of approved organizations for them to work with. Reduce collateral requirements. And forgive a portion of the existing loans that have been awarded.” (Stakeholder survey respondent)*
- *“If HUD could loosen restrictions/auditing requirements, that would help. Being able to offer technical assistance and some types of business services (like paying for a computer and software subscriptions like QuickBooks, paying for services like website design, graphic artists, accountants, marketing consultants) to microenterprises would also be helpful.” (Stakeholder survey respondent)*
- *“Partnering loans with technical assistance to small rural businesses is essential to success.” (Stakeholder survey respondent)*
- *“Contract with more partners in different communities to administer funds—more options than MERIT.” (Stakeholder survey respondent)*
- *“It is working, however, there is no follow up in place. It would be ideal if Business Oregon could do 6 and 12 month follow up to collect business use and grant effectiveness data.” (Stakeholder survey respondent)*

Public Works—Water and Wastewater Improvements program. About one-third or 19 respondents had experience with Business Oregon’s Public Works program.

What is working best? Stakeholders familiar with the Public Works program complimented Business Oregon program staff in their region, the two-step grant process (design and construction), and the critical contribution the Public Works program makes to improving infrastructure quality in rural Oregon.

- *“I really like the 2 step grant process where we apply for design and then construction later. Design takes a while and it's nice to have a solid plan in place with accurate cost estimates to apply for construction.” (Stakeholder survey respondent)*
- *“There is newer staff and staff who desire to serve (better than before) but still there is way to much red tape that needs to be removed. Biz Oregon does not need to create extra or more layers of requirements. Keep it simple and get programs and results to Yes.” (Stakeholder survey respondent)*
- *“Provides valuable support to cash-strapped communities to improve aging infrastructure. The cost of these improvements is far above what most communities can afford.” (Stakeholder survey respondent)*
- *“Low interest, fast turnaround times (compared to other sources), low barriers and requirements for entry.” (Stakeholder survey respondent)*

What are the challenges? Stakeholders' descriptions of challenges include difficulty applying due to a lack of local staff or consultant grant writing expertise, perception that systems that are "out of compliance" get priority over systems needs in other communities, additional HUD requirements that increase costs (e.g., prevailing wage), and lack of timely review by the Department of Environmental Quality (DEQ).

- *"They are lengthy grant application processes which can be daunting. The other thing is it should be more open as far as fixing a need. Not just a compliance related. We should be addressing issues proactively and not reactively." (Stakeholder survey respondent)*
- *"Sometimes it doesn't seem like lower-cost options can be implemented when they might be good enough for a community. Some HUD/federal regulations also increase the cost of construction." (Stakeholder survey respondent)*
- *"Small entities don't have grant writers or generally don't know how to apply." (Stakeholder survey respondent)*
- *"Application limits, expenditure rates, quarterly application process prevent good projects from moving ahead. Also requiring DEQ approval of facilities plans before even applying prevents some communities from applying. DEQ review can take 5-6 months." (Stakeholder survey respondent)*
- *"The new project review format needs some tweaking to expedite the process. It seems like projects can get lost in the shuffle, or the shuffle itself isn't transparent enough, so it's hard to tell what's happening." (Stakeholder survey respondent)*

Community/Public Facilities program. About one in five or 11 respondents are familiar with the Community/Public facilities program.

What is working best? Regional program staff, grant amounts, and continuing dedication of funds for community/public facilities are the aspects of the program stakeholders consider to be working best.

- *"New staff who are not entrenched staffers that are thinking outside of the box." (Stakeholder survey respondent)*
- *"Staff in our region is great. I would like to see them work directly with communities to offer more technical assistance though in getting applications to a point of submission." (Stakeholder survey respondent)*
- *"It's great that the communities are able to serve their low to moderate income residents with much needed facilities." (Stakeholder survey respondent)*

- *“Large grants available compared to other programs. Great review team that works to make the funding fit a variety of projects.” (Stakeholder survey respondent)*

What are the challenges? The few comments describing challenges with the community facilities program included difficulties with the application process and lack of local expertise to successfully prepare applications, overhead needed to comply with regulations, and a perception that the program’s regulations or “rules” are difficult for rural communities to successfully apply or administer the program.

- *“Very cumbersome application process.” (Stakeholder survey respondent)*
- *“There is a certain amount of additional overhead necessary in order to meet requirements. Sometimes those additional costs and steps delay project construction.” (Stakeholder survey respondent)*
- *“Complying with labor standards.” (Stakeholder survey respondent)*
- *“The rules can be restrictive and almost impossible for rural communities to abide by.” (Stakeholder survey respondent)*

Suggestions for greater effectiveness in the Public Facilities program to respond to unexpected crises. Technical assistance to develop emergency plans, allowing facilities to be used to meet other community needs in response to a disaster, and informational trainings to inspire communities to participate in the program are the primary methods by which stakeholders believe the Public Facilities program can best be positioned to help respond to a crisis.

- *“Make it a short term strategy. After a disaster, hold more informational programs/trainings about how the program works in rural communities. Give communities something to strive for. That would reduce fear and anxiety and provide a new community goal.” (Stakeholder survey respondent)*
- *“Technical Assistance would help. In smaller towns that don't have emergency plans, to provide them with TA to write a plan. Contact the smaller communities to find out what their needs are.” (Stakeholder survey respondent)*
- *“By funding proactive projects that prepare rural spaces for disasters and pandemics. Planning for spaces could include these sorts of inputs to arrive at more fully functional buildings.” (Stakeholder survey respondent)*
- *“Allow these facilities to be uses/ rehabbed for basic needs-- shelter, food services, etc.” (Stakeholder survey respondent)*

Regional Housing Rehabilitation Grant/Loan program. About 18 percent or 10 respondents have experience with the Housing Rehabilitation Grant/Loan program.

What is working best? Stakeholders appreciate the flexibility built into the program, including allowing agencies to serve manufactured home parks. Nearly all referenced the need for this program in their service areas.

- *"I think it's a great program. It's obviously finite in its ability to reach all the folks in need, but it still serves a great need in our communities." (Stakeholder survey respondent)*
- *"Glad it was opened up to help serve manufactured home parks." (Stakeholder survey respondent)*
- *"Flexibility for local programs to tailor to their needs." (Stakeholder survey respondent)*
- *"This has been fabulous for our organization. It creates meaningful relationships between rural communities and their local community and county governments." (Stakeholder survey respondent)*
- *"Our regional housing organization has done many of these and they have all been successful." (Stakeholder survey respondent)*

What are the challenges? The primary challenge associated with the program is that need exceeds the resources available. Finding contractors to perform the work and increasing costs of materials are other challenges.

- *"Limited funds. There is extreme need for more funds." (Stakeholder survey respondent)*
- *"None. The program is well run and the technical support for our grant efforts have been great." (Stakeholder survey respondent)*
- *"Contractors getting bids. Lack of contractors. Price of materials are going up." (Stakeholder survey respondent)*

Emergency Projects grant program. Eight stakeholder survey respondents had experience with the Emergency Projects program.

What is working best? Flexibility and the ability of staff to quickly respond and adapt policies to be more responsive to needs in the community are considered strengths of the program.

- *"I am pleased Business Oregon staff was able to work quickly to adjust policies and respond to the crisis. Greater flexibility in the use of funds is needed." (Stakeholder survey respondent)*

- *“RDI has supported communities applying for this funding, and appreciates the flexibility and streamlined processing for rural towns who need the technical assistance and/or other support.” (Stakeholder survey respondent)*
- *“Flexibility and commitment from Business Oregon project managers.” (Stakeholder survey respondent)*

What are the challenges? The most common challenges identified by stakeholders was a lack of flexibility in the uses of funds and burdensome application and compliance requirements.

- *“Greater flexibility in the use of funds is needed. We need to be able to respond to local needs and a broad stroke of eligible programs assumed to work in one part of the state won’t work in another. Flexibility in the program and staff thinking outside the box is needed.” (Stakeholder survey respondent)*
- *“Too many requirements. Not all of them needed. Not enough funding from a statewide perspective. Inefficient delivery method.” (Stakeholder survey respondent)*
- *“Complex and time-consuming documentation requirements.” (Stakeholder survey respondent)*
- *“Too limited in scope and too many restrictions on types of projects than can be funded.” (Stakeholder survey respondent)*

Other suggestions. Among stakeholders’ comments about Business Oregon’s current CDBG programs, two suggestions merit mention: One encourages the state to consider using CDBG (or other) funds to support grants for residents of manufactured home communities to buy the part to preserve long term affordability. The second is to dedicate funds to replace housing when conditions are so substandard that repairs cannot be made.

- *“Developers are starting to buy up manufactured home parks to increase rents or turn these in to single family developments. Manufactured home parks provide affordable housing for a number of persons and families. I would like the program broadened to allow residents to apply for grant funds to purchase the parks to protect themselves and work with partners like CASA to do so.” (Stakeholder survey respondent)*
- *“Funds are needed for replacement of substandard homes that can’t be rehabbed and for new construction.” (Stakeholder survey respondent)*

COVID19 and Wildfire Impacts

As noted above, community engagement was conducted during both the 2020 COVID pandemic and the devastating wildfires that swept across much of Oregon. To inform the

five-year plan, Business Oregon and OHCS asked stakeholders to assess the impact of COVID on local housing and community development needs, including whether the pandemic created new challenges or exacerbated existing needs.

How have community development needs changed as a result of COVID and the wildfires? The pandemic and wildfires exposed the precarious financial situation of small business; caused a loss of childcare providers or fewer children able to be served; and increased reliance on Internet access for employment and education. The pandemic complicated the delivery of services due to the lack of facilities to provide in-person services—previously delivered in shared buildings. These crises also increased the need for mental health facilities and services, which were already lacking in rural areas. These are among many examples of changes in needs raised by stakeholders as a result of the COVID crisis and made more critical by wildfires.

Small business.

- *“There is a greater need for grant funding and patient capital and technical assistance for businesses. We need to develop better ways of connecting remotely with the community so that they are really involved in public input and exchange of information.” (Stakeholder survey respondent)*
- *“Businesses have struggled to stay open and follow mandated guidelines which should be based on region, not statewide (example of a rural zip code area with ZERO covid cases should not have to be burdened with excessive rules).” (Stakeholder survey respondent)*
- *“Cash flow has become an issue for businesses in the region, state and nation.” (Stakeholder survey respondent)*
- *“Many small businesses are closing or struggling to survive. Businesses need good information, in many cases financial support, and they need patience as they try and pivot to meet new requirements. Latino workers and businesses have been hit particularly hard.” (Stakeholder survey respondent)*
- *“The tourism business has taken a huge hit. Lack of large gatherings has hurt nonprofits doing fund raising. Small businesses that have had to close and reopen with limited space may not make it through winter months.” (Stakeholder survey respondent)*
- *“Small businesses have struggled especially in our downtown as there is not adequate space for outside operations or expansion in close proximity.” (Stakeholder survey respondent)*

Special needs populations.

- *“Access for disabled has been highlighted as a huge need as isolation has increased among that population. We have a digital divide.” (Stakeholder survey respondent)*

Digital divide.

- *"Since COVID hit, the lack Internet bandwidth to these locations (Baker County ranches and farms) has become so apparent—it is nonexistent. It took a month to get online school up and running—people were scrambling, not just the underserved. ... The district thought of hotspots... A month later, we got hotspots. If a family had to get Internet, the cost to get it up and running was \$180. **They were not eating to get Internet.** Families with multiple kids could not get enough bandwidth for all kids to be on at once. I also had A/B students starting to flunk and get so depressed. I also had high school students leaving classes to help and support their younger siblings who were learning at home." (Latino community stakeholder interview participant)*
- *"COVID has exaggerated the gaps in the have/have nots with internet access. Many of our rural areas are struggling to remain connected and are unable to work remotely. Business and education in these areas are quickly falling further behind." (Stakeholder survey respondent)*
- *"The barriers caused by the lack of good internet are increasingly made clear. Businesses have had to increasingly focus on online sales and marketing." (Stakeholder survey respondent)*
- *"Broadband access has become a huge barrier to equity in education, workforce, and access to federal benefits (unemployment and more)." (Stakeholder survey respondent)*
- *"The need for businesses and school children utilizing internet and web based activities have caused a huge strain and need on whatever services are there." (Stakeholder survey respondent)*

Childcare.

- *"COVID rules have caused a lack of childcare for those who want to work; getting people back to work has been a huge barrier as they are making \$1000/week not working and then lack of schools open or childcare for their kids." (Stakeholder survey respondent)*
- *"Finding childcare providers is a major barrier for the workforce. We have facilities but cannot attract providers due to low wages, risk to exposure, other factors." (Stakeholder survey respondent)*
- *"One of the clinics has its own childcare center, one homebased in my neighborhood, at least two commercial childcare centers. We also have Headstart. Our Building Healthy Families organization has early childcare for 0-3 and they are an institution that offers wraparound services. Anecdotally, we always hear about big gap in available slots versus need. The childcare center at the church I attended is probably not even within regulations. It would be nice to invest in planning." (Columbia Gorge/Northeast Oregon roundtable participant)*

Community services and facilities.

- *"Many of the services in our community (Hood River Shelter Services, the Hood River Farmers Market) have been 'making do' without permanent locations for years. With COVID, many of the locations for previously used (schools, churches, etc.) are now no longer options." (Stakeholder survey respondent)*
- *"Adaptation is the need now. Service providers and small business are changing their models to meet guidelines." (Stakeholder survey respondent)*
- *"Boards, Government councils have trouble meeting. Local paper started streaming local County Court meetings and the number of views are tens of times greater than attended meetings prior to COVID." (Stakeholder survey respondent)*

Rural community needs.

- *"In our experience to date, the decisions about how emergency resources will be used is concentrated with a small group of people at the state level with limited interest and/or experience in rural. In addition, rural communities do not often have the capacity to understand and respond quickly to COVID funding opportunities in what has been a very fast-paced funding environment." (Stakeholder survey respondent)*
- *"Rural communities thrive off of in-person interactions. The added isolation of COVID are creating extra struggles for business owners. Mental health is a concern." (Stakeholder survey respondent)*
- *"Our Downtown small business center has seen a squeeze in the resiliency of the individual businesses. I would suggest that the major other parts of our community that have been affected by COVID are social aspect with lots of organizational activities being canceled. It appears our housing development has slowed also." (Stakeholder survey respondent)*

How has the community responded to address these needs? The strength of Oregon's rural communities are evident in how residents came together to respond to needs. Stakeholders described communities rising to meet the needs of their neighbors through increased collaboration, engagement, volunteerism, helping local businesses and residents receive state and federal relief funding, and beginning to address the digital divide are among the ways that communities have tried to address the needs.

Increased collaboration, communication, and volunteerism.

- *"Most of the counties have stepped up to help on the social services side. Some TA providers have pivoted quickly (Oregon RAIN) to provide just-in-time services to help keep doors open, jobs retained. Seeing more service providers partner-up like then never have before showing Oregonians can rally during a crisis. Hopefully we can sustain this momentum of win-win collaborations." (Stakeholder survey respondent)*

- *“RDI has created a facebook page (PNW Rural Action Network) to disseminate information to rural communities about COVID and wildfire resources, and legislative action alerts for legislative issues with rural impact. We have also been pivoting the methods we use to provide technical assistance to respond to crisis needs in a virtual medium, and to help communities plan for long-term recovery and resilience.” (Stakeholder survey respondent)*
- *“We have an active nonprofit sector and giving especially through religious organizations has helped needy residents.” (Stakeholder survey respondent)*
- *“All hands on deck—We have a boots on the ground group that looks solely at the business and economic impacts that the businesses are having and those partners are working as fast as they can to assist!” (Stakeholder survey respondent)*
- *“The Food Pantry ramped up services and in March and April, saw our users nearly double. The community has stepped up to volunteer and donate as much as they can to the pantry. As for the inability to watch kids perform and compete, the natives are getting restless. There’s a lot of anger.” (Stakeholder survey respondent)*
- *“Keep serving and do not let fear drive or destroy service and openness.” (Stakeholder survey respondent)*

CARES Act and state and other COVID relief programs.

- *“Trying to take advantage of all federal and state COVID relief programs. Trying to be proactive with our transient lodging tax funds allocations in anticipation that those funds will see a large budget cut in 2021.” (Stakeholder survey respondent)*
- *“We have done everything we can to get funds out the door quickly to the organizations who can put it to use. We are currently supporting childcare, business assistance, housing assistance, and more.” (Stakeholder survey respondent)*
- *“Direct grants and aid are the most effective. Some technical support is needed especially for businesses and renters needing help to pay rent.” (Stakeholder survey respondent)*

Business relief.

- *“Grant funding to help small businesses in the community.” (Stakeholder survey respondent)*
- *“Offering grants to businesses, offering new technical assistance services, offering somewhat more patient loan capital, connecting businesses to resources.” (Stakeholder survey respondent)*
- *“Working on outreach, providing all types of support, providing direct grants to businesses.” (Stakeholder survey respondent)*

Digital divide.

- *"Mobile hotspots have been provided by many educators, and some retailers but still, service is unreliable. The response is recognized, but no meaningful effort toward a long-term solution has been made." (Stakeholder survey respondent)*
- *"Formed a broadband advisory committee to evaluate needs of the region. also working with childcare providers and communities to find facilities." (Stakeholder survey respondent)*
- *"We are working projects. We hope to have more assistance from the new Broadband office at Business Oregon." (Stakeholder survey respondent)*

Where do gaps exist? What else is needed to close those gaps? Gaps that persist include a need for technical assistance to small business and local governments, a need for more funding overall, facility and capacity issues, the digital divide, and a need for ongoing, effective community engagement to make sure that residents and businesses can access the resources they need to recover are the most common remaining gaps identified by stakeholders.

Technical assistance.

- *"Trained staff and technical assistance are needed. Childcare and distance learning supports are still critical needs. Streamlining the regulatory process and setting achievable metrics would be helpful." (Stakeholder survey respondent)*
- *"Grant writing training, federal grant writing training for the region - get more federal dollars to our region." (Stakeholder survey respondent)*
- *"Increasing regulatory burdens in small, rural, LMI cities often require complex planning and alternative screening. Without better grant funded planning, Cities short-change their planning efforts to reduce debt and can arrive at less than optimal solutions." (Stakeholder survey respondent)*

Funding.

- *"Businesses that cannot come back due to high cost of following reopening regulations." (Stakeholder survey respondent)*
- *"Small business owners of limited means have had less access to aide. Less likely to receive unemployment. Have received some limited grants. I am sure there are many other gaps." (Stakeholder survey respondent)*
- *"Providing more long-term financial assistance—funding." (Stakeholder survey respondent)*
- *"Business Oregon is doing a great job getting CARES Act resources out to communities, and ensuring that rural communities are included. I see an impending gap related to the fact*

that most CARES Act services will only be provided through the end of 2020, while we see that need will be ongoing through at least 2021.” (Stakeholder survey respondent)

Facilities/service capacity.

- *“More staff, more funding, and for social service infrastructure we have a critical need for buildings/space to host programs, such as mental health crisis centers, food banks, and winter warming shelters (especially this last one!).” (Stakeholder survey respondent)*
- *“Countywide mental health and drug addiction facility that is available to all.” (Stakeholder survey respondent)*
- *“Public health programs are still insufficient to address the health crisis.” (Stakeholder survey respondent)*
- *“Childcare has also become a crisis issue to keep the economy moving. In urban areas, childcare is challenging. In rural areas, it's impossible.” (Stakeholder survey respondent)*
- *“Childcare—this should be an ‘all hands on deck’ issue. Affordable housing and homeless shelter. Public services.” (Stakeholder survey respondent)*
- *“Funding for childcare providers. More specific guidance and ease on restrictions.” (Stakeholder survey respondent)*

Digital divide.

- *“There has been a greater discussion about needs in internet service now that a lot of folks are working from home. The current system doesn't seem to keep up.” (Stakeholder survey respondent)*
- *“Broadband in rural is a gap (e.g., John Day put in an application for funds to expand their broadband, but it was turned down).” (Stakeholder survey respondent)*
- *“Broadband office at Business Oregon needs to provide more support.” (Stakeholder survey respondent)*
- *“We need better internet service and the funding to get it in place.” (Stakeholder survey respondent)*
- *“Broadband infrastructure funding is a long-term issue, so the CARES Act funding has been difficult to spend.” (Stakeholder survey respondent)*

Community outreach.

- *“I think the biggest gaps exist in the area of community engagement.” (Stakeholder survey respondent)*

- *“Proper outreach is key and nearly non-existent in Oregon or anywhere in the US.”
(Stakeholder survey respondent)*

How have housing needs changed as a result of COVID and the wildfires?

Prior to the pandemic and wildfires, a lack of affordable housing to rent and to buy was a persistent challenge in communities across Oregon. Unemployment, business closures, increased stress, and naturally occurring affordable housing (NOAH) stock destroyed in the fires result in a greater number of households in need of housing and services, including many households who have not previously required assistance. Stakeholders also identified people of color, people with disabilities, immigrants who are undocumented, and residents who are harder to house as populations that have been disproportionately impacted by these twin crises in greater Oregon.

Greater number of households in need.

- *“The pandemic has increased the number of unmet needs significantly. In addition, wildfires have further added to the increase.” (Stakeholder survey respondent)*
- *“Larger number of households in need; households have lower income—especially households headed by people of color.” (Stakeholder survey respondent)*
- *“Many more people are now at risk of eviction and are risking other needs to stay housed.” (Stakeholder survey respondent)*
- *“The housing needs previous to COVID continue to be the same, but now there are more people being affected including home owners and the people currently renting a place who have lost their jobs and are behind on mortgage or rent, as well as utility payment.” (Stakeholder survey respondent)*
- *“I see a lot of small, mom and pop businesses having a lot of trouble surviving way more than before the Corona Virus hit our country and not able to pay their bills or employees and having to close for good.” (Stakeholder survey respondent)*
- *“Most communities that we serve have been doing ok during COVID, however-since the recent fires, more populations are impacted by the loss of existing affordable housing.” (Stakeholder survey respondent)*

Housing stability.

- *“Keeping people safely housed once the rent moratoriums wear off is a big concern.” (Stakeholder survey respondent)*
- *“The needs are significantly exacerbated by COVID, particularly public services (social services). The need for housing is also incredible and will be well beyond the breaking point after the fires.” (Stakeholder survey respondent)*

- *“COVID has made our housing and digital infrastructure needs significantly more apparent.” (Stakeholder survey respondent)*

People with disabilities.

- *“People with disabilities, specifically mental health disabilities are desperate for shelter.” (Stakeholder survey respondent)*
- *“I have noticed a great amount of the older adults having difficulties, especially SSI/SSDI populations having problems finding affordable housing because low monthly payments are not enough to pay rent, utilities, food, clothing, and the high cost of health insurance.” (Stakeholder survey respondent)*
- *“The HIV/AIDS population is also at an hinderance, where they have a harder time finding housing due to the stigma of their disease and of past behaviors, such as, drug abuse, landlords are very reluctant to rent to them.” (Stakeholder survey respondent)*

Disproportionate impacts.

- *“Immigrants who do not have a legal status are not able to get into housing due to lack of documentation. Those who have been evicted in the past.” (Stakeholder survey respondent)*
- *“More people in need, political crisis plus the fires plus COVID impacting essential workers have really put many Hispanic families in dire situations.” (Stakeholder survey respondent)*
- *“Greater number of people in need—this is true across all sub-populations—but agricultural workers, immigrants, and Seniors appear to be disproportionately impacted.” (Stakeholder survey respondent)*
- *“COVID has elevated the disproportionate housing needs of BIPOC Oregonians, but those existed before.”*
- *“People with past evictions are unable to find a place to rent during COVID, and I have been told the reason is that the landlords are afraid they will not pay rent after moving in / during the pandemic, so their applications are just being denied.” (Stakeholder survey respondent)*
- *“Low and moderate income (LMI) communities have been disproportionately impacted by fires—they may have had no homeowners insurance or much less coverage, some of these homes had lead and asbestos and so a lengthy cleanup is required before rebuilding. Mobile homes must be within 25 mile radius to be rebuilt using FEMA, but the whole town might be gone, so there is no option to rebuild within the set limits. Once rebuilt, taxes will likely be higher. Some Red Cross funding has been pulled from families with mixed immigration status.” (Southern Oregon roundtable discussion participant)*

Impact on homelessness. Most stakeholders (60%) believe that homelessness has increased in their area due to the COVID pandemic. Nearly two in five stakeholders' assessment of the populations most at-risk of homelessness changed since the onset of the COVID pandemic. These stakeholders observe that immigrants who are undocumented are especially at-risk of homelessness due to job loss and inability to participate in federal financial relief and other benefits programs. Other populations not previously at-risk of homelessness are those who experience job loss and long-term unemployment resulting from business closures. Several stakeholders mentioned barriers to accessing services resulting from lack of access to public facilities like libraries to access the Internet or print required forms.

- *"The percentage of our population currently experiencing homelessness who meet the definition of chronically homeless rose significantly in the last year. We have had good outcomes with helping those experiencing homelessness transition to stable housing as it becomes available and need more transitional housing units to help individuals move toward permanent, affordable housing. Many Jackson County citizens work in service industry and agricultural jobs and do not earn a living wage. The very low housing inventory here—**this has been made exponentially worse by the dramatic loss of low income housing during the wildfires**—coupled with the low earnings speaks to the need for more rental housing for folks earning 30%, 60% and 80% of AMI." (Stakeholder survey respondent)*
- *"Yamhill County is exceptionally hard hit by fires and COVID, but our homeless population has expanded greatly since 2008. It was 600, and is now up to 1,428, and the numbers are going up due to COVID, layoffs, and fires. We can't keep up. I would like to see more affordable or low income housing in McMinnville and the larger cities and some kind of low barrier campground for those who can't afford to be in low income housing, and a navigation center." (Community Advisory Group focus group participant)*
- *"We have a major need in transitional housing, mental health services and other outreach services for our unhoused population." (Stakeholder survey respondent)*
- *"People that don't have access to public benefits because of documentation status have been more impacted. Higher cases of COVID, more job loss, not able to access stimulus payment and unemployment benefits." (Stakeholder survey respondent)*
- *"I have noticed more unemployment due to businesses having to downsize employees or close down the business. More cases of suicide, and drug use leading to homelessness in most cases." (Stakeholder survey respondent)*
- *"Harder to get access to assistance—no libraries open to get WiFi or print things. Other services closed." (Stakeholder survey respondent)*

Reduction in emergency shelter beds/facilities.

- *"There aren't enough homeless shelters and/or assistance for those experiencing homelessness." (Stakeholder survey respondent)*
- *"Need has grown and less is available. Homeless are not able to secure housing and no development has occurred in majority of the Southern Oregon Service Area." (Stakeholder survey respondent)*

Housing recovery recommendations. Stakeholders offered advice for how the state can best support community recovery from the pandemic. Rent assistance, including payments to landlords to make them whole, funding supportive services, increasing the number of affordable units statewide, increasing the number of communities with emergency shelter capacity in rural Oregon, and expanding partner networks more effectively reach and serve people of color and immigrants and reduce disparities in populations served.

Rent assistance.

- *"Short-term—More short-term rent assistance to prevent eviction due to nonpayment of rent. Long-term—long-term rent assistance to help households experiencing a long-term loss of income due to COVID." (Stakeholder survey respondent)*
- *"Ongoing rental assistance is needed to keep residents in non-profit owned units. This is the only way that non-profit housing sector will be able to weather the economic uncertainty while not requiring residents to go to even more extraordinary lengths to stay housed." (Stakeholder survey respondent)*
- *"Our organization has seen 25+ years of the housing need changes from needful to critical. Our advice is allocate funding to landlords for rental costs to help absorb this crisis." (Stakeholder survey respondent)*
- *"Continue efforts to mitigate evictions; increase rental assistance." (Stakeholder survey respondent)*
- *"Housing vouchers with gradual shift to full payment of rent by tenants as economy in local area improves (measured by employment figures)." (Stakeholder survey respondent)*
- *"Funds to help pay for unpaid past rent/mortgage payments so they can move forward without fear of losing housing." (Stakeholder survey respondent)*
- *"Loans could be made available to people at zero interest (similar to COVID-related PPP) with reasonable payments based on people's incomes. This may not have as substantial of a positive impact as I believe forgiveness would but it could be an option for mitigating some of the negative forthcoming pandemic impacts." (Stakeholder survey respondent)*

Supportive services.

- *"We need very low income housing. Accessible units. Supportive services to help people maintain their recovery." (Stakeholder survey respondent)*
- *"Give more money for supportive services like training and resources of how to stay safe when you are unhoused, immune compromised and at risk if you contract COVID." (Stakeholder survey respondent)*

Increase supply of affordable housing.

- *"As best you can, remove the 'red tape' and get dollars out to nonprofit and for-profit developers to get units under construction. Consider allowing developers to come forward with innovative ideas for how to best get units now--allow for concept ideas for housing rather than overburdening projects with additional criteria. It's okay to have a 60% and below AMI property and promote equity through marketing and community engagement." (Stakeholder survey respondent)*
- *"Provide direct housing subsidies for qualified applicants. Support construction of more units for both rental and sale at affordable rates (30% of gross income)." (Stakeholder survey respondent)*
- *"Make it easier to get funding for creative, alternative housing options like tiny homes, co-ops and shared housing." (Stakeholder survey respondent)*
- *"Help to overcome zoning restrictions, limit vacation AirBnB in favor of affordable housing for residents, provide financial incentives for alternative housing that maps out to less than \$100k per unit to build." (Stakeholder survey respondent)*
- *"Investment in more extremely low income and low income housing. Discussions around manufactured home parks owned by residents." (Stakeholder survey respondent)*

Increase shelter capacity and transitional housing.

- *"Shelters or transitional housing for families in rural areas." (Stakeholder survey respondent)*
- *"More lower income units, but in safer neighborhoods. Little to no homeless shelters in Eastern Oregon communities. NEED SHELTERS." (Stakeholder survey respondent)*
- *"Consider some type of transitional shelters that can house multiple people in order to stabilize them." (Stakeholder survey respondent)*
- *"Provide affordable transitional housing with sanitizing & showering stations." (Stakeholder survey respondent)*

Expand network of partners and funding to reduce disparities in access to housing and services.

- *“Assign future funds/grants to different community partners. I feel like in our area its always the same organization who receives this. And while The Next Door Inc is a great organization, they may not have the hands on experience that other community partners have such as Mid-Columbia Medical Cerner community outreach dept., Bridges to health pathways and OHP assister. We need to think outside the box and meet people in need where they are. Otherwise we are just covering up the need with a band aid. Community health workers are key in this. Search for organizations who use community health workers outside their organization’s walls. The more hands on experience the deeper the connection with the community. This also allows underserved populations to open up and give us the feedback we need to address these disparities.” (Stakeholder survey respondent)*
- *“Make sure there is a mechanism to distribute assistance that considers people who have never accessed services and are not attached to a provider or agency.” (Stakeholder survey respondent)*
- *“More funding for housing support for undocumented. Financial housing support programs should be equal regardless of documentation status.” (Stakeholder survey respondent)*

Community development recovery recommendations.

Stakeholders shared advice for how the state could support local recovery from the pandemic and wildfires. Responses shared themes of encouraging the state to look for opportunities for flexibility in grantmaking and programming, help to bridge the digital divide, reduce administrative burdens and complexity of compliance, plan for and fund long-term recovery efforts.

- *“For more rural areas, definitely focus on funding broadband expansion programs. Reduce barriers to access funding for social service partners, and reduce the complexity of reporting requirements in consideration of the major capacity challenges faced by your partners.” (Stakeholder survey respondent)*
- *“In the initial crisis stage, resources are needed for pivoting business models, mobile hot spots, childcare, and access to financial and legal expertise to navigate crisis decision-making. In the longer term, rural resources are needed for entrepreneurial ecosystem development, broadband infrastructure, and leadership development.” (Stakeholder survey respondent)*
- *“Continue support to small businesses. Take a patient, encouraging rather than punitive approach to new regs.” (Stakeholder survey respondent)*
- *“Be as flexible and responsive to community needs—not one size fits all approach. The devastating wildfires highlight the need to be adaptive and resilient in a time of crisis.” (Stakeholder survey respondent)*

- *"Improve the responsiveness, adaptability and efficiency of the State's public health and EOC programs." (Stakeholder survey respondent)*
- *"Each community is different, so be open to ideas you might not have thought of. For example, our restaurant could have used funds to assist displaced employees, but business boomed at the coffee cart in town." (Stakeholder survey respondent)*
- *"I would suggest that anytime major economic impacts hit this region, the unhoused issues compound themselves harder than most other more resilient demographics. I think our City and region will have some major and difficult decisions to make over the next several years regarding housing conditions and our unhoused population." (Stakeholder survey respondent)*
- *"We as a community are hard workers however not being able to do our job because the internet is spotty or cuts out constantly does not help with us being able to do our jobs. I know because we live in the eastern part of the state that we are thought of as farmers, but most of us have degree's and work other jobs besides farming and need computers and internet to be able to do them from home." (Stakeholder survey respondent)*
- *"Also, support the local job creators (small businesses and startups) who will pull us out of this disaster. They need more grant funds (not loans!). They need organizations funded to support them." (Stakeholder survey respondent)*
- *"This doesn't end on December 30, 2020 like much of the CARES Act funding so Business Oregon and the legislature need to come up with longer term solutions." (Stakeholder survey respondent)*
- *"I know that state and federal funds have a lot of restrictions/rules to follow. This has been cumbersome and the talk of many of our leaders. Some have expressed the need to curtail some of the rules in order to help a business or community. Example—CDBG funds that have to be disbursed within one year—it can take anywhere from 3 to 12 months for a CDBG environmental review to be conducted—so no time for construction." (Stakeholder survey respondent)*

Priority Outcomes, Impact, and Allocation of Funds

Respondents to the stakeholder prioritized the most important outcomes from investing CDBG and other funds in housing and community development activities.

Priority housing outcomes. The top five housing outcomes prioritized by stakeholders are:

- #1—Larger supply of affordable rental housing
- #2—Expanded beds/shelters to assist persons who are homeless

- #3—Larger supply of rental subsidies/housing choice rental vouchers
- #4—More equitable dispersion of HUD resources for populations historically underserved (i.e. communities of color)
- #5—More equitable geographic dispersion of HUD housing resources

Figure A-16.

If you could pick five priority housing outcomes from investment of HUD block grant funds within Oregon in the next 5 years, what would those be?

Housing Outcome	% of Responses	
Larger supply of affordable rental housing	72%	<div></div>
Larger supply of rental subsidies/housing choice rental vouchers	54%	<div></div>
Expanded beds/shelters to assist persons who are homeless	53%	<div></div>
More equitable dispersion of HUD resources for historically underserved populations	40%	<div></div>
More equitable geographic dispersion of HUD housing resources	36%	<div></div>
Better access to supportive services to achieve or maintain housing stability	36%	<div></div>
Better access to case management/housing navigation services to obtain housing	35%	<div></div>
More opportunities for homeownership	24%	<div></div>
Better condition of housing for low-to moderate-income renters	24%	<div></div>
More equitable dispersion across low and moderate income populations of HUD resources	24%	<div></div>
More housing accessible for persons with disabilities	22%	<div></div>
Better condition of housing for existing low- and moderate-income homeowners	18%	<div></div>
Co-location of housing and childcare / early learning education centers	18%	<div></div>
Greater independence for persons with disabilities and/or seniors	15%	<div></div>
Housing that is more energy efficient	14%	<div></div>
Better access to housing information and counseling services	9%	<div></div>
Historically preserved commercial and residential structures	3%	<div></div>

Note: Numbers add to greater than 100 percent due to multiple response. n=78.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Reasons for housing outcome prioritization. Stakeholders shared their reasoning for choosing the housing outcomes they prioritized most highly. In addition to adding to the affordable housing stock and shelter capacity to address urgent needs, stakeholders raised issues specific to their experience in rural Oregon. This range from the limited ability of smaller communities to issue bonds for projects, relying on volunteers to staff emergency shelters, lack of local capacity for mental health and substance use disorder treatment, poor condition of housing, and a need for more homeless resources to be disbursed outside of Oregon’s major population centers based on local poverty rates.

- *"In our service area, the lack of affordable rental housing compounds and exacerbates other housing needs. Rural communities and localities cannot issue bonds to support affordable housing. State money should then be targeted in places who cannot use bonds or other measures to meaningfully participate in housing creation." (Stakeholder survey respondent)*
- *"As I mentioned before, many times people are given a Section 8 voucher but ends up expiring due to the lack of affordable housing in this area. Also, one of the shelters near has staff who are only volunteers, there are no funds allocated to specifically hire anyone to run the shelter therefore homeless do not know if they will have a place to sleep." (Stakeholder survey respondent)*
- *"Homeless in our community do not have many options, we live in a small community with few resources to help those with mental health/addiction issue remain stable, and the housing stock is older." (Stakeholder survey respondent)*
- *"No shelters or transitional housing in our rural area." (Stakeholder survey respondent)*
- *"In our communities, we have a large number of people who are unsheltered, as well as many people who have lost their homes due to wildfires. Many of our low-income residents who are not homeless live in inadequate housing, particularly in rural areas. They need funds for furniture/appliances, mold removal, heating/air conditioning, internet access and many other needs." (Stakeholder survey respondent)*
- *"The supply of affordable housing is our greatest need. In Southern Oregon, we would benefit greatly from a more equitable distribution of HUD housing resources. Additionally, we need expanded shelter beds to house those who are currently experiencing homelessness. We also need a larger supply of vouchers." (Stakeholder survey respondent)*
- *"If there is more affordable housing, fewer people will stay outside. I think there is homelessness across the state that looks different than the urban areas and it is overlooked, so would like to see it distributed across the state equitably based on poverty indices and local economy." (Stakeholder survey respondent)*

Recommendations to increase effectiveness of housing programs.

In addition to increasing the supply of affordable housing, stakeholders made suggestions specific to building capacity and addressing housing needs in rural Oregon, OHCS programming and operations, and focusing on equity and reducing disparities.

Building capacity and addressing housing needs in the balance of state.

- *"Grant writing assistance to rural Oregon." (Stakeholder survey respondent)*
- *"Local builders need to be able to navigate process of building affordable homes." (Disability focus group participant)*

- *“More targeted resources to addressing issues in rural communities, with a focus on how current programs and resources work and do not work in concert with each other.” (Stakeholder survey respondent)*
- *“Increase funding, work with local jurisdictions to decrease barriers to constructing affordable housing.” (Stakeholder survey respondent)*
- *“Encourage renovation of rural aging assets—not just those whose subsidies are immediately threatened.” (Stakeholder survey respondent)*
- *“The Gorge has a crisis this fall with no emergency shelters able to open due to COVID restrictions and space. CRISIS.” (Stakeholder survey respondent)*
- *“If building anything out here right now, it is very, very difficult to find contractors to do the work who have the capacity to take on the project. There are tradespeople, but not the general contractor/construction manager locally. It can take time if have all needed because it talks.” (Central/South Central/Southeast Oregon roundtable discussion participant)*

OHCS programs and operations.

- *“The State should come and visit the small communities in the State to see first hand. Too many times the support and money goes to bigger cities. Its like our smaller communities do not matter.” (Stakeholder survey respondent)*
- *“Stronger coordination between OHCS programs and with resources at other state agencies.” (Stakeholder survey respondent)*
- *“More resources, outcome based contracting + flexibility in administration of funds.” (Stakeholder survey respondent)*
- *“Make it easier for small non-profits and alternative housing programs to apply for funding.” (Stakeholder survey respondent)*
- *“Availability of staff ready to quickly assist.” (Stakeholder survey respondent)*
- *“Focus more on long-term assistance and construction of new housing, and less on emergency assistance.” (Stakeholder survey respondent)*
- *“Allow non CAA and COC organizations to access funds directly. Incentive communities who do collaborate. Make it a mandatory part of receiving funds.” (Stakeholder survey respondent)*
- *“Have greater clarity between Fiscal side of OHCS and Program side, utilize expertise in the field, as turnover in agency has caused disconnects in communication and not established*

relationship (this is a consequence across landscape due to COVID and no unique to any one entity).” (Stakeholder survey respondent)

Equity and reducing disparities.

- *“Having a team in communities and having relationship building—it changes willingness to report housing discrimination, and so much better than telling them to call an 800 number. Having people work in rural communities—really builds relationships and educates landlords to help landlords not discriminate. The messaging in trainings is an agency that wants to educate and advocate for speedy resolutions. The harder part is when they find the landlords who just don’t care ‘cowboys’—and they are there in rural areas.” (Fair housing stakeholder focus group participant)*
- *“The state walked away from its responsibility from enforcing by becoming not substantially equivalent in 2015. The state needs to become equivalent and invest in the systems for enforcement on the public and private side. If we had more funding, we could really do the enforcement. For a private fair housing organization, it really does come down to resources.” (Fair housing stakeholder focus group participant)*
- *“In addition, equitable/anti-racist service provision by CAP agencies & NGOs in the housing arena to stable, dedicated capital to build in cities and locations that remain ill- and underserved by the market.” (Stakeholder survey respondent)*
- *“Get down to the grass roots level and understand the barriers that people with disabilities face when looking for housing.” (Stakeholder survey respondent)*
- *“Allow for flexibility of how funds are used. Look to culturally specific community based organizations to provide housing resources in ways that meet their needs. More legislation needed to make affordable housing more accessible (rent affordability, discrimination, slum lords, denial of units based on past history, etc.). More long term rent subsidies needed.” (Stakeholder survey respondent)*
- *“Housing First and increase valuation of providers who have significant lived experience while supporting providers with ongoing cultural competency trainings. I have also seen far too examples of failures simply because of providers’ biases. Assuring providers have in-depth cultural awareness of communities they’re serving would increase cost-effectiveness.” (Stakeholder survey respondent)*

Impact of recommendations on priority housing outcomes. Were OCHS, partner agencies, and the legislature to implement the recommendations suggested, stakeholders believe the changes would result in increased efficiency and effectiveness of subgrantees, that access to housing and services will increase and disparities will be reduced, vulnerable populations will experience improved health and

housing stability, and the supply and condition of affordable housing statewide will increase.

Increased efficiency and effectiveness.

- *“Those changes would allow housing/service providers to spend more resources on actually providing the housing/services and less on excessive reporting.” (Stakeholder survey respondent)*
- *“Clatsop County has the highest rate of homelessness in the state yet cannot compete effectively for resources.” (Stakeholder survey respondent)*
- *“Ideally this would decrease administrative burden for grantees/subgrantees and make it easier for Oregonians to access resources.” (Stakeholder survey respondent)*
- *“Fiscal and Program working more harmoniously and with clearer directives in unison will streamline service delivery on sub-recipient end.” (Stakeholder survey respondent)*

Increasing access and reducing disparities.

- *“The programs and resources currently available in rural communities would be used much more efficiently, and allow for community members experiencing intersectional discrimination to more successfully access the housing supports they need.” (Stakeholder survey respondent)*
- *“People will be able to apply to the programs and get aid with fewer barriers. More vulnerable people and people of color will have access.” (Stakeholder survey respondent)*
- *“Accessible housing can be used by everyone, throughout their lives. Why not create universally accessible housing moving forward?” (Stakeholder survey respondent)*
- *“I want to emphasize we have a high and growing percentage of Hispanic/Latino residents. Hood River is 30 percent. My point is we need the flexibility of serving all of the people. Citizenship issues and the mixed family status ruling is scaring people away. There is a role for the state to stand up and support this important and growing sector of population. Also regions with high numbers of these populations are being disproportionately impacted.” (North Coast roundtable discussion participant)*

Improved health outcomes and longer-term housing stability.

- *“Our program has seen the extreme impacts that just having a safe and secure home does to someone's health, mental health and ability to thrive in a community. It is crucial.” (Stakeholder survey respondent)*
- *“Long-term support enables people with multiple challenges achieve stable housing.” (Stakeholder survey respondent)*

- *"I have had several clients with barriers and once they navigate their barriers such paying old bills, attending second chance classes etc., their (voucher) search time has timed out and they have to re-apply and repeat the entire process. Often times when this happens I see clients who no longer want to take meds and or relapse causing additional barriers which would have been less likely to happen if clients had the housing needed to provide the self-efficacy necessary to maintain sobriety, recovery and or mental health and medical care engagement." (Stakeholder survey respondent)*

Increasing the supply and condition of affordable housing.

- *"If we had sufficient units of affordable housing across the spectrum, we would have fewer families experiencing housing instability. Having a stable home provides the basis for improved outcomes in all other areas of life, including health, education, and career." (Stakeholder survey respondent)*
- *"Increase housing inventory—if Jackson County had more housing units, the social service network already in place could assist those in the housing units with support services and help them to maintain their safe and affordable housing." (Stakeholder survey respondent)*
- *"Increase the housing supply for smaller households. Most projects cost upwards of \$250k/unit. Alternative groups like SquareOne Villages have shown that quality housing can be produced for under \$100k/unit. We can get better bang for the buck by replicating such models." (Stakeholder survey respondent)*
- *"Prolong quality of affordable assets long term—encourage retention of same assets within affordable inventory." (Stakeholder survey respondent)*

Priority community development outcomes. The five community development outcomes considered a priority by the greatest proportion of Business Oregon stakeholders are:

- Higher quality and affordable childcare centers;
- Digital/broadband is available to residents regardless of their geographic location;
- Economic growth/positive economic impact;
- Increase in local jobs; and
- Increase in local businesses.

From the perspective of stakeholders, these outcomes are achieved by investing in the urgent community development needs previously discussed. In addition to specific outcomes, like higher quality and affordable childcare centers and broadband access, the outcomes stakeholders desire represent positive economic outcomes that will result in

more vibrant and sustainable communities—economic growth, more local jobs, increased local business, and neighborhood or community revitalization. Roundtable discussion participants and survey respondents both identified addressing infrastructure needs as essential prerequisites to housing and economic development efforts. Stakeholders serving veterans would like to develop “one-stop” centers for veterans to transition veterans from service back into civilian life; a place where veterans can go get all of their resources lined up to help them get on their feet. In their experience, veterans are not often aware of all that they are eligible for.

Figure A-17.

If you could pick five priority community development outcomes from investment of HUD CDBG block grant funds within Oregon, what would those be?

Community Development Outcome	% of Responses
Higher quality and affordable childcare centers	57%
Digital/broadband is available to residents regardless of their geographic location	51%
Economic growth/positive economic impact	49%
Increase in local jobs	47%
Increase in local businesses	38%
Lower water and sewer fees paid by residents	36%
Catalyst for neighborhood or commercial district revitalization	32%
Additional mental health care facilities	32%
A revitalized, attractive, Main Street	30%
Quality community centers	25%
Improved emergency services (e.g., fire stations, fire trucks, emergency equipment)	15%
More trainings and technical assistance for local businesses	13%
Streets and sidewalks are more accessible to persons with disabilities	13%
Better access to job training programs	11%
More trainings and technical assistance to area nonprofits	11%
Additional general health care facilities	9%
Additional opioid rehabilitation centers	9%
Options/expansion of “telemedicine”—online medical assistance/video chats	8%
Higher quality library	2%

Note: Numbers add to greater than 100 percent due to multiple response. n=53.

Source: Root Policy Research from the 2020 Business Oregon Community Development Stakeholder Survey.

Recommendations to increase impact of CDBG program. To increase the impact and effectiveness of the CDBG program, stakeholders advise Business Oregon

to increase technical assistance and reduce administrative burdens for small communities and to make changes to program requirements to increase the financial feasibility of participating in CDBG and to allow local organizations to apply for funds to address critical local needs that may not align with state priorities.

Increase technical assistance and reduce administrative burdens for rural communities.

- *“Grant writing training for those communities so they feel more comfortable applying for Business Oregon grants. More regional housing rehabilitation funding for smaller rural communities.” (Stakeholder survey respondent)*
- *“Currently, our non-entitlement areas are afraid of the CDBG process and hesitant to try.” (Stakeholder survey respondent)*
- *“Add a category for providing technical assistance and allocate somewhere around \$1-3M/year for this.” (Stakeholder survey respondent)*
- *“Provide technical assistance and possible start-up funding for housing development, especially Southern Morrow County.” (Stakeholder survey respondent)*
- *“Make the program easier to use. There are so many rules and so much red tape, most small communities cannot undertake them.” (Stakeholder survey respondent)*
- *“CDBG funds are very complex with respect to determining eligibility and applicable projects. Many rural places don't have the resources to either apply for or administer these grants. Support from Business Oregon's RDO staff and others is essential to ensure communities are ready to apply for these funds when they become available.” (Stakeholder survey respondent)*
- *“Nonprofits don't have an army of people to do paperwork. What limits participation is the lack of skill and expertise to handle the paperwork.” (Willamette Valley roundtable discussion participant)*

Changes to program requirements and maximum grant amounts.

- *“Lower the share allocation for cities with no tax base or allow the cities to create a tax base.” (Stakeholder survey respondent)*
- *“Provide fewer restrictions on grants to businesses. Restricting small businesses from getting CDBG grants because they applied to the EIDL grants (after they were told to apply for these grants) doesn't make any sense. You are leaving out the businesses that need help the most. Those who didn't apply to the EIDL grants obviously didn't have as big of a need. Provide more funding to service organizations that have expertise in those areas.” (Stakeholder survey respondent)*

- *“Shift the focus from public facilities & microenterprise to basic needs, childcare, and infrastructure that will benefit affordable housing. Create a housing program that involves both rehab and infrastructure. Fund rent assistance.” (Stakeholder survey respondent)*
- *“More funding for Public Works Infrastructure. Sewer, water and stormwater is costly to install and maintain and with a smaller community the rates have to be high to keep it up which is hard on folks especially in distressed income areas. Additional grant funding to do larger projects would help keep costs down so we can stay away from debt.” (Stakeholder survey respondent)*
- *“A year or so ago, we applied for a grant for sidewalks on the road next to the elementary school. Kids walk down that road, and do not stay to the sides. It is dangerous. We were told that since there had never been a fatality there, we would not be given grant funds. Listen to the community. Community leaders know what is needed.” (Stakeholder survey respondent)*

Allocation of funds. When asked if the current allocation of funds across community development programs meet the needs of their region, more than half of stakeholders responded, “don’t know”. Several stakeholders shared their perspective on how to rebalance the allocation of funds to better meet needs in their region. Increasing the share of funds dedicated to microenterprise was the most common suggestion. Others suggested linking infrastructure project awards to housing development.

- *“Microenterprise is too low. Missing TA funds. Public Facilities should be higher.” (Stakeholder survey respondent)*
- *“Too much on housing and facilities. More needed on Public Works (infrastructure) as this is the foundation to get to any of the other items. Infrastructure required to do housing or facilities.” (Stakeholder survey respondent)*
- *“I would increase the amount available for microenterprise assistance to 3% and broaden the types of services that could be provided to microenterprises.” (Stakeholder survey respondent)*
- *“Shift the focus from public facilities & microenterprise to basic needs, childcare, and infrastructure that will benefit affordable housing. Create a housing program that involves both rehab and infrastructure. Fund rent assistance.” (Stakeholder survey respondent)*
- *“RDI has difficulty explaining the eligibility and application process for this funding; we attended the training class, but still did not feel comfortable as a resource. We typically refer communities to their RDOs.” (Stakeholder survey respondent)*
- *“Slightly more funding for microenterprise assistance, unless there's another funding source that can meet this need.” (Stakeholder survey respondent)*

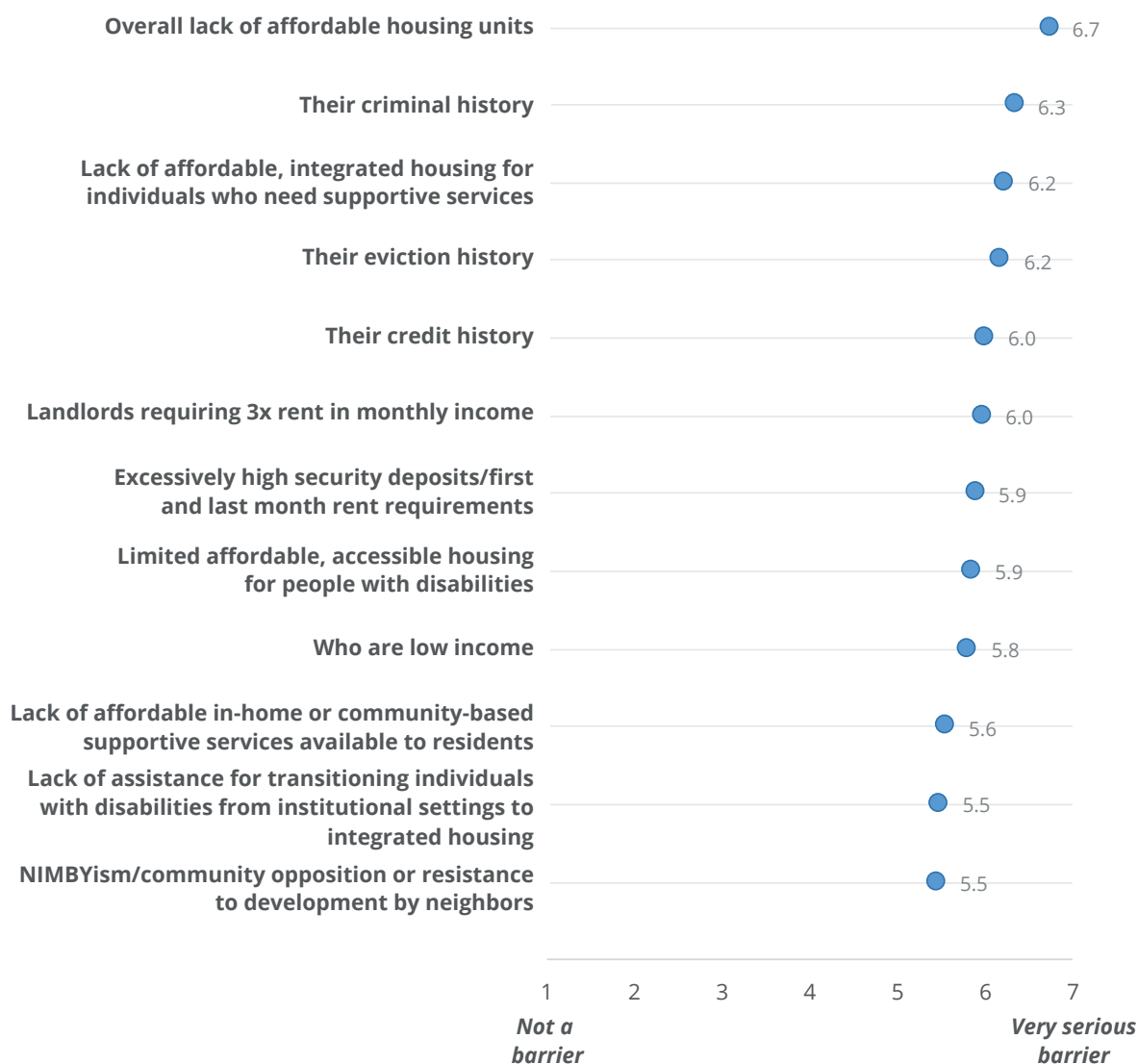
- *“More funding for housing rehabilitation—keep allowing grants.” (Stakeholder survey respondent)*

Fair Housing

Respondents to the OHCS Stakeholder Survey assessed the degree of seriousness of 56 potential barriers to housing choice in their area. Types of barriers include impediments include housing availability, housing practices and programs, discrimination against certain populations, local regulations and policy, state regulations and policy, and access to areas of opportunity.

Most serious barriers to housing choice. From the perspective of stakeholders, the most serious barriers to housing choice in Oregon’s non-entitlement areas include a lack of affordable housing; the criminal, rental, and credit histories of prospective tenants; and the lack of affordable, integrated housing for individuals who need supportive services. The top 12 most serious barriers to housing choice are presented in Figure A-18.

Figure A-18.
Top 12 Most Serious Barriers to Housing Choice



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. Top 12 barriers have ratings of 5.5 or greater. n=72.

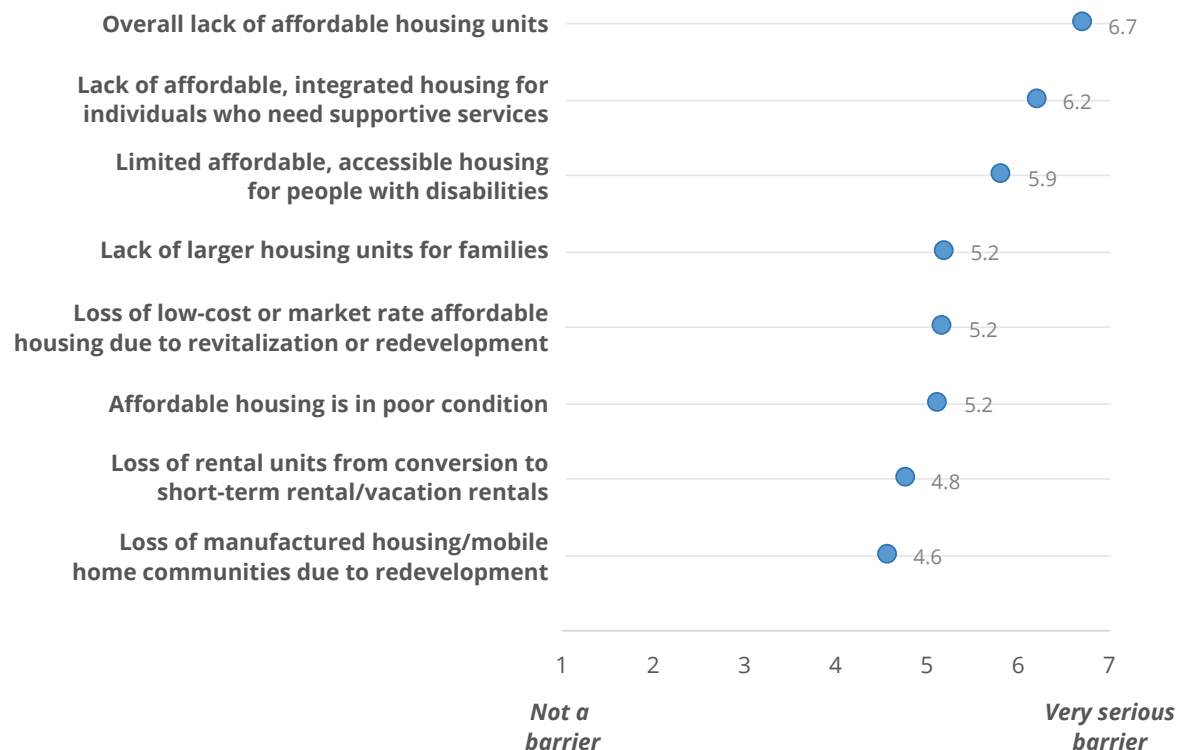
Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

The overall lack of affordable housing was the greatest housing need discussed by resident and stakeholder focus group participants across the state; many participants described the housing shortage and resulting homelessness, overcrowding, and people living in substandard housing as disproportionately impacting members of protected classes, especially persons of Hispanic descent, immigrants, and persons with disabilities.

- *“Need some kind of housing options for folks who are on SSI. When rent is \$1,300 and they’re getting \$870 in SSI, there are no options.” (Community Advisory Group focus group participant)*

Housing availability. Among the eight potential barriers to housing choice related to housing availability, stakeholders considered the overall lack of affordable housing units; lack of affordable, integrated housing for individuals who need supportive services; and the limited affordable, accessible housing for people with disabilities to be the most serious barriers to housing choice. Conversion of rentals to short-term or vacation rentals and the loss of manufactured housing/mobile home communities to development were considered relatively less serious barriers.

Figure A-19.
Seriousness of Potential Housing Choice Barriers Locally—Housing Availability Factors



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=72.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Recommended actions to address housing availability barriers. With respect to barriers to housing choice resulting from a lack of available housing, stakeholders’ recommendations encouraged universal design and dedicating units for persons with SPMI and SUDs and a number of strategies to create and preserve affordable housing.

Actions to increase availability of housing and services affordable and accessible to people with disabilities.

- *“Support universal design to make all units accessible.” (Stakeholder survey respondent)*
- *“Increase housing stock with units set aside for individuals with SPMI and SUD disabilities.” (Stakeholder survey respondent)*
- *“Buy properties available or build for the population of people with disabilities other than just the HIV population.” (Stakeholder survey respondent)*

Actions to increase the supply of affordable housing.

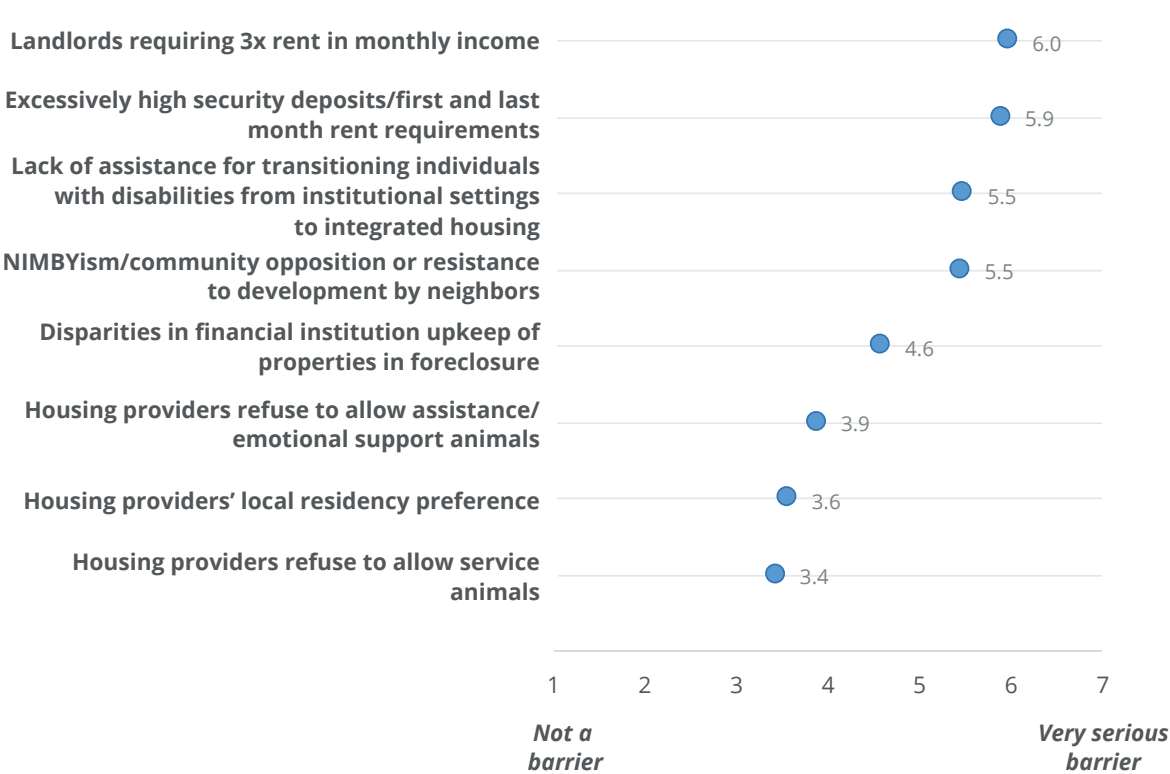
- *“Call State of Emergency for areas that have not developed in over 10 years and require communities to demonstrate resolve or lose access to funding.” (Stakeholder survey respondent)*
- *“Prioritize funding smaller sized units in rural communities. Allow greater flexibility in funds for the conversion and adaptive reuse of non-residential properties.” (Stakeholder survey respondent)*
- *“Help fund the cities of Talent and Phoenix to purchase lands that either were or could be affordable housing as part of a land bank or land trust.” (Stakeholder survey respondent)*
- *“Support the development and construction of affordable homes for rent and sale. Find ways to make development of affordable housing more cost effective. Support a statewide tax waiver for the land portion of homes where a nonprofit retains ownership of the land through land-lease or land trust, thereby making the homes permanently affordable and preserving the inventory of affordable homes.” (Stakeholder survey respondent)*
- *“More funds to build more affordable housing in good neighborhoods or build affordable housing on land that has been vacant long-term as well as safe mobile home living and housing.” (Stakeholder survey respondent)*
- *“Keep moving forward with bills like HB2001. Eliminate inclusionary zoning for motor vehicles (minimum parking requirements). Reduce all regulations within UGBs while make it much harder to expand UGBs. It is a worthwhile trade to get rid of some of the environmental protections within a city if it means you will get less environmental degradation in an undeveloped outer area.” (Stakeholder survey respondent)*

Actions to limit conversion of rental units to vacation/AirBnB/

- *“Provide tools/examples to help cities avoid conversion to short term/vacation rentals.” (Stakeholder survey respondent)*
- *“Advocate with local governments to put limits on vacation rentals in tourist communities.” (Stakeholder survey respondent)*

Housing practices and programs. With respect to housing practices and policies, the most serious barriers include the landlord practice of requiring prospective tenants to have income at least three times the rent and excessively high security deposits or first and last month rent requirements. Stakeholders also consider a lack of resources to transition individuals with disabilities from institutional to integrated settings and NIMBYism/community opposition or resistance to development to be relatively serious barriers to housing choice.

Figure A-20.
Seriousness of Potential Housing Choice Barriers Locally—Housing Practices and Policies



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=69.

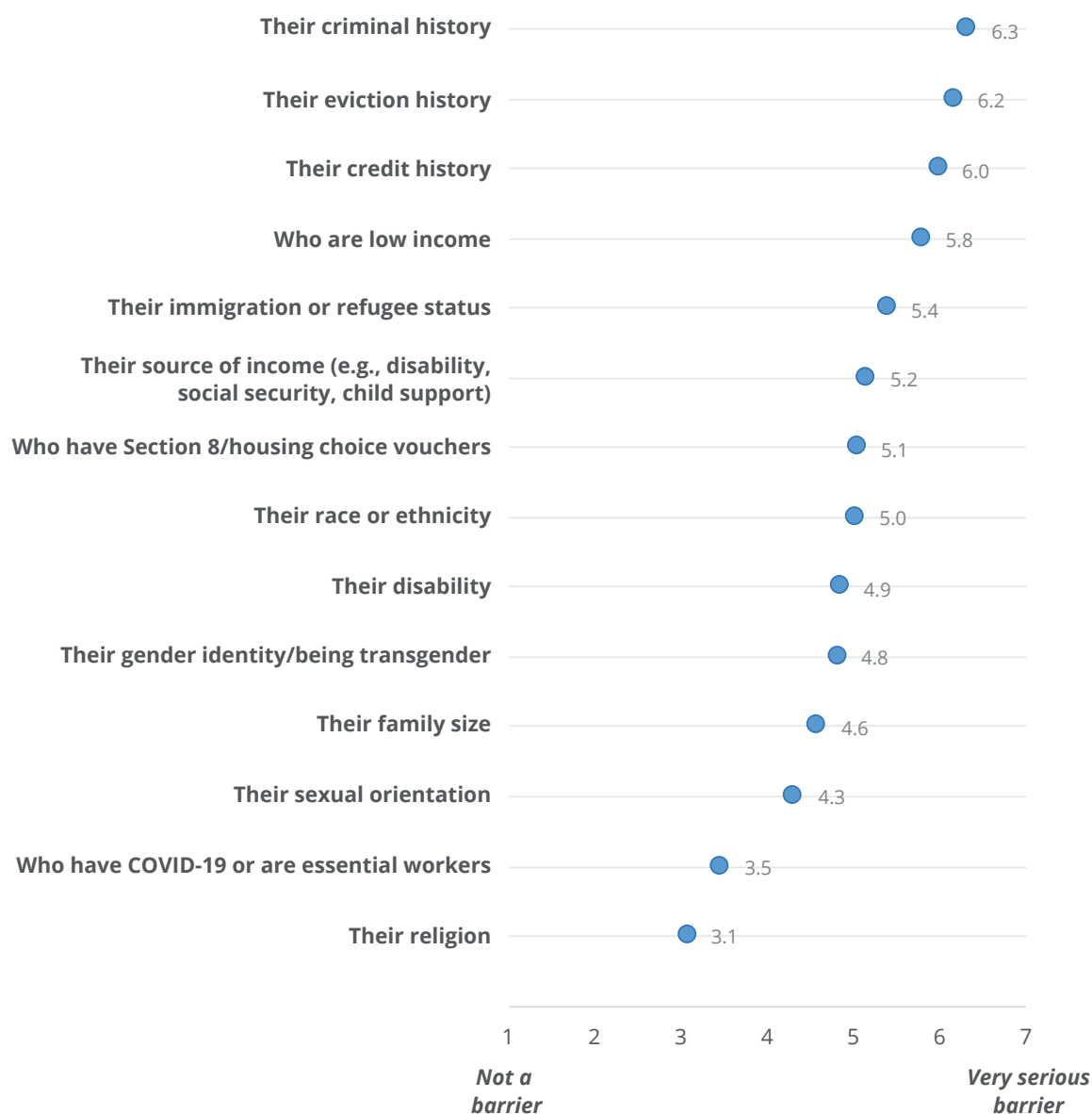
Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Recommended actions to address barriers from housing policies and practices. With respect to barriers to housing choice resulting from the practices and policies of housing providers, stakeholders recommended a number of actions ranging from adopting state policies to mitigate tenant screening criteria that disparately impact members of protected classes to expanding the pool of housing vouchers for people whose source of income is SSI or SSDI to increasing the number of affordable housing units.

- *“Statewide ordinance that limits screening criteria that have disparate impacts for people in protected classes.” (Stakeholder survey respondent)*
- *“Support mission based housing providers committed to providing low barrier, affordable housing.” (Stakeholder survey respondent)*
- *“People on SSI or SSD should get an automatic housing voucher if their income is below 60% AMI (and almost all are). How is that we determine that someone has a disability which keeps them from working but then we do not give them sufficient resources for their housing???” (Stakeholder survey respondent)*
- *“If more housing is built, it will cease to be a 'landlord market'.” (Stakeholder survey respondent)*
- *“New and more affordable regulations for deposits and rents.” (Stakeholder survey respondent)*

Discrimination against certain populations. Figure A-21 presents stakeholders’ assessment of the degree to which discrimination against certain populations is a serious barrier to housing choice in their area. As shown, criminal history, eviction history, credit history, and low income, are factors which pose the most serious impediment to housing choice based on housing providers’ discernment. With the exception of religion, discrimination against people belonging to classes protected under state and federal fair housing law—national origin, race, disability, gender identity, family size, and sexual orientation—are, on average, considered somewhat serious barriers, with religion being not at all a factor. A history of COVID exposure or increased likelihood of COVID exposure based on employment as an essential worker is also not considered a serious barrier to housing choice.

Figure A-21.
Seriousness of Potential Housing Choice Barriers Locally—Discrimination
Against Certain Populations



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=67.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Source of income. In stakeholder focus groups, participants report that source of income protections in the balance of state are not effective. The likelihood of enforcement and fines are too low to change landlord behavior of refusing to rent to voucher program participants. Some are rejecting housing program funds provided as part of COVID relief. Organizations serving veterans in Malheur, Lake, and Coos counties described housing providers setting rents above VASH voucher limits, and some surmised rents were set

deliberately above program limits so that housing providers would not have to accept voucher program tenants.

- *“Many deaf people have a hard time getting housing. People do not want to take time to relay service. It is frustrating and hard. People are scared to rent to those who are deaf and have Section 8.” (Disability focus group participant)*
- *“With HUD VASH people who are renting drive the cost too high—cost is \$1,200 but VASH only covers \$500; they do this so that Vets or any homeless person cannot rent it. Landlords can drive costs high and still find people, but it would never be accessible on VASH.” (Veterans focus group participant)*
- *“Source of income is a big issue—it’s really crucial across the state and feeds into multiple protected classes. We are seeing landlords are more comfortable being explicitly discriminatory, advertising, ‘no Section 8’ or ‘not suitable for HUD habitability rules.’” (Fair housing stakeholder focus group participant)*
- *“There are a lot of landlords [in Eastern Oregon] who will not take Section 8 or agency housing subsidies, for many different reasons—they don’t want to work for HUD, or have a negative stigma of people with vouchers, the paperwork, or they don’t get paid in a timely fashion.” (Fair housing stakeholder focus group participant)*
- *“I was homeless with my son after leaving DV situation. I moved to Roseburg and went to the VA for help, and I got a VASH voucher—I had a baby and did not want to live in car. People do not want to rent to those with vouchers...There are always new ways to say no to homeless people and vets looking for help. I had no rental history because I had been a homeowner. It was so hard, after I had moved out and had my own place the landlord told me the difficulty of finding something on a voucher is due to the stigma—people do not pay their portion, do not take care of it, do not pay for repairs.” (Veterans focus group participant)*

The state-administered insurance fund available to housing providers whose property is damaged by tenants covered by source of income protections is not considered an effective and efficient remedy. The program is seen as administratively cumbersome, requires landlords to go through court processes, and is capped at an amount too low to justify the time and effort necessary to obtain relief funds. Landlords also requested guidance from the state or other organizations for how to properly screen applicants who are undocumented.

- *“Landlord protection funds are key if we’re going to ask people to take care of them. I know the state has a fund, they found it to be less than easily acceptable.” (Community Advisory Group focus group participant)*

- *“Landlords have tried the insurance program—it’s paperwork intensive, have to go through the court process first before they can get anything. When they do get money, the limit is low. So, it doesn’t add up with making any financial sense, so the landlord says, ‘I’m not going to take a chance on Joe.’” (Community Advisory Group focus group participant)*
- *“I’d like more guidance on screening/denying undocumented persons—every time I get one of those as applicants, I have to go to an attorney. No one has given us a tool to use to screen a person with no documents without having to call my lawyer. No one has suggested a screening policy tool for us to use. There has to be some way for us to screen.” (Community Advisory Group focus group participant)*

Northeast Oregon Housing Authority (NEOHA)’s Rent Well and Housing Navigator programs may be a more effective model for incentivizing landlords to rent to high barrier applicants with housing vouchers. It includes a single point of contact, a local insurance fund, and inspections by the program before and after tenancy.

- *“NEOHA has a Rent Well program and a housing navigator program. Both have money for LL and have worked on designing tenant specific contracts through coaching etc so that they agree that if they go down this path, these are the repercussions. It seems to have worked really, really well. Have had some high barrier tenants, and the LL like the security blanket, with a single point of contact (navigator) and it’s handled in-house. And, there is a LL fund and we check the unit before and after. And it makes a big difference, and it’s been working really well.” (community Advisory Group focus group participant)*

Immigration status. In interviews with immigrant community leaders in southern and eastern Oregon and stakeholder focus groups, participants described the difficulty immigrants who are undocumented experience when trying to rent a home. For residents who are undocumented, it is very hard to find housing providers willing to forgo standard background and credit check processes—which require a Social Security Number; in the experience of local stakeholders, “none” of the larger property management companies are willing to accommodate alternative methods of assessing credit worthiness and criminal history. In many cases, landlords willing to rent to these households are considered “slumlords” and their properties are truly the housing of last resort in a community.

- *“The immigrant community faces different challenges than others. The lack of a valid social security number means they cannot create a credit history, and many don’t have a rental history. So, they rent under someone else’s name or partner with family to rent and apartment or a house.” (Central Oregon stakeholder interview participant)*
- *“Housing providers will rent to undocumented and will not repair that unit OR there is a whole building that only rents to undocumented and they charge per person for rent and make tons of money off of them.” (Fair housing stakeholder focus group participant)*

- *“We work closely with Oregon Law Center for housing, often they say OR housing law does not require for tenants to provide a SSN, but ALL of the property management companies will not proceed without a SSN. It’s very hard for a client to come forward with a SSN. The property management never tells them in writing that they are denied for SSN. But, verbally they say it’s because of SSN. In writing they say it’s credit, or incomplete application.” (Central Oregon stakeholder interview participant)*
- *“In Oregon, state law does not allow immigrants to be issued a state ID, which is another barrier. And they cannot identify themselves. Many property management companies only accept state issued IDs.” (Central Oregon stakeholder interview participant)*

For residents who are undocumented, especially in very small communities with few other immigrant families, fear of being identified as undocumented is real, and prevents immigrant households from reporting poor conditions or discriminatory treatment.

- *“Central Oregon is not a diverse community, and immigrants do not want to be identified as undocumented—it’s a really small community. What if the teacher of my kids knows or my employer knows? If I put myself out there or my landlord knows, when I used my fake social security number?” (Latino community stakeholder interview participant)*
- *“Some families have a fear of deportation. Even with visas, there is real fear under the current Federal administration. They hear stories of friends going to report to the consulate and being deported and so I tell them to take their families with them when they go so that they won’t be separated.” (Latino community stakeholder interview participant)*
- *“What we see is that people who are undocumented are afraid to stand up for their housing rights.” (Fair housing stakeholder focus group participant)*

Immigrants and refugees. A lack of rental history in the U.S. or credit history is a barrier to housing choice experienced by immigrant and refugee households seeking housing in Oregon’s balance of state. In interviews and focus groups, participants described immigrant and refugee households being limited to renting substandard housing by landlords who do not require background or credit checks.

- *“Immigrant and refugee groups; refugee status is not considered a protected class—they don’t have rental history, don’t have credit history, and so housing providers will not rent to them. So, they end up living in substandard housing and end up with slumlords, which is the only place they can live to build up rental housing history.” (Fair housing stakeholder focus group participant)*

Language access. Language access and a preference for verbal communication creates additional challenges between immigrant tenants and housing providers, including misunderstandings of policies and failure to properly request repairs.

- *“Absolutely seeing situations, when partnering with family and the family is not on the contract, they get evicted, or get letters that they could be evicted.” (Latino community stakeholder interview participant)*
- *“Quite often, immigrants live in poor conditions, especially some property management require a written note to request repairs, but not all clients choose to write a letter or know how to write a letter in English, because they can’t fill out a form and the issue keeps going and going.” (Latino community stakeholder interview participant)*
- *“Or, they like to communicate verbally, but the policy is by letter or form. Tenants may think they notified because they called, the landlord. And some don’t request at all, because of the worry of losing the place.” (Latino community stakeholder interview participant)*

Race. In focus groups and interviews, participants discussed their view that discrimination on the basis of race is underreported in Oregon and nationally. Participants attribute the lack of reporting to several factors, including reluctance to report or file complaints and low awareness of or trust in organizations that file complaints. Fair housing stakeholders described their efforts to partner with organizations trusted by communities of color to build relationships to increase trust and reporting.

- *“Over the summer we saw a rise in hate and harassment based inquiries; some tied to politics, BLM, etc. but also saw more increase in people wanting to speak out more.” (Fair housing stakeholder focus group participant)*
- *“While we see reporting that is 50 percent or more on the basis of disability, race/national origin are likely much higher. FHCO has developed partnerships with the Urban League of Portland, for example, to source complaints. We see more allegations on the basis of race when partnering with culturally specific organizations.” (Fair housing stakeholder focus group participant)*
- *“I have an example about race and fair housing. In Ashland’s ZIP code the life expectancy is very high; if you live in the West Medford ZIP code life expectancy is 30 years less. Ashland has very small black population, and there are essentially no places in Ashland to find housing with a voucher. A young friend of mine who is Black and had a voucher, looked for three months in Ashland and found nothing. Finally, he found something after another three months in West Medford. Ashland sent a Black person to live in a place where they will live 30 less years.” (Disability focus group participant)*

Recommended actions to address barriers from discrimination for certain populations. With respect to barriers to housing choice resulting from discrimination, stakeholders recommended a number of policies to reduce barriers based on a prospective tenant’s personal history, to increase education and enforcement of civil rights laws, and to increase the supply of affordable housing.

Actions to address discrimination against people based on their criminal, eviction, or credit history.

- *“Limit screening criteria affordable housing providers can use.” (Stakeholder survey respondent)*
- *“Unless for charged and convicted for specific offences, the State should no longer permit owners to ask about criminal history.” (Stakeholder survey respondent)*
- *“Work more cooperatively with owners facing challenges with tenants who have such histories/issues.” (Stakeholder survey respondent)*
- *“Provide some insurance for landlords if they rent to a person with a criminal background.” (Stakeholder survey respondent)*

Actions to address discrimination against people based on their race, ethnicity, national origin, disability, gender, familial status.

- *“Have the application process be a unified one site process that can be monitored. Our CHWs (Community Health Workers) who advocate for their clients with landlords see a lot of discrimination based on race, and very much based on credit and criminal history.” (Stakeholder survey respondent)*
- *“Enforce laws; expand education.” (Stakeholder survey respondent)*
- *“Need transitional services to help with overcoming eviction history and getting reasonable accommodation.” (Stakeholder survey respondent)*

Actions to address discrimination on the basis of income or source of income.

- *“Double the size of the Section 8 voucher program.” (Stakeholder survey respondent)*
- *“Build more affordable housing and strengthen penalties for landlords who discriminate.” (Stakeholder survey respondent)*
- *“The biggest way to discriminate against people is based on their income level—yet in most places this is not a protected class. Make income level a protected class and a lot of zoning will become indefensible.” (Stakeholder survey respondent)*

Local regulations and policies. In general, local regulations and policies are not perceived to be particularly serious barriers to housing choice. Among those evaluated, stakeholders considered overly restrictive local land use and zoning regulations that limit the development of affordable housing, the lack of land zoned for multifamily development, and growth limitations that limit development of affordable housing to be the most serious among these potential barriers.

Figure A-22.
Seriousness of Potential Housing Choice Barriers Locally—Local Regulations and Policy



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very Serious Barrier. n=68.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

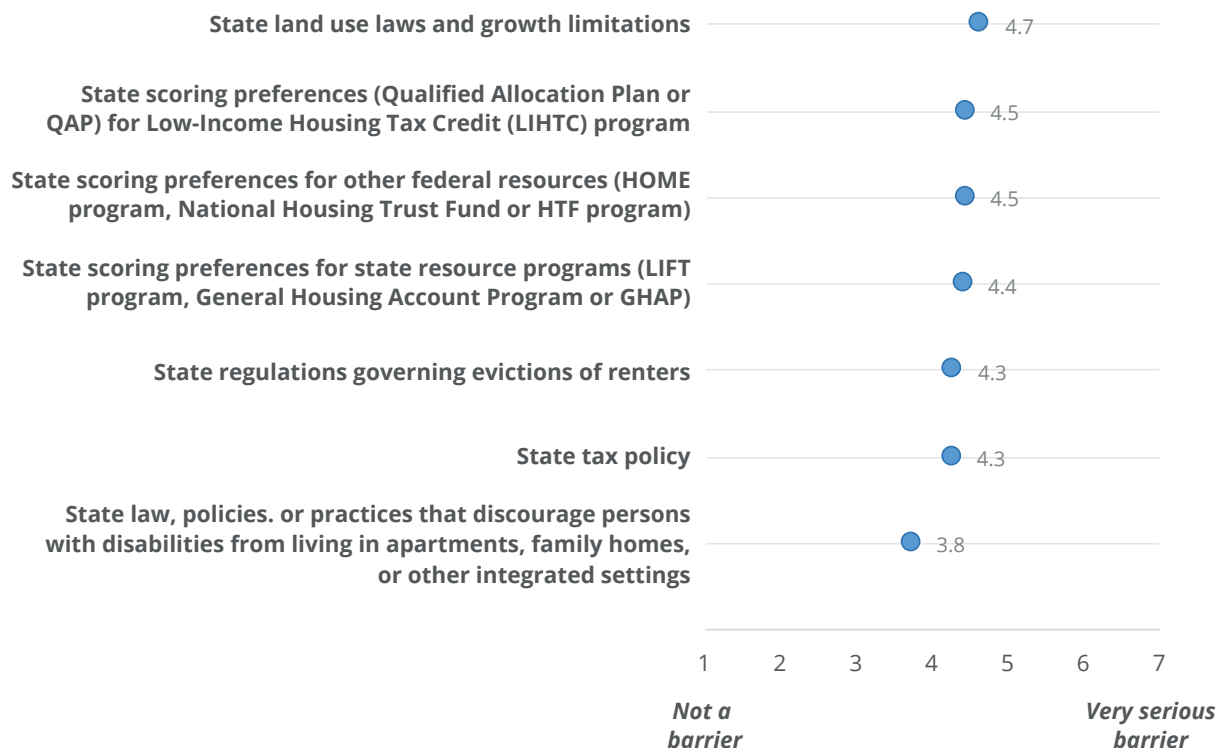
Recommended actions to address barriers from local regulations and policies. With respect to barriers to housing choice resulting from local regulations and policies, three stakeholders made suggestions to address these issues and focused on enforcing current zoning equally and requiring comprehensive plans to include zoning for all types of housing.

- *“Require comprehensive plans to provide zoning for the full range of types of housing. Many old boarding houses have been converted to single family homes.” (Stakeholder survey respondent)*

- *“Force counties and cities to enforce the laws presently on the books, which is at this time done subjectively and punitively. If an ‘upstanding business owner’ complains, there is action even if the complaint is punitive.” (Stakeholder survey respondent)*
- *“Remove the part of enacting legislation that allows zoning codes to be based on morals/character or any nonsense like that. A setback has nothing to with public health, welfare, or safety (building codes will handle the ones that do). ‘Light and air’ is similarly nonsense—no one in a town of 60,000 is going to build ten 50 story skyscrapers that block out the sun.” (Stakeholder survey respondent)*

State regulations and policies. Among state policies, stakeholders consider state land use laws and growth limitations, and state scoring preferences for the Low Income Housing Tax Credit (LIHTC) program, HOME, National Housing Trust Fund, and the LIFT and General Housing Account Program, to be modest barriers to housing barriers to housing choice.

Figure A-23.
Seriousness of Potential Housing Choice Barriers Locally—State Regulations and Policy



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=67.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Recommended actions to address barriers from state regulations and policies. With respect to barriers to housing choice resulting from state regulations and policies, several stakeholders made recommendations related to state tax policy, Urban Growth Boundary (UGB) regulations, landlord/tenant policies, and other land use policy.

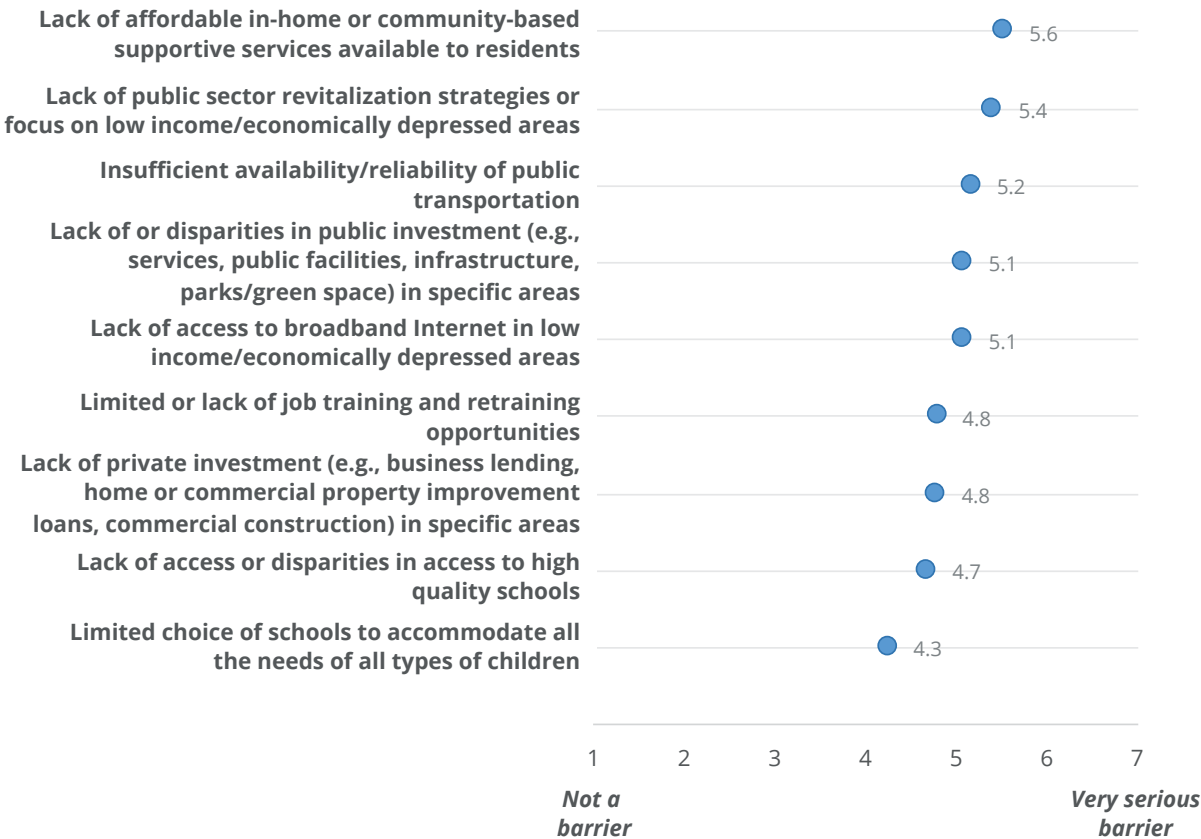
- *“The state tax policy has influenced high tax rates in some areas of the county, making it difficult to sell homes to low-income families in a sustainable fashion.” (Stakeholder survey respondent)*
- *“Re-examine the usefulness of UGB, whether it serves current day and besides the cherished greenery, what are the unintended consequences and how do we collectively address them? There is a price to pay for living in 'paradise'.” (Stakeholder survey respondent)*
- *“Do away with the minimum acreage requirement for homebuilding outside urban growth boundaries.” (Stakeholder survey respondent)*
- *“Create more balance and incentives for landlords to house the potentially riskier tenants.” (Stakeholder survey respondent)*
- *“I have heard landlords complain that the state regulations make it difficult to manage their properties cost effectively and they will be selling their rental properties over the course of the next few years because it's so difficult.” (Stakeholder survey respondent)*

In focus groups and interviews, several stakeholders shared their perception that many landlords across the state do not know their responsibilities under the Fair Housing Act. Several recommended that the state require a minimum of fair housing education for all housing providers, and that such a requirement should be administered at the local level to allow flexibility in administration.

- *“The people who serve food are more regulated than housing providers. There should be landlord registrations that fund systems for a basic level of knowledge of landlord/tenant and fair housing laws.” (Fair housing stakeholder focus group participant)*
- *“Should be mandated by the state—anyone who provides housing has to have a base level of knowledge about fair housing and landlord/tenant laws—but implemented locally. Providers might say this is the end of the world.” (Fair housing stakeholder focus group participant)*
- *“Resourcing FHCO infinitely won't address the issue of lack of knowledge by small landlords. Have to push from the other side also—state mandated. It has to be local because each community is different and would be too burdensome for the state to administer.” (Fair housing stakeholder focus group participant)*

Access to opportunity. With respect to access to opportunity, a lack of affordable in-home or community-based supportive services available to residents and a lack of public sector revitalization strategies or focus on low income/economically depressed areas are the two barriers to housing choice stakeholders considered to be most serious.

Figure A-24.
Seriousness of Potential Housing Choice Barriers Locally—Access to Opportunity



Note: Rated on a scale from 1 to 7, where 1=Not a Barrier and 7=Very serious Barrier. n=65.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Access to health care services. In focus groups and interviews, residents of the balance of state described the lack of available services for mental health care and substance use disorder treatment as a critical need. For veterans, finding local health care providers who accept Vets (VA insurance) is an added difficulty. Among immigrant households working in hospitality and other low wage industries in rural Oregon, Oregon Health Plan (OHP) is often the only resource for health insurance.

- *“There is a hotel here that keeps workers at the maximum of the hours of part time so that they do not have to pay benefits. The owner expects them at her beck and call but won’t pay*

them enough for benefits. Their kids are on OHP. If adult qualifies for OHP, they only have emergency care. This is a huge health issue for Latino women—they simply are not getting basic care.” (Latino community stakeholder interview participant)

Veterans. While health care options for veterans have greatly improved under the Mission Act, veterans in rural areas must find providers that are willing to participate in the VA insurance program, which further limits choice in health care provider. Suicide is a significant health threat for veterans, and interview and focus group participants described the difficulty veterans who need mental health care experience accessing proper mental health care.

- *“When it comes to mental health, there just are not providers. The VA clinic here does not have mental health. There is just one provider here that takes Vets (VA insurance) and so me and my abusive ex would be seeing the same person, and so I do not go.” (Veterans focus group participant)*
- *“Mental health treatment, especially in rural areas is very lacking. A vet in crisis cannot be helped by being seen once every three months. The VA is great—and the individuals there are amazing—but unless a vet is suicidal, they cannot provide the mental health resources that are needed. This is a systemic issue.” (Stakeholder interview participant)*
- *“We need women’s health care. There is no female provider that takes Vets (in the South Coast region). I waited 3 months for a mammogram; there is no women’s care in our area at all.” (Veterans focus group participant)*

Recommended actions to address barriers to access to opportunity. With respect to barriers to housing choice resulting from barriers to access to opportunity, those stakeholders who provided recommendations focused on the need to investing in Internet infrastructure, increasing funding for mental health services, and transportation.

- *“Lots of reports of vehicles gathered around public libraries so that children can do their school work on the Wi-Fi.” (Stakeholder survey respondent)*
- *“Provide more funding for mental health services.” (Stakeholder survey respondent)*
- *“Develop the transportation network to the I-5 corridor so the area can develop economically without the traditional dependence on natural resource jobs. This area has the best natural harbor between San Francisco and Seattle.” (Stakeholder survey respondent)*

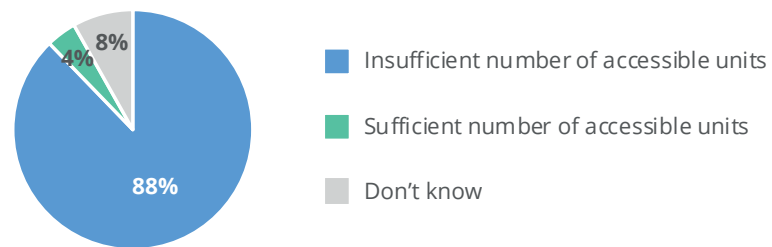
Housing choice for persons with disabilities. As shown in Figure A-25, stakeholders think there are an insufficient number of housing units accessible to persons with disabilities in their service area, as well as an insufficient number of housing units that are visitable by persons with disabilities.

**Figure A-25.
Housing Stock
Accessibility and
Visitability for Persons
with Disabilities**

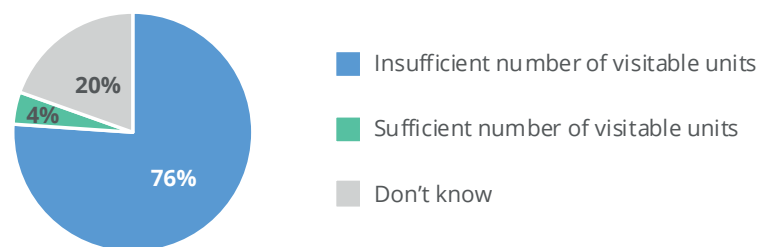
Note:
n=49 and n=46.

Source:
Root Policy Research from the 2020
OHCS Housing Stakeholder Survey.

How would you characterize the availability of housing stock in the area you serve that is **accessible** to persons with disabilities?



How would you characterize the availability of housing stock in the area you serve that is **visitable** to persons with disabilities?



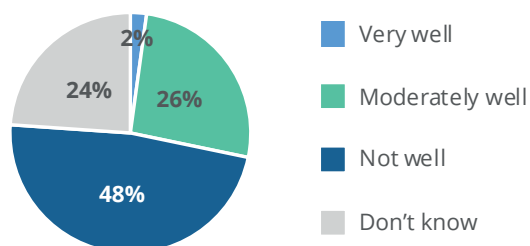
Types of units most needed. Single level units, first floor units, and units with zero step entrances are the most common types of units stakeholders report are most needed in their service area. Making accessibility modifications to existing housing units is also a need. Several respondents described a need for supportive services and peer living options.

- *“For people with physical disabilities it can be hard to find a place that can ensure accessibility—doors, bathrooms. In Rogue Valley there is hardly any housing that will accommodate people with physical disabilities, there is also not a good uniform understanding of what the definition of a disability is.” (Disability focus group participant)*
- *“Single level units, first floor units, units accessible for people with sensory disabilities; small group living with peer support.” (Stakeholder survey respondent)*
- *“Not only is there an ever increasing need for greater affordable supply, much of our current supply is in need of general safety maintenance. Ideally, I would like to see more investments to better support people with disabilities' housing needs and I understand there's significant challenges to doing so.” (Stakeholder survey respondent)*
- *“Zero step entrances, units accessible for people with sensory disabilities; small group living with peer support.” (Stakeholder survey respondent)*

Ability of state and local policies to support living in integrated, independent settings. Overall, nearly half of stakeholders do not think state and local policies and practices support community living and the ability of people with disabilities to live in the most integrated, independent setting they prefer very well. One in four think state and local policies do moderately well in supporting these aims.

Figure A-26.

How well do state and local policies and practices support community living and the ability of people with disabilities to live in the most integrated, independent setting they prefer?



Note:
n=46.

Source:
Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Policies working well to support integrated, independent living.

- *“What works well is inclusion, what doesn't work is the availability of housing to ratio income.” (Stakeholder survey respondent)*
- *“ADA requirements of 5 percent of units being accessible gets us part of the way there but needs to improve.” (Stakeholder survey respondent)*
- *“Diversity, Equity, and Inclusion Principles work well when inclusive of accountability to ensure quality improvement goals are accomplished. This is relevant with respects to service delivery, allocation of resources, and employment opportunities. I'm appreciative of Oregon's progress and I acknowledge, there's an ongoing need for increased accountability. There continues to be significant disparities which can be addressed and resolved through increased accountability regarding established equity principles.” (Stakeholder survey respondent)*

Policies that do not work well to support integrated, independent living.

- *“We've tried mixed use buildings. People get taken advantage of. Few onsite support systems. Need more in home or onsite support.” (Stakeholder survey respondent)*
- *“What could be improved is hiring far more in-home care givers who are paid a decent wage and with better training.” (Stakeholder survey respondent)*

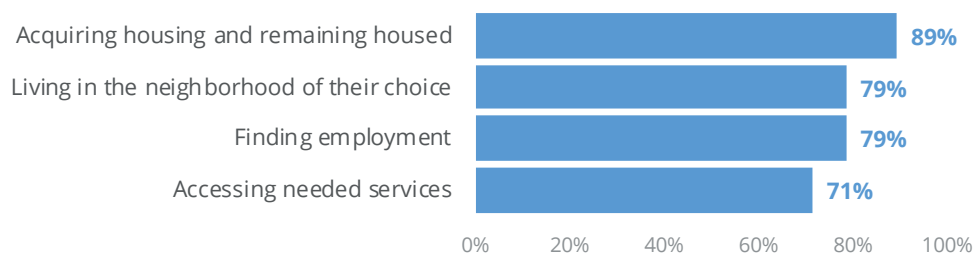
- *“The state's ORS on visitability doesn't seem to lead to many visitable units. The build code does not allow for accessible innovation at the local level due to its maximums on building code.” (Stakeholder survey respondent)*
- *“The average cost is \$35,000 if someone falls and goes to the hospital. Wouldn't it be cheaper to build safer houses in the first place?” (Disability focus group participant)*
- *“Local policies and practices seems to function on a scarcity mentality; there is little room or emphasis put on preference of the person living with disability.” (Stakeholder survey respondent)*

Ease of finding information about modification grants. In general, stakeholders think that it is somewhat or very difficult for people with disabilities to find information about grant and loan programs to make accessibility modifications to their homes.

Principal challenges experienced by residents with disabilities. Acquiring housing and remaining housed, living in a neighborhood of choice, finding employment, and accessing services are all issues identified by a majority of stakeholders to be principal challenges experienced by residents with disabilities.

Figure A-27.

What are the principal challenges faced by persons with disabilities in your community?



Note: n=46.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Acquiring housing and remaining housed. Among the challenges experienced by persons with disabilities related to acquiring housing and remaining housed, the most common are a lack of units that are affordable to extremely low income households as well as a lack of affordable *and* accessible housing for those with accessibility needs.

- *“Barriers to meeting occupancy criteria; community often have criminal records, bad credit history resulting from disability.” (Stakeholder survey respondent)*
- *“Transportation, navigating housing search.” (Stakeholder survey respondent)*
- *“Not affordable unless subsidized for people on SSI/SSDI.” (Stakeholder survey respondent)*

- *“Extremely low availability.” (Stakeholder survey respondent)*
- *“Many people with disabilities in the communities I serve are very low income and cannot find accessible units they can afford.” (Stakeholder survey respondent)*
- *“Lack of housing designed for individuals with SPMI and SUD.” (Stakeholder survey respondent)*

Reasonable accommodations. As discussed in Section IV, the majority of fair housing complaints filed in Oregon are on the basis of disability, and many involve persons with disabilities being denied reasonable accommodations, often involving requests for service or support animals.

- *“In the Mid-Willamette Valley, we’re seeing a trend that people with disabilities are experiencing discrimination related reasonable accommodation requests for assistance animals.” (Fair housing stakeholder focus group participant)*
- *“Another issue is being discriminated against at the time of application due to disability-related screening issues like criminal history, credit history, etc. that were due to disability. It shows up as drugs, criminal history, lost job or eviction or property debt, but really the disability was the original issue creating the rental barrier and the landlords won’t overlook that as a reasonable accommodation.” (Fair housing stakeholder focus group participant)*

Living in the neighborhood of their choice. For many people with disabilities, particularly those who are reliant on SSI/SSDI income, it is very rare to have the opportunity to live in a neighborhood of choice. More often than not, neighborhood is determined solely by the availability of a unit that the resident can afford which may or may not meet their accessibility needs, much less provide access to opportunity.

- *“The options of finding housing is very limited so you have to take what you can get, which leaves the renter at the mercy of the landlord.” (Stakeholder survey respondent)*
- *“Not all get to choose due to high rent or past renting history.” (Stakeholder survey respondent)*
- *“The availability of affordable housing could result in living in depressed neighborhoods.” (Stakeholder survey respondent)*
- *“Often the housing they can afford is within communities in which other people are experiencing SPMI and active drug use. It can lead to people being taken advantage of.” (Stakeholder survey respondent)*

Finding employment. From the perspective of stakeholders, resources to help residents with disabilities access the workforce are inadequate and range from a lack of access to assistive devices or technologies to employers willing to employ residents with disabilities.

- *“Lack of assistance agencies to help in finding employment, individuals may not have access or means to the Internet or devices.” (Stakeholder survey respondent)*
- *“Need specific services for specific disabilities. More access to technology.” (Stakeholder survey respondent)*
- *“Since COVID it is very difficult.” (Stakeholder survey respondent)*
- *“Inability to work without losing benefits.” (Stakeholder survey respondent)*
- *“There is a lack of employers in my community that will work with people who have challenges maintaining employment.” (Stakeholder survey respondent)*
- *“Few resources or providers of supportive employment.” (Stakeholder survey respondent)*

Accessing needed services. Challenges associated with accessing needed services in the balance of state include lack of access to transportation, lack of Internet access, and a lack of local service providers or capacity among local providers to meet service needs.

- *“Limited without transportation and internet, especially during COVID.” (Stakeholder survey respondent)*
- *“Not enough local service providers.” (Stakeholder survey respondent)*
- *“People have to be connected to a system. Those systems are often at capacity.” (Stakeholder survey respondent)*
- *“No access to mental health services.” (Stakeholder survey respondent)*
- *“Insufficient capacity for cultural affirmation and trauma-informed practices to resolve barriers.” (Stakeholder survey respondent)*
- *“Limited services and long distances.” (Stakeholder survey respondent)*
- *“Few resources or providers; limited service hours.” (Stakeholder survey respondent)*

Recommendations for the state to address these challenges. Adopting and requiring universal design in publicly-funded units, recognizing that brick and mortar is not the only element that makes housing truly inclusive and accessible, directing housing funds outside of metro areas, and actively participating in other statewide efforts to promote integration and independent living are stakeholders’ primary recommendations to address

housing-related challenges experienced by residents with disabilities. With respect to increasing access to employment and services, reducing barriers association with transportation, Internet and technology, and building capacity and increasing funding for case management and rural service provision are key recommendations.

Actions to address housing and neighborhood choice challenges.

- *“The State of Oregon should REQUIRE ALL publicly funded units to have universal accessibility design so that every unit is accessible. It should be the standard that a unit is accessible.” (Stakeholder survey respondent)*
- *“Design and implement age- and ability-friendly housing design and neighborhood centers.” (Stakeholder survey respondent)*
- *“Remember that designing for disabilities goes beyond physical building; goes to operation, management, supports.” (Stakeholder survey respondent)*
- *“Work with the Association of Centers for Independent Living (AOCIL) and the State Independent Living Council (SILC) and participate in the development of the State Plan for Independent Living (SPIL). (Stakeholder survey respondent)*
- *“Get money to the rural counties, and don't spend so much making Portland, Eugene, Salem, Medford happy.” (Stakeholder survey respondent)*

Actions to address access to employment and services.

- *“Transportation should always be available without cost for people with disabilities and who live on nothing.” (Stakeholder survey respondent)*
- *“Increase valuation of people with significant lived experience. Put simply, create policies and increase accountability for hiring more people with lived experience empowering them to lead equitable service transformations. People with lived experience are often asked to share their views and are often not considered for employment. This leaves many feeling demoralized limiting potential for meaningful transformations to improve health reducing disparities at reduced costs. Oregon has made progress. I feel we just need to build on our successes while mitigating repeating past mistakes.” (Stakeholder survey respondent)*
- *“Regulate rent increases more, assistance in getting Internet and devices.” (Stakeholder survey respondent)*
- *“Hire more disability case managers and housing navigators.” (Stakeholder survey respondent)*
- *“Support the development and funding of service providers.” (Stakeholder survey respondent)*

Most needed fair housing resources. When asked about the types of fair housing activities most needed in their service area, seven in 10 stakeholders identified landlord/property manager education as the most needed fair housing activity, followed by enforcement actions (other than filing complaints) resident education, and education and training for local officials and staff. Three in 10 suggest that testing is needed.

- *“BOLI complaints are not effective—unless you have a piece of paper with something that says ‘your children are not allowed to...’ BOLI won’t take it. But, BOLI is not an effective enforcement mechanism. It takes too long.” (Community Advisory Group focus group participant)*
- *“Not enough awareness in any community of what we’re talking about. There should be more information to bring greater awareness. The common person they have enough on their plate with COVID, etc.; they might not look for more information about fair housing law.” (Community Advisory Group focus group participant)*

Language Access

Stakeholders participating in the OHCS Stakeholder Survey responded to a series of questions about the need for language access—translation, interpreting—and the capacity of their organization to meet the needs of residents with limited English proficiency (LEP). Interview and focus group participants discussed their experience with language access and the difficulties LEP households experience when housing documents are only provided in English.

Language access difficulties. Lack of language access in leasing documents, property rules and policies, and other official notices from housing providers puts LEP residents at-risk of housing instability. Language access to community information, including school communications are generally provided in English-only, making it difficult for parents to support and monitor their children’s educational progress.

- *“When they finally can rent in town, everything provided is in English. When there is an issue—dog, numbers of dogs—the papers and information is in English. I tell parents NOT to sign anything they cannot read but they are desperate and have no choice. They frequently sign leases in English and have no idea of the general rules.” (Latino community stakeholder interview participant)*
- *“We finally get Internet to them but then all of the online school materials are in English.” (Latino community stakeholder interview participant)*

Communication with LEP residents. The greatest proportion of stakeholders (42%) work in organizations that need to communicate with LEP residents on a daily basis. As shown in Figure A-28, about one in five need to communicate with LEP residents only a few times a year or never. Most stakeholder organizations provide vital documents in

languages other than English. The most common languages stakeholders encounter is Spanish, but also Chinese, Vietnamese, Burmese, Russian, Somali, Tagalog, ASL, Mam, a Mayan language indigenous to Guatemala and parts of Mexico, Farsi, Swahili, and other African languages.

Figure A-28.
Frequency of Language Access and Provision of Vital Documents in Languages other than English



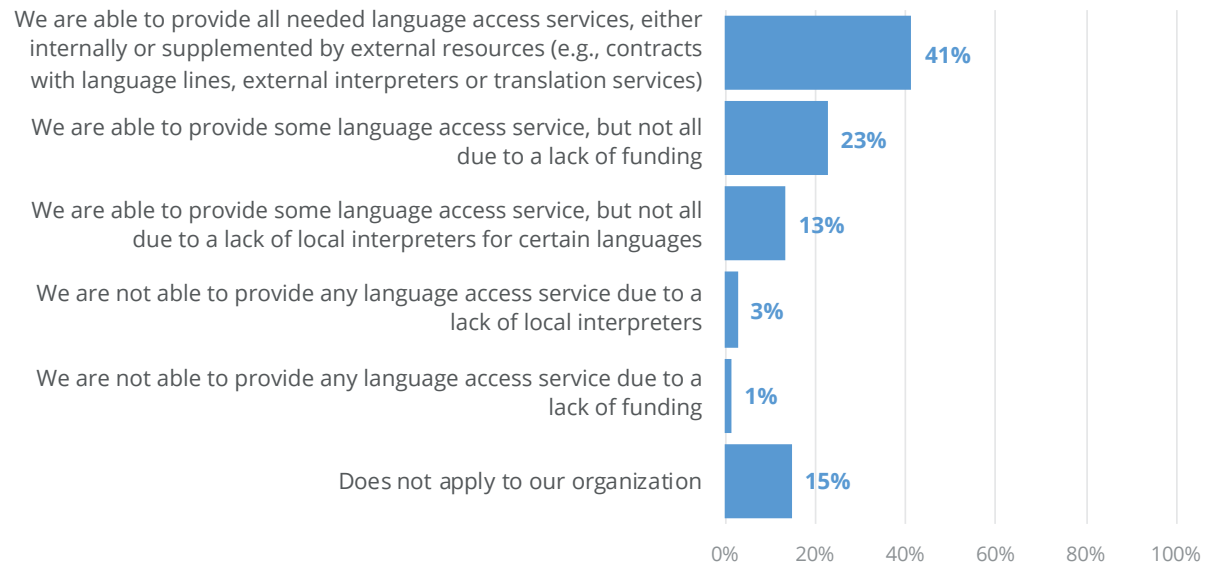
Note: n=76 and n=73.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

Capacity to provide language access. Most stakeholder organizations are able to provide needed language access services, yet additional funding is required to accommodate the full range of needs. Only 1 percent of stakeholders cannot provide any language access services due to a lack of funding, and 3 percent are unable to provide services due to a lack of local interpreters. The greatest proportion (41%) are able to provide all needed language access services internally or supplemented by external resources (e.g., contracts with language lines, external interpreters or translation services). While one in four stakeholders work for organizations that provide some language access, they are unable to meet all of the demand due to a lack of funding. Slightly more than one in 10 (13%) are able to provide language access in some languages but not all due to a lack of local interpreters for certain languages.

- *“We have the language line but in an organization like ours an in person interpreter is much needed but because of funding issues we have not been able to get one.” (Stakeholder survey respondent)*

Figure A-29.
Capacity to Provide Language Access



Note: n=75.

Source: Root Policy Research from the 2020 OHCS Housing Stakeholder Survey.

APPENDIX B.

COUNTY HMDA ANALYSIS

APPENDIX B.

County-Level HMDA Analysis

The following figures present the HMDA analysis for each county in Oregon, by region. Figure B-1 shows the denial rates by race and ethnicity and county, and Figure B-2 presents high prices proportions by race and ethnicity and county.

**Figure B-1.
Mortgage Loan
Application
Denial Rate by
Race/Ethnicity
and Income,
State of
Oregon by
Region, 2018**

Note:

Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white. Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.

County/ Region	Overall Denial Rate	Denial Rate by Race/Ethnicity						Diff. with Non-Hispanic White			
		American Indian	Asian	Black	Native Hawaiian/ Pacific Islander	Non-Hispanic White	Hispanic	Native	Asian	Black	Hispanic
Central Oregon											
Crook	18%	0%	33%	-	0%	18%	29%	-18%	15%	-	11%
Deschutes	13%	21%	16%	13%	13%	12%	24%	9%	4%	1%	12%
Jefferson	17%	50%	33%	0%	0%	14%	19%	36%	19%	-14%	5%
Columbia Gorge											
Gilliam	24%	-	100%	-	0%	16%	0%	-	84%	-	-16%
Hood River	15%	-	0%	0%	-	16%	17%	-	-16%	-16%	1%
Sherman	8%	-	-	-	-	10%	-	-	-	-	-
Wasco	19%	50%	55%	0%	0%	16%	25%	34%	38%	-16%	9%
Wheeler	33%	-	-	-	-	25%	-	-	-	-	-
North Coast											
Clatsop	21%	33%	17%	0%	33%	20%	25%	13%	-4%	-20%	5%
Lincoln	22%	36%	17%	33%	0%	21%	42%	16%	-4%	13%	22%
Tillamook	19%	40%	80%	0%	0%	19%	28%	21%	61%	-19%	9%
Northeast Oregon											
Baker	26%	-	-	-	-	24%	40%	-	-	-	16%
Grant	22%	0%	-	-	-	21%	0%	-21%	-	-	-21%
Morrow	25%	-	-	-	-	27%	14%	-	-	-	-13%
Umatilla	20%	25%	0%	0%	0%	20%	23%	5%	-20%	-20%	3%
Union	19%	0%	0%	50%	0%	19%	22%	-19%	-19%	31%	4%
Wallowa	24%	-	-	-	-	25%	-	-	-	-	-

**Figure B-1.
Mortgage Loan
Application
Denial Rate by
Race/Ethnicity
and Income,
State of
Oregon by
Region
(Continued),
2018**

Note:

Does not include loans for multifamily properties or non-owner occupants. Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.

County/ Region	Overall Denial Rate	Denial Rate by Race/Ethnicity						Diff. with Non-Hispanic White			
		Native American	Asian	Black	Native Hawaiian/ Pacific Islander	Non-Hispanic White	Hispanic	Native	Asian	Black	Hispanic
Portland MSA											
Clackamas	15%	24%	17%	26%	16%	14%	23%	10%	3%	12%	9%
Columbia	17%	50%	21%	13%	0%	17%	15%	33%	4%	-5%	-2%
Multnomah	15%	20%	20%	31%	21%	13%	21%	7%	7%	18%	8%
Washington	13%	18%	13%	15%	19%	12%	22%	6%	1%	3%	9%
Yamhill	17%	28%	10%	45%	0%	16%	25%	12%	-6%	30%	9%
South Central/Southeast Oregon											
Harney	27%	0%	-	-	-	27%	-	-27%	-	-	-
Klamath	23%	36%	20%	22%	50%	21%	30%	15%	-1%	2%	9%
Lake	23%	0%	0%	-	-	24%	17%	-24%	-24%	-	-7%
Malheur	23%	20%	0%	-	-	23%	23%	-3%	-23%	-	-1%
South Coast											
Coos	22%	47%	0%	50%	33%	23%	47%	24%	-23%	27%	24%
Curry	24%	50%	0%	0%	50%	24%	45%	26%	-24%	-24%	21%
Southern Oregon											
Douglas	20%	20%	21%	40%	0%	19%	20%	1%	2%	21%	1%
Jackson	16%	14%	13%	41%	9%	15%	19%	-1%	-1%	27%	5%
Josephine	18%	45%	14%	0%	50%	17%	26%	28%	-3%	-17%	9%
Willamette Valley											
Benton	12%	14%	18%	0%	0%	12%	17%	2%	6%	-12%	5%
Lane	16%	17%	18%	30%	38%	16%	19%	1%	2%	14%	3%
Linn	16%	28%	29%	33%	11%	15%	27%	13%	15%	19%	12%
Marion	18%	15%	22%	30%	19%	15%	24%	-1%	7%	15%	8%
Polk	16%	39%	17%	40%	0%	15%	25%	24%	2%	25%	10%

Figure B-2.

High Priced Mortgage Loans by Race/Ethnicity and Income, State of Oregon by Region, 2018

Note:

Does not include loans for multifamily properties or non-owner occupants.

Race categories include non-Hispanic and ethnicity not provided white Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data.

"High Priced" percentages reflect the proportion of originated loan with rates spreads above 1.5 percentage points compared to comparable treasuries.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.

Region/ County	Overall % High Priced	Percent Higher Priced Loans by Race/Ethnicity						Diff. with Non-Hispanic White			
		Native American	Asian	African American	or Pacific Islander	Non-Hispanic White	Hispanic	Native American	Asian	Black	Hispanic
Central Oregon											
Crook	5%	-	33%	-	-	6%	14%	-	28%	-	9%
Deschutes	3%	-	-	14%	8%	4%	6%	-	-	11%	2%
Jefferson	12%	-	-	-	-	11%	30%	-	-	-	19%
Columbia Gorge											
Gilliam	19%	-	-	-	-	24%	-	-	-	-	-
Hood River	2%	-	-	-	-	2%	-	-	-	-	-
Sherman	4%	-	-	-	-	5%	-	-	-	-	-
Wasco	6%	-	-	-	-	6%	13%	-	-	-	6%
Wheeler	-	-	-	-	-	-	-	-	-	-	-
North Coast											
Clatsop	5%	-	-	-	-	4%	13%	-	-	-	9%
Lincoln	4%	-	13%	-	-	4%	7%	-	8%	-	3%
Tillamook	4%	33%	-	-	-	4%	6%	29%	-	-	2%
Northeast Oregon											
Baker	8%	-	-	-	-	9%	-	-	-	-	-
Grant	8%	###	-	-	-	5%	-	95%	-	-	-
Morrow	12%	-	-	-	-	16%	8%	-	-	-	-8%
Umatilla	10%	-	33%	-	-	10%	12%	-	23%	-	1%
Union	8%	-	50%	-	###	7%	14%	-	43%	-	7%
Wallowa	2%	-	-	-	-	2%	-	-	-	-	-

Figure B-2.

High Priced Mortgage Loans by Race/Ethnicity and Income, State of Oregon by Region (Continued), 2018

Note:

Does not include loans for multifamily properties or non-owner occupants.

Race categories include non-Hispanic and ethnicity not provided white

Hispanic category includes Hispanic of any race. FMI calculated by county from HMDA provided data.

"High Priced" percentages reflect the proportion of originated loan with rates spreads above 1.5 percentage points compared to comparable treasuries.

Source:

FFIEC HMDA Raw Data, 2018 and Root Policy Research.

Region/ County	Overall % High Priced	Percent Higher Priced Loans by Race/Ethnicity						Diff. with Non-Hispanic White			
		Native American	Asian	African American	Hawaiian or Pacific Islander	Non-Hispanic White	Hispanic	Native American	Asian	Black	Hispanic
Portland MSA											
Clackamas	3%	-	1%	4%	4%	3%	9%	-	-2%	1%	6%
Columbia	7%	-	7%	14%	50%	6%	13%	-	1%	8%	7%
Multnomah	3%	4%	2%	8%	5%	2%	6%	2%	0%	6%	4%
Washington	3%	3%	2%	4%	-	2%	8%	0%	-1%	1%	6%
Yamhill	6%	-	11%	-	-	5%	12%	-	6%	-	7%
South Central/Southeast Oregon											
Harney	7%	-	-	-	-	9%	-	-	-	-	-
Klamath	8%	6%	13%	-	-	8%	15%	-1%	5%	-	7%
Lake	11%	-	-	-	-	12%	-	-	-	-	-
Malheur	12%	75%	-	-	-	9%	21%	66%	-	-	13%
South Coast											
Coos	6%	-	-	-	-	6%	6%	-	-	-	0%
Curry	3%	-	-	-	-	4%	17%	-	-	-	13%
Southern Oregon											
Douglas	5%	5%	-	33%	-	4%	7%	0%	-	29%	2%
Jackson	6%	3%	6%	10%	-	6%	9%	-3%	0%	4%	3%
Josephine	4%	17%	10%	-	-	4%	3%	12%	6%	-	-2%
Willamette Valley											
Benton	2%	-	5%	-	-	2%	-	-	2%	-	-
Lane	4%	6%	2%	11%	-	4%	4%	1%	-3%	7%	0%
Linn	7%	6%	4%	17%	13%	7%	10%	-1%	-3%	10%	3%
Marion	6%	-	6%	20%	-	5%	11%	-	1%	15%	6%
Polk	6%	-	-	-	-	6%	19%	-	-	-	13%

APPENDIX C.

2020 FHAP REPORT

2016 – 2020 Proposed Fair Housing Action Plan (FHAP)

Oregon's 2020 Report



Introduction

Oregon's 2016-2020 Analysis of Impediments to Fair Housing Choice (AI) identifies various impediments and barriers to fair housing choice, and suggested actions to address those impediments. Based on the AI, Oregon developed a 2016-2020 Fair Housing Action Plan (FHAP). The plan details the actions Oregon prepared to focus on over the 2016-2020 Consolidated Plan period.

The following report outlines the research findings and impediments identified in the AI, and the actions Oregon took in 2020 to address them.

Research Finding 1: Persons with disabilities face widespread barriers to housing choice statewide.

Impediments found to contribute to barriers to housing choice for persons with disabilities include:

- ***Impediment 1-1.*** Lack of affordable, accessible housing, including housing available for persons with disabilities who wish to leave nursing homes or other institutional settings.
- ***Impediment 1-2.*** Refusal of some landlords to make reasonable accommodations for persons with disabilities.
- ***Impediment 1-3.*** Persons with disabilities who desire to transition out of institutional settings are limited by the lack of affordable, accessible and supportive services housing, in addition to financial and emotional support to assist them in their transitions.
- ***Impediment 1-4.*** Housing choices for persons with disabilities are severely limited by lack of sidewalks, paved roads and reliable and sufficient public transportation.
- ***Impediment 1-5.*** Local zoning and land use regulations and/or inexact application of state laws may impede the siting and approval of group homes.

Progress towards **Action Items** designed to address identified impediments:

- ***Action items 1-1.***
 - a. ***Determine the specific housing needs for persons with disabilities and develop proactive strategies to address the need.***

Oregon Housing & Community Services (OHCS) continues to provide training and resources to property managers on Fair Housing laws such as reasonable accommodations that would assist property managers in determining the

individualized needs of their clients. In 2020 OHCS provided these trainings online due to the COVID-19 pandemic and to provide a statewide reach.

- b. Determine how to better match persons with disabilities with accessible units, including if person with disabilities have access to unit as they become available.***

OHCS continues to provide training and resources to property managers on Fair Housing laws such as reasonable accommodations and waiting list selection policies that would assist property managers in determining the individualized needs of their clients. More work needs to be done in this area.

- c. Examine how the state can increase the number of accessible units in publicly funded multifamily developments while complying with all relevant regulations and constraints.***

OHCS has done some work in this area including changes to the Project Development Manual (now Cored Development Manual) which help provide construction expectations for multifamily developments. However, more can be done.

- d. Support the efforts of Public Housing Authorities to implement adaptive modification programs.***

OHCS has supported PHA's with RAD conversions providing financial assistance as PHA's move from Public Housing units to a different platform. Updating or building new developments will require PHA's to build to the Core Development Manual which provides options for PHA's in this area.

- e. Promote policies that support aging in place and funding for retrofitting of senior housing. Support the continued dissemination of information on how communities can provide opportunities for residents to age in place and how to improve community access for persons with disabilities living in independent settings.***

OHCS encourages aging in place through a number of policy priorities and programs. Preservation legislation and funding, the OHCS rent increase policy and the Housing Choice Landlord Guarantee program are but a few of the policy and program decisions designed to keep households in place, all of which, if not designed specifically for seniors, would also affect senior housing.

- ***Action item 1-2. Identify resources and provide opportunities for education and training on the requirements to provide reasonable accommodations.***

Oregon Housing & Community Services (OHCS) utilizes funding from HUD Consolidated Plan sources to contract with the Fair Housing Council of Oregon to provide training to developers, owners and property managers throughout Oregon. In

2020 five virtual trainings were provided which included two educational trainings specific to Fair Housing Laws and three additional trainings on these specialty topics:

- Fair Housing during COVID-19;
- Source of Income; and
- Domestic Violence.

All trainings included an overview of reasonable accommodations. Though planned, a training going in-depth on reasonable accommodations did not occur in 2020 and is scheduled for 2021.

■ ***Action item 1-3. Convene service providers and persons with disabilities to prioritize the needs to transition persons with disabilities into the community from medical or other systems of care.***

In 2019 the Oregon legislature provided 54.5 million dollars to be leveraged for additional PSH units in Oregon over the next 5 years. OHCS began implementation of the PSH priority in 2019 by convening a PSH Institute designed to train the first PSH developers, service providers and property managers for successful PILOT projects. By 2020, OHCS had one graduating class from the PHS institute and was in the middle of training a second cohort. The PSH Institutes require PSH development cohorts to include, developers, service providers and funders educating the entire group on all elements of a successful development. These holistic trainings have been very successful in other states and have received enthusiastic reviews from participants. The first PSH development is schedule for completion in the Spring of 2021.

■ ***Action item 1-4. Prioritize accessibility improvements in publicly funded community development projects, to promote housing choice for persons with disabilities.***

As part of the First Draw requirements, all CDBG grant recipients must look at accessibility improvements to address nondiscrimination issues by completing the Section 504 checklist. This checklist encompasses properties, including parks, owned by the grant recipient where the public may need access to programs, services or facilities. The recipient must either be accompanied by a person with a disability or a person or advocacy group that can represent persons with disabilities. If any accessibility improvements are discovered through the checklist, the recipient must identify what will be done to address the needed improvements. Improvements must be ADA compliant. Finally, the designs of all Community Facilities buildings funded by the program must comply with the UFAS (Uniform Federal Accessibility Standards) for projects containing sidewalks.

OHCS has received Section 811 funding from the Department of Housing & Urban Development (HUD). Section 811 provides funding to develop and subsidize rental housing with the availability of supportive services for very low and extremely low income adults with disabilities. This funding will help develop new units and be used

in current OHCS funded properties to promote housing choice for person with disabilities.

- **Action item 1-5. Review and support best practices to further housing choice for persons with disabilities, including potential modifications to state statutes to further fair housing protections for persons with disabilities residing in group home settings.**

Oregon supported the Fair Housing Council of Oregon's (FHCO) work to develop the Inclusive Communities Tool Kit; a guide intended to serve as an informational and educational tool for land use planners in Oregon's cities and counties. Section two, Fair Housing, Affordable Housing and Housing for People with Disabilities, is an introduction to the two types of housing developments where concerns around fair housing are especially likely to surface.

Oregon continues to support FHCO's work to disseminate the Inclusive Communities Tool Kit. The Tool Kit is available to download on the FHCO website:
<http://fhco.org/index.php/information-for-jurisdictions/affh>

In addition, OHCS contracts with the Fair Housing Council of Oregon to monitor local land use rules and regulations to further fair housing protections for persons with disabilities and other protected classes. Finally, the OHCS Portfolio Administration Section provides oversight services for Community Integration Program (CIP) properties funded using OHCS Elderly Disabled Bonds. CIP properties are group homes with state funding to support ongoing maintenance.

Research Finding #2: Discrimination against protected classes persists statewide.

Impediments found to contribute to housing discrimination include:

- **Impediment 2-1.** Lack of enforcement of fair housing violations persists statewide.
- **Impediment 2-2.** Limited housing options for persons most vulnerable to housing discrimination: non-English speakers, persons of Hispanic descent, Native Americans, African Americans, large families and, as discussed above, persons with disabilities.

Recommended Action Items to address impediments:

- **Action items 2-1.**
 - a. **Continue to fund efforts of Fair Housing Council of Oregon (FHCO) to provide fair housing education and training services. Continue to fund the fair housing complaint line and provide broader assistance with landlord/tenant disputes. Promote increasing the language accessibility of these services.**

Oregon continues to support FHCO's efforts to provide training, education, and outreach activities, while increasing the language accessibility of these services.

Following is a list of FHCO activities Oregon provided funding to support in 2020:

- Complaint intake process, including Housing Choice Voucher Violations.
- Statewide access to fair housing resources, including FHCO's discrimination hotline, to ensure that rural communities have access.
- Education and training services including trainings and outreach activities designed to inform community groups, stakeholders, housing providers and policy making bodies about fair housing and protections from discrimination. Ensure that whenever appropriate outreach and education activities are culturally specific, with a focus on outreach to tribal communities, Spanish speaking communities, new immigrants and persons with limited English proficiency.
- Fair housing education and training sessions for OHCS housing providers, stakeholders, and OHCS staff.
- Establish a local presence in southern and eastern Oregon through partnership with local agencies or organizations, such as community action agencies, etc.
- Implement, and maintain social media and public information outreach efforts to encourage inclusivity, diversity and fair housing in non-entitlement communities.
- Provide culturally specific social media and outreach specifically for tribal communities, Spanish speaking communities, new immigrants, and limited English proficient persons.
- Market FHCO's program and technical assistance services to constituents via digital, direct, social media, and in person meetings.
- Maintain, and develop FHCO blog, for articles and more in-depth posts.
- Staff and manage quarterly Systemic Investigations/AFFH Committee meetings to provide guidance on AFFH education and technical assistance.
- Partner with planning and land use professionals to review Post Acknowledgement Plan Amendments (PAPA) submitted to Department of Land Conservation and Development (DLCD) to identify proposals that may have discriminatory impact.
- Provide technical assistance to federal fund recipients and help federal fund recipients identify and address segregation in communities. Work with small jurisdictions to provide technical assistance on implementation of best practices for creating inclusive communities through local jurisdiction land use plans, development codes, and other policies and procedures based on review of PAPAs project outcomes and coordination with DLCD. Conduct additional outreach to determine non-entitlement jurisdictions interested in receiving additional technical assistance, based on review of PAPAs project outcomes and emerging statewide legislation.

- b. **Strengthen the certification that all publicly funded grantees comply with all federal, state and local nondiscrimination laws. Provide educational materials to ensure grantees understand fair housing obligations.**

Public Housing Authorities (PHA) are required to submit their 5-Year Plans and Annual Plans to HUD along with a certificate of consistency, signed by OHCS, that confirms their plans are consistent with Oregon's Consolidated Plan. Continuums of Care (COC) are also required to submit certification of consistency when they complete their COC NOFA application. Through this certification process OHCS ensures that Five Year and Annual Plans are consistent with the State's adopted Consolidated Plan and the associated HUD regulations.

In 2020, the following PHAs and COCs submitted requests to OHCS for Certificates of Consistency:

- Coos / Curry Housing Authority
- Douglas County
- Housing Authority of the County of Umatilla
- Housing Works
- Jackson County
- Josephine Housing & Community Development Council
- Klamath County
- Lincoln County
- Malheur and Harney County
- Marion County Housing Authority
- Mid-Columbia Housing Authority
- North Bend City
- Northeast Oregon Housing Authority
- Northwest Oregon Housing Authority
- Rural Oregon Continuum of Care
- West Valley Housing Authority
- Yamhill County

■ ***Action item 2-2.***

- a. **Continue to fund and expand fair housing audit testing to inform educational, outreach and enforcement efforts. Incorporate retesting and verification in efforts.**

In 2017, The Fair Housing Council of Oregon was awarded a testing contract based on a number of criteria including; audit testing methodology, and experience in audit testing to identify potential illegal discrimination. This award was issued when Oregon held an open competitive Request for Application process to retain a contractor that would provide audit testing for OHCS affordable funded projects. The goal of this continued effort is to identify potential illegal discrimination in OHCS properties on the basis of federal, state, city, and county laws, and to help ensure OHCS projects are in compliance with federal and state fair housing laws. The contract began in July 2017 and has been extended through June of 2021.

- b. **Promote housing alternatives for persons reentering community from**

incarceration and persons surviving domestic violence.

There are a number of initiatives to increase access to housing opportunities in Oregon, including the Governor's Reentry Council. The Reentry Council is an interagency effort to address barriers faced by formerly incarcerated population. Though this group did not meet in 2020 due to the COVID pandemic, it is still an active entity.

Identifying a gap in housing alternatives for those who cycle in and out of institutions such as jails, prisons, group homes, the Oregon State Hospital, and hospitals, the Oregon Legislature passed the Improving People's Access to Community-based Treatment (IMPACTS) in 2019 that will pilot supportive housing as a community-based treatment in competitive grants. In 2020, 6 award totaling approximately 7.7 million dollars was awarded to County Governments in the State of Oregon. 5 awards totaling approximately 2 million dollars was awarded to Tribal Governments.

The Governor's Housing Advisory is also taking steps to create a Domestic Violence Taskforce to create more awareness, improve coordination, and identify policy challenges to ensuring the safety of those who have experienced domestic violence.

SB-519 introduced in 2021 would study housing barriers for persons surviving domestic violence.

c. Provide stakeholder education and training on fair housing laws and requirements.

Oregon Housing & Community Services contracts with the Fair Housing Council of Oregon to provide annual Fair Housing trainings to partners and staff. In most years Legal Aid of Oregon or the Oregon Law Center is subcontracted to provide education and information on State Landlord Tenant law. In 2020 due to the COVID-19 pandemic, all classes were held virtually and five trainings were provided. Trainings averaged near 100 participants.

d. Fund complaint intake process at FHCO as well as technical assistance for federal funding recipients.

In 2020 Oregon continued to provide funding to support the work of FHCO through a grant that has been made to the organization for several years. The grant allows funding for FHCO to:

- Continue complaint intake process which includes Housing Choice Voucher Violations; and
- Provide statewide access to fair housing resources which includes various training, resources, and FHCO's discrimination hotline.

e. Fund pilot program to review Post Acknowledgement Plan Amendments

submitted to DLCD to identify land use proposals with a potentially discriminatory impact.

As stated in the January 23, 2019 Affirmatively Furthering Fair Housing and Comprehensive Plan Amendment Process: 2018 Year-end report prepared by EnviroIssues for the Fair Housing Council of Oregon: "Oregon's statewide land use goals are achieved through local comprehensive plans. State law requires each city and county to have a plan, along with zoning and land-division ordinances that put the plan into effect. All comprehensive plans must align with the statewide planning goals. The Department of Land Conservation and Development (DLCD) is charged with reviewing all plans and any revisions or updates to the plans to make sure they align with the goals.

According to state law, jurisdictions are required to provide DLCD a 35-day notice prior to the first evidentiary hearing when proposing a change to their comprehensive plan and/or their development code. DLCD uses the term post-acknowledgment plan amendment, or PAPA, for any comprehensive plan change reported to DLCD.

To ensure inclusive communities statewide, the [Fair Housing Council of Oregon](#) (FHCO) partners with [Housing Land Advocates](#) (HLA) and contracts with EnviroIssues (EI) to review all plan amendment proposals with fair housing and/or statewide planning Goal 10 (Housing) implications submitted to DLCD. This partnership began in mid-July of 2015 through funding by federal and state grants from the U.S. Department of Housing and Urban Development (HUD), Oregon Housing Community Services (OHCS) and Oregon Business Development Department (OBDD) and is coined as the PAPA project."

The end of 2020 marks the fifth year of the PAPA project.

Comprehensive Plan Change Activity 2015 through 2020			
Year	Total PAPAs Tracked	Total Staff Reports Reviewed	Total formal Comment Submissions
2015*	270	22	22
2016	555	121	40
2017	615	158	59
2018**	753	209	55
2019	634	184	47
2020***	773	249	102

Totals	3600	943	325
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**PAPA project began July 2015.*

***PAPA project was on hold from October to mid-December due to lack of funding; project was reinstated Dec. 12, 2018*

****PAPA project reports were modified as cities began requesting assistance from the project and most feedback was done communicatively or in some instances even requested. Formal numbers changed to communications.*

f. Continue to staff the Housing Choice Advisory Committee and monitor implementation of HB 2639 (2013).

As an organization, OHCS is continually improving strategies to support our commitment to fair housing. We have focused efforts and fiscal investment to expand awareness, through an additional resource commitment to secure technical assistance to focus on building competency, raise awareness and continue to take action on furthering our efforts to ensure individuals are aware of their rights.

Through our fiscal investments as well as a called out priority of addressing Equity, Diversity, and Inclusion within our Statewide Housing Plan, over the next two years our goals are to:

- Engage in community dialogue about the issues tied to housing choices, including schools, healthy communities, residential displacement and economic opportunity.
- Support local efforts to take action to expand protections based on sexual orientation and gender identity.
- Increase shelter capacity through our funding with opportunities that anti-discriminatory policies and practices at the federal level.

g. Continue efforts to expand housing choices in rural areas.

Oregon Housing and Community Services (OHCS) is placing a greater emphasis on strategic planning and the way we invest our resources. In early 2019 OHCS released *Breaking New Ground: Oregon's Statewide Housing Plan*.

Breaking New Ground: Oregon's Statewide Housing Plan identified six priority areas the agency will focus on over the next 5 years. These six priorities include Equity and Racial Justice, Homelessness, Permanent Supportive Housing, Affordable Rental Housing, Homeownership, and Rural Communities.

The Rural Communities priority will not only encourage resource allocation equity but calls for deliberate focus on the unique and specific needs of each rural community as these resources are allocated. The Rural Community priority calls for additional technical assistance, unique program approach and an additional lens towards resource distribution.

The Rural Peer Network is an example of this prioritization. Primarily focused on efforts to provide Permanent Supportive Housing, the Rural Peer Network is a capacity building process designed to educate interested parties on how to successfully implement PSH in rural areas. Combining in person and on-line training activities as well as resources by a grant from the Department of Housing & Urban Development, OHCS hopes that the Rural Peer Network is one of many efforts that will result in prioritizing the expansion of housing options in rural Oregon.

In 2019 OHCS hired Capacity Building staff focusing on providing technical assistance to partner agencies. This increase in OHCS capacity will be of particular significance to rural partners as OHCS is better able to assess and provide training for needs specific to these communities.

OHCS is a funding partner in the launch of Enterprise Community Partner's 2021 Pacific Northwest Rural Preservation Academy. Focusing on establishing a robust knowledge base to preserve RD, HUD and OHCS funded properties throughout rural Oregon. Additionally, this cohort and training series will serve as a means to connect rural affordable housing partners with conventional market rate owners seeking to sell their properties or portfolios. A benefit to funding the academy is the matching resources Enterprise is making available to rural housing partners in the form of technical assistance.

OHCS is regularly attending and soliciting feedback from Housing Oregon's Rural Policy Council. OHCS, in response to the impacts of COVID-19 on the operations of small, rural, and culturally specific housing partners, released an RFA awarding grants of up to \$20k to provide assistance in transitioning to remote work.

OHCS has hosted virtual fair housing trainings ranging from general information sessions to specific deep dive trainings. The benefit of hosting these virtually is being able to target housing partners in our rural communities. The cumulative impact of these investments and work is the broad expansion of housing choice for those who most need in our rural communities.

The 2020 Wildfires devastated several rural communities destroying multiple Manufactured Home parks during these fire events. OHCS has worked with FEMA, OEM and a myriad of other agencies to respond to this crisis.

- h. Promote access to mediation services for neighbor on neighbor harassment in manufactured home parks. These services are also available for landlord tenant disputes.**

Oregon Housing and Community Services' Manufactured Communities Resource Center (MCRC) staff is trained in mediation techniques. Staff advises landlords and

tenants on ways to communicate when disputes arise, assist with ongoing disputes, and make referrals to Community Dispute Resolution Centers (CDRCs).

In 2019, Manufactured Home Community Resource Center has been renamed Marinas, Manufacture Home Community Resource Center. This section has joined the OHCS Homeownership division

- i. **Promote tools and education for housing providers to understand fair housing requirements—e.g., working with apartment associations to distribute model lease agreements in English and Spanish and reasonable accommodations policies.**

Oregon provided funding for the development of an FHCO model application and lease agreement, and reasonable accommodations policies. Model application and lease agreements, and reasonable accommodation policies are currently offered in English, Russian, and Spanish. Translation services are available in Arabic, Burmese, French, Karen, Korean, Lao, Russian, Somali, Spanish, Ukrainian and Vietnamese. In 2020, Oregon continued to support FHCO's training, outreach, and dissemination of these agreements and policies.

- j. **Continue to fund advocacy services to persons living with HIV/AIDS through locally based housing case managers.**

Fair Housing Council of Oregon formal trainings:

In 2016 and 2020, housing case managers in the State program, Oregon Housing Opportunities in Partnership (OHOP), attended Fair Housing Council trainings. OHOP is a State program providing rental subsidies and related supportive services to people living with HIV and their families. OHOP is available throughout the 31 Oregon counties outside of the Portland metropolitan statistical area.

In July of 2017, FHCO provided a customized fair housing training for the HIV Alliance. Another training was scheduled for 2020, but was been delayed due to the COVID-19 pandemic. The HIV Alliance is an AIDS Service Organization providing HIV Case Management and Supportive Services to people living with HIV in the following 13 Oregon counties: Benton, Clatsop, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, and Marion.

Fair Housing Council of Oregon and Oregon Legal Services ad hoc technical assistance and consultation: FHCO and Oregon Legal Services continue to provide legal and Fair Housing assistance to the resident of Oregon. This happens in many forms including educational information, group trainings, individual consultation and advocacy.

k. **Promote housing alternatives for persons surviving domestic violence.**

In 2019 the State of Oregon passed SB-608 which did a number of things to expand and protect the rights of renters. Among those was the removal of the ability for property owners to initiate “no cause” evictions in most rental circumstances. Further, some Public Housing Authorities have established preference policies for persons surviving domestic violence. Finally, the Oregon Legislature continues to grapple with this issue. In 2021 SB-519 calls for a study to be initiated exploring the issues survivors of domestic violence face in housing alternatives.

Research Finding #3. Residents lack knowledge of their fair housing rights, are not empowered to take action and have very limited fair housing resources locally.

- **Impediment 3-1.** Local fair housing resources statewide are limited. This is particularly true in rural communities.

Recommended **Action Items** to address impediment:

■ **Action items 3-1.**

- a. **Ensure that fair housing resources are provided statewide. Ensure that rural communities are able to effectively access services and resources. To the extent possible, prioritize long-term support for fair housing activities.**

Fair Housing Council of Oregon is contractually obligated to provide Fair housing Services to the entire state of Oregon. However, being located out of Portland, OHCS and FHCO is well aware of the challenges and intentionality necessary to provide services to the entire state. FHCO has established satellite offices in strategic portions of the state and these seem to be going well. FHCO and OHCS are continuing to look at other ways to serve the entire state including using technology to hold trainings and to record information for long term reference.

- b. **Provide culturally specific fair housing education and outreach for tribal communities, Spanish speaking communities, new immigrants and persons with limited English proficiency.**

In 2020, Oregon continued to support FHCO's efforts to:

- Provide education and training services including trainings and outreach activities designed to inform community groups, stakeholders, housing providers and policy making bodies about fair housing and protections from discrimination. Ensuring that outreach and education activities are culturally specific, with focus on outreach to tribal communities, Spanish speaking communities, new immigrants and persons with limited English proficiency.

- Provide culturally specific social media and outreach specifically for tribal communities, Spanish speaking communities, new immigrants, and limited English proficient persons.
- c. **Ensure persons living with HIV/AIDS have access to Fair Housing information and resources.**

Throughout 2019 and 2020, housing case managers in the State program, Oregon Housing Opportunities in Partnership (OHOP), regularly called or emailed FHCO and OLS for consultation on client issues. Issues include: eviction without proper notice; eviction on “hear say”; eviction after remediation; unfair fees, discrimination and ADA accessibility. OHOP is a State program providing rental subsidies and related supportive services to people living with HIV and their families. OHOP is available throughout the 31 Oregon counties outside of the Portland metropolitan statistical area.

HIV Alliance trains all new housing staff at the time of hire on fair housing law, information and resources. Staff are also referred to trainings led by Homes for Good and the Fair Housing Council. The HIV Alliance is an AIDS Service Organization providing HIV Case Management and Supportive Services to people living with HIV in the following 13 Oregon counties: Benton, Clatsop, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, and Marion.

Research Finding #4. In many rural areas, credit is limited for residents who want to buy homes and developers who want to build multifamily housing.

Impediments and barriers related to this finding include:

- **Impediment 4-1.** Limited credit alternatives for households in rural areas who seek homeownership.
- **Impediment 4-2.** Discriminatory lending practices persist for person of color.
- **Barrier 4-2.** Lack of capital to develop multifamily housing in rural areas.

Recommended **Action Items** to address impediments and barriers:

- **Action items 4-1.**
 - a. **Explore enhancements to the single family bond program.**
Oregon has fourteen approved lenders for its Residential Loan Program: also known as the Oregon Bond Residential Loan Program. This program provides competitive interest rates, which help eligible families, increase their home purchasing power and keep their monthly house payments affordable. OHCS has been providing in person or electronic training and technical assistance to all approved lenders. OHCS continues to provide daily assistance to approved loan officers.

OHCS provided the lowest Rate Advantage rate to potential homebuyers in 2020.

b. Continue to provide down payment assistance for low income homebuyers; provide focus on home buyers of color.

The down payment assistance and closing cost programs are administered by participating organizations for low- and - moderate income families and individuals, with particular focus on underserved populations. The program is funded through the state's document recording fee. The program gives qualified buyers and Veterans who complete homebuyer education up to \$15,000 for a down payment and/or closing costs. The Construction Excise Tax, which is collected by local jurisdictions, is partnered with the Document Recording fee to allow an additional \$15,000 per-buyer. These funds are dedicated to assisting families below 100% of the area median income (AMI). In June 2020, OHCS awarded nineteen organizations down payment assistance funding for \$8 million. In 2018, the Legislature established the Task force for Addressing Racial Disparities in Homeownership. This task force met throughout 2019 to understand the disparities and to make recommendations to the 2020 legislative session. Due to the walk out in the 2020 legislative session the recommendations from the task force did not move forward. In review of our current programs, we have incorporated recommendations from task force in our programs and will look at future opportunities to add recommendations.

c. Continue to support funding homebuyer education and counseling, and financial education and counseling for low income homebuyers.

Oregon supports home ownership by allocating funds to Homeownership Centers throughout the state. The Program helps low- and moderate- income families with pre-purchase homebuyer education, financial coaching, and pre-purchase homebuyer counseling and financial literacy education. Oregon currently has 16 Homeownership Centers; providing coverage in all of Oregon's 36 counties. In 2021, OHCS will release an RFA for organizations to apply to be one of our Homeownership Centers. This solicitation is open to new and existing homeownership centers throughout the state.

d. Partner with banking and mortgage industry and existing community development financial institutions to increase lending opportunities in rural communities.

OHCS continues to provide training in reference to the Oregon Bond Residential Loan Program to participating lenders, realtors, and our homeownership centers. OHCS is working on our new lending products program. Due to the pandemic in 2020, OHCS was not able to collaborate with National Association of Real Estate Brokers for a community event with our culturally specific partners. We are however looking to the future to collaborate on an event when we can safely join. Work also

continues with cross sectional departments to look for ways to collaborate on programs and potential new funding allocations.

e. **Continue the Oregon Individual Development Account (IDA) Initiative to increase opportunities for low income Oregonians to access home ownership.**

For over 21 years, the Oregon Individual Development Account (IDA) Initiative brings state agencies, private non-profit and tribal partners, and private contributors together to create economic opportunity in Oregon. IDA's success is measured by the program's ability to yield positive outcomes for IDA participants, as illustrated in the 2020 Impact Evaluation Report, a data driven qualitative and quantitative assessment of the IDA Initiative. IDA has had a deep impact in the lives of Oregonians.

2020 Program Overview

- More than 15,000 Oregon residents have saved in IDAs
- IDAs have been opened in 35 of Oregon's 36 counties
- Collectively, IDA participants have saved more than \$28 million
- All participants are provided financial education and support to build their financial capability and successfully reach their goals
- \$47 million in matching funds have been distributed to approximately 9,000 savers for asset investments
- More than 3,500 people are currently saving

Program Highlights from 2019-20

- 29% of IDAs were opened by households in Oregon's rural communities and IDAs were opened by residents in 32 of Oregon's 36 counties over the last three years.
- Oregon's communities of color participate in the IDA program with 53% representation based on the following demographics: 6% Asian or Pacific Islander, 13% Black/African American, 25% Hispanic/Latinx, and 9% Native American.
- The top three IDA savings goals were 34% home purchase, 29% education, and 20% to start a small business. Other significant savings goals went toward vehicle purchase or repair, assistive technology, home repair, rental assistance, and retirement savings.
- Most savers are living on extremely low or very low household incomes with 26% extremely low, 26% very low, 40% low, and 8% moderate. Most households earned less than 50% area median income.

IDA Infrastructure of Public-Private Partnership

The IDA Initiative is a collaborative effort. It is funded with contributions by individuals and businesses which qualify for the Oregon IDA Tax Credit. OHCS

provides oversight and leadership capacity to support the Initiative in its entirety in collaboration with the Oregon Department of Revenue.

Neighborhood Partnerships (NP), a statewide nonprofit, serves as OHCS's Contract Administrator for the IDA Initiative. NP provides many services to support IDA. These include marketing and selling IDA tax credits, overseeing fiduciary organizations, completing performance and fiscal reviews, and managing IDA funds to include distribution and investment. NP also provides technical assistance to fiduciary organizations and collaborates with them, throughout the year, to advance work on key projects to support the program.

Fiduciary organizations are direct service providers. FOs provide IDA savers with financial education, coaching, and other support services until they achieve their savings goals. IDA savers participate in financial education and receive support in making informed decisions related to their asset purchase. Once the participant's savings goal is reached and all benchmarks of the asset plan are met, IDA funds saved by the participant and put towards an asset purchase are matched by the Initiative.

IDA Funding Authority

OHCS authorizes Neighborhood Partnerships (NP) to sell \$7.5M in Oregon IDA tax credits on an annual basis. Revenue generated from credits sold fund the IDA Initiative. OHCS provides funding authority to NP and approves the allocation of IDA funds as grants to 10 fiduciary organizations (FOs). There are two FO networks that further allocate funds to 65+ sub-grantees. NP maintains all IDA funds accounts and disburses funds to FOs to support program and administrative costs and for the disbursement of IDA match funds to IDA savers who successfully complete the program.

f. Convene lenders to better understand the challenges—and solutions—to addressing limited capital in rural areas.

OHCS leadership and staff continue stakeholder outreach meetings with the banking and leading industry to gain better communication and collaboration on deals, as well as forging a relationship to begin candid conversations about underwriting guidelines and market conditions.

■ Action items 4-2.

a. Continue discussions with the Oregon Affordable Housing Tax Credit workgroup and partners regarding the Tax Credit, and how this program can be used to provide additional opportunities in rural communities.

The Oregon Affordable Housing Tax Credit (OAHTC) provides a state tax credit to lenders to reduce the interest rates on loans used for the development or

rehabilitation of affordable housing. Affordable housing developers receive a reduced mortgage interest rate, and in return they are required to pass through that savings to their tenants in the form of reduced rent. Affordable housing projects benefiting from the OAHTC must demonstrate a dollar for dollar “pass-through” to tenants. OHCS monitors the long-term compliance of each OAHTC property on an annual basis.

As identified in the Oregon Statewide Housing Plan, rural communities will be a major focus for OHCS over the next 5 years. OHCS will explore utilization of all OHCS development tools, including OAHTC, as we work toward meeting the specific local housing needs in all of our Oregon Communities. Capacity building and innovation will be the key to this effort and OAHTC is an important tool to achieve housing opportunities for all Oregonians.

b. Partner with banking and mortgage industry and existing community development financial institutions to increase lending opportunities in rural communities.

OHCS has provided training in reference to the Oregon Bond Residential Loan Program to participating lenders, realtors and our homeownership centers.

Research Finding #5. Condition of affordable housing is generally poor in rural areas.

In addition to the actions outlined in 2.1 the state **should consider** the following:

Action items 5.

a. Consider ways to partner with local jurisdictions to improve housing code enforcement.

Oregon supported the Fair Housing Council of Oregon’s (FHCO) work to develop the Inclusive Communities Tool Kit. The Tool Kit includes the Guide for Examining Local Land Use with a Fair Housing Lens. The guide provides an evaluation tool for planners, policy makers, and other practitioners, including a checklist titled “How Fair Housing Friendly are Your Plans, Codes, and Practices?”, and serves as an informational and education tool for land use planners in Oregon's cities and counties. Tool Kit: <http://www.fhco.org/index.php/information-for-jurisdictions/affh>

In addition, OHCS partners with the Fair Housing Council of Oregon to review Post-Acknowledgment Plan Amendments (PAPA’s) to review changes in land use practices on a local level. During this review, jurisdictions receive feedback on their housing planning goal findings with emphasis on utilization of their Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI). This ensures that jurisdictions are reviewing their mandated commitment to provide an adequate number of needed housing units (at both the needed

housing type and affordability level), and that these housing units will be supported by the residential land supply after enactment of the proposed change. Feedback can come in a variety of forms including, but not limited to technical assistance or feedback letters depending upon the circumstances of each case.

- b. **Require that all grantees/developers of funded rental housing projects that have high risk of compliance violations, or are poor performing, will annually inspect the condition and habitability of the units funded.**

Since 2017 OHCS implemented and continues to operate a risk-based performance monitoring system for the multifamily housing programs; meaning if a project is performing at an acceptable level and meeting expectations, it will be monitored to the program minimums. However, should a project be found as high risk, it will be monitored more frequently depending on risk factor; this could be on a semi-annual basis, for example. The owner/agent is required to inspect their units, at a minimum, once a year; however, may be required to perform more frequent inspections if property is high risk or poorly performing. OHCS reviews program compliance policies regularly to ensure inspection requirements are up to date and remain effective.

Research Finding #6. Oregon's state laws may limit the ability of cities and counties to employ programs that are known to create a significant amount of affordable units in many other jurisdictions.

- **Barrier 6-1.** The state's ban on the use of inclusionary zoning limits municipalities' ability to employ flexible tools and incentives to increase the number of affordable units built. (This was lifted in 2016).
- **Impediment 6-2.** The lack of affordable units significantly limits housing choice for persons of color and low income persons.

Action items 6– PAPAs, tech assistance for areas without planners.

- a. **Work with Department of Land Conservation and Development (DLCD) to examine Oregon's land use laws and planning and zoning systems and seek ways to help local jurisdictions meet their statutory housing obligations.**

OHCS supports FHCO's partnership with planning and land use professionals to review Post Acknowledgement Plan Amendments (PAPA) submitted to Department of Land Conservation and Development (DLCD) to identify proposals that may have discriminatory impact. Conducting deeper research into how Oregon's current land use system could accommodate creation of integrated neighborhoods and increased inventory of affordable units.

HB 4006 was passed in 2018 identifying severely rent burdened communities in

Oregon, and targeting technical assistance resources to local governments to update Housing Needs Analysis and update land use codes. These plans are now completed and will be moving forward with implementation at the local level.

OHCS participated in the Technical Advisory and Rulemaking Advisory Committees for Housing Production Strategies that came out of the HB 2003 (2019) legislation. Housing Production Strategies (HPS) are a new legislatively required follow-up to a local housing needs analysis. A HPS details how a local jurisdiction plans to meet its housing need. In this process OHCS helped DLCD determine criteria for reviewing and identifying cities that have not met their housing obligations. The first cities are currently developing their Housing Production Strategies.

We support the proposed changes to Goal 10, the State's housing goal within the land use system, that DLCD writes up in their final RHNA report to the legislature. The suggested review of Goal 10 and resultant changes seek to further eliminate existing barriers to helping local jurisdictions meet their housing obligations.

Follow through with the plan to host a joint Housing Stability Council – Land Conservation and Development Commission meeting after the 2021 legislative session concludes to explore the intersection of the agencies' work, new legislation around land use and housing, and how we might collaborate going forward.

b. Conduct deeper research into how Oregon's current land use system could accommodate creation of integrated neighborhoods and increased inventory of affordable units.

OHCS Housing Integrators have been working with the Governor's Regional Solutions teams, which include DLCD staff, to help communities improve their housing planning efforts. In addition, Housing Integrators have been working with League of Oregon Cities and Association of Oregon Counties to explore partnerships with local governments in advancing housing opportunities.

In 2019 the Oregon Legislature passed HB 2003. This law requires OHCS to work with DLCD and the Oregon Department of Administrative Services to develop methodology to conduct regional housing needs analysis and, for certain cities and Metro, to estimate existing housing stock, to establish housing shortage analysis and to estimate needed housing units for next 20 years.

This work involved input from a broad base of stakeholders including local jurisdictions, AOC, LOC, FHCO, other fair housing advocates. Our final report to the legislature submitted March 1, 2021 recommends: (1) To move forward with the RHNA, including OHCS's addition of analysis describing the inequities in housing outcomes that are included to support local planning efforts; (2) To continue joint agency work (perhaps through a Task Force) on the remaining research questions

about the larger implementation framework that is needed around the RHNA in order to use the RHNA to achieve better fair housing outcomes, and what legislation would be needed to institute such an implementation framework. We hope the legislature will take action based on these recommendations to improve upon a housing planning system that is grossly out of pace with the current housing needs and is also divorced from fair housing efforts.

c. Strengthen technical planning assistance for cities around creating housing choice.

In addition to HB 2003 and the hiring of capacity building staff at OHCS, both previously discussed, in December of 2018 HB 4006 was passed in the Oregon Legislature. HB 4006 required OHCS to annually provide to each Oregon city with a population greater than 10,000 people, data that would indicate the percentage of renter households in each city that are severely rent burdened. Cities that meet a certain threshold, more than 25% of renter households that are severely rent burdened, are then required to submit a local survey and conduct a public meeting to discuss the issue. These three actions will likely intersect and have placed a focus on technical support and planning.

We assume that an outcome of our second recommendation mentioned above – to continue joint agency work to arrive at recommendations for changes to legislation -- would also result in a request for increased technical assistance to local jurisdictions for support in this work.

d. Encourage use of local incentives to encourage affordable housing development.

OHCS has provided a number of presentations to local governments about tools and methods to achieve greater housing supply. Construction Excise Tax, Inclusionary Zoning and waiving of System Development Charges are all examples of local incentives used to encourage affordable housing development in Oregon.

Research Finding #7. State laws and local practices, coupled with lack of housing in rural areas; create impediments to housing choice for persons with criminal backgrounds.

- **Impediment 7.1.** To the extent that certain residents are disproportionately likely to be incarcerated, the residency requirement may disproportionately impact housing choice for protected classes. Persons with criminal backgrounds have few, if any housing options.

Action items 7.

a. Reduce barriers for persons under post-prison supervision and probation to find and maintain affordable housing.

In 2019 the Oregon legislature provided 54.5 million dollars to be leveraged for additional PSH units in Oregon over the next 5 years. OHCS began implementation

of the PSH priority in 2019 by convening a PSH Institute designed to train the first PSH developers, service providers and property managers for successful PILOT projects. By 2020, OHCS had one graduating class from the PHS institute and was in the middle of training a second cohort.

b. Consider funding second chance tenant training programs and landlord guarantee programs (e.g., similar to the Housing Choice Landlord Guarantee program)].

As an organization, OHCS is continually improving strategies to support our commitment to fair housing. We have focused efforts and fiscal investment to expand awareness, through an additional resource commitment to secure technical assistance to focus on building competency, raise awareness and continue to take action on furthering our efforts to ensure individuals are aware of their rights.

Through our fiscal investments as well as a called out priority of addressing Equity, Diversity, and Inclusion within our Statewide Housing Plan, our goals are to:

- Engage in community dialogue about the issues tied to housing choices, including schools, healthy communities, residential displacement and economic opportunity.
- Support local efforts to take action to expand protections based on sexual orientation and gender identity.
- Increase shelter capacity through our funding with opportunities that anti-discriminatory policies and practices at the federal level.

c. Examine the effectiveness of reentry programs in housing environment and support best practices.

OHCS is working with a variety of communities across the state to promote adoption of best practices with housing providers and corrections partners. For example, there are Frequent Users Systems Engagement (FUSE) projects in Multnomah County, Deschutes County and Marion County that target housing and services to the “frequent users” of corrections systems, health systems and homelessness systems that provide valuable insight about how to co-invest resources toward improving outcomes for these individuals.

Permanent Supportive Housing would be identified as a best practice for this population. In 2019 the Oregon legislature provided 54.5 million dollars to be leveraged for additional PSH units in Oregon over the next 5 years. OHCS began implementation of the PSH priority in 2019 by convening a PSH Institute designed to train the first PSH developers, service providers and property managers for successful PILOT projects. By 2020, OHCS had one graduating class from the PHS institute and was in the middle of training a second cohort.

In addition to State funding to support Permanent Supportive Housing, OHCS also utilizes Section 811 funding and in 2021 will utilize Federal Housing Trust Funds to supplement PSH efforts.

d. **Provide funding opportunities for programs focused on reentry and supportive housing.**

Oregon Housing and Community Services (OHCS) is placing a greater emphasis on strategic planning and the way we invest our resources. In 2019 OHCS released *Breaking New Ground: Oregon's Statewide Housing Plan*. This 5 year plan identifies six priority areas the agency will focus on over the next 5 years. These six priorities include Equity and Racial Justice, Homelessness, Permanent Supportive Housing (PSH), Affordable Rental Housing, Homeownership, and Rural Communities.

In 2019, supporting the OHCS statewide housing plan, the Oregon Legislature authorized 54.5 million dollars towards the development of PSH housing. OHCS has established agreements with OHA and DHS to assure the development dollars will be tied to both supportive services and rent assistance dollars. To receive development dollars, project teams have been selected and received intensive training through an institute cohort. PSH participants will be selected through local coordinated entry systems.

The Rural Peer Network is another example of this prioritization. Focused on efforts to provide Permanent Supportive Housing, the Rural Peer Network is a capacity building process designed to educate interested parties on how to successfully implement PSH in rural areas. Combining in person and on-line training and utilizing funded by a grant from the Department of Housing & Urban Development, OHCs hopes that the Rural Peer Network is one of many efforts that will result in prioritizing Permanent Supportive Housing in Oregon.