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**STANDING AT THE INTERSECTION OF  
FAIR HOUSING AND OREGON GOAL 10  
HOUSING**

COMMONWORKS CONSULTING & FAIR HOUSING COUNCIL OF OREGON  
WITH JET PLANNING

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## 1. Introduction

In 2020, affirmatively furthering fair housing formally became an integral part of land use planning in Oregon. In that year, the Land Conservation and Development Commission adopted new administrative rules that required all Oregon cities with populations of 10,000 or greater to affirmatively further fair housing through the development and implementation of their Housing Production Strategies. Through HB 2001 (2023), the Oregon legislature affirmed this directive by stating that AFFH was one of the primary purposes of the reforms to the Goal 10 Housing Planning process.

This guide introduces the concept of “affirmatively furthering fair housing” (AFFH) in the context of land use planning to those who may not be familiar with it.

Since the inception of Oregon’s land use program, Goal 10 has required local communities to “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.” (OAR 660-015-0000(10), [goal10.PDF \(oregon.gov\)](#)). The requirement to affirmatively further fair housing is an extension of that founding principle. It means addressing disparities in housing needs, access to opportunity, and segregated living choices so that all Oregon households have more housing choices, regardless of their race, ethnicity, ability/disability, sex, national origin, or household composition.

In Section 2 of this guide, you’ll find information about the history of fair housing and an explanation of the relationship between the national and Oregon mandate to affirmatively further fair housing. Section 3 overviews four fundamental concepts that inform how to craft an affirmatively furthering fair housing element in a Housing Production Strategy. Rulemaking pursuant to HB 2001 is scheduled to take place in 2023-24. The rulemaking process will provide an opportunity to further address how to integrate fair housing into the analysis and selection of actions for housing production strategies.

Addressing imbedded development patterns, expanding housing choices for those who have the fewest, and encouraging inclusive communities is a tall order. Change does not occur overnight. This guide provides a roadmap to navigating change. The real work happens at the local level, in crafting strategies and actions that make a real difference and are effective in your community.

*“[A]ffirmatively furthering fair housing” means meaningful actions that, when taken together, address significant disparities in housing needs and access to opportunity and replace segregated living patterns with truly integrated and balanced living patterns to transform racially and ethnically concentrated areas of poverty into areas of opportunity and foster and maintain compliance with civil rights and fair housing laws.*

*Source: ORS 197A.100(9)*

## 2.0 Understanding Affirmatively Furthering Fair Housing

This chapter explores the concept of affirmatively furthering fair housing, from its origins in the civil rights movement of the 1960s to why it is needed today. It starts with the federal statute and regulations then moves on to the more recent state mandate to affirmatively further fair housing through the creation and implementation of a Goal 10 Housing Production Strategy.

### 2.1 Federal History of Affirmatively Furthering Fair Housing (AFFH)

In enacting the Fair Housing Act in 1968, Congress intended that the U.S. Department of Housing and Urban Development (HUD) and its federal funding recipients do more than simply end the discrimination in housing that characterized the early- and mid-20<sup>th</sup> century. The legislation at that time also intended for HUD to use its grant programs to assist in ending discrimination and the racial segregation that had been created in communities across the country, with the explicit intent of genuinely increasing housing choice in every community.

As such, since 1968, the federal government has recognized its role in creating segregated living patterns that continue to have negative impacts on health, education, and the economy and its responsibility to undo the effects of policies, practices, and procedures that result in a lack of equity.

For much of the late 19<sup>th</sup> and early 20<sup>th</sup> century, government at all levels throughout the United States, along with private developers, and mortgage lending institutions, played an active role in creating segregated living patterns and inequalities of opportunity. The federal government used the power of the military to remove Native Americans from their homelands, restricted federally insured mortgages on the basis of race and used "slum clearance" and "urban renewal" programs to demolish neighborhoods for infrastructure projects that largely benefitted white Americans at a significant cost to Black communities, Indigenous communities, and other communities of color. These federal programs increased or perpetuated segregated living patterns. Private housing developers also used racially restrictive covenants that perpetuated segregation and restricted access to homeownership and other housing opportunities for communities of color, among many other forms of discrimination.

The Fair Housing Act – the Civil Rights Act of 1968 -- made it illegal to discriminate in housing transactions based on protected characteristics, originally including race, color, national origin, and religion. Protections based on sex, familial status, and disability were added at later dates. In addition to making illegal those explicit discriminatory practices that had set into motion racially and economically segregated housing patterns, the Act also put in place the obligation for HUD fund recipients to proactively take meaningful actions to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity.

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*The federal obligation to affirmatively further fair housing requires recipients of HUD funds to take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, which are:*

*Race*

*Color*

*National origin*

*Religion*

*Sex (including gender identity and sexual orientation)*

*Familial status*

*Disability*

*Source: [Affirmatively Furthering Fair Housing | HUD.gov / U.S. Department of Housing and Urban Development](https://www.hud.gov/equality/affirmatively-fair-housing)*

## 2.2 History of Land Use and Segregation in Oregon

Though not unique to Oregon, a long string of events in the state's history have influenced how and where the people of Oregon have lived and come to call home.

Throughout millennia, what became the Oregon Territory and eventually the state of Oregon has been the traditional homelands of the indigenous people we know of in Oregon today: the Burns Paiute Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Klamath Tribes, as well as the dozens of other tribes, bands, and communities that exist outside of federal recognition.

These tribal communities were forced off of their traditional homelands across the state and onto reservations as white settlers began coming into Oregon in the mid-19<sup>th</sup> century. The Donation Land Act attracted settlers to the Oregon Territory, granting 320-acre land grants to white men who moved to Oregon before 1850 and 160-acre land grants to white men who arrived between 1850 and 1855. If a man was married, those land grants doubled.

Under the Act, 7,437 new land grants were made, and many earlier land claims became legitimized. In 2019, the average price for an acre of Oregon farmland was \$3,120, meaning that each white married couple who claimed land under the Donation Land Act received a subsidy that today would be worth approximately \$2 million per couple.

The idea behind the Donation Land Act was to provide an incentive for white families to move to Oregon, settle and spread out across the state, establish an agricultural economy, and, as the population and economy grew, to systematically push out the indigenous tribes living there.

The land claims under the Donation Land Act were distributed without waiting for tribes to officially cede the land through negotiated settlements, and within five years, the Oregon settler population boomed from 13,000 to 52,000, and millions of acres of native land had been stolen, now occupied by white settlers.

The land grant program for white settlers was one of the factors that has made Oregon historically a predominantly white state. During the mid-19<sup>th</sup> century, as Oregon was preparing to become the 33<sup>rd</sup> state, a series of laws excluded Black people from coming to or residing in the Oregon Territory. When Oregon was admitted to the union as a state in 1859, it was admitted without slavery, but with exclusion laws written into the state constitution. Article 35 stated: "No free Negro or Mulatto, not residing in this State at the time of the adoption of the constitution shall come, reside or be within this State, or hold any real estate". This wasn't repealed until 1926, and the actual language was not removed until 2001.

These policies of forced displacement, stolen lands, racial exclusion, and conversely the resourcing of white communities established the patterns of community development that would be repeated and perpetuated into the 20<sup>th</sup> century.

For example, in the early part of the 20<sup>th</sup> century, across the US zoning codes were used to exclude certain residents by race. When this practice was made illegal by the Supreme Court in 1924, single-family residential zones were used to exclude those same communities by economic means.

Into the early and mid-20<sup>th</sup> century, practices such as racially restrictive deed covenants and mortgage lending “redlining” further solidified patterns of residential racial segregation and racial wealth differential, rooted in access to generation wealth-building opportunities, such as homeownership.

This long history further set the stage for the involuntary economic displacement of communities of color in many cities across the US, including Portland. Large public works projects were built in disinvested neighborhoods, resulting in displacement and community-wide “root shock.”<sup>1</sup> Once disinvested neighborhoods were “gentrified” through an influx of higher income residents, often displacing current residents by increasing rents or property values and decreasing available affordable rental housing stock.

### 2.3 State and Federal Protected Classes

These dynamics of racial segregation, discrimination, and displacement and resulting inequities in housing are the roots of the fair housing protections and help provide the context for the development of certain protected classes at the local, state, and federal levels.

Protections created under civil rights laws, such as fair housing laws, are elucidated by protected characteristics. The term “protected class” refers to characteristics, such as race, religion, national origin, or disability. Within each protected class are groups that share a common characteristic, such as people with disabilities, people without a disability, people with a mobility disability, etc. Some groups are more likely to experience fair housing issues. For example, people with a disability are more likely to experience fair housing issues based on disability status than those without a disability.

Another example is the protection for familial status, meaning families with children under the age of 18. It was implemented federally in 1988 as a response to a lack of housing choice available to families with children. In Oregon, prior to the protections in 1988, nearly 70% of rentals in Oregon said, “no children allowed.”

Similarly, a state-level protection for source of income, including housing choice vouchers, implemented by the Oregon legislature in 2014, was a response to many rentals that advertised “no Section 8” or “no vouchers.”

Oregon fair housing laws also provide protections for marital status, gender identity, and survivors of domestic violence. Some Oregon cities offer protection against housing discrimination for students, and the City of Salem recently added protection based on housing status.

### 2.4 The Federal Obligation to AFFH in Oregon

All jurisdictions must comply with the federal Fair Housing Act’s basic premise of non-discrimination in housing policies. But, under the federal Fair Housing Act, only some jurisdictions are required to go a step further and take *proactive* steps to affirmatively further fair housing.

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<sup>1</sup> Dr. Mindy Thompson Fullilove uses the term “root shock” to refer to the pain associated with the collective loss of a massive web of connections that results from involuntary displacement and removal of an entire community. [Root Shock | Mindy Fullilove](#)

### *2.4.1 Understanding the geography of the federal requirement to AFFH in Oregon*

Whenever a jurisdiction receives federal housing or community development funds from the US Department of Housing and Urban Development (HUD), either directly from HUD or through the state of Oregon, it has an obligation to affirmatively further fair housing.

Some jurisdictions meet federal requirements to receive an annual appropriation of HUD funds based on formula. If a city or county receives an annual appropriation of funds from for any of the following HUD formula programs, they are considered HUD Grantees<sup>2</sup> and must periodically prepare a fair housing plan<sup>3</sup>:

- Community Development Block Grants (CDBG),
- HOME Investment Partnerships (HOME),
- Emergency Solutions Grants (ESG),
- Housing Trust Fund (HTF),
- Housing for People with AIDS (HOPWA)

The rules governing which jurisdictions qualify for an annual appropriation of HUD funds are complex and vary from program to program. In Oregon, most HUD Grantees are cities that have a population of 50,000 or more. Some counties qualify as HUD Grantees as well. The list can change over time, as jurisdictions pass thresholds that make them eligible for direct funding from HUD.

Besides cities and counties, the state of Oregon also receives funds directly from HUD, and it, too, must prepare a fair housing plan that addresses statewide fair housing issues, with an emphasis on the “balance of state”—the geographic area of the state not served by local HUD Grantee jurisdictions. Business Oregon and OHCS manage competitive grant programs to “pass through” the HUD funds they receive for projects serving the balance of state. Technically, the obligation to AFFH flows through to a jurisdiction awarded HUD funds by OHCS or Business Oregon, but the jurisdiction does not have to prepare its own fair housing plan.

Currently, there are fifteen Fair Housing Plans prepared by HUD Grantees in the state of Oregon.

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<sup>2</sup> Jurisdictions that receive Community Development Block Grant Funds directly from HUD are called Entitlement Communities, and those that receive HOME funds are called Participating Jurisdictions. For convenience, this document refers to jurisdictions that receive an annual appropriation by formula for any of the of the five covered HUD programs as HUD Grantees.

<sup>3</sup> The generic term “fair housing plan” is used in this document to encompass what HUD refers to as an “Analysis of Impediments to Fair Housing Choice,” “Assessment of Fair Housing,” or “Equity Plan,” depending on when they were adopted, and which version of federal regulations applied. These are all names for a report that identifies fair housing issues and how the jurisdiction intends to respond to them.

<b>Oregon's Fifteen Fair Housing Plans</b>		
<b>HUD Grantee</b>	<b>HUD Grantee Type</b>	<b>Plan Date</b>
<i>Statewide</i>		
Oregon	Balance of State	2021
<i>Citywide</i>		
Albany	City Entitlement	2018
Ashland	City Entitlement	2020
Bend	City Entitlement	2019
Corvallis	City Entitlement	2018
Eugene	City Entitlement	2020
Grants Pass	City Entitlement	2016
Medford	City Entitlement	2015
Redmond	City Entitlement	2015
Salem	City Entitlement	2019
Springfield	City Entitlement	2020
<i>Countywide</i>		
Multnomah County	Portland Consortium	2011
Washington County	Washington County Consortium	2020
Clackamas County	Urban Entitlement County	2022
Marion County	Urban Entitlement County	2021
Sources: US Department of Housing and Urban Development, city & county websites, electronic communications		
Notes		
In 2020, Keizer joined Marion County, forming a new Urban County Entitlement Program for CDBG & HOME		
Eugene and Springfield are in a consortium (no other jurisdictions involved), but they prepare separate AIs and submit them jointly.		

Most of the Oregon jurisdictions that prepare federal fair housing plans are cities. Oregon also has several consortiums, including Portland-Multnomah County and Washington County-Hillsboro-Beaverton-Tigard. A consortium occurs when two or more jurisdictions that qualify for HOME funds from HUD elect to collaborate on the administration of their federal programs and execute an intergovernmental agreement called a “consortium agreement.” One jurisdiction is designated as the lead agency, and it is responsible for administering the HUD programs in cooperation with the other participating jurisdictions. Portland and Washington County are the lead agencies for their respective consortiums. Oregon also has two “urban counties,” Clackamas and Marion, that qualify as HUD Grantees and thus must prepare fair housing plans.

#### *2.4.2 What’s in a fair housing plan, and how is it relevant to a Housing Production Strategy?*

Local fair housing plans can be a resource to planners working on a Housing Production Strategy under Goal 10. Fair housing plans identify local fair housing issues, prioritize which issues will be addressed, establish goals, and provide an action plan for addressing them. Fair housing plans are developed by



local staff overseeing the administration of the federal housing funds or the consultants they hire. Analytical elements of the plan typically include<sup>4</sup>:

- Basic demographic data, including information pertaining to protected classes
- An analysis of the housing-related public policies, practices, and procedures
- An analysis of demographic patterns to determine if and what kind of disparities in housing choice exist
- A review of housing-related fair lending data (Home Mortgage Disclosure Act data) to determine the likelihood of discriminatory lending practices affecting homeownership rates disaggregated by protected class.

More recent plans may also include spatial analysis elements, such as:

- Patterns of integration and segregation, including the presence of Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS)
- Disparate geographic access to community assets, including areas of opportunity.

For cities that do not have a local fair housing plan, the current Balance of State plan provides useful data at the county level, such as an analysis of federal and state fair housing complaints and an analysis of integration and segregation (Dissimilarity Index).

A common implementation action pursued in response to federal fair housing plans is to provide fair housing education and training around accessing and staying in rental housing. Other common actions include changes in how a jurisdiction directs or administers federal housing and community development funds. A few jurisdictions have adopted planning code amendments, such as changing the definition of family or refining how it addresses “group homes” (i.e., residential homes).

The table below provides links to Oregon’s current fair housing plans.

<b>Where to Find Oregon's Fifteen Fair Housing Plans in 2023</b>	
<i>Entity</i>	<i>Fair Housing Plan Website</i>
<i>Statewide</i>	
Oregon	<a href="https://digital.osl.state.or.us/islandora/object/osl%3A976811">https://digital.osl.state.or.us/islandora/object/osl%3A976811</a>
<i>Cities</i>	
Albany	<a href="https://www.cityofalbany.net/images/stories/cd/planning/cdbg/plans-reports/2018_update_to_analysis_of_impediments_to_fair_housing.pdf">https://www.cityofalbany.net/images/stories/cd/planning/cdbg/plans-reports/2018_update_to_analysis_of_impediments_to_fair_housing.pdf</a>
Ashland	<a href="https://www.ashland.or.us/SIB/files/2020-2024_Analysis_of_Impediments_to_Fair_Housing_Choice_Update.pdf">https://www.ashland.or.us/SIB/files/2020-2024_Analysis_of_Impediments_to_Fair_Housing_Choice_Update.pdf</a>
Bend	<a href="https://www.bendoregon.gov/home/showpublisheddocument/41563/637124402165400000">https://www.bendoregon.gov/home/showpublisheddocument/41563/637124402165400000</a>
Corvallis	<a href="https://www.corvallisoregon.gov/cd/page/analysis-impediments">https://www.corvallisoregon.gov/cd/page/analysis-impediments</a>

<sup>4</sup> The federal fair housing regulations changed three times over the course of the current and prior two federal administrations, resulting in significant variation among Oregon’s plans. In February 2023, HUD published proposed a notice of proposed rulemaking that essentially restores the thorough approach adopted during the Obama administration. The notice and proposed rules can be found here: [Affirmatively Furthering Fair Housing | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.fairhousing.gov/affirmatively-furthering-fair-housing)

Eugene	<a href="https://www.eugene-or.gov/DocumentCenter/View/2019/Fair-Housing-Plan-Analysis-of-Impediments">https://www.eugene-or.gov/DocumentCenter/View/2019/Fair-Housing-Plan-Analysis-of-Impediments</a>
Grants Pass	<a href="https://www.grantspassoregon.gov/1079/2016-Analysis-of-Impediments-Process-and">https://www.grantspassoregon.gov/1079/2016-Analysis-of-Impediments-Process-and</a>
Medford	<a href="https://www.medfordoregon.gov/files/assets/public/planning/hcd/plans-policies/city-of-medford-oregon-analysis-of-impediments-to-fair-housing-choice-2015.pdf">https://www.medfordoregon.gov/files/assets/public/planning/hcd/plans-policies/city-of-medford-oregon-analysis-of-impediments-to-fair-housing-choice-2015.pdf</a>
Redmond	<a href="https://www.redmondoregon.gov/home/showpublisheddocument/6055/635816243505370000">https://www.redmondoregon.gov/home/showpublisheddocument/6055/635816243505370000</a>
Salem	<a href="https://www.cityofsalem.net/home/showpublisheddocument/376/637782909091430000">https://www.cityofsalem.net/home/showpublisheddocument/376/637782909091430000</a>
Springfield	Not available online
<i>Counties</i>	
Clackamas County	<a href="https://dochub.clackamas.us/documents/drupal/6946004e-93b4-4f82-a32d-eb9cc9d8576b">https://dochub.clackamas.us/documents/drupal/6946004e-93b4-4f82-a32d-eb9cc9d8576b</a>
Multnomah County	<a href="https://www.portland.gov/phb/fair-housing#toc-analysis-of-impediments-to-fair-housing">https://www.portland.gov/phb/fair-housing#toc-analysis-of-impediments-to-fair-housing</a>
Washington County	<a href="https://www.washingtoncountyor.gov/commdev/documents/analysis-impediments-2020/download?inline">https://www.washingtoncountyor.gov/commdev/documents/analysis-impediments-2020/download?inline</a>
Marion County	<a href="https://www.co.marion.or.us/BOC/CD/CDBG/Documents/2021%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice.pdf">https://www.co.marion.or.us/BOC/CD/CDBG/Documents/2021%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice.pdf</a>

Locally prepared federal fair housing plans have data, analysis, and recommendations that are useful to planners working on a Housing Production Strategy. Planners should consult with local CDBG and HOME program managers because they are knowledgeable about fair housing, local issues, and efforts to address them. Local program managers may be very interested in talking with planners and exploring opportunities to coordinate AFFH planning and implementation efforts.

### 2.5 The Obligation to AFFH Through Goal 10 in Oregon Cities

In 2020, the Land Conservation and Development Commission adopted new administrative rules that require all Oregon cities with populations of 10,000 or greater to affirmatively further fair housing through the implementation of their Housing Production Strategies. Oregon’s requirement to AFFH changed housing planning in several important ways:

- It brought the requirement to affirmatively further fair housing to cities of 10,000 residents or more, expanding on the federal obligation that applies only to cities and counties that receive federal housing funds from HUD.
- It made AFFH part of the domain of land use planners, some of whom may not have been engaged with it previously. It may also be a new concept for elected officials and planning commissioners.
- It ensured that planning departments have an active role in identifying and addressing fair housing issues going forward.
- It helped ensure that fair housing principles are integrated into comprehensive plans, land use ordinances and other planning documents.

- It called upon cities to take concrete, incremental steps to address development patterns and policies that contribute to housing disparities, segregation, and uneven access to community assets.

During its 2023 session, the Oregon legislature reinforced the state’s commitment to affirmatively furthering fair housing through land use measures in HB 2001. The law opens as follows:

SECTION 1. (1) There is established within the Oregon Department of Administrative Services the Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further the:

- (a) Production of housing to meet the need of Oregonians at all levels of affordability; and
- (b) Production of housing in a way that creates more housing choice by affirmatively furthering fair housing, as defined in ORS 197.290.

Source: [HB2001 2023 Regular Session - Oregon Legislative Information System \(oregonlegislature.gov\)](#)

Oregon’s definition of AFFH is compatible with that found in federal statute. ORS Chapter 197A states:

“Affirmatively furthering fair housing” means meaningful actions that, when taken together, address significant disparities in housing needs and access to opportunity and replace segregated living patterns with truly integrated and balanced living patterns to transform racially and ethnically concentrated areas of poverty into areas of opportunity and foster and maintain compliance with civil rights and fair housing laws.

Source: [ORS 197A.100\(9\)](#)

Rulemaking pursuant to HB 2001 is taking place in 2023-25. The rulemaking process provides an opportunity to further address how to integrate fair housing into the analysis and selection of actions for housing production strategies.

Oregon is not the only state to integrate fair housing into land use law. California requires that local jurisdictions AFFH, and Washington cities must address racially disparate impacts. Information about these state programs can be found here:

- California: [Affirmatively Furthering Fair Housing | California Department of Housing and Community Development](#)
- Washington: [RaciallyDisparateImpactsGuidance\\_230425\\_FINAL2.pdf | Powered by Box](#)

## 3.0 Foundational Concepts

Before exploring the range of affirmatively further fair housing strategies to consider including in Housing Production Strategies, it's important to consider a few foundational ideas. This section presents four fundamental concepts that inform how to craft an affirmatively furthering fair housing element in a Housing Production Strategy.

### 3.1 Foundational Concept 1: Listen to Community Voices

Planners understand the importance of community and stakeholder engagement in developing plans and crafting policies. It is particularly important to reach out and listen to many voices in developing fair housing policies, because the future wellbeing of people experiencing housing disparities and discrimination depends on it.

Who is not at the planning table may be as important as who is present; those who cannot or do not live in the city due to barriers should be represented as well as those already living in the city. To generate a more complete understanding of fair housing issues affecting your city, consider these questions in designing your community engagement process:

1. What protected class populations in the city are experiencing fair housing issues?
2. Does the city lack the cultural, racial, and ethnic diversity that is found in the surrounding county or region? If so, who could shed light on the underlying causes of the city's lack of diversity?
3. Does the region overall, as well as the city, lack cultural, racial, and ethnic diversity? If so, who could shed light on the underlying causes?
4. How are the housing needs of residents who cannot easily speak for themselves (such as some residents who have intellectual or developmental disabilities) being represented in the planning process?

### 3.2 Foundational Concept 2: The Relationship between Fair Housing and Affordable Housing

Fair housing and affordable housing<sup>5</sup> are related but distinct concepts. Housing affordability deals with whether a household's housing costs are within its means to pay.<sup>6</sup> Housing affordability is measured in terms of a percentage of a household's income. Currently, housing is generally considered to be affordable if it costs no more than 30 percent of household income. Fair housing, on the other hand, deals with the barriers that a household may experience based on protected class characteristics.

While affordable housing and fair housing are different concepts, there is a significant overlap between some protected class groups and households with low incomes. For example, in Oregon, households with disabilities on average have lower incomes than households without disabilities. People of color are more likely to experience poverty and housing instability because of federal and local policies that have

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<sup>5</sup> Affordable housing is a term often used informally to refer to housing with rents low enough to be within the means of lower-income households. Affordable housing can be subsidized (sometimes referred to as rent-restricted or income-restricted housing), or it can be "naturally occurring" –meaning privately-owned and without special subsidies or restrictions on initial rents.

<sup>6</sup> Housing costs include rent & utilities for a renter and the mortgage, mortgage insurance, homeowner's insurance, and any condo or homeowner association fees for homeowners.

excluded them from opportunities.<sup>7</sup> Thus, households with disabilities and households of color are more likely to need housing that is *both* lower-cost and free from fair housing barriers than their counterparts.

This interrelationship between affordable housing and fair housing has important ramifications for planners working on Housing Production Strategies. Creating and preserving affordable housing are essential to addressing fair housing issues, but they aren't enough. Fair housing issues, like a shortage of rental housing for larger families with children, may still persist. **Building and preserving affordable housing are essential, but not sufficient, actions for achieving fair and equitable housing outcomes. They must be paired with other actions that address additional barriers to fair housing access** to help ensure that everyone has a fair opportunity to obtain the housing they need and can afford.

### 3.3 Foundational Concept 3: Context Matters

This guide provides ideas and models, but the real work comes in figuring out what will work locally, and which ideas show promise for making the biggest difference. Context matters.

One aspect of context is the size and capacity of the city. Larger cities may have more resources and greater ability to administer complex policies, but their problems are more complex and interrelated. It may take a lot of investment and coordination to effect change. Smaller cities, by comparison, may have less administrative capacity and funding for taking on complex projects, but they have simplicity, directness, and the relative ease of getting something done on their side. While this guide addresses how to adjust strategies based on city size, local creativity and ingenuity will yield the best adaptations.

A second aspect is the condition of the local economy and housing market. A city with robust housing growth can try to channel some of that energy into building housing types most needed by protected classes experiencing discrimination, such as smaller homes and ones with accessibility features. A city with a sluggish housing market might focus on building resources that promote affordable and accessible housing development or preserve and upgrade existing homes in exchange for affordability guarantees.

A third aspect of context is the relationship between the demographic composition of city and that of the county or region in which it is located. Two demographic patterns of note are:

- A city with significantly less diverse and less affluent population than the county or region in which it is located. Cities that fall into this category should especially consider the strategies in Section 4.3: Patterns of Integration/Segregation and Affluence/Poverty; Access to Community Assets of this guide.
- A predominantly white city in a region with similar characteristics. Cities that fall into this category would be well-served by looking at why there are so few people of color living in the area. Questions to consider include: What is the history of segregation in the region? What current obstacles prevent a more diverse population from living in the area? Who could shed light on the underlying causes of the city's lack of diversity?

### 3.4 Foundational Concept 4: Whose Obligation?

The obligation to achieve fair and equitable housing outcomes applies to the city as a whole, not just one department. Thus, the actions a city includes in a Housing Production Strategy should go beyond ones that can be implemented by the planning department alone. This expectation should be

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<sup>7</sup> See, for example, [The Color of Law by Richard Rothstein \(coloroflawbook.com\)](http://coloroflawbook.com)

considered when establishing teams and advisory groups for this project, and in how department heads, elected officials, planning commissioners, and other key stakeholders are informed and engaged.

Cities have options for how they exert influence in affirmatively furthering fair housing. For example, they can legislate, enforce, incent, and partner. Cities may be able to invest financial resources in achieving fair housing outcomes, such as donating sites for new development or creating a revolving loan fund for eligible developments, but not all actions require financial commitment. Cities can also use their influence and networks to achieve fair and equitable housing outcomes beyond their immediate scope. While a city may not be able to solve a regional or statewide problem, it could act as a champion for it in those arenas. It is important that elected officials and other key city personnel are informed and supported in being spokespeople and advocates for regional, state, and federal actions to address fair housing issues significant to the community.

Some fair housing issues are likely to involve solutions that go beyond the city's authority to execute. The city can still take action to make progress on an issue even if it cannot control the outcome, like facilitating introductions between stakeholders so that they can work on the problem. For example, city staff or elected officials in a smaller city could facilitate introductions between property managers and people in touch with members of protected classes likely to experience housing inequities, such as faith leaders (ministers, etc.), social service agencies, owners of culturally relevant businesses, and employers who have a large share of BIPOC employees or people with disabilities. The city could also promote awareness of an issue and convene public conversations and problem-solving.

Cities face funding and capacity constraints and multiple demands for those resources. There is no direct, quantifiable answer to the question, "Is our city investing an appropriate level of effort and resources towards achieving fair and equitable housing outcomes?" In addition to shifting existing resources, cities can seek outside funding or create a new local resource stream (such as a construction excise tax, a local levy, or a local bond) to implement high-priority actions. Some actions may require a minimum of resources, such as adopting new policies, championing a fair housing issue, using influence in other levels of government to advance fair housing solutions, facilitating the development of new relationships among key stakeholders, or shifting how a current practice is done. Some efforts produce more quantifiable resources, while others like encouraging diverse leadership or facilitating community partnerships may result in less traceable, intangible outcomes that nevertheless foster an overall community commitment to affirmatively furthering fair housing. Both kinds of efforts are needed.

Fully addressing a fair housing issue may take substantial time and occur in incremental steps, spanning multiple Housing Production Strategy cycles. The city should adopt and implement actions that make demonstrable progress on addressing the issue in each Housing Production Strategy cycle. Cumulatively, the actions over multiple cycles should result in improved fair and equitable housing outcomes.