Housing Discrimination in Oregon

Fair Housing is Your Right

The concept of “fair housing” recognizes that people have the right to choose where they live. Good tenants or homeowners are responsible, care about where they live, and are good neighbors. Where they were born, their place of worship, or their sexual orientation has nothing to do with it.

The unfolding of housing discrimination in Oregon parallels events and circumstances in American history. People perceived to be different have always been subject to bias in housing in the state and throughout the country. Discrimination in Oregon has been more than personal prejudice. State and federal laws have historically provided institutional sanction.

Oregon’s Long Shadow

Imagine how Oregon looked to newly arrived pioneers who undertook the arduous journey over the Oregon Trail. Rugged mountains, fertile green valleys, dense forests, abundant rivers, streams and lakes made it appear like a paradise to them. In their zeal to make a new home for themselves, most of the early white settlers were not prepared to share their lives with the American Indians who had been living here for centuries. For the most part, they did not have to, since they carried unfamiliar diseases that quickly and dramatically reduced the native population.

A series of treaties and armed conflicts between 1855-1878 drove American Indians off traditional lands, destroying the remnants of tribal society and culture. The U.S. Bureau of Indian Affairs practiced forced allotment in Oregon to 12 reservations, segregating them from white communities. The late 1870s forced Indians into the reservation system as a way to isolate them from the new inhabitants. The Dawes Act of 1887 abolished the American Indians’ communal ownership of their reservations. The act gave each eligible Indian up to 160 acres of reservation land and American citizenship in an attempt to advance their assimilation into white society. Any land left over was sold to white homesteaders.

What is Home?

What does “home” suggest to you? To many of us, it conjures up a feeling of security, comfort and a place to call your own. Home bestows a sense of belonging, a place where the family’s unique values and attitudes are reflected, and economic security. Not everyone has had the choice to participate in the American dream. Some Oregonians, even those who can afford to buy their own homes, have been prevented from freely choosing where they live.

Housing discrimination, unfortunately, can be directed at anyone of us. Landlords, real estate agents, lenders, and insurers may discriminate because they make negative assumptions about other groups of people or because they are simply unfamiliar with them. Any Oregonian could be denied housing if they have children, or because of their ethnic origin, or a disability.

Presented by the Fair Housing Council of Oregon

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Most immigrants to the Oregon Territory shared a white Protestant heritage and held conflicting values regarding African Americans. Immigrants from Northern free soil states generally opposed slavery. Immigrants from Southern and Border slave states often had strong prejudices. Small farmers from both regions viewed African Americans as a threat to their livelihood, fearing competition from slave-holding farmers. As a result of opposing perspectives between settlers, a series of exclusion laws passed between 1844 and 1857 declared Oregon a “free” state, but made it “unlawful for any Negro or mulatto to come in or reside” in Oregon.

Chinese men first ventured to Oregon after the collapse of the Manchu dynasty in 1853. They worked as miners, on the railroads and, later, in Astoria’s fish canneries. Acceptance did not come easily. The Oregon Constitution prohibited Chinese from owning land or holding a mining claim, unless they were already residents at the time the Constitution was adopted. In 1882 the federal Chinese Exclusion Act banned Chinese immigration to the United States. A dire downturn in the economy in the late 1880s further provoked anti-Chinese resentment, which frequently turned to violence. Whites were particularly aggrieved that Chinese laborers were taking jobs away from them.

**“Aliens Ineligible to Citizenship”**

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**“The Chinese are a curse and a blight to this county, not only financially, but socially and morally.”**

—Grant County News, October 14, 1885

**America’s First Civil Rights Act**

Federal, state and local efforts to counter housing discrimination began after the Civil War. The 1866 Civil Rights Act marked the birth of the legal battle to end discrimination. Oregon’s exclusion laws became unconstitutional. Citizenship and civil liberties were extended to all persons, with the exception of American Indians.

**Separate, But Not Equal**

In 1868 the 14th Amendment granted citizenship to all persons born or naturalized in the United States. Nearly 30 years later, the U.S. Supreme Court ruling in Plessy vs. Ferguson upheld the constitutionality of state laws requiring racial segregation in public places under the doctrine of “separate but equal.” This landmark ruling set an era of legally sanctioned racial segregation.

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Oregon’s Segregated Housing Patterns

By the 1920s Oregon had clearly segregated housing patterns. African Americans, and Asian domestics working forms or apprentices in white neighborhoods were repeatedly turned away. Real estate appraisers evaluated homes based on the neighborhood’s racial or ethnic composition. One real estate appraisal manual confidently ranked racial composition of neighborhoods when: “Race will have no effect on property values.” 12 English, German, Swiss, Scotch, Scandinavians; 3 North Italians; 2 Bohemians or Czechs; 1 Poles; 1 Lithuanians; 1 Greeks; 1 Russians, Jews (lower class); 2 South Italians; 1 Negroes; and 10 Mexicans, Hebrews, Americans, and American Indians. Overall Oregon’s racial climate became so unwelcoming by the 1930s that many African Americans left the state. Eugene’s five black families had lived in small neighborhoods near the Ferry Street Bridge and in west Eugene. By 1936 Salem had almost no African American population. In 1945 the Social Work Journal declared Eugene the most discriminatory city north of the Mason-Dixon line.

“Property Definitely Restricted to the White Race”

Real estate agents, looking to protect their investments, wrote restrictive covenants into property deeds. The covenants prevented white, racial and religious minorities from living in certain residential neighborhoods. An effective tool to determine minority free choice in housing. A 1930 Supreme Court ruling covenants legally enforceable. Many years later civil rights laws threw out the restrictive clauses in these covenants. In many courts the discriminator language remains as a reminder of the era in which the powers were built.

The Invisible Empire

Oregonians’ fears of non-whites and foreigners gave rise to the growth of the Ku Klux Klan, a nativist organization that claimed legitimacy with patriotic rhetoric. By 1922 Oregon’s Klan was the largest of its kind west of the Rocky Mountains with an estimated 35,000 members in approximately 60 local chapters. Its political influence extended to Oregon state and local governments. African Americans and Jews experienced the Klan’s prejudice, but Catholic Oregonians were the primary target.

Chinese Americans

Prosperous second and third generation Portland Chinese began to have real estate problems by the late 1920s. Even though they achieved the right to become American citizens with the repeal of the Chinese Exclusion Act in 1943, they continued to face discrimination in Oregon, in part because they were connected with JapaneseAmericans,

Japanese Americans

After the Chinese Exclusion Act in 1882, employers brought Japanese workers to work in fields and factories. The more successful Japanese immigrants were able to purchase their own farms, which triggered a new phase of anti-Japanese feeling. After the Chinese Exclusion Act was repealed in 1943, Japanese immigrants and American-born Japanese workers were restricted from living in certain residential neighborhoods. The more successful Japanese immigrants were able to purchase their own farms, which triggered a new phase of anti-Japanese feeling.
About 2500 African Americans lived in Oregon prior to the Second World War. The majority resided in Portland, working for the railroads as porters and red caps as well as restaurant workers and shop laborers. The outbreak of the war brought more than 20,000 additional black workers who had relocated to take jobs in the Columbia River shipbuilding yards.

Historically African American residents in Portland found themselves banned from swimming in public pools, eating in most restaurants or visiting bowling alleys, music venues or roller rinks except at designated times. They were also unwelcome in most parts of the city. The influx of new residents who moved to Portland for the war effort created a housing shortage. In 1942 the new Portland Housing Authority developed more than 18,000 housing units for wartime workers. Most of these units were restricted to white residency. Vanport, built on a flood plain along the Columbia River, was both the largest public housing development in the country and the second largest city in Oregon. It welcomed African Americans and residents socialized freely with each other in public areas. Housing, however, remained segregated.

The close of the shipyards at the end of the war resulted in devastating unemployment for African Americans who found most jobs closed to them. The City of Portland urged them to leave town and the Red Cross even provided one-way bus tickets. Despite efforts by the Urban League and other organizations to open more avenues of employment, approximately fifty percent of Portland’s African American community sought jobs elsewhere.

Japanese Internment

President Franklin D. Roosevelt signed Executive Order 9066 in 1942 to authorize the U.S. Army to remove Japanese Americans from their homes without legal review. For three years Oregon’s Japanese American men, women and children lived in internment camps in Idaho, California and Wyoming.

Resettlement in Oregon after the war brought mixed results for Japanese Americans. While many returned to their communities with little incident, others were less fortunate. Some found their businesses had been looted and encountered hostile neighbors and difficulty in obtaining mortgage loans. A conciliatory gesture towards restoring their civil liberties was given in 1949, when the Oregon Supreme Court struck down the Alien Land Law. Three years later the federal Walter McCarren Act granted citizenship rights to the Issei, first generation Japanese Americans, ending a long history of legal discrimination. Forty years later the United States paid reparations to those who had been confined to internment camps.

Japanese Internment

Beginning in 1943 more than 15,000 men came to Oregon from Mexico to work on crops under the federal Bracero Program. They were streamed into overcrowded and squalid camps rather than local neighborhoods. Unscrupulous labor contractors and farmers sometimes cheated workers of their pay and made false promises about living and working conditions. After the Bracero program ended in 1947, state and federal agencies brought Mexican migrant families to Oregon. Seasonal laborers became commonplace in the Willamette and Treasure valleys.

Children of migrant workers gather at a water pump at the Ferry Street Bridge settlement outside Eugene. OrHi CN014540

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A NEW ERA

Federal Progress

Between 1945 and 1970, the struggle to end and discrimination gained momentum, aided by three U.S. Supreme Court decisions and a national fair housing law.

In 1948, Shelley v. Kraemer declared restrictive covenants unenforceable. The 1946 Supreme Court decision in Brown v. Board of Education of Topeka, Kansas, overturned the ‘separate but equal’ doctrine and mandated school integration. This landmark case opened the door for other cases to begin a dramatic re-configuration in American life.

Jones vs. Mayer, a 1946 Supreme Court decision, held that the refusal of a private residential contractor to sell a home to an interracial couple violated the 1944 Civil Rights Act.

In 1953, the state legislature passed a Public Accommodations Bill that prohibited discrimination in the sale, rental, or financing of housing based on race, color, religion, or national origin. For the first time, a state law contained penalties for violations of the law.

The Fair Housing Act

On April 1, 1968, the assassination of the civil rights leader, the Rev. Martin Luther King Jr., stunned the world. One week later, Congress, fearing the spread of urban violence, enacted Title VIII of the Civil Rights Act, known as the “Fair Housing Act.” It was the first federal law to prohibit discrimination in the sale, rental, or financing of housing based on race, color, religion, or national origin. For the first time, a federal law contained penalties for violations of the law.

The law allowed the president to designate certain “areas of severe discrimination.” On April 11, 1968, President Lyndon Johnson signed the now historic Fair Housing Act. Although the 1968 act committed the government to the goals of fair housing, enforcement was difficult. Often it was the word of the provider might employ evasion statements or threats, or an uncooperative or indifferent attitude. Filing of an untimely complaint could result in failure to enforce a complaint. Discriminatory practices persisted. A housing provider might employ evasion statements or threats, or an uncooperative or indifferent attitude. Filing of an untimely complaint could result in failure to enforce a complaint. Discriminatory practices persisted.

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Oregon’s First Civil Rights Legislation

In 1953, the state legislature passed a Public Accommodations Bill that prohibited discrimination in hotels, motels, restaurants, and amusement areas. It was the first time a state law contained penalties for violations of the law. By 1964, the state had committed to the goal of fair housing. Enactment of the fair housing law in 1959 marked the beginning of Oregon’s civil rights legislative history. Oregon’s civil rights leaders gained victory with the passage of the state’s fair housing law in 1959.

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Urban Renewal

In the mid-1970s, two Portland neighborhoods endured the permanent affects of urban redevelopment.

Albina

By 1950, more than fifty percent of Oregon’s African American population lived in Portland’s Albina neighborhood. With the building of the Memorial Coliseum in 1954, homeowners and businesses were forced to move. In 1959, the Lощан Highway construction in the 1960s cut a path through the neighborhood. Further displacing occupants. The community suffered again with proposed expansion of Emanuel Hospital in the 1970s. Congress voted down federal funds for the expansion but not before the demolition of homes, businesses, community organizations, churches, and schools. Vacant lots remained in the neighborhood for decades.

The general position of inner North and Northeast Portland that began in the 1960s continued to displace much of the African American community. Urban renewal policies and a broader trend in favor of urban living have brought in influx of mostly white residents into Portland’s historically black neighborhoods. Trendy businesses and upscale development followed. Home values increased dramatically. In many areas, African American residents, especially renters, have been forced to find cheaper housing in outlying areas such as East Portland.

South Portland

In 1984, a new era of urban renewal began when the city of Portland selected South Portland as the site for urban renewal. With the demolition of homes, businesses, community organizations, churches, and schools. Vacant lots remained in the neighborhood for decades.

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The 1988 Fair Housing Amendments Act

The Fair Housing Amendments Act extended legal protections to families with children and people with disabilities—both physical and mental. The act increased fines and costs for violations by increasing fees and punitive damages and requiring landlords to correct discrimination on-hand and for recovery of attorney fees. In Oregon, fair housing laws began to be vigorously enforced by the U.S. Department of Housing and Urban Development (HUD), the Oregon Civil Rights Division, and private attorneys.

People with Disabilities

The Independent Living Movement of the 1970s and 1980s empowered people with disabilities to fight for their rights to independence in medicine and technology. People with disabilities moved from institutions or family settings to independent living, but barriers still remained. Most housing was inaccessible to wheelchair users. Many landlords were reluctant to rent to tenants with disabilities because they feared misuse of the rental or lack of acceptance by other tenants.

The 1988 Fair Housing Amendments Act required all new multifamily housing and housing developments with 4 or more units to be structurally modified and made accessible. Tenants with disabilities are entitled to accommodations when needed for their disabilities, such as a parking space close to their unit or a service animal in a “no pets” property.

Families with Children

Before the 1988 Fair Housing Amendments Act, more than 60 percent of renting Californians and Oregonians lived in housing that discriminated against families with children. Developers and landlords preferred to rent to single adults rather than to families because they feared general liability issues and increased costs for managing units. Developers built apartments without considering the recreational and social needs of children. “No kids” rules were legally required.

LGBT Oregonians

Gay, lesbian, bisexual and transgender Oregonians historically experienced discrimination in housing and were often harassed from housing providers. Harassment discrimination based on sexual orientation and gender identity has been illegal in Oregon since 2007. In 2012 HUD added gender identity as a protected class under the Fair Housing Act.

Creating a More Welcoming Society

Today the federal government protects us from discrimination based on race, color, religion, national origin, sex, familial status, and disability. The Fair Housing Council of Oregon still receives thousands of complaints every year on its discrimination hotline. State and national studies indicate that only one in every 20 acts of illegal discrimination is ever reported.

Fitful Progress

Progress has been made in eliminating discrimination and promoting equal opportunity in housing. Yet the goal of equal opportunity in housing remains unfulfilled. The Fair Housing Council of Oregon still receives thousands of complaints every year on its discrimination hotline. State and national studies indicate that only one in every 20 acts of illegal discrimination is ever reported.

Discrimination today is often more subtle than in the past. The blunt language of “we don’t want your kind here” may have largely disappeared, but it has been replaced by a polite façade that an apartment or house has been taken off the market, already rented, or no longer a “no pets” property. Some landlords have a hidden prejudice or a desire to limit the risk of damage to their property.

Some examples:

- An advertisement for a house with a term “long-term” will say: “No tricycles anywhere in the complex.
- A no-income property is permitted to stay vacant.
- The housing provider may not realize the effect of their policies – or they could be trying to skirt the fair housing laws.
- Some people who have acquired housing report harassment, intimidation and even acts of violence, causing them to feel unsafe in their homes.
- Some landlords have required that tenants obtain advance approval for modifications such as adding an elevator or making structural changes.
- Some landlords have required that tenants obtain written permission before making structural changes.
- Tenants with disabilities have been denied reasonable accommodations when needed for their disabilities, such as a parking space close to their unit or a service animal in a “no pets” property.

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Getting to Know Our Neighbors

Fair housing laws guarantee our right to live where we choose, but legal protection has not guaranteed that the doors to equal housing opportunity are open. Housing discrimination could still affect any one of us, whether we are poor or rich, white or black, male or female, straight or gay, single, partnered, sexual orientation or disability. Our challenge now is to work together to confront discrimination and ensure that all Oregonians are truly able to find a place to call home.