



GUIDE for EXAMINING LOCAL LAND USE WITH A FAIR HOUSING LENS

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WHAT THIS GUIDE PROVIDES

This guide provides an evaluation tool for planners, policy makers, and other practitioners.

HOW TO USE THIS GUIDE

This guide is intended to serve as an informational and educational tool for land use planners in Oregon's cities and counties. It includes a matrix intended for jurisdictions to use in undertaking an internal audit of their land use plans and implementing codes, including zoning maps, development regulations and the like. It also suggests clear and straightforward actions that jurisdictions can take to both comply with fair housing law and affirmatively further fair housing through adopting best practices.

Because the law and case history are complex, addressing all of the items on this list does not shield your jurisdiction from all potential fair housing claims or lawsuits, but it does help demonstrate a good faith effort to support fair housing.

This version of the guide is a precursor to a longer version due out in late 2014, which will incorporate expanded information on topics important to planners and other public officials concerned with land use and planning. Topics under consideration for this longer version include the intersection of fair housing and group homes, congregate living, parking and transportation standards, comprehensive plans, code administration, staff training and development, design standards and zoning maps, among others. This guide will be part of a larger toolbox produced by the Fair Housing Council of Oregon to assist jurisdictions with affirmatively furthering fair housing.

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INTRODUCTION



HOW FAIR HOUSING FRIENDLY ARE YOUR PLANS, CODES AND PRACTICES?

Many planners may not be aware of the fair housing implications of land use plans and implementing codes and how they can play an important role in promoting fair access to decent housing—a human necessity and a pathway to accessing other opportunities—for all. Where one lives determines the quality of the air one breathes, the schools children attend, the availability of active transportation options or outdoor space or whether healthy food choices can be found nearby. Housing is a platform for accessing life's needs and opportunities. While public and private investment may determine what ultimately gets built, planners and other public officials help create and manage the community blueprint through publicly-approved plans and codes.

The tools of planning—comprehensive plans, zoning maps, implementing codes and

practices—are used to help shape the range of housing opportunities in a community. For example, these tools affect the land available for needed housing, the cost of development, the processes that applicants must follow (including notice requirements and public hearings) and the overall complexity of the development process. All of these items have a direct impact on the cost, design and supply of housing for people of varying backgrounds and abilities. The location of housing of various types—in asset-rich or environmentally-poor areas—has significant implications for residents. Throughout history, certain groups of people have been precluded from accessing asset-rich housing or were otherwise limited in their choice of housing options.

To address these inequities, federal fair housing law, first enacted by Congress as Title VIII of the Civil Rights Act of 1968, prohibits discrimination in housing based on race, color, religion, national origin, sex, disability or familial status (the presence of children in the household)—the seven federal protected classes. Oregon law also prohibits

discrimination based on source of income, marital status, sexual orientationsexual orientation (gender identity), and being a domestic violence survivor. The law applies to public entities, private businesses, nonprofits and individuals.

Fair housing law does not pre-empt the ability of local government to regulate land use and zoning. However, local governments may not exercise that authority in a way that is inconsistent with federal fair housing law. Stated simply, local laws cannot overtly or otherwise have the effect of discriminating against individuals in housing on the basis of protected class.

Since the Civil Rights Era, most jurisdictions have attempted to move away from overtly discriminatory plans, codes and practices. However, vestiges sometimes remain as outdated definitions, ways of separating uses or criteria triggering conditional use permits. They may also exist as policies and practices that do not appear discriminatory on the surface but, in fact or in practice, have a disparate impact on one or more

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protected classes. A disparate impact occurs when a policy or action has a negative effect on a higher proportion of members of a protected class than those not in a protected class. Overt discrimination and disparate impact are both violations of federal fair housing law.

FAIR HOUSING, AFFORDABLE HOUSING AND NEEDED HOUSING

Fair housing and affordable housing are related, but distinct, concepts. Generally, housing is considered to be affordable when low income households (those whose incomes are at or below 60% of area median income, adjusted for family size, as determined by HUD) spend no more than 30% of their gross income on housing costs, including rent and essential utilities. Many, but by no means all, individuals who are members of protected classes need affordable housing. The degree to which there is an overlap between the population needing access to affordable housing and those who are protected by fair housing law varies from jurisdiction to jurisdiction. While this guide primarily focuses on ways land use plans

and implementing codes can support fair housing, it also contains suggestions relevant to supporting the development of affordable housing.

Fair housing and affordable housing also relate to a concept familiar to planners in Oregon: needed housing, defined in ORS 197.303 as “housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels,” including specified housing types, such as attached and detached single-family housing and multiple family housing for both owner and renter occupancy, government-assisted housing, mobile home parks, manufactured homes on individual lots and housing for farmworkers. The buildable lands provision (ORS 197.286) addresses requirements pertaining to land supply for needed housing. Oregon land use law thus helps ensure that comprehensive plans and implementing codes do not preclude the development of affordable housing (exclusionary zoning), but it does not ensure that affordable housing will actually

get built. Some of the topics covered in the second section of this checklist suggest ways that local codes can include additional provisions to support the development of affordable housing.

The housing needs analysis required of Oregon municipalities provides an opportunity to affirmatively further fair housing. While this guide does not provide comprehensive guidance on undertaking a housing needs analysis, it does contain recommendations for how to increase the land supply available for affordable and fair housing purposes, primarily through removing regulatory barriers. In addition to these solutions, jurisdictions may elect to affirmatively further fair housing by defining a few specific housing types utilized extensively by protected classes (e.g., group homes) as needed housing. Here’s why: ORS 197.307 requires that, once a need for a particular housing type has been established, that housing type must be a permitted use in one or more zoning districts with sufficient buildable land to satisfy that need, and that

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only clear and objective standards, conditions and procedures that do not discourage development of the housing through unreasonable cost or delay may be applied.

AFFIRMATIVELY FURTHERING FAIR HOUSING, NOW AND ON THE HORIZON

Jurisdictions that receive federal funds, either directly from a federal agency or indirectly through the State of Oregon, are required to affirmatively further fair housing. In addition, governments and states that receive Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG) or Housing Opportunities for Persons with AIDS (HOPWA) funds directly from the US Department of Housing and Urban Development (HUD), as well as public housing agencies (PHAs), are required to formally analyze impediments to housing choice on a periodic basis and then prepare and implement plans to address those impediments.

On July 19, 2013, the US Department of Housing and Urban Development issued a

new proposed rule regarding how HUD-funded jurisdictions must undertake that analysis. The proposed rule identifies four areas for local action: improving integrated living patterns and overcoming historic patterns of segregation; reducing racial and ethnic concentrations of poverty; reducing disparities in access to community assets such as education, transit access and employment, as well as exposure to environmental health hazards and other stressors that harm a person's quality of life; and responding to disproportionate housing needs by protected class. The land use and planning implications of this proposed rule are substantial and may, if adopted, stimulate a new level of dialogue between local housing agencies and planning departments in the jurisdictions to which it applies.



HOW FAIR HOUSING FRIENDLY ARE YOUR PLANS, CODES, AND PRACTICES?

PLANNING TOPIC	ACTION	GUIDANCE	POTENTIAL PROTECTED CLASSES	TYPE OF STANDARD
DEFINITIONS - Zoning/ Development and Building Codes	Definition of disability	If disability is defined in your code, it, at a minimum, must be as inclusive as the definition in the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Persons with disabilities are defined as individuals with mental or physical impairments which substantially limit one or more major life activities. This definition is a much broader interpretation of disability than is generally used in other applications. [US DOJ & HUD www.justice.gov/crt/about/hce/final8_1.php]	Disability	Minimum standard
DEFINITIONS - Zoning/ Development and Building Codes	Definition of family or household	If family or household is defined in local code, the definition shall not have the effect of discriminating against unrelated individuals with disabilities residing together in a group living arrangement or larger extended families who wish to reside together. [US DOJ & HUD www.justice.gov/crt/about/hce/final8_1.php] A best practice would be to avoid regulations based on who will be occupying a structure or site and instead focus on elements that are more relevant to the scale of activities a structure may generate and the size of structure or other physical characteristics.	Disability National Origin Color Race Familial Status	Minimum standard and best practice
DEFINITIONS - Zoning/ Development Code	Definitions of residential home and/or group home	Treat all residential homes and/or group homes in the same manner, regardless of whether they are licensed or not. Jurisdictions may not impose numerical occupancy limits on group housing for unrelated persons with disabilities that are more restrictive than numerical occupancy limits for any other unrelated individuals or for families. [City of San Jacinto, CA Consent Decree 6/10/14 www.justice.gov/crt/about/hce/documents/san_jacintosettle.pdf] • A best practice would be to treat all housing for individuals who have disabilities and live together in a single-unit dwelling in the same manner in the Zoning/Development Code, regardless of whether the home is licensed or unlicensed, regardless of whether it serves five or fewer people and regardless of whether it meets other provisions of the definition of licensed residential home in ORS. The Special Residences section of ORS 197.660 defines Residential Homes as follows: • Residential treatment homes, which are facilities that provide residential care and treatment for five or fewer individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence. [ORS 443.400] They are licensed by the Oregon Health Authority. [ORS 443.410] • Residential training homes, which are facilities that provide residential care and training for five or fewer individuals with mental retardation or other developmental disabilities. They are licensed by Oregon Department of Human Services.[ORS 443.400] • Adult foster homes, which are family homes or facilities 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. They are licensed by either Oregon Department of Human Services or the Oregon Health Authority [ORS 443.705]	Disability	Minimum standard and best practice

PLANNING TOPIC	ACTION	GUIDANCE	POTENTIAL PROTECTED CLASSES	TYPE OF STANDARD
DEFINITIONS - Zoning / Development Code	Definition of residential facility	<p>Treat all residential facilities in the same manner, regardless of whether they are licensed or not. Jurisdictions may not impose numerical occupancy limits on group housing for unrelated persons with disabilities that are more restrictive than numerical occupancy limits for any other unrelated individuals or for families.</p> <p>[City of San Jacinto, CA Consent Decree 6/10/14, www.justice.gov/crt/about/hce/documents/san_jacintosettle.pdf]</p> <p>The Special Residences section of ORS 197.660 defines Residential Facilities as follows:</p> <ul style="list-style-type: none"> Residential care facilities, which are facilities that provide residential care in one or more buildings on contiguous properties for six or more socially dependent individuals or individuals with physical disabilities. [ORS 443.400] Licensed by Department of Human Services. [ORS 443.410] Residential training facilities, which are facilities that provide residential care and training in one or more buildings on contiguous properties for six or more individuals with mental retardation or other developmental disabilities.[ORS 443.400] Licensed by Department of Human Services. [ORS 443.410] Residential treatment facilities, which are facilities that provide residential care and treatment in one or more buildings on contiguous properties for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence. [ORS 443.400] Licensed by Oregon Health Authority. [ORS 443.410] 	Disability	Minimum standard
USE RESTRICTIONS - Zoning/ Development Code	Zoning for residential homes and/or group homes	<p>Jurisdictions may not impose restrictions on housing for persons with disabilities that are not imposed on housing for an equal or greater number of persons without disabilities, regardless of whether the housing is licensed or not. [City of San Jacinto, CA Consent Decree 6/10/14]</p> <p>Residential homes (see definitions above) must be a permitted use in all residential zones and in any commercial zone which allows single-unit dwellings. [ORS 197.660 through ORS 197.670]</p> <ul style="list-style-type: none"> Your code must not impose use restrictions on licensed residential homes that are not imposed on other single-unit dwellings. [ORS 197.660 through ORS 197.670, www.justice.gov/crt/about/hce/documents/san_jacintosettle.pdf] Your code must not impose restrictions or standards on residential homes or group homes that are based on the degree to which the residents are disabled. Your code must not treat licensed residential homes and unlicensed residential homes/group homes differently. [City of San Jacinto, CA Consent Decree 6/10/14] <p>A best practice is to apply the same guidelines to all structures that have the size and physical characteristics of single-unit dwellings and involve a scale of activity similar to that of single-unit dwellings occupied by families.</p>	Disability	Minimum standard and best practice

PLANNING TOPIC	ACTION	GUIDANCE	POTENTIAL PROTECTED CLASSES	TYPE OF STANDARD
PERMITTING - Zoning/ Development Code	Process to develop residential homes and/or group homes	<p>Do not impose restrictions on housing for persons with disabilities that are not imposed on housing for an equal or greater number of persons without disabilities, regardless of whether the housing is licensed or not. [City of San Jacinto, CA Consent Decree 6/10/14, www.justice.gov/crt/about/hce/documents/san_jacintosettle.pdf]</p> <ul style="list-style-type: none"> Your code must not impose notice criteria on licensed residential homes that are not required for single-unit dwellings. Your code must not impose impact or permit fees on licensed residential homes that it does not impose on other single-unit dwellings. <p>A best practice would be to apply the same guidelines to all structures that have the size and physical characteristics of single-unit dwellings and involve a scale of activity similar to that of single-unit dwellings occupied by families.</p>	Disability	Minimum standard and best practice
DEVELOPMENT AND DESIGN STANDARDS - Zoning/ Development Code	Development standards for residential homes and/or group homes	<p>Jurisdictions may not impose restrictions on housing for persons with disabilities that are not imposed on housing for an equal or greater number of persons without disabilities, regardless of whether the housing is licensed or not. [City of San Jacinto, CA Consent Decree 6/10/14 http://www.justice.gov/crt/about/hce/documents/san_jacintosettle.pdf]</p> <p>This includes:</p> <ul style="list-style-type: none"> Your code must not impose design requirements on licensed residential homes that it does not impose on other single-unit dwellings. Your code must not impose siting criteria on licensed residential homes or group homes (e.g., no residential homes within 1000 feet of each other) that it does not impose on other single-unit dwellings. Note: This may be permissible if there is a current and real concern that residential homes are segregated in a certain area, separate from the general population AND there is no other way to achieve integration. [US DOJ & HUD http://www.justice.gov/crt/about/hce/final8_1.php] <p>A best practice would be to apply the same guidelines to all structures that have the size and physical characteristics of single-unit dwellings and involve a scale of activity similar to that of single-unit dwellings occupied by families.</p>	Disability	Minimum standard and best practice
USE RESTRICTIONS - Zoning/ Development Code	Zoning for residential facilities	<p>Residential facilities (see definition above) must be a permitted use in any zone where multi-unit housing is a permitted use [ORS 197.667]. Residential facilities must be a permitted or conditional use in any zone where multi-unit housing is a conditional use. [ORS 197.667]</p> <ul style="list-style-type: none"> Your code must not impose use restrictions on residential facilities that are not imposed on multi-unit housing. Your code must not impose restrictions or standards on residential facilities based on the degree to which the residents are disabled. 	Disability	Minimum standard

PLANNING TOPIC	ACTION	GUIDANCE	POTENTIAL PROTECTED CLASSES	TYPE OF STANDARD
USE RESTRICTIONS - Zoning / Development Code	Zoning for group living structures and shared living other than licensed residential facilities	Your code may regulate a facility (other than a licensed residential facility) that serves a group of unrelated persons who live together in a structure larger than a single-unit dwelling. Examples of group living structures that provide sleeping areas and at least one set of cooking and sanitary facilities include senior housing, congregate living and assisted living facilities. However, such regulations must not discriminate against the residents on the basis of race, color, national origin, religion, sex, disability or familial status (families with minor children).	NA	NA
USE RESTRICTIONS, DEVELOPMENT STANDARDS, VARIANCES, OR PROCEDURES - Zoning/ Development Code	Establishing housing types that benefit protected classes as needed housing	If your housing needs analysis establishes that a need for a particular housing type exists, then that housing type: <ul style="list-style-type: none"> • Must be a permitted use in one or more zoning districts with sufficient buildable land to satisfy that need; and • Only clear and objective standards, conditions and procedures that do not discourage development of the housing through unreasonable cost or delay may be applied [ORS 197.307] 	All	Best practice
USE RESTRICTIONS - Zoning/ Development Code	Zoning for onsite services	A residential facility with onsite services available to both residents and nonresidents of the facility should be a permitted use in commercial zones or mixed use zones that allow combined residential and commercial uses.	Disability	Best practice
MAPPING AND BUILDABLE LANDS INVENTORY - Zoning/ Development Code	Zoning for onsite services	Your community should have developable land or available sites in commercial or mixed use zones that allow combined residential and commercial uses to accommodate residential facilities with services for non-residents and residents.	Disability	Best practice
DEVELOPMENT STANDARDS, VARIANCES, OR PROCEDURES - Zoning/ Development Code	Reasonable accommodation for people with disabilities	Your code must provide an opportunity for individuals with disabilities or their representatives to request a reasonable accommodation in regulations and procedures to ensure equal access to housing for people with disabilities. <ul style="list-style-type: none"> • Examples include setback or yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; or tree removal <p>To be reasonable, the accommodation may not (1) impose an undue financial or administrative burden on the city or (2) require a fundamental alteration in the nature of the city's land use and zoning program.</p> <p>Your code should describe how one applies for a reasonable accommodation, how such requests are acted upon, and how they may be appealed.</p> <p>[US DOJ & HUD www.justice.gov/crt/about/hce/final8_1.php and also www.hud.gov/offices/ftheo/library/huddojstatement.pdf]</p>	Disability	Minimum standard and best practice

PLANNING TOPIC	ACTION	GUIDANCE	POTENTIAL PROTECTED CLASSES	TYPE OF STANDARD
ADMINISTRATION & PROCEDURES - Zoning/ Development	Reasonable accommodation for people with disabilities	To ensure that the reasonable accommodation process is available to people with disabilities and their representatives, your department should have a form and instructions available. If an applicant with a disability requires assistance in making the request, staff should provide the assistance necessary to ensure that the process is available to the applicant. [US DOJ & HUD www.justice.gov/crt/about/hce/final8_1.php and also www.hud.gov/offices/fheo/library/huddojstatement.pdf]	Disability	Best practice
PARKING STANDARDS, VARIANCES, OR PROCEDURES - Zoning/ Development Code	Parking standards for specialized housing for persons with disabilities	Your code should enable applicants developing housing for persons with disabilities to request a reasonable accommodation to existing code for parking, such as adjustments to maximum parking restrictions to accommodate parking for caregivers. Your code should have clear and objective standards defining when adjustments may be made to parking standards based on the proximity of the development to transit or the likelihood that residents will not own personal vehicles. If a variance/adjustment is required, the cost, review process, or information required should not be significantly greater than clear and objective review and should not have the effect of discouraging the request (e.g., fees, engineering study, and extent of discretionary review). Any additional information obtained from the applicant should be of sufficient benefit to warrant this additional step.	Disability	Best practice
ADMINISTRATION & PROCEDURES AND ZONING / DEVELOPMENT CODE	Conditional uses	Avoid conditional uses for residential development and limit the scope of the review for residential portions of mixed use and planned unit developments.	All	Best practice
OPERATIONS OF PLANNING & BUILDING DEPARTMENTS	Fair housing training	Jurisdiction staff should be informed about fair housing. They should know where to refer clients for information about applicable fair housing laws, regulations and best practices. They should know where to refer individuals for assistance who believe that they may have experienced discrimination. Contact the Fair Housing Council of Oregon for information on future training opportunities.	All	Best practice
OPERATIONS OF PLANNING & BUILDING DEPARTMENTS	Planning services	Planning services must be fully available to all without respect to ability/disability and national origin. Either the facility where development and permit facilities are usually provided must be accessible, or the jurisdiction must have an alternative accessible location where those services can be delivered. <ul style="list-style-type: none"> • Planning services must be available to those with mobility, auditory, vision or other disabilities. • Planning services must be available in other languages, if necessary. 	Disability National origin	Minimum standard

HOW AFFORDABLE HOUSING FRIENDLY ARE YOUR PLANS, CODES, AND PRACTICES?



In many jurisdictions, a majority of people who are subject to potential discrimination on the basis of race, color, sex, religion, national origin, disability or familial status (federal protected classes) or marital status, sexual orientation, source of income or domestic violence survivors ([Oregon State protected classes](#)) may also require lower-cost (affordable) housing. Thus, regulations, plans, codes and practices that act as barriers to the development or maintenance of affordable housing may have a disparate impact on protected classes and may violate fair housing regulations. Conversely, efforts to promote the development of affordable housing may have the effect of affirmatively furthering fair housing. However, only addressing the need for affordable housing, without also addressing other kinds of fair housing issues, is not sufficient to ensure compliance with fair housing laws or requirements to affirmatively further fair housing.

The standards below are provided for those jurisdictions that find that they have a nexus between affordable and fair housing and thus wish to encourage the development of affordable housing as one of the ways that they affirmatively furthering fair housing.

PLANNING TOPIC	ACTION	GUIDANCE	TYPE OF STANDARD
MAPPING AND BUILDABLE LANDS INVENTORY - Zoning/ Development Code	Continuing review of needed housing	Review your housing needs analysis and track how developable residential land is being built out, to ensure that sufficient housing is being built that meets the needs of the full range of current and future residents and that sufficient and appropriately-zoned land is available for needed housing. [Goal 10, OAR 660.015, ORS 197.303]	Required updates are minimum standards; ongoing review constitutes a best practice
DEVELOPMENT AND DESIGN STANDARDS - Zoning/ Development Code	Minimum lot size and affordability	Your code should not impose a minimum lot size that has the effect of pricing-out lower-cost housing. Your minimum lot size should not unnecessarily constrain the number of housing units that can be constructed on buildable land.	Best practice
DEVELOPMENT AND DESIGN STANDARDS - Zoning/ Development Code	Setbacks and affordability	Your code should not impose setback requirements that either have the effect of pricing-out lower-cost housing by requiring large lot development or otherwise constrain the supply of housing that can be used for the development of lower-cost housing.	Best practice
PARKING STANDARDS Zoning/ Development Code	Minimum parking requirements and affordability	Minimum parking requirements per dwelling unit of attached and/ or multi-unit housing should not be greater than those required of detached single-unit housing, thereby increasing financial burden on housing types that require less land and are, therefore, more affordable.	Best practice

PLANNING TOPIC	ACTION	GUIDANCE	TYPE OF STANDARD
USE RESTRICTIONS - Zoning/ Development Code	Manufactured housing and mobile homes standards	Your code must allow manufactured housing as follows: <ul style="list-style-type: none"> Allow manufactured housing that meets certain standards for minimum size, appearance and energy efficiency as permitted uses in single-unit zones (with the exception of historic districts and lots adjacent to historic districts). [ORS 197.312 through ORS 197.314] Allow manufactured housing subdivisions in single-unit zones. Allow mobile or manufactured dwelling parks in zoning districts that allow 6 to 12 dwelling units per acre. Establish only clear and objective standards for the manufactured dwelling parks. Your code must not establish a minimum lot size of less than one acre for the manufactured dwelling park. [ORS 197.303, 197.314 and 197.475 through ORS 197.492] 	Minimum standard
USE RESTRICTIONS - Zoning/ Development Code	Duplexes and affordability	Consider allowing duplexes on corner lots in single-unit zones as a means to encourage the development of affordable housing.	Best practice
DEVELOPMENT & DESIGN AND LAND DIVISION STANDARDS - Zoning/ Development Code	Small lot development and affordable land supply	Consider allowing the development of existing substandard lots (lots of record) as a means to increase the supply of affordable land available for residential development.	Best practice
DEVELOPMENT & DESIGN AND LAND DIVISION STANDARDS - Zoning/ Development Code	Flag lots and affordable land supply	Consider allowing development on flag lots as a means to increase the supply of land available for residential development.	Best practice
DEVELOPMENT & DESIGN AND LAND DIVISION STANDARDS - Zoning/ Development Code	Alley-accessed lots and affordable land supply	Consider allowing the development of housing units that are accessed solely from alleys as a means to increase the supply of land available for residential development.	Best practice
USE RESTRICTIONS - Zoning/ Development Code	Row houses & attached houses and affordability	Consider allowing the development of row houses and/or attached townhouses in single-unit zones as a means to encourage the development of affordable housing.	Best practice
USE RESTRICTIONS - Zoning/ Development Code	Single-room occupancy units(SROs) and affordability	Allow for single room occupancy units (SROs), residential hotels or rooming houses as a way to increase the supply of smaller affordable housing units. Existing hotels/motels could be allowed to be converted to single room occupancy units (SROs).	Best practice

PLANNING TOPIC	ACTION	GUIDANCE	TYPE OF STANDARD
USE RESTRICTIONS - Zoning/ Development Code	Accessory dwelling units and affordability	Allow the development of accessory dwelling units on single-unit lots as a means to increase the supply of affordable housing.	Best practice
DEVELOPMENT AND DESIGN STANDARDS - Zoning/ Development Code	Minimum density requirement in multi-unit zones	Include minimum density requirements in multi-unit zones as a way to ensure the capacity and land-efficient development needed to accommodate affordable housing.	Best practice
USE RESTRICTIONS - Zoning/ Development Code	Homeless camping provisions	Consider allowing homeless camping on up to two parcels [ORS 446.265], on land owned by faith-based organizations [US Religious Land Use and Institutionalized Persons Act of 2000] or as homeless overnight street parking in appropriate places, such as industrial zones.	Best practice
DEVELOPMENT AND DESIGN STANDARDS - Zoning / Development Code	Density bonus for affordable housing	Consider creating a density bonus for affordable housing in single-unit zones as a means to encourage the development of affordable housing. Provision could address the number of allowed units, additional floor area ratio, site arrangement /set back standards, and/or height increase.	Best practice
ADMINISTRATION & PROCEDURES AND DEVELOPMENT & DESIGN STANDARDS	Planned unit developments, cluster subdivisions	Consider including code provisions that permit planned unit developments and/or cluster subdivisions as a means to encourage the development of a variety of housing types, including those that are affordable.	Best practice
TRANSPORTATION STANDARDS AND PROCEDURES - Land Division, Subdivision, Zoning Code	Skinny streets and affordability	Consider allowing the use of skinny streets or other alternative, lower-cost street standards as a way to reduce overall development costs.	Best practice
ADMINISTRATION & PROCEDURES AND ZONING/ DEVELOPMENT CODE AND OPERATIONS OF PLANNING AND BUILDING DEPARTMENTS	Expedited review for affordable housing	Consider instituting processes for expediting the development review of affordable housing.	Best practice
ADMINISTRATION & PROCEDURES - Zoning/ Development Code and Operations of Planning and Building Departments	Financing system development charges and fees for affordable housing	Consider establishing a method of financing the cost of system development charges (SDCs) and/or permit fees for affordable housing. If your jurisdiction demands that its lien be in first position, this may render this option unfeasible for publicly subsidized housing units.	Best practice

PLANNING TOPIC	ACTION	GUIDANCE	TYPE OF STANDARD
ADMINISTRATION & PROCEDURES AND DEMOLITION ORDINANCE(S)	Demolition permits and encouraging relocation of structures for affordable housing	Consider requiring that property owners applying for demolition permits be notified that nonprofit organizations may be willing to accept donations of the improvement as an alternative to demolition.	Best practice