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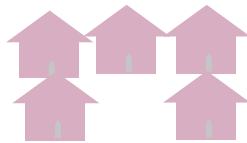
Neighbor

Guide

How to advocate for inclusive development in your community



**FAIR
HOUSING
COUNCIL**
OF OREGON



The Fair Housing Council of Oregon (FHCO) is a nonprofit civil rights organization driven to eliminate illegal housing discrimination through enforcement and education. We promote equal access to housing by providing education, outreach, technical assistance, and enforcement opportunities. This guide is produced by FHCO to help community advocates participate in local land use decisions on housing projects, and to build a network of advocates who can report local concerns to FHCO in time to allow for effective participation.

Together, we can build diverse and vibrant communities where everyone feels welcome and everyone has a safe place to call home.

What is Fair Housing?

The Fair Housing Act (FHA) ensures equal access to housing regardless of race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status, or disability (the seven FHA **protected classes**). A wide range of housing-related activities are required to follow fair housing law, including renting, selling, lending, zoning, and providing insurance.

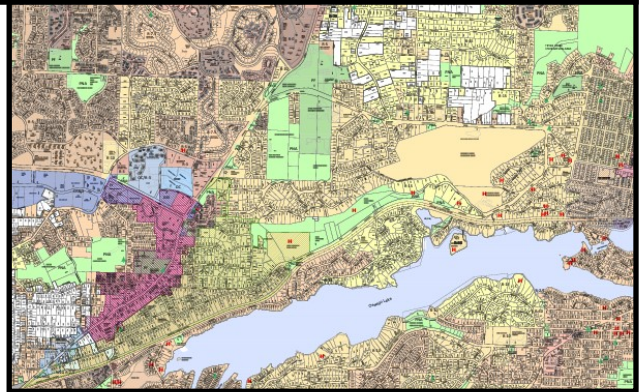
The FHA does not pre-empt the ability of local governments to regulate land use and zoning. However, local governments may not exercise that authority in a way that has the effect of discriminating against individuals in housing on the basis of one or more of the seven protected classes. The FHA also outlaws government actions that may not be overtly discriminatory, but which disproportionately affect protected classes (**disparate impact**).

Oregon adds to the protections of the FHA. To the seven protected classes it adds five more: a person's marital status, source of income (including Housing Choice/Section 8 Vouchers), sexual orientation, gender identity, and status as a victim of domestic violence. **Thus, in Oregon, local governments may not exercise their authority in any way that has the effect of discriminating against individuals of these twelve protected classes. Jurisdictions can, however, add their own protected classes. Common examples include age, occupation, and military or veteran's status.**

Fair Housing and Land Use

By some measures, the United States is as racially segregated today as it was in 1918. Why has this legacy endured if housing discrimination has been illegal since 1968? One major reason are municipal decisions — like zoning and development codes — which replaced overtly racist restrictions with restrictions on the form and function of buildings.

By separating housing types by density and cost, the users of those different housing types could be separated as well.



In most communities, the majority of people who need affordable or supportive housing are also people whose access to housing choice is protected under fair housing law. For example, in many communities, a greater share of people of color, people living with disabilities, and families with children may need more affordable and varied housing; **thus, restrictions on the siting of a subsidized or supportive housing project would have a disparate impact on these groups.**

Oregon Needed Housing

Oregon's state land use planning program contains requirements, through **Statewide Planning Goal 10**, to ensure adequate land is available for housing development to meet the needs of the future population.



In addition to Goal 10, Oregon protects many proposed housing developments from discretionary review as a way to limit effects of both implicit and explicit bias. Such developments are termed **needed housing**, defined by ORS 197.303 to include rented and owned housing at all price levels, mobile/manufactured homes, government assisted housing, and housing for farmworkers.

Needed housing must have a **clear and objective review** option (ORS 197.307(4)). This means that the standards could form a checklist, which, if met, will allow the development to be approved. For example, a city cannot require new projects to be "compatible with existing neighborhood character", because this requires discretion to determine what "neighborhood character" is. Furthermore, regulations "May not have the effect, either in themselves or cumulatively, of discouraging needed housing through **unreasonable cost or delay**." An example of unreasonable cost or delay would be a city requiring expensive architectural detailing or additional local review or neighborhood meetings only for certain housing types.

Obstacles to Housing Development

So, if cities and counties must plan for needed housing, why do we have an affordable housing crisis? FHCO hears about a number of reasons, including difficulty procuring funding, a lack of available land, the cost of updating infrastructure, and community resistance, or "**Not in My Backyard (NIMBY)**" attitudes.

NIMBY-ism is often based on stereotypes about affordable or public housing and the people who live there. Some of these assumptions come from outdated perceptions of low-income housing as poorly made, brutalist apartment towers. In reality, these housing types are largely held to the same design and construction codes as market rate housing.

You may also hear people expressing fears that this housing will cause an increase in crime or a lowering of property values. **However, decades of research have found that dispersing affordable housing in high opportunity areas can have a beneficial impact on citywide crime rates and property values.**

Obstacles to Housing Development

Finally, there is what is referred to as the "**Magnetism Myth**," or the idea that the building of shelters or transitional housing will attract people from outside the community. Yet the simple fact is that in many cities, around 75% of people experiencing houselessness have been in the city for at least two years. A large amount of houselessness may not be visible because people are sleeping on a family member's couch, or in their car on public land.

If, even after hearing these realities, community members are still raising opposition to needed housing, it is important to remember that while residents have a right to speak out against housing for discriminatory reasons, those reasons cannot be the basis for elected officials to be making their decisions.

How You Can Help

Oregon's **Statewide Planning Goal 1** ensures that community members have a number of opportunities to make their voices heard in land use processes. Ask your local planning department to be on any email lists of proposed projects to ensure you know what is happening and when.



- ♦ Great questions to ask your local planning department about a proposed project include: **What zoning standards apply? How will the project be reviewed? How can I best participate in the process?**
- ♦ If you are concerned about fair housing or needed housing violations, even if you don't know precisely which laws apply, **reach out to FHCO.**
- ♦ **Gather and educate new allies.** This will not only help arrest false stereotypes before they arise, but amplify your ability to create positive change. You can then **participate with your allies in-person at official meetings or through written testimony.** Written testimony must be received before planning commission and city council meetings, so remember to keep your dates in order.
- ♦ Finally, **stay informed** by reading your local news and the more in-depth guides on the FHCO website, in order to be prepared to advocate for future housing projects and more inclusive housing regulations.

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Dept. of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.