

Building Inclusive Communities

A Guide for Public Officials





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Fair Housing Council of Oregon, Winter 2024

Have a fair housing question or complaint in Oregon? Contact our housing discrimination hotline anytime via email at enforcement@fhco.org or through our website. Please be sure to include your name, contact information, race & ethnicity, city & zip code, and as much detail as possible including dates and nature of incident(s). Providing this information will help us to assist you better.

Developed and written by Commonworks Consulting with JET Planning

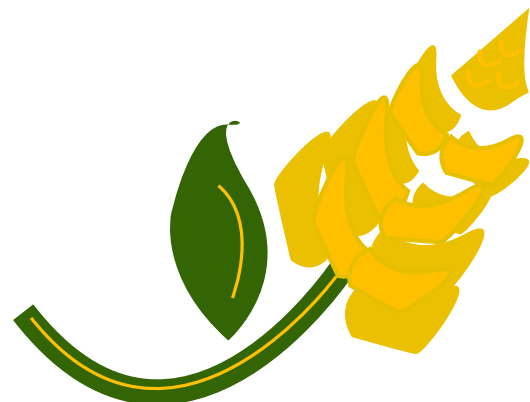
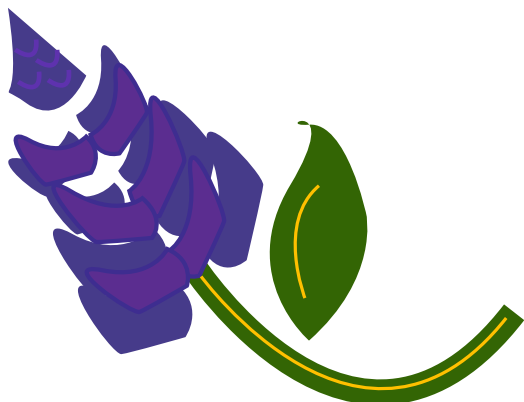
Design and layout by Jean Dahlquist

The author gratefully acknowledges the assistance and contributions of the Oregon Department of Land Conservation and Development in preparing this guide.

The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development (HUD). The substance and findings of this 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.

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1. Introduction

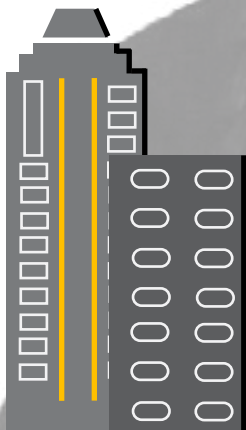
Is this Guide for You?

If you are a planning commissioner, elected official, or a city or county staff member who is unclear about what fair housing has to do with land use planning, then this guide is for you. If you are a local staff or official looking to support fair housing, this guide is for you. Staff from other departments and agencies that intersect with housing or land use, such as building officials or social services providers, as well as housing developers and community advocates, may also find this guide useful.

This guide is about land use planning and management through a fair housing lens, with an emphasis on housing that meets the needs of those most challenged to find a suitable place to live. The goal is to **create inclusive communities by expanding housing choice and affirmatively furthering fair and equitable housing**. Expanding housing choice means both reducing the barriers that people experience in finding and securing housing that meets their needs and budget and increasing the range of good housing options available to them.

Chapter 2 introduces fair housing and how it is intertwined with land use planning historically and today. Chapter 3 is about how land use planning can foster inclusive communities, places where everyone is welcome. It addresses ways to integrate fair housing principles into the Oregon Goal 10 housing planning process. Planning staff seeking formal guidance on Goal 10 should consult the authoritative materials provided by the Department of Land Conservation and Development (DLCD)¹.

¹ Should there be a conflict, guidance provided by DLCD supersedes information in this guide. DLCD guidance is authoritative and is likely to be more detailed and timelier.



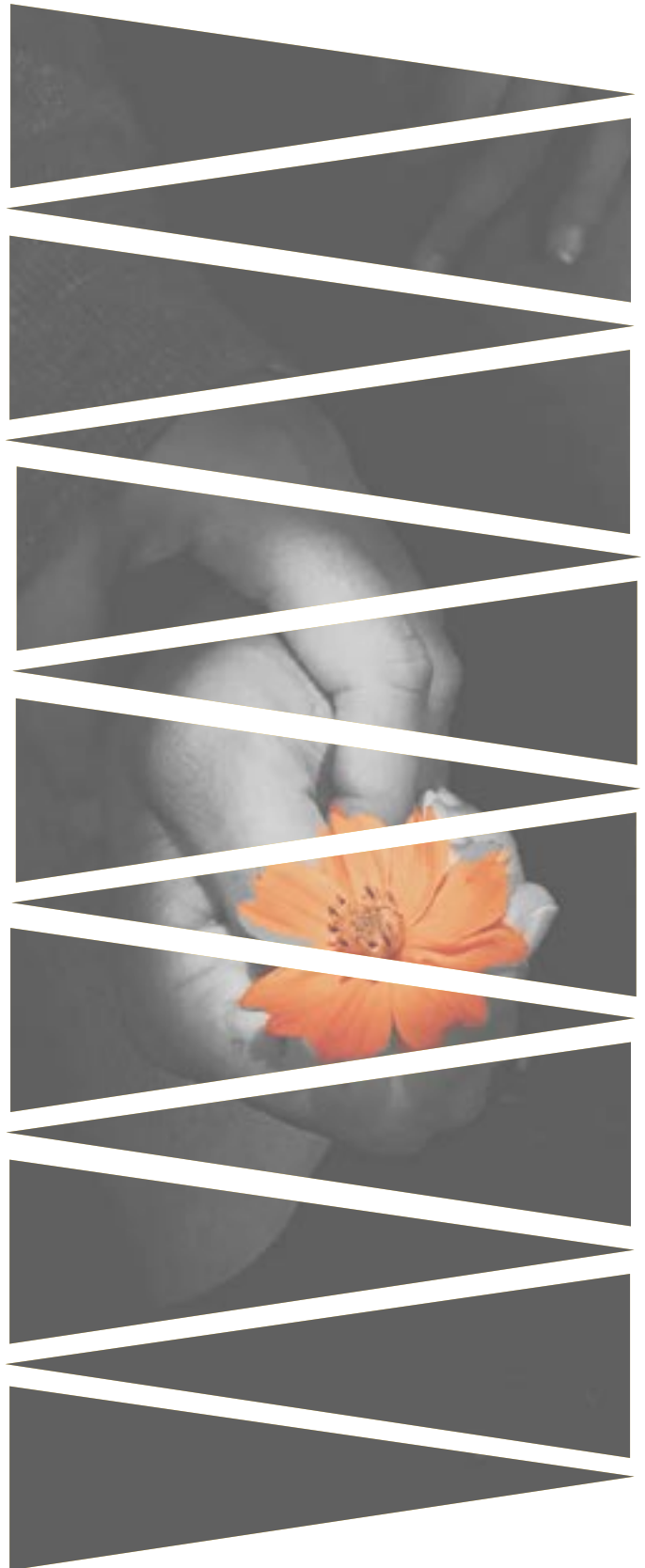
Why You Should Use This Guide

Oregon faces a critical shortage of all housing, but most especially housing affordable to households and individuals with modest incomes. In 2021, the state needed an estimated 140,000 more housing units just to meet current demand at all income levels. Nearly 30% of the projected 580,000 housing units required to meet housing need through 2042 (twenty years) must be affordable to Oregon's lowest-income residents and require public funding.²

Many have called for cutting regulations and streamlining processes to address this crisis. But slashing regulations does not ensure that Oregonians will get more of the housing needed most, nor does it address existing housing issues like segregated neighborhoods, racial and ethnic disparities in homeownership, new development that maximizes profit over housing diversity and opportunity, homes full of barriers for people with mobility challenges, and living environments where older adults cannot age in place. So, it is important to also do things differently. That's where this guide to Building Inclusive Communities comes in.

Changes in laws and practices take time to bear fruit. As you go down this path, remember you are trying to change the course of an ocean liner, not a kayak. But if that ocean liner doesn't start to change course now, it won't ever get to its destination. Invest now in doing things differently so that the next generation can live in more inclusive communities, places where everyone can find a suitable home.

² Source: [20220201_RHNA_Interim_Framework_Report.pdf \(oregon.gov\)](#). These figures are based on pilot effort to estimate statewide housing need. Since this time, the methodology has been revised to better account for second homes and vacation homes.



Key Housing Terms

In this guide, the term *housing types* is used to refer to the way structures are built. It includes single-family detached houses, townhouses, plexes (duplexes, triplexes, and quadplexes), multifamily, accessory dwelling units, single room occupancies, and so forth. It also includes various construction methods, including manufactured, prefabricated, and site-built housing.

Housing affordability refers to the ability of households to afford housing if they are to pay no more than 30% of their gross income for housing costs. While *housing affordability* is a consideration for households at all income levels, the term *affordable housing* typically means housing affordable to households with lower incomes. How low? That depends on the context. For example, ORS 197A.470 pertaining to time limits for processing development applications defines *affordable housing* as being affordable to households earning 60% Median Family Income (MFI), whereas ORS 197A.445 requiring cities to permit affordable housing developments outright across most zones defines it as being affordable to households earning 80% MFI for a minimum of 30 years. Sometimes the law also specifies ownership (e.g., nonprofit-owned housing). Because the term *affordable housing* is used fluidly, check individual laws to identify what is meant.

Housing tenure refers to ownership structure. Rental housing is owned by a non-resident property owner or landlord. Owner-occupied housing, as the name implies, is owned by one or more residents. Mixed tenure, also called divided asset ownership, sometimes occurs, as in the case of investor-owned manufactured dwelling parks with owner-occupied manufactured homes. While jurisdictions are required to provide for both rental and owner-occupied housing, they are prohibited from requiring specific projects to be for sale or rent per ORS 197A.465.

Government supported housing refers to housing financed in whole or part by government subsidy from the federal, state, or local government or a housing authority, per ORS 456.005. It includes site-specific subsidies, such as low-income housing tax credits, or household-specific subsidies, such as Section 8 or Housing Choice vouchers. It excludes indirect or market-wide subsidies that affect housing units produced by the private market, such as the Mortgage Interest Deduction³ or highway investment.

³ While not often considered a housing subsidy, the federal Mortgage Interest Tax Deduction is the largest single housing subsidy

Naturally occurring affordable housing means low-cost housing that was not built with direct government subsidy. It may include older apartments, manufactured dwelling parks, and, in some cities, older single-family dwellings for rent.

Housing Affordability by Income Level

The Oregon Housing Needs Analysis analyzes housing need for five income levels:

- Housing affordable to households making less than 30 percent of median family income;
- Housing affordable to households making 30 percent or more and less than 60 percent of median family income;
- Housing affordable to households making 60 percent or more and less than 80 percent of median family income;
- Housing affordable to households making 80 percent or more and less than 120 percent of median family income; and
- Housing affordable to households making 120 percent or more of median family income.

Source: ORS 194.453(4)

provided by the federal government. In 2015, it cost \$90 billion, while the combined price tag for federal housing assistance to low-income households such as housing vouchers and public housing was \$51 billion. Source: <https://talkpoverty.org/2016/06/30/biggest-beneficiaries-housing-subsidies-wealthy/index.html>.

A black and white photograph of a residential street. The street is lined with trees, and several cars are parked along the side. The image is used as a background for the text.

A Note About Affordable Housing and Fair Housing

Fair housing and affordable housing are related but distinct concepts. Housing affordability deals with whether a household's housing costs are within its means to pay. Fair housing, on the other hand, refers to barriers that a household experiences based on protected class characteristics.

Because a disproportionate share of some protected class groups, such as Latinx households or people with disabilities, have low incomes, these groups have a disproportionate need for government-supported and naturally occurring affordable housing. Thus, a nexus between fair and affordable housing exists.

Supporting the creation and preservation of affordable housing is essential to affirmatively furthering fair housing, but it is only part of the solution.

2. Federal Fair Housing Basics



The federal Fair Housing Act (FHA) was adopted as part of the sweeping Civil Rights Act of 1968 in the wake of the assassination of Dr. Martin Luther King. It makes equal access to housing regardless of one's race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status (the presence or absence of children under the age of 18 in the household), or disability the law of the land.

"Protected class" refers to a social characteristic, such as sex. Within each protected class, some population groups are more likely to experience discrimination than others. For example, testing by the Fair Housing Council of Oregon consistently finds that Black and Latinx households experience discrimination in seeking rental housing⁴.

Currently, there are seven federal "protected classes." Oregon has designated several additional protected classes statewide. Some cities and counties have adopted local ones as well. This guide focuses on land use and zoning-related fair housing issues, but the FHA also applies to a range of housing-related activities, including renting,

⁴ Differences in how prospective rental applicants were treated based on their race were found in 26.4% of matched pair tests conducted by the Fair Housing Council of Oregon between 2014 and 2022. People of color were shown fewer options, told that there were no vacancies, or experienced other unfavorable conditions when compared to white applicants with similar or not quite as good rental qualifications.

selling, lending, and providing insurance.

Federal Protected Classes

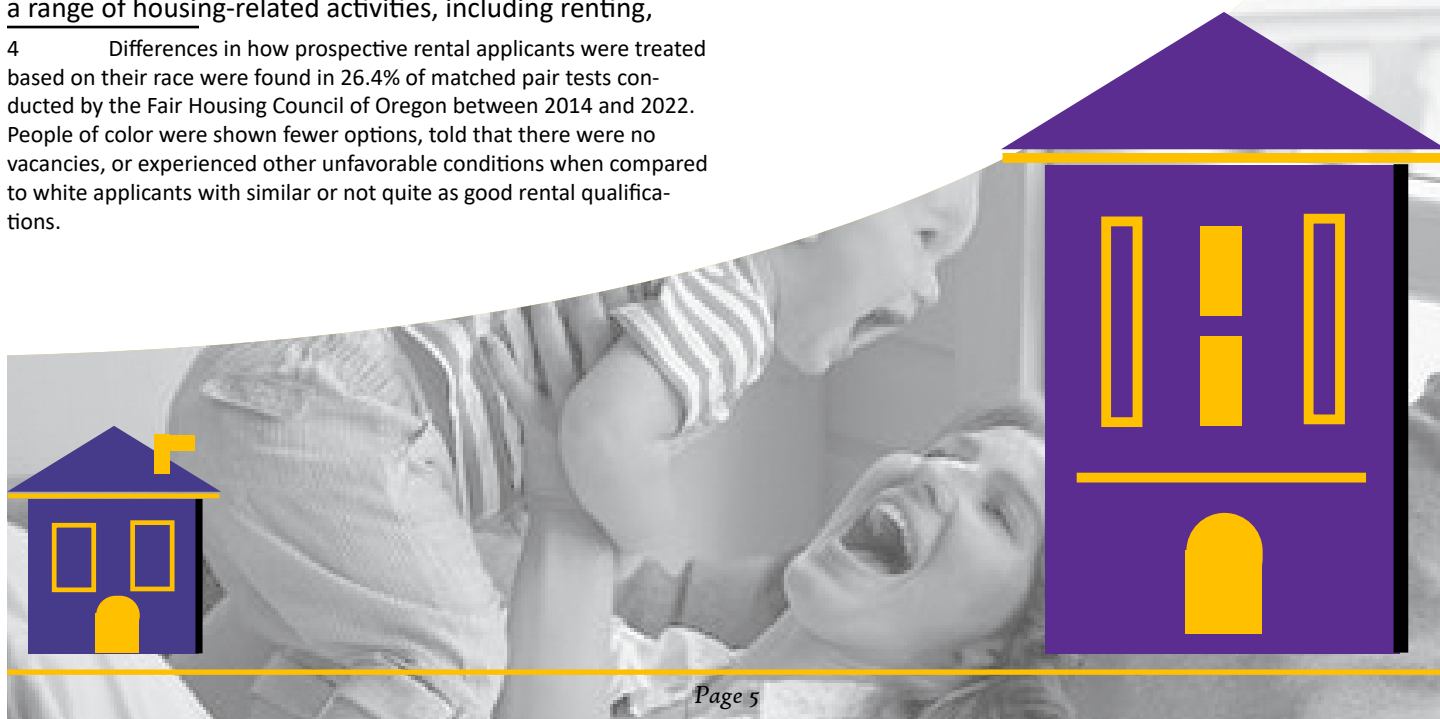
- Race
- Color
- National Origin
- Religion
- Sex (including sexual orientation and gender identity)
- Familial Status
- Disability

Additional Oregon Protected Classes

- Marital Status
- Source of Income

Locally-Designated Protected Classes

[OregonProtectedClasses_FHCO_2021.pdf](#)



What is Meant By Discrimination?

When the term discrimination is used, overtly racist, sexist, homophobic, or able-ist actions may come to mind. But discrimination today is likely to be more subtle. Housing discrimination takes many forms, and all are prohibited by the FHA. Here are some examples:

- Direct Evidence: Actively and openly limiting access to housing options based on an individual's protected class status, such as the presence of a disability or national origin.
- Unequal Treatment: Treating people differently based on their protected class status, like charging a household with children a higher security deposit than an adult-only household.
- Disparate Impact: Taking actions or adopting policies that have a disproportionate and negative effect on a protected class group while appearing to treat everyone the same. Because this type of discrimination is particularly relevant to land use and housing policy, it is discussed further in Section 3 of this guide.
- Institutionalized or Systemic: Discrimination that is widespread and deeply embedded in values, policies, and practices. Systemic discrimination can be hard to recognize because it feels "normal," simply the way things are. For example, policies that support the perpetuation of segregated neighborhoods are embedded in land use codes throughout the US. It takes a conscious effort to see how those laws foster racial, ethnic, and economic segregation and to change them.



A Brief History of Segregation and Land Use in Oregon

Oregon, like other states, has a long history of discriminatory housing practices which contribute to persistent economic and social patterns of residential segregation and intergenerational wealth gaps. For millennia, the area that became the Oregon Territory and later the State of Oregon was home to indigenous people. These tribal nations were forced off their traditional homelands and onto reservations as white settlers began coming into Oregon in the mid-19th century. The Donation Land Act of 1850 encouraged white families to move to Oregon, build farms, and spread out across the state. The land claims were distributed without waiting for tribes to officially cede the land through negotiated settlements. Within five years, the Oregon settler population boomed from 13,000 to 52,000, and millions of acres of native land had been stolen and occupied by white settlers.

The land grant program for white settlers is just one of several laws that made Oregon a predominantly white state. During the mid-19th century, as Oregon was preparing to become the 33rd state, a series of laws excluded Black people from coming to or residing in the Oregon Territory. Article 35 of the Oregon State Constitution 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 law was not repealed until 1926, and the actual language was not removed until 2001.

Chinese immigrants, once the second largest racial group in Oregon after whites, faced their own exclusionary barriers in the 1859 constitution. “No Chinaman, not a resident of the state at the adoption of this constitution shall ever hold any real estate or work in any mining claim therein.” While there was an unwillingness to ban Chinese labor, the government made it clear that they were not to be regarded as permanent residents. This provision was not repealed until 1946.

In the early part of the 20th century, early zoning codes across the US were used to explicitly exclude certain residents by race. Oregon was no exception. When this practice was made illegal by the Supreme Court in *Buchanan v. Warley* (1917), single-family residential zones and racially restrictive deed covenants were used instead to achieve similar aims.

During WWII, the United States forcibly relocated and incarcerated thousands of people of Japanese descent, most of whom were from Pacific Coast states. They lost their homes, their businesses, their neighbors, and their communities. More than 4,000 Oregon residents of Japanese descent were forcibly relocated, only to return to discrimination and reduced opportunities.

Mortgage lending “redlining” further solidified patterns of residential racial segregation. Later in the century, urban renewal projects and highway building disproportionately displaced people of color and low-income households. Today, economic displacement and gentrification remain active threats in some areas.

This history means that Oregonians have a lot of work to do to recognize, understand, and address old patterns of racial and economic exclusion that persist. Subtle vestiges of discriminatory laws still haunt our land use and planning practices today.

Affirmatively Furthering Fair Housing in Federal Law

Affirmatively furthering fair housing means going beyond not discriminating. It means taking meaningful actions to address disproportionate housing needs, overcome patterns of segregation, and racially/ethnically concentrated areas of poverty. It means fostering inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

The Fair Housing Act (FHA) requires jurisdictions that receive federal funding for housing to affirmatively further fair housing. If a jurisdiction routinely receives an annual appropriation from any of five funding sources managed by the US Department of Housing and Urban Development (HUD),⁵ they must prepare and implement a fair housing plan on specified cycle, typically every five years. Currently, fourteen local jurisdictions and the state of Oregon have fair housing plans. Most are cities with populations of 50,000 or greater, but the list includes some counties as well. The State of Oregon plan covers the balance of state, that is, the areas without their own local fair housing plans. As jurisdictions meet eligibility thresholds, the list changes slightly over time.

These federally mandated fair housing plans contain extensive data and analysis about local housing needs and disparities. They also describe what a jurisdiction has committed to do to affirmatively further fair housing. They are an important local resource, and planners should consult these plans and meet with local housing staff as part of their local Oregon Goal 10 housing planning process.

Oregon's Fifteen Fair Housing Plans		
HUD Grantee	HUD Grantee Type	Plan Date
<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.

R Resources

Defining Affirmatively Furthering Fair Housing

Federal

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

State

[ORS 197A.100\(9\)](https://legislature.oregon.gov/ORS/197A/197A.100(9).htm)

⁵ The five HUD programs are Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), Housing Trust Fund (HTF), and Housing for People with AIDS (HOPWA).



3. Fair Housing and Oregon Goal 10 Planning

Goal 10 Housing: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density...

Excerpt from Oregon Housing Goal 10, [goal10.PDF \(oregon.gov\)](#)

Towards a Marriage of Systems

Goal 10 Housing was among the first 14 Statewide Planning Goals that LCDC adopted in 1974 to form the backbone of Oregon's land use planning system. Goal 10 Housing requires cities to plan for the availability of needed housing.

Needed housing, and its related features of affordability, type, density, and location, are concepts central to Oregon housing planning. Oregon cities must demonstrate that they have sufficient land available to accommodate the projected 20-year need for these types and any locally designated types of needed housing. Needed housing is what cities must "plan for."

Oregon's Goal 10 Housing and the federal Fair Housing Act were inspired in part by a similar impulse—ensuring housing choice for everyone—and were adopted within a few years of each other. The connection was cemented beginning in 2019, when state regulations and laws began to embed federal affirmatively furthering fair housing principles in the Goal 10 housing planning process.

However, the two laws take different approaches to expanding housing choice. Federal law focuses on people--*protected classes*--to promote housing choice, whereas Goal 10 initially focused on land use planning for physical buildings--*needed housing*. However, the inclusion of affirmatively furthering fair housing in the Goal 10 housing process elevated the importance of expanding decent

housing choices for people who have the fewest. Who has the fewest housing choices? Members of protected class groups, like people of color and people with disabilities.

The federal and state laws also have different geographic scopes. Federal law requires cities of approximately 50,000 or greater to affirmatively fair housing through fair housing plans, while the state obligation extends to Oregon cities of 10,000 or greater that produce Housing Production Strategies.

This section addresses four aspects of promoting inclusive neighborhoods through land use planning in Oregon:

- Updating your comprehensive plan and the Goal 10 Housing Planning Process
- Incorporating fair and inclusive community engagement and decision-making
- Establishing and following fair and inclusive regulations and procedures
- Understanding shelters and emerging housing types

The recommendations are in keeping with both federal and state fair housing law.



State Housing Council Chair Betty Niven of Eugene (pictured) and Homebuilders Association lobbyist Fred VanNatta advocated for the creation of a housing goal in 1974.

Plan for Fair and Inclusive Communities

When the state legislature revamped the Goal 10 Housing Planning Process in the early 2020s, they established two goals:

- the production of housing to meet the need of Oregonians at all levels of affordability; and
- the production of housing in a way that creates more housing choice by affirmatively furthering fair housing.

The diagram below illustrates the process that cities with populations of 10,000 or greater must follow to periodically study and plan for the housing needs of both current and future residents.

The cycle begins with the Oregon Housing Needs Analysis (OHNA), an annual 20-year estimate of housing needs statewide by the Oregon Department of Administrative Services (DAS). DAS allocates that 20-year need to local governments and also provides a total Housing Production Target and the number of units needed at specified income levels for each city and urbanized area in the state annually.

Cities, through a Housing Capacity Analysis, determine whether they have sufficient buildable land within their Urban Growth Boundary to meet those needs, and what kinds of comprehensive plan and code changes may be



Source: Department of Land Conservation and Development

needed to meet those needs. Cities also develop and adopt a Housing Production Strategy that describes actions that a jurisdiction will take to support the development of needed housing and promote housing choice. Finally, cities implement their Housing Production Strategy and report annually on housing production to track progress. The housing planning cycle is repeated every six (Portland Metro) to eight (balance of state) years to update city plans and evaluate their progress.

R Resources

Plan to accommodate needed housing on a regular schedule

Housing Needs/Capacity Analysis (HNA)

[DLCD Housing Capacity and Production Overview & Goal 10](#)

Integrating Affirmatively Furthering Fair Housing into Your City's Housing Production Strategy

Cities are required to achieve fair and equitable housing outcomes through the implementation of their Housing Production Strategy. The Strategy must affirmatively further fair housing as well as identify strategies to make progress towards a city's Housing Production Target. Affirmatively furthering fair housing means taking proactive steps to address housing disparities, patterns of segregation, and disparate access to community assets.

Before you can identify the right strategies, however, you must identify the problems. Fair housing plans required by the federal government of jurisdictions that are annual HUD Grantees contain data and research directly related to housing needs of protected classes. They also lay out strategies and actions to affirmatively further fair housing. If your city is covered by a fair housing plan, consult it,⁶ or, if you don't, refer to county-level data in the state's fair housing plan.⁷ Research barriers experienced by members of protected classes in your area. Look for fair housing problems embedded in planning and land-use related policies and practices, such as those propping up segregation by income and race/ethnicity.

Here are some recommendations for identifying fair housing issues:

- Identify the primary populations facing housing challenges like cost burden. Consider race, ethnicity, housing status (whether housed or unhoused), types of disability, age, and household types (such as single-parent households).
- Look at regional demographics, as well as those of your city. Identify protected class groups in the region but not in your city and consider what barriers might be preventing them from living in your community.
- Look for barriers that prevent local protected class groups from accessing each of these specific housing options: 1) rental housing, 2) homeownership opportunities, and 3) housing with needed accessibility adaptations. Go deeper than the shortage of low cost and government-supported housing. While that is a pervasive and important problem, it's not the only one to solve.

⁶ See page 8 of this guide for a list of jurisdictions that produce HUD-mandated fair housing plans.

⁷ Oregon's 2021-25 Analysis of Impediments to Fair Housing Choice can be found here: [Con Plan Dividers \(oregon.gov\)](https://www.oregon.gov/DEED/Planning/Pages/ConPlanDividers.aspx)



- Examine your city's geographic pattern of integration and segregation and consider its relationship to patterns of affluence and poverty, locations of community assets like good schools, and exposure to environmental harms.

Consider what can be accomplished through your land use planning system, such as changes to the comprehensive plan, capital improvement plan, zoning map and code, fee schedules, development incentives, and programs. Also consider changes to processes and procedures within both the planning commission and the planning department. But don't stop there.

The obligation to affirmatively further fair housing applies to the entire city, not just one department. So, be sure to include elected officials and city leadership, other city departments including public works, engineering, parks, finance, and administration, as well as potential partners like housing developers, culturally specific organizations, and social service providers in the Housing Production Strategy planning process and work to secure commitments from them.

After the HPS is adopted, decide how to integrate periodic progress reports to your planning commission, city council and key partners to keep them engaged in implementation.

Increasing Housing Choice through Supporting the Development of Diverse Housing Types



In 2023, the City of Gold Beach, which has a population of less than 2,500, passed the Housing Advancement Project, which combined all existing residential zone types into a single residential zone. The City also allowed middle housing types by right. These changes had the effect of simplifying the permitting process, saving time and money. In the long term, it may also lead to more inclusive development patterns, with housing of all types and densities side-by-side one another in every neighborhood.

Oregonians have diverse housing needs, and they change over the course of a lifetime as households grow and contract, and abilities change with age. Average household size has been shrinking over the decades, while average dwelling size has increased. Currently, most Oregon households—approximately 60%—are comprised of one or two individuals, of which more than a quarter are single individuals who live alone. Nearly one in five Oregonians are older adults over the age of 65.

Simply planning and zoning land within a UGB for a bifurcation of single-family detached homes and multifamily apartments does not provide for an abundance and diversity of affordable options. Housing options like accessory dwelling units (ADUs), middle housing types (plexes, townhomes, and cottage clusters), manufactured and modular homes, single-room occupancy developments (SROs), and other housing options play an important role in meeting the evolving housing needs of Oregonians. Accessibility or adaptability features that go beyond the minimum required in state building code, like ensuring that all new bathroom walls are reinforced to support future installation of grab bars, support aging in place.

Getting the right zoning in place is an important first step, but it's just one piece of the larger puzzle of supporting housing choice. Simply allowing a housing type as a permitted use does not guarantee that it is practicable to build. Many other aspects of development regulations, such as siting and design standards and public facilities standards, affect whether a given housing type is economically feasible to build. Financial policies, like system development charges and permit fees, and public investments further impact project feasibility. These are all aspects of housing development that local governments can address to support the creation of diverse, inclusive communities.

Providing for variety within each residential neighborhood (not just within the city overall) supports greater economic integration at a human scale. Economic integration opens the door to greater racial, ethnic, and cultural integration. Providing people of all income levels with meaningful choices about the community they live in helps overturn longstanding patterns of racially segregated living. Allowing for a broader mix of housing types in single-family neighborhoods as required by state law is a good start; what can your city do to encourage their development? What other housing options can be permitted in more places within your community?

Resources

DLCD Guidance and Resources—

- Accessory Dwelling Units:
[Microsoft Word - SB1051_ADUguide_updatedSept2019.docx \(oregon.gov\)](#)
- Middle Housing:
[Department of Land Conservation and Development : Housing Choice : Housing Program : State of Oregon](#)
- Housing in Climate Friendly Areas:
Department of Land Conservation and Development: Increasing Housing Production and Transportation Choice
[Climateandhousing.pdf](#)



Incorporate Fair and Inclusive Community Engagement

Assessing Your Community Engagement Practices

Incorporating fair housing into the way your city works means taking a fresh look at your community engagement processes, from who is on appointed commissions and committees through how outreach is done around specific projects. Think broadly about the kinds of communities that exist in your area, including geographic communities (such as neighborhoods), communities of interest (such as cyclists), and communities of identity (such as people who have emigrated from Mexico). How do these intersect (or not) with protected class groups in your city?

Many cities struggle with including communities of color, people born outside the US, and non-English speakers in their outreach efforts. Start with investing in building trust, which takes time and the willingness to engage in two-way communication. Here are some ideas⁸:

- Take time to learn about the culture and communication pathways of the groups you want to reach.
- Invest in forming relationships and building trust over time, so that you are not scrambling at the last minute to conduct outreach to “check a box.” Focus on showing up, listening, being culturally appropriate, honest, and consistent with actions.
- Look for opportunities to merge engagement efforts for multiple projects. For example, Beaverton identified several projects that would involve outreach to Latinx communities over a few years. This enabled city staff to combine resources, recruit a single group of volunteers, and build relationships.
- Don’t let the lack of local culturally specific organizations derail your efforts. Instead, consider where people naturally congregate, such as a church or a store or a Head Start Center. Reach out to culturally specific organizations active throughout the state to see what ideas and potential contacts they may be able to provide.
- Consider why some groups may not trust “the government” and seek advice on navigating those barriers.

- Don’t “tokenize” certain leaders within marginalized communities or assume that they speak for the whole community. Seek out a variety of voices within communities.
- Take time to understand why someone might want to get involved. Two studies found that the primary motivations of participants from traditionally marginalized communities were the desire to give back to their community and to improve opportunities for future generations⁹.
- Depending on the community, consider focusing dialogue more on desired outcomes than on technical concerns. If you must get technical, present options with clear examples to help illustrate the choices to be made.
- Create realistic expectations by incorporating information on what is and is not within the city’s ability to achieve.
- Be respectful of people’s time. Only ask for information that you will use or is relevant to the choices that will be made. Don’t ask if what stakeholders say isn’t likely to make a difference in the project. Be clear about how community input will impact a project.
- If people provide you with information, be sure to circle back to them to let them know how that information was used and what the final product includes. Getting back to participants is part of building trust.

⁸ Some suggestions in this section come from this report: Zapata, M., & Mercurio, S. (2022). Planning Housing with Marginalized Communities. Oregon Department of Land Conservation and Development.

⁹ See: Zapata, Moses, Mercurio, Ghosul, & Townley. (2021). Regional Supportive Housing Impact Fund Report: Equitable Evaluation Framework and Governance Recommendations,” Health Share of Oregon (2021). <https://www.pdx.edu/homelessness/equitable-evaluation-framework-and-governance-report>. Also: Snow, Tweedie, & Pederson. (2018). “Heard and valued: the development of a model to meaningfully engage marginalized populations in health services planning,” in BMC Health Services Research 18, Article 81. <https://doi.org/10.1186/s12913-018-2969-1>



Seek Decision Makers with Diverse Experiences

Cities should identify and promote individuals with a variety of experiences to serve as decision makers on appointed boards and commissions. Members of protected classes may be significantly underrepresented at all levels of political leadership. Consider how to include people who may add a new perspective on planning issues. For example, does your planning commission include renters¹⁰? Does it include someone with a mobility-related disability whose lived experience may be relevant? What about younger adults, who may be living in your community for decades to come? To ensure that newer commissioners feel welcome and able to participate, review the kinds of support your city can offer, from training on land use and informal mentoring to financial assistance and practical support such as meals and childcare during meetings.

10 See: Levine Einstein, Maxwell, Palmer. (2023). Who Represents the Renters? Housing Policy Debate, 33:6, 1554- 1568, DOI: [10.1080/10511482.2022.2109710](https://doi.org/10.1080/10511482.2022.2109710)https://maxwellpalmer.com/research/EinsteinOrnsteinPalmer_Homeowners.pdf



Conduct of Public Meetings

One of the impacts of the COVID pandemic was to accelerate cities' adoption of virtual and hybrid public meetings. Consider how these meeting types affect community participation. Have they supported greater participation by groups underrepresented at in-person meetings, such as people with disabilities, people with transportation challenges, and people with childcare responsibilities? Have they decreased participation from less digitally connected or less tech savvy groups like older adults? Evaluate and fine tune outreach and the conduct of meetings to include previously or currently underrepresented people.

While it's difficult to contain hateful statements from the public because of Constitutional free speech protections and state law, public officials need to remember that public decisions about housing cannot be based on race, color, religion, sex, national origin, familial status, or disability status. Here are some general guidelines:

- Listen to what people say, but never make decisions based on discriminatory statements.
- Pay particular attention to not buying into unfounded generalizations about groups of people.
- Don't fall for the ploy of facially neutral issues like traffic generation which mask underlying resistance to living near "those people."
- Stay focused on impacts related to a specific development that are regulated by zoning like height and density and be hyper-alert to comments about "community character" or "decreased property values" that may be coded discrimination against protected classes.
- Be aware of, and nip in the bud, efforts to delay decisions and rehash topics as stalling tactics.



Establish and Follow Fair and Inclusive Local Regulations

Clear and Objective Standards for All Housing

For all housing types inside an Urban Growth Boundary, a city must offer a clear and objective review path with clear and objective standards for an application or permit for residential development. The review path and standards cannot “have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay” (ORS 197A.400(1)(b)). The intent in part is to make the approval process more predictable, streamlined, and cost-efficient for developers than a path embedded with discretionary reviews. A city may also offer an *additional* review path that includes standards that do not meet the clear and objective criteria, provided the pathway is 1) optional, 2) in compliance with statewide land use planning goals and laws and 3) enables the same or more housing than what would be allowed via the clear and objective pathway.

There are two exceptions to the “clear and objective” requirement of state law: applications for residential development in designated historic districts and those

for Portland’s central city or Metro’s eight designated regional centers. However, there’s a small exception to the exception: clear and objective standards must be applied to development of housing on property owned by a nonprofit corporation organized as a religious corporation, such as St. Vincent DePaul of Eugene or Caritas Housing/ Catholic Charities (ORS 197A.470(5)).

A common practice from the past is to make the construction of single-family detached housing “clear and objective,” but to subject other housing types like duplexes to scrutiny by the planning commission and/or city council, typically through a conditional use permit process. This can lead to discretionary standards being applied, which is a violation of state law. Vestiges of this practice still exist in some planning codes, and cities should address them to comply with state law and avoid potential litigation by applicants.

R Resources

Clear and Objective Standards:

A local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing... The standards, conditions and procedures...may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay...

Excerpts from [ORS 197A.400](#)



Discriminatory Effects: Disparate Impact and Perpetuation of Segregation

As a matter of good practice, cities should consider the potential positive and negative impacts of a land use policy on protected classes before adopting it (such as a burdens and benefits analysis). But there's also a legal reason: the federal Discriminatory Effects Doctrine.

Under the federal Fair Housing Act, cities are prohibited from adopting policies that perpetuate segregation or have a disproportionate impact on members of one or more protected classes. This is called the Discriminatory Effects Doctrine. It provides a legal basis for challenging policies such as zoning requirements that unnecessarily exclude protected classes from housing opportunities or cause systemic inequality in housing, regardless of whether they were adopted with discriminatory intent or not.

HUD has instituted a three-step process to determine whether a policy runs afoul of the Discriminatory Effects Doctrine. In a discriminatory effects challenge of a planning policy, the parties bringing the lawsuit must show evidence that the claim has sufficient merit to proceed to trial (Step 1). Then, the burden shifts to the jurisdiction to show that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests (Step 2). However, the parties bringing to lawsuit may still prevail by proving that the legitimate interests could be

achieved by another practice that has a less discriminatory effect (Step 3).

One example of a policy that falls under the discriminatory effects doctrine is so-called "snob zoning." Researcher Richard Kahlenberg claimed zoning laws barred multifamily units on three-quarters of the land in most US cities¹¹. For example, 81% of residential land in Connecticut required one-acre lots, driving up the cost of housing. In communities where significantly more people of color and people with disabilities have lower incomes than white people and people without disabilities, snob zoning would both perpetuate racial segregation and have a disproportionate impact on several protected classes.

Zones that allow for only single-family detached housing may be vulnerable to a legal challenge under the discriminatory effects doctrine. Oregon state law mandating that cities of 2,500 or more allow a mix of housing types in zones permitting single-family detached housing may reduce vulnerability to such a legal challenge. Cities may, however, have other policies resulting in potentially discriminatory effects. That's one reason why cities should analyze the potential positive and negative impacts of housing policies on protected class groups before they are adopted. Consider whether the policy increases or decreases housing opportunities for groups with the fewest housing choices.

11 See: Kahlenberg, R. (2023). Excluded: How Snob Zoning, NIMBYism, and Class Bias Build the Walls We Don't See. [Excluded by Richard D. Kahlenberg | Hachette Book Group](#)

R Resources

HUD Guidance on Discriminatory Effects Doctrine:

- Fact sheet on 2023 Rule: [DISCRIMINATORY EFFECTS FINAL RULE \(hud.gov\)](#)
- Revised Rule: [DISCRIMINATORY EFFECTS REVISED RULE](#)



R Resource

Reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally assisted programs or activities.

Source: [Reasonable Accommodations and Modifications | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)]

Reasonable Accommodations for People with Disabilities

Cities should work toward planning accessible communities that provide people with disabilities more choice in where they live and increase their ability to engage in daily life. There are many proactive actions that cities can take to promote housing choice for people with disabilities, and some have been mentioned in prior sections of this report. At a minimum, cities must follow the “reasonable accommodation” policy in the federal Fair Housing Act, which requires local jurisdictions to make “reasonable” exceptions or changes to the general rules or practices to accommodate the needs of people with disabilities.

The federal law requires that jurisdictions decide what is reasonable on a case-by-case basis based on the needs of the individuals involved. The city is not required to put health and safety precautions aside or change the nature of the zoning of the neighborhood. The jurisdiction should keep a running list of accommodations made over time to help guide future decisions about what is reasonable and to ensure consistency. An example of a reasonable accommodation might be to allow the slight encroachment of a housing feature such as a wheelchair ramp into a setback.

Jurisdictions must also make reasonable accommodations for people with disabilities when they meet with staff, apply for a permit, or attend a public meeting. This may mean changing the meeting location if it is not accessible or providing sign language interpretation if the person is hearing impaired.

i Information

What does disability mean?

There are many different definitions of disability. The one relevant to fair housing is included in the Fair Housing Act and states that someone is disabled if he, she, or they has a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment. Source: [DOC 7771.PDF \(hud.gov\)](#) and 43 U.S.C. 3602(h).

Understand Shelters and Emergency Living Arrangements



Shelters

Shelters address an important human need for people who lack a permanent place to live. They function as part of a shelter to housing continuum¹².

While shelters are important to community health, the federal Fair Housing Act and Oregon land use law treat them differently. Because the FHA applies to “dwellings,” some shelters are likely covered, and thus shelter operators cannot discriminate based on the federal protected class status of a resident or applicant. The courts have found that a shelter qualifies as a dwelling when it is intended for occupants who plan to remain at or return to the facility over a period of time.¹³

Shelters, transitional housing, motels used as transitional housing, and campsites do not fall under the definition of needed housing per ORS 197A.018. This means that cities are not required to plan for them in comprehensive plans nor describe how they will support their development through their Housing Capacity Analyses and Housing Production Strategies. Shelters do not count as housing units for state housing production counts.

¹² This continuum represents a range of living arrangements. Note, however, that individuals do not have to experience each stage before moving on to the next. For example, in the “Housing First” approach, people without housing move directly into subsidized housing.

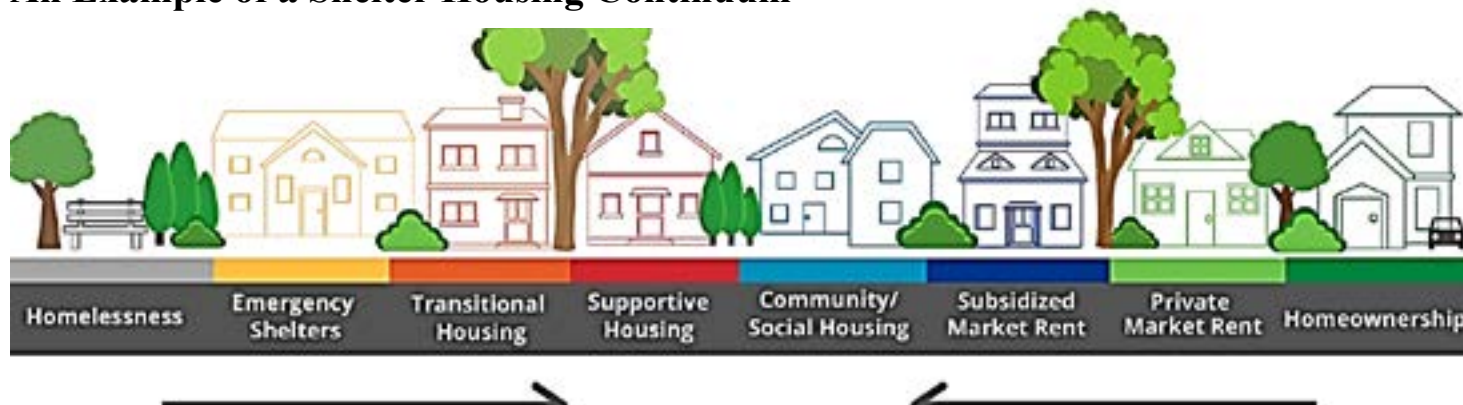
¹³ An average stay of 14.8 days has met the court’s standard. See Lakeside Resort Enters. v. Bd. Of Supervisors of Palmvra Twp., 2006 US App. LEXIS 18223 (2006).



While the state does not treat shelters like housing in land use law, it does regulate how cities manage the siting of shelters. As long as the share of people experiencing homeless in Oregon continues to reach or exceed 0.18% as measured by the biennial statewide point-in-time count, local governments must approve emergency shelters on any property within the UGB or on rural residential lands, subject to certain conditions and ownership, per ORS 197.783¹⁴. Local governments must unconditionally allow the conversion of hotels or motels to emergency shelters or affordable housing meeting statutory parameters, per ORS 197.748.

¹⁴ The rate of homelessness in Oregon is .42%, per [The 2022 Annual Homelessness Assessment Report \(AHAR to Congress\) Part 1: Point-In-Time Estimates of Homelessness, December 2022 \(huduser.gov\)](#)

An Example of a Shelter Housing Continuum



Emerging Living Arrangements

New kinds of living arrangements emerge when traditional housing options become less affordable or less appealing to more people. Some have been fashioned by people who would otherwise lack a place to live. Others have been created by people who want a more minimalist or mobile lifestyle than that offered by standard housing. These options include recreational vehicles and Tiny Homes on Wheels.

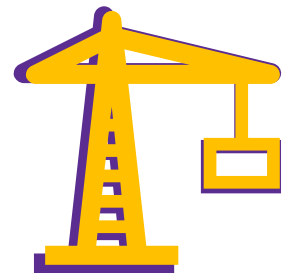
Recreational Vehicles (RVs) are motor vehicles or trailers that typically include sleeping quarters, a kitchen, and bathroom. They are designed to readily travel from place to place and are built to be temporary living quarters for recreational, camping, travel, or seasonal use, not permanent dwellings. However, some households live in them for years and consider them to be their permanent home. Per state law, RVs are allowed in manufactured dwelling parks. The state does not require local jurisdictions to make RVs outside manufactured dwelling parks an allowed use.



Tiny Homes on Wheels (THOWs) are small living spaces on wheels that typically have provisions for sleeping and eating as well as a bathroom. Oregon state law does not define THOWs, and so there's no uniform construction code that they all must meet. Some are built to RV dimensions and code standards and are regulated as such by some cities. Their quality and safety vary, with some being very well-crafted. ([More about Tiny Homes](#))



Locally and nationally, the high cost of construction has spurred interest in new building technology and types. The use of robotics, new variations in factory-built housing, and 3-D printed homes are some of the emerging options being considered to build permanent housing meeting standard fire and life safety codes.



Cities should consider--and plan for and permit--a range of shelter and housing options to meet the immediate and permanent housing needs of residents locally and in their region. Cities should consider how to regulate emerging living arrangements without losing sight of the need to create permanent housing options for all residents.

Resources

Tiny Homes on Wheels

[Tiny House Movement](#)

Housing Innovation Resources

[Building Differently, an Under the Lens series — Shelterforce](#)

Portland: Shelter to Housing Continuum Report and RVs

The City of Portland did an extensive study of their local shelter to housing continuum. Among the changes implemented, the city elected to allow one RV or tiny house on wheels per residential lot with a house if it connected to water, sewer, and utilities. Portland also allows up to four occupied recreational vehicles in the parking lots of religious institutions.

[Shelter to Housing Continuum \(S2HC\) Project | Portland.gov](#)

[Occupied Recreational Vehicles, including Tiny Houses on Wheels | Portland.gov](#)

4. Oregon Land Use Laws and Fair Housing



From its origins in the 1970s through today, Oregon's land use system has attempted to promote housing choice, an important component of fair housing. The table below presents a summary of some of the principal laws that help increase the housing options available to Oregonians and promote more inclusive communities. Even if federal policy shifts with changes in federal administrations, Oregon's laws will continue to support access to housing opportunities for all Oregonians.

Is it a perfect system? No. Public regulation can only go so far. Cities are mostly in the business of setting rules for development, not developing or directly funding housing themselves. Housing affordability is also a major issue. Without subsidy, most new housing is not affordable to households with lower incomes, thus limiting housing choice for many protected class groups most likely to experience fair housing issues. Also, patterns of segregation by income and race are deeply entrenched

and persist over time. Housing opportunities for older adults and others who need mobility or sensory housing adaptations will remain limited without changes in building codes, some of which may add to the cost of new housing.

The summary of key Oregon laws affecting planning and zoning for housing below highlights both long-standing principles and recent legislative refinements, focusing on newly updated rules that jurisdictions may need to take action to address. Keep in mind that state policy makers are likely to continue to approve new laws and administrative rules aimed at promoting housing production and choice, and so some provisions below may change.

Principal Oregon Land Use Laws Promoting Housing Choice

December 2023

State Policy

Statute

PLANNING

Comprehensive Land Use Planning Basics Limit Implicit & Explicit Bias and Support Housing Choice

Needed housing – Local governments must plan for and support the development of needed housing through their Goal 10 Housing Planning Process. As part of the Buildable Land Inventory, cities must evaluate the availability of buildable land for development of each needed housing type over a 20-year timeframe. Housing Production Strategies must include actions and policies to promote the development of needed housing. Needed housing types include detached single-family housing, single-room occupancy developments, middle housing, multifamily housing, government assisted housing, manufactured dwelling parks, manufactured homes on individual lots, housing for agricultural workers, housing for individuals with disabilities, housing for older persons, housing for college or university students, if relevant to the region. It includes housing affordable to households with incomes in these ranges: 0 – 30% MFI, 30 – 50% MFI, 50 – 80% MFI, 80 – 120% MFI, 120% MFI and greater. It also includes multifamily housing for sale and for rent.

ORS 197A.018 ('needed housing' defined), ORS 197A.200 to ORS 197A.320 (planning for needed housing), ORS 197A.100 to 197A.130 (Housing Production Strategies)

Local approval of housing - Local governments must approve subdivisions, partitions, or construction of any land for needed housing consistent with the comprehensive plan and applicable land use regulations

ORS 197.522

Oregon Housing Needs Analysis (OHNA) Distributes Housing Need Uniformly and Fairly

OHNA projections, allocations, and targets - On an annual basis, Oregon Department of Administrative Services (DAS) projects the statewide 20-year housing need. DAS allocates proportional shares to individual cities and counties and provides six- or eight-year housing production targets for each city with populations over 10,000 and the unincorporated Portland Metro urban areas. The 20-year projections, allocations, and six- or eight-year targets are segmented by income. This data forms the basis for cities' Housing Capacity Analysis and Housing Production Strategy. *Available starting January 1, 2025.*

ORS 184.451 to 184.455

Housing Production Strategies Must Affirmatively Further Fair Housing

Housing Production Strategy – Cities with a population of 10,000 or greater must develop and adopt a Housing Production Strategy every six years if located inside the Portland Metro Region and every eight years if located in the balance of the state. In addition, Metro must develop and adopt a Housing Coordination Strategy every six years.

ORS 197A.100 to 197A.130

Affirmatively furthering fair housing – Housing production strategies must include a list of specific actions jurisdictions will take to promote affirmatively furthering fair housing.

ORS 197A.100(3)(e) and (9)

Equity Indicators – Oregon Housing and Community Services publishes Equity Indicators for each city annually. The indicators may address subjects such as cost burden, housing segregation by race and income, and housing accessibility/visitability. DLCD may consider Equity Indicators in evaluating a city's performance. *Available starting January 1, 2025.*

ORS 197A.130(2)(a)(C), referencing equity indicators in ORS 456.602

ZONING & LAND USE REVIEW	
<u>Clear and objective standards and review</u> - With some exceptions, a city must offer a clear and objective review path with clear and objective standards for an application or permit for all housing types inside an Urban Growth Boundary. The review path and standards cannot discourage housing development by causing unreasonable cost or delay.	ORS 197A.400(1)
<u>Optional discretionary pathways</u> - “Optional discretionary” review pathways must meet the required statutory conditions: <ol style="list-style-type: none"> 1. The applicant retains the option for a clear & objective pathway; 2. The discretionary pathway complies with statewide land use planning goals and rules; and 3. The discretionary pathway authorizes a density “at or above” the density authorized in the clear & objective pathway. 	ORS 197A.400(3)
<u>Dwelling Occupancy Limits</u> – Jurisdictions may not impose occupancy limits for residential dwelling units, such as through code definitions of ‘family,’ based on the familial or nonfamilial relationship status of the dwelling’s occupants.	ORS 90.112
Small Housing Types Provide Housing Choice in Single-Family Neighborhoods	
<u>Single Room Occupancy (SRO) Developments</u> - SRO developments are structures with attached, independently rented, lockable units for sleeping and living. Residents share common bathrooms or kitchens. Jurisdictions must allow SRO developments of four to six units on parcels in single-family residential zones. Jurisdictions must also allow SRO developments on parcels in multifamily residential zones, subject to density standards consistent with multifamily developments.	ORS 197A.430
<u>Accessory Dwelling Units (ADUs)</u> - Cities with a population greater than 2,500 and counties with a population greater than 15,000 must allow the development of at least one ADU on any lot zoned for residential use that allows single-family detached dwellings within the UGB. Cities cannot require off-street parking or owner occupancy of ADUs.	ORS 197A.425
Middle Housing Types Provide Housing Choice in Single-Family Neighborhoods	
<u>Duplexes</u> - All Oregon cities with a population of 2,500 or more, and, within the Portland Metro Boundary, all cities with a population greater than 1,000 and all unincorporated areas with sufficient urban services must allow duplexes in single-family residential zones. <i>Deadline: June 30, 2025, for cities with populations of 2,500-10,000.</i>	ORS 197A.420(3)
<u>Triplexes, quadplexes, cottage clusters, and townhouses</u> - Oregon cities with a population greater than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, all cities within the Portland Metro boundary with a population greater than 1,000, and all cities and communities within Tillamook County must also allow middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings. <i>Deadline: June 30, 2025, for Tillamook County jurisdictions</i>	ORS 197A.420(2)
<u>Middle housing land divisions</u> - Middle housing land divisions that meet specific statutory requirements must be approved by cities and counties via an expedited land division process.	ORS 92.031

Expediting Permitting of Affordable and Government-Assisted Housing Supports Housing Choice	
<u>Affordable housing allowed</u> - Affordable housing allowed- Local governments must allow affordable housing that meets specific statutory requirements on sites zoned for commercial use, religious assembly, or public lands, without requiring a zone change or conditional use, and must provide density and height bonuses.	ORS 197A.445
<u>Affordable housing allowed in commercial zones</u> – Local governments must allow residential and mixed-use affordable housing projects by right in all commercial zones.	ORS 197A.460
<u>Expedited affordable housing review</u> - Cities and counties above a population threshold must take final action on qualifying affordable housing applications within 100 days after an application is deemed complete	ORS 197A.470
<u>Equal treatment of affordable housing</u> – Cities and counties may not outright prohibit government assisted housing and may not impose additional standards on government assisted housing that do not apply to similar unassisted housing projects.	ORS 197A.395(1)
Manufactured Housing Expands Housing Choice	
<u>Manufactured homes</u> - Cities must allow manufactured and prefabricated homes in single-family residential zones, subject to only the same standards as other homes.	ORS 197.478
<u>Manufactured home parks</u> - Cities and counties must allow manufactured home parks sufficient to meet need as identified in an adopted Housing Capacity Analysis. They must allow the siting of manufactured homes, prefabricated structures, and RVs meeting statutory requirements in manufactured home parks	ORS 197.480 to 197.493
<u>Manufactured home subdivisions</u> - Cities and counties must approve subdivisions for manufactured home parks that meet applicable local standards and parameters outlined in statute. The applicant must provide notice and ‘right of first refusal’ to manufactured home park tenants.	ORS 92.835 to 92.845
Equal Treatment of Farmworker Housing Prevents Discrimination	
<u>Farmworker housing</u> - Cities and counties must permit single-family and multifamily farmworker housing in any residential or commercial zone that permits single-family or multifamily residential, respectively, and may not impose standards that are more restrictive than those applied to other single-family or multifamily uses in those zones.	ORS 197A.395(2) and (3)
Residential Homes and Facilities Expand Housing Choice	
<u>Residential homes & facilities</u> - Local governments must permit “Residential homes” and “Residential facilities” (definition in ORS 443.400) in residential zones and may not impose more restrictive zoning requirements.	ORS 197.660 to 197.670
Permitting Residential Uses in Commercial Zones Expands Housing Options	
<u>Residential conversion of commercial uses</u> – Local governments must allow conversion of commercial uses to residential uses without requiring a zone change or conditional use permit.	ORS 197A.445(3)

Siting and Permitting of Emergency Shelter is Expedited <i>(Oregon land use laws do not consider shelters to be housing.)</i>	
<u>Local Approval of Emergency Shelters</u> – When the statewide point-in-time count indicates that 0.18% or more of the total state population consists of people experiencing homelessness, local governments must approve emergency shelters subject to certain conditions on any property within the UGB or on rural residential lands if it is operated by a local government, non-profit, religious corporation, or housing authority.	ORS 197.783
<u>Hotel/Motel conversion</u> - Local governments must unconditionally allow the conversion of hotels or motels to emergency shelters or affordable housing meeting statutory parameters	ORS 197.748
Limits on Development Moratoria Remove Barriers to Housing Development	
<u>Public facilities</u> - Local governments engaging in a “pattern or practice of delaying or stopping the issuance” of permits/approvals based on a shortage of public facilities must adopt a public facilities strategy or a moratorium	ORS 197.524
<u>Moratoria</u> - Cities, counties, and special districts that adopt moratoria must comply with specific statutory provisions that ensure they are temporary, narrow in scope, and underlying problems are addressed through local action.	ORS 197.505 to 197.520
Zoning and Permitting Laws Limit Bias and Require Timely Action on Development Applications	
<u>Permitting and approval</u> - Approval or denial of permits must be based on clear and objective standards outlined in the development ordinance and may not condition reductions in height for housing, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal.	ORS 227.175 (city) ORS 215.416 (county)
<u>120-day land use approval</u> - Final action on a permit must be taken within 120 days after an application is deemed complete	ORS 227.178 (city) ORS 215.427 (county)
<u>Land use procedure</u> – Cities and counties must apply procedural requirements surrounding appeal of local actions, including timelines, ex parte contact, bias, and remand.	ORS 227.180 and 227.181 (city) ORS 215.422 and 215.435 (county)



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