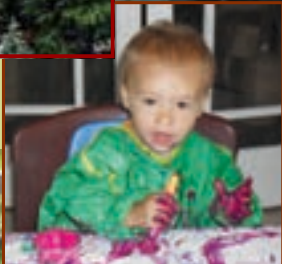


2012

Washington County Fair Housing Plan

Cities of Beaverton and Hillsboro



2012
Fair Housing Plan

Washington County Consortium

Washington County and
The Cities of Beaverton and Hillsboro
Oregon

Prepared by
The Washington County Office of Community Development
in collaboration with
The City of Beaverton Planning Division

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Executive Summary

This Fair Housing Plan represents the culmination of a 14-month planning process guided by a Fair Housing Advisory Committee of composed of advocates, business representatives and agency staff to look critically at housing and demographic patterns in Washington County and examine policies, practices and outcomes with respect to protected classes. Key conclusions of this investigation include:

- Persistent patterns of disadvantage exist for racial and ethnic minorities and persons with disabilities. The likely causes for these patterns are complex, historical and beyond the scope of this analysis to determine.
- Audit testing by matched pairs of rental housing applicants surfaced likely incidents of subtle but potentially harmful discriminatory practices.
- At the peak of the housing boom, Latino applicants were more than twice as likely to receive high-price mortgages as White applicants.
- Most of Washington County's subsidized housing (a resource that is particularly important to members of protected classes, as many have low incomes) is well-placed with respect to access to opportunity.
- The majority of Housing Choice Voucher holders are able to find housing in locations with average or higher access to opportunity.
- More can be done with respect to helping Washington County residents, businesses and agencies access information and assistance with respect to Fair Housing. In this regard, the City of Beaverton is a regional leader.

To address these conditions and others described in the analysis, this plan recommends an ambitious set of strategies and actions in the following six areas:

- Awareness, information and training
- Access to decent and affordable housing
- Land use and zoning tools to promote access to opportunity
- Overcoming linguistic and cultural isolation and serving communities of color
- Overcoming disability-related barriers
- Data collection and analysis.

The foundation for implementation will be the development of a strong institutional infrastructure that supports Fair Housing in the county and, if neighboring jurisdictions are willing, regional collaboration on projects and programs that can achieve economies of scale and reduce duplication of effort. At the outset, the top priorities are to increase awareness of Fair Housing and provide better access to information and training which is culturally-appropriate. As implementation progresses, the focus will shift to launching some of the more complex projects described in this plan, such as workshops on best practices around siting controversial

housing developments that benefit protected classes or exploring land use and planning tools to better promote access to opportunity.

This plan is no more and no less than a statement of intention about how to address the disadvantages that some population groups in the county experience as a result of not having access to the full range of benefits that housing can provide. The proof of its value will be determined by the quality of its implementation.

I. Introduction

Throughout US history, some groups of people have benefitted more from the opportunities presented by housing than others. The federal Fair Housing Act, initially adopted in the wake of the assassination of Dr. Martin Luther King and subsequently augmented through amendments, prohibits discrimination in housing based on seven protected classes: race, color, religion, national origin, sex, disability and familial status (the presence of children in the household). Fair Housing law covers a wide range of private and public sector activities, including leasing practices, mortgage lending, buying and selling homes, home insurance policies and land use/zoning.

Jurisdictions receiving federal housing and community development funds from the US Department of Housing and Urban Development (HUD) must prepare an Analysis of Impediments to Fair Housing periodically to analyze practices and policies in their area that affect equitable access to housing and to identify strategies and actions to address those impediments. If the jurisdiction fails to make a good-faith effort to implement its Fair Housing Plan, it risks incurring penalties, such as fines, reductions in federal funds and mandates to build needed housing with non-federal funds.

The standard that HUD applies to jurisdictions that are recipients of HOME Investment Partnership (HOME), Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) funds goes beyond simply not discriminating in the use of these federal funds. HUD requires that funded jurisdictions “affirmatively further” Fair Housing. According to HUD,¹ this includes:

- Analyzing and eliminating housing discrimination in the jurisdiction
- Promoting Fair Housing choice for all persons
- Providing opportunities for inclusive housing occupancy patterns
- Promoting housing that is structurally accessible and usable by all people, regardless of ability
- Fostering compliance with the nondiscrimination clauses of the Fair Housing Act.

In identifying potential impediments, jurisdictions must consider both direct acts of discrimination and actions or policies that seem neutral on the surface but disproportionately affect protected classes in a negative way. These two principal types of impediments to Fair Housing are further defined as follows:

- **Disparate treatment:** One group is systematically treated differently from another group on the basis of their membership in the group. Example: African American homebuyers being “steered” by real estate agents to homes for sale in predominantly African

¹ US Department of Housing and Urban Development. (n.d.). *Fair Housing Guide*. Retrieved from www.hud.gov/offices/fheo/images/fhpg.pdf

American neighborhoods, despite similarly-priced homes being available in predominantly White neighborhoods.

- **Disparate effect:** Even though a policy or practice is not intentionally discriminatory, its impact has a negative effect on one or more groups within a protected class. Example: A zoning code that requires that housing lots consist of at least two acres would disproportionately affect African Americans and Latinos if they had lower incomes than White households.

According to case law, the “affirmatively furthering Fair Housing” mandate requires HUD to use its programs to assist in ending discrimination and jurisdictions “to the point where the supply of genuinely open housing increases.”² HUD, in turn, imposes this requirement on jurisdictions that accept and utilize its programs. The requirement to affirmatively further Fair Housing applies to not only HUD grant-funded activities, but also all other activities undertaken by the jurisdiction, plus those undertaken by private, non-profit and other public sector entities within its geographic scope. While local jurisdictions do not have enforcement authority over Fair Housing or the ability to regulate most private sector activities covered by Fair Housing, they are expected to use other tools within their scope and ability to expand the supply of “genuinely open housing” and related housing opportunities.

A NEW APPROACH: INTEGRATING ACCESS TO OPPORTUNITY

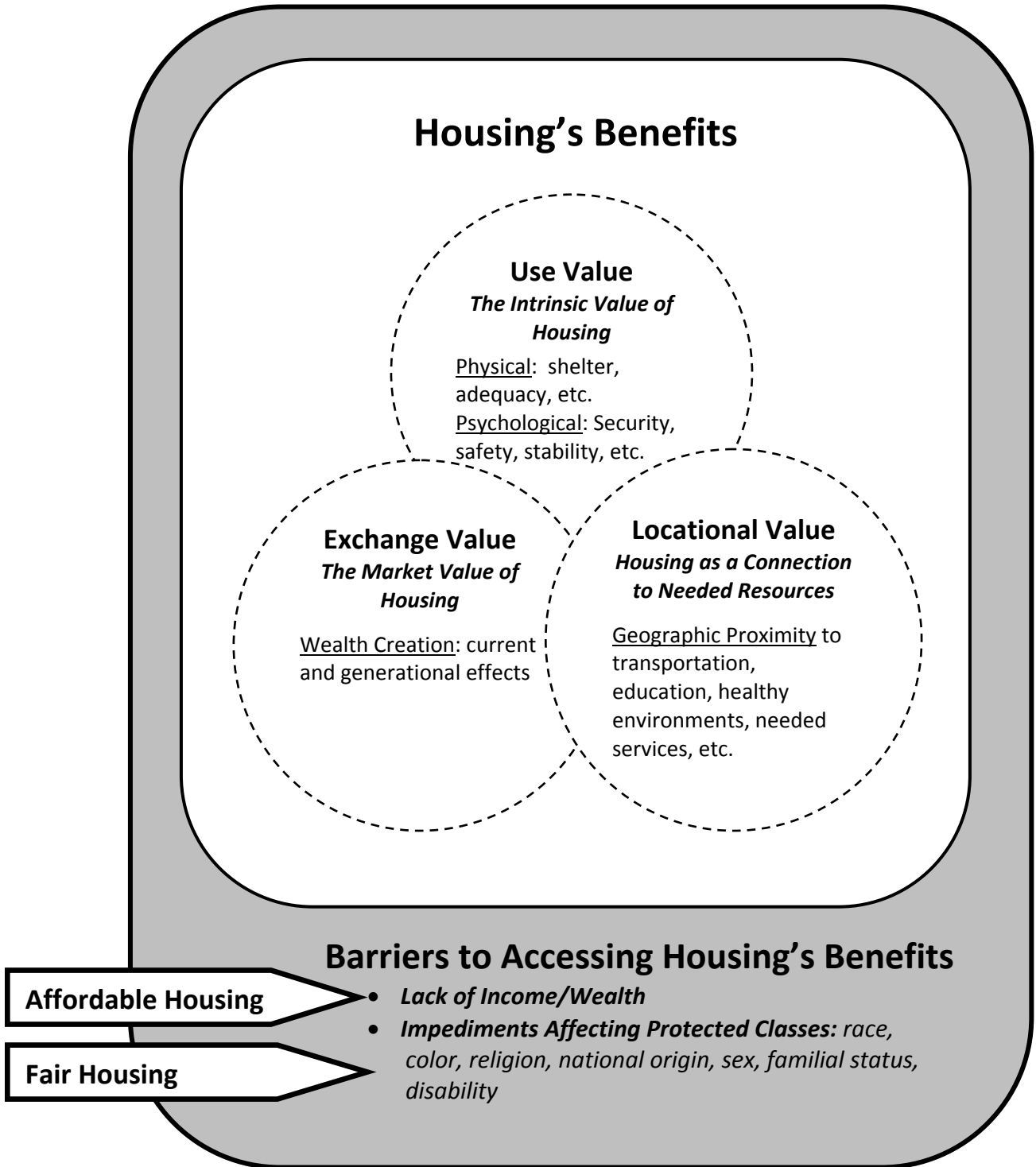
Housing is much more than shelter; it is an access point or platform for many other things in people’s lives. Thus, when someone cannot access Fair Housing, they are not merely denied access to his or her shelter of choice; they are also denied access to all the benefits that they might obtain as a result of living in that particular home. One way to parse the roles that housing plays in people’s lives is as follows:

- **Use Value of Housing:** What housing contributes to a person’s wellbeing physically (e.g., shelter, physical comfort) and psychologically (e.g, stability, safety, privacy, security, status, identity)
- **Exchange Value of Housing:** Housing as a means for building wealth
- **Locational Value of Housing:** Housing as a connection (or barrier) to factors affecting life opportunities, such as access to quality schools, transportation, jobs, needed services, safe neighborhoods and a healthy environment.

The diagram below illustrates this construct. Surrounding the three principal benefits of housing is a shaded frame that represents the barriers that people may experience in accessing the full range of benefits that housing of choice can convey. This plan focuses on identifying and addressing the impediments (disparate treatment or disparate effects) related to a person’s membership in one or more the seven federal protected classes covered by Fair Housing. A

² NAACP v. Secretary of Housing and Urban Development, 817 F.2d 149, 155 (1st Cir. 1987). (Breyer, J.).

separate document, the Consolidated Plan, addresses the impediments to housing that result from a lack of income or wealth.



This model is useful in that it explains why this plan not only examines potential public and private sector impediments to Fair Housing that may exist in the county, but also considers the question of access to opportunity. The Massachusetts Fair Housing Plan described the link between Fair Housing and access to opportunity as follows:

The opportunity to choose where one lives is essential to endowing individuals and families across a spectrum of race, ethnicity and disability with the opportunity to have a choice in the selection of schools, access to job opportunities and an ability to engage as fully equal members of their community.³

In this Washington County Plan, the theme of access to opportunity is explored throughout this analysis, but it is the focus of Chapter VII, which examines the geography of opportunity in the county.

THE FAIR HOUSING PLANNING PROCESS

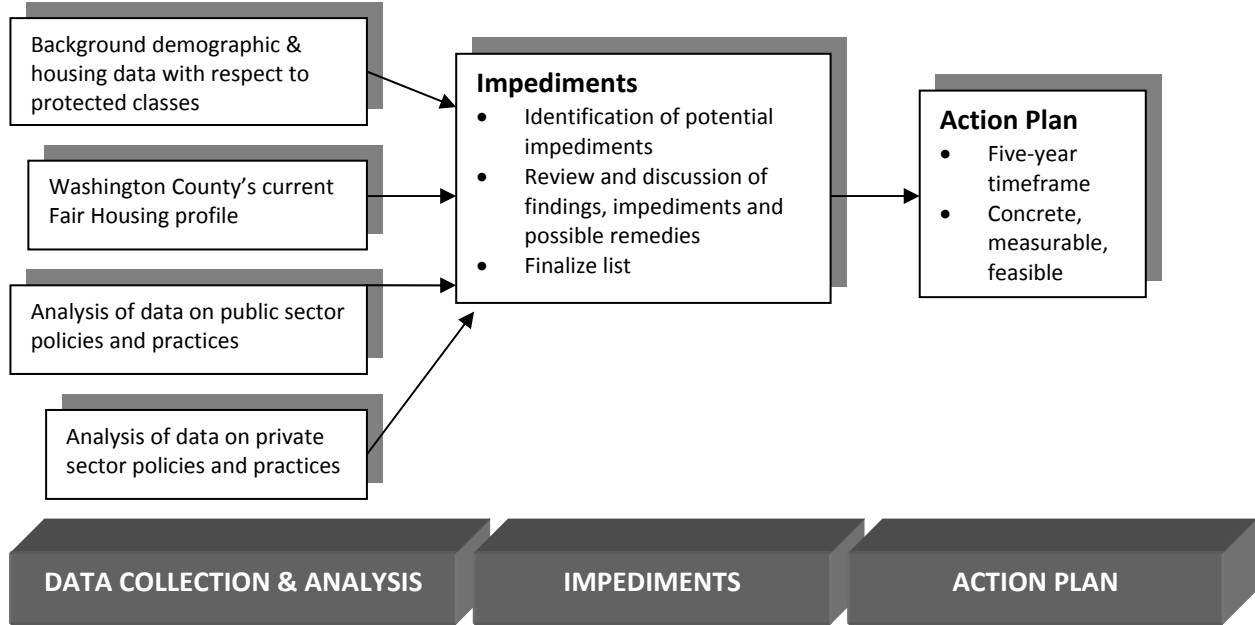
One of the early decisions that a jurisdiction must make in undertaking the development of a Fair Housing Plan is whether to do the work by staff in-house or whether to hire an outside consultant. There are advantages and disadvantages to each approach. A plan generated by an outside consultant may be more independent and less likely to be constrained by political considerations and organizational concerns within the jurisdiction. On the other hand, an in-house plan may be more likely to be implemented because the implementation items have been vetted with political leaders and administration, and because the staff is more invested in the plan.

Washington County and the City of Beaverton chose to organize and produce the plan in-house, but establish a Fair Housing Advisory Committee to provide frank and independent guidance and to also seek outside assistance, primarily from Portland State University faculty and graduate students in the School of Urban Studies and Planning, with data analysis and obtaining information from members of protected classes and the professionals who serve them through focus groups and interviews. Thus, the intention was to ensure a sense of ownership of the plan by public sector staff who will be implementing it while also providing a degree of independent oversight.

The diagram below presents an overview of the planning process, which occurred from April 2011 through January 2012. The principal steps were data collection and analysis, the development of conclusions and the creation of a plan to address impediments to Fair Housing.

³ Commonwealth of Massachusetts, Department of Housing and Community Development. (2008). *Affirmative Fair Housing Policy and Recommendations*. Circulation draft dated August 26, 2008. Quoted in National Commission on Fair Housing and Equal Opportunity, 2008, *The future of Fair Housing*.

Washington County Fair Housing Planning Process



Public Participation and the Fair Housing Advisory Committee

The first step in creating the plan was the formation of the Fair Housing Advisory Committee as an advisory group to staff developing the plan. The 14 members of the committee, listed in the Acknowledgements at the beginning of this document, included representatives from the following Fair Housing stakeholder groups:

- Independent advocates and members of protected classes
- Private sector housing representatives
- Developers and remodelers
- Public agencies
- Planners

The Committee met eight times from April 2011 through January 2012. The meetings were open to all who wished to attend. Meeting packages were distributed electronically to lists of more than 400 stakeholders who had expressed an interest in receiving the information, some of whom attended the meetings. Initially, the Committee reviewed and provided feedback on reports on topics shown under data collection and analysis in the diagram above. The reports were complex, meaty and challenging; the Committee provided valuable feedback to staff and raised important issues to consider with respect to interpretation. In addition to assisting with the review of quantitative data, the Committee also guided the selection of the protected classes with whom focus groups and interviews were conducted.

To make other interested parties aware of this planning process and to obtain additional names and e-mails to add to the stakeholder list, presentations were made to the following groups:

- Housing and Supportive Services Network
- Housing Advocacy Group
- Policy Advisory Board
- Beaverton City Club
- Beaverton Human Rights Advisory Commission

Staff also provided periodic briefings and update memos to County Administration to ensure that the highest levels of County government were informed and supportive of the work.

The Action Plan—the strategies and actions to address the impediments—was based on ideas that originated with the Fair Housing Advisory Committee. Approximately two-thirds of the way through the process, a subcommittee volunteered to meet to brainstorm ways to deal with the impediments. In a work session, they were given sticky notes on which to write single ideas for actions or strategies. Each person worked independently and provided as many ideas as he or she wanted. Staff provided a preliminary list of general strategy areas, plus an “other” area for ideas that did not fit into any of the defined areas. The subcommittee grouped their ideas under the strategy areas, which were further refined during this brainstorming process. Staff then used this information to form a preliminary list of proposed impediments, strategies and actions. The full Committee reviewed and adjusted this list at its November 2011 meeting.

The draft Actions were then brought to the Policy Advisory Board (the official advisory board to the County Commission on all matters dealing with HOME and Community Development Block Grant funds) for review and feedback. Staff held two public work sessions in January 2012, one during the day and one during the evening, in the eastern and western part of the county, to obtain input from the community at large. At each stage, changes were made based on the ideas and feedback received. At its concluding meeting in January 2012, the Fair Housing Advisory Committee reviewed the draft Actions, offered a few final recommendations (which were incorporated) and unanimously approved them with the recommended changes.

The Draft Fair Housing Plan was made available for public review and comment electronically and in hard copy at area libraries, the City of Beaverton Office of the Mayor, and the Washington County Office of Community Development on March 12, 2012. The public comment period is March 13 through April 12, 2012. Public hearings will be held in the City of Beaverton at 1 pm on Thursday, April 5, and in Hillsboro before the Policy Advisory Board on Thursday, April 12, at 7 pm. A copy of the public notice that appeared in local newspapers is found in the Appendix. The Board of County Commissioners will vote on the Plan at its meeting on Tuesday, May 1, 2012.

Collectively, Fair Housing Advisory Committee members contributed an estimated 400 to 500 hours of high-quality volunteer labor to this process. The plan is a reflection of their

commitment to Fair Housing and their willingness to work cooperatively and respectfully across different industries, backgrounds and personal philosophies.

A SUMMARY OF IMPEDIMENTS AND STRATEGIES TO ADDRESS THEM

The process above culminated in the development of six Fair Housing strategy areas. A detailed list of the strategies, including actions with timelines and primary partners for each, is provided in Chapter VIII.

- I. Awareness, Information & Training: A strong informational infrastructure, with elements targeted to specific audiences, is critical to raising awareness of and compliance with Fair Housing law. People need to know where they can go for assistance, regardless of whether they are a landlord, tenant, homeowner, developer, real estate agent or other person who interacts with the housing system in Washington County. This strategy area calls for information and training that is language-appropriate and informed by an understanding of the different cultures prevalent in the county. Because providing information and access to training is an important responsibility of local jurisdictions as part of their effort to affirmatively further Fair Housing, this is a high-priority strategy area for Washington County.
- II. Access to Decent and Affordable Housing: Members of protected classes, particularly persons of color, persons with disabilities and female headed households with children, are more likely to be renters and have low incomes than the corresponding majority populations. Fair Housing requires that landlords (whether public, private or nonprofit) not discriminate against applicants based on their membership in a protected class. The strategies under this area focus on addressing challenges with accessing and maintaining rental housing in Washington County. It reinforces the work begun through the Consolidated Plan.
- III. Land Use and Zoning Tools to Promote Access to Opportunity: Zoning, planning and building regulations can affect the quantity and geographic location of lower-cost housing needed by protected classes. Strategies included under this area include a range of actions at state, regional and jurisdictional scales to promote access to opportunity and increased housing affordability.
- IV. Overcoming Linguistic and Cultural Isolation and Serving Communities of Color: Washington County is the Portland metro region's most racially and ethnically diverse county, and the area's diversity has increased over time. The strategies in this area, combined with those in the previous sections, are intended to support the inclusion of both emerging and established communities of color in receiving the benefits of affordable, opportunity-rich housing through language-appropriate and culturally competent housing information and services.
- V. Overcoming Disability-Related Barriers: Many of the laws that affect the development of physically-accessible housing are state laws. Thus, this section includes a number of items related to reviewing proposed bills to amend state law, should they occur, and

recommending support (as appropriate) by jurisdictions. It also includes the ambitious task of creating and maintaining a prototype database of accessible units in Beaverton to foster matches between persons needing accessible units and the units themselves. The section also includes an action relating to gaining a better understanding of the range of housing needs of consumers of mental health and developmental disabilities.

- VI. Data Collection and Analysis: In developing this plan, the jurisdictions and Fair Housing stakeholders identified specific information that they agreed would be useful to have annually so that it will be possible to track changes over time. This section describes that information and how it will be produced.

Implementation

The development of this plan was a high-energy, participatory process; stakeholders who had not been involved with Fair Housing issues in Washington County previously became informed and involved. The new working relationships formed and new institutional knowledge gained as a result of this planning process bode well for implementation.

Nevertheless, a plan is only a starting point; what matters most is the commitment to following through with implementation and retooling the plan as circumstances dictate. The responsibility for implementing elements of the plan falls upon the stakeholders listed in Chapter VIII. As the strategies indicate, County and City agencies are responsible for implementing the majority of actions; in some cases private and nonprofit sector partners have agreed to take the lead. In approving this plan, the jurisdictions acknowledge this commitment.

The primary responsibility for tracking and reporting on implementation lies with the Washington County Office of Community Development, with assistance from the City of Beaverton Planning Division. Each fall, these agencies will report on progress made on the Fair Housing Strategies in the prior year as part of the annual report to HUD, the Consolidated Annual Performance and Evaluation Report (CAPER). The format of Chapter VIII, with tables that include a timeline, will facilitate measuring progress against the targets established in this plan.

At its last meeting, members of the Fair Housing Advisory Committee asked to remain involved with providing guidance and feedback on implementation efforts. The Committee and staff agreed that this would happen in two ways:

- The Washington County Office of Community Development committed to sending the members of the Fair Housing Advisory Committee information about the CAPER each year so that they can track the progress and, if they so desire, comment on it during the annual public review process. They can also communicate informally with staff.

- Approximately mid-way through the implementation process, the County will reconvene the Fair Housing Advisory Committee to review progress to-date and make changes as necessary to the strategies and actions.

Finally, there is a growing interest in collaboration among jurisdictions in the Portland-Vancouver region around implementation of Fair Housing Plans. An example of an implementation item suitable for coordination might be the creation of a regional website with listings of training opportunities and links to informational materials common to all the participating counties and cities. The regional website could also include links to jurisdiction-specific information and assistance. It appears that interest in regional coordination is built on the approach of honoring the individual Fair Housing Plans of each jurisdiction (because different conditions exist in different places) and promoting coordination on implementation items when doing so leads to a better outcome, reduces duplication of effort or achieves economies of scale.

What Would Success Look Like?

At the last meeting of the Fair Housing Advisory Committee, members were invited to conclude their work by completing the following sentence: “My involvement with the Fair Housing Advisory Committee will have been meaningful if, during the next five years...” With their permission, their statements are presented below.⁴

- *Housing accessibility and equitable treatment is experienced by all people in the county, regardless of their personal characteristics, and*
- *We are moving toward the provision of a larger supply of affordable housing.*
- Current impediments to Fair Housing have been noticeably reduced, and
- Funding for advancement of Fair Housing practices has been increased.
- *I have specific policies, procedures, services and anecdotes that I can report when I receive a call with a Fair Housing concern.*
- The availability of decent, affordable housing is sufficient to meet the need of our increasingly diverse citizenry, and
- Information regarding Fair Housing is universally available and enforcement is swift and effective, and
- Governments provide adequate funding to address these pressing needs.

⁴ Non-substantive edits to statements (e.g, the addition of the word “and” between bullets to help identify which ones go together because they were provided by the same member) have been made to assist with the clarity of this section.

- *More people with mobility limitations are able to obtain and maintain housing throughout a greater geographical reach, and*
- *More low income households are able to locate housing in areas of high opportunity, and*
- *The ban on inclusionary zoning is repealed, and*
- *An existing housing code is adopted by the County, as the population within the unincorporated areas will be significant compared to the incorporated areas.*
- We've formed small groups to gather specific information on different aspects of unfairness and begin to work on these different concerns.
- *Most cities are "at the table" on regional partnerships concerning Fair Housing, and*
- *Most cities' elected and appointed leaders and city administrators have been presented with the issues in the Analysis of Impediments (not all at once!).*
- There are fewer "bad actors" in Washington County and the importance of the role of "good landlords" play is critical to the health of any community can be understood and acknowledged.
- *There is greater awareness of Fair Housing that results in equal access for all people to safe, affordable housing*

The "word cloud" (created using wordle.net) that appears on the back cover of this plan was generated from aspirations stated above.

THE ORGANIZATION OF THIS DOCUMENT

This Plan is organized as follows:

Chapter II presents a demographic and housing profile of protected classes in Washington County. Using data from a variety of sources, it considers which protected classes in Washington County pay a larger share of their income for housing costs or disproportionately experience housing problems. This chapter also looks at the geographic location of communities of color and identifies areas where a HUD-defined "concentration of minorities" exists.

Chapter III examines housing complaint data and the results of audit testing of rental housing applications to determine if and what kinds of potentially discriminatory practices may exist in Washington County. It also looks at the institutional framework in place in Washington County and the City of Beaverton to address Fair Housing concerns and recommends improvements.

Most of this plan deals with quantitative data. Chapter IV rounds out this statistical information by providing insights into the lives of people who are members of selected protected classes in

Washington County. It reports on lessons learned from focus groups and interviews with members of the Muslim community, Latinos and persons with mental health disabilities, and describes how this information augments the “hard” data.

Chapter V analyzes potential public sector impediments to Fair Housing, focusing on zoning and planning issues, subsidized housing practices and tax policies. Chapter VI discusses private sector impediments (in addition to the ones covered in Chapter III). Its principal focus is mortgage lending in Washington County.

Chapter VII analyzes the relative access to opportunity experienced by members of the county’s protected classes. It utilizes the Opportunity Maps developed and adopted as part of Washington County’s Consolidated Plan. Because the concept of mapping opportunity is a contested construct and an emerging tool based on imperfect data, the conclusions of this chapter are tentative and should be seen as a first attempt by the jurisdiction to grapple with this important idea. Washington County and the Cities of Beaverton and Hillsboro are supportive of and involved in a non-profit and public sector regional partnership to map access to opportunity in a more fine-grained and flexible way called “Equity Maps.”

Based on the preceding analysis, Chapter VIII presents the principal conclusions and proposed actions to improve access to Fair Housing in Washington County.

II. Demographic and Housing Profile

This chapter is a current portrait of Washington County's population of protected classes based on the most recent United States Decennial Census Data and American Community Survey Data.⁵ These data provide information on the county's principal protected classes, describe demographic shifts since 2000, and show how the county compares to the Portland-Vancouver Metropolitan Statistical Area⁶ (MSA). Analysis of this information aids in the identification of potential barriers to accessing housing opportunity by Washington County's protected classes. This chapter also includes a brief summary of housing conditions in Washington County. A far more extensive analysis of housing conditions can be found in Chapter 3, Housing Market Analysis and Needs Assessment, Consolidated Plan 2010-2015, available online at <http://www.co.washington.or.us/CommunityDevelopment/Planning/consolidated-plan-2010-2015-page-2.cfm>.

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, designates protected classes of people against whom discrimination is outlawed. This act prohibits the discrimination in the sale, rental or financing of a dwelling based upon race, color, religion, sex or national origin. In 1988, coverage extended to disability status and familial status, characterized by the presence of children under the age of 18 and pregnant women. The State of Oregon has added source of income, marital status, and sexual orientation to its protected classes.

This data analysis attempts to identify potential barriers to opportunity. The method employed in this analysis looks for two related but distinct concepts: disproportionality and disparity. Throughout this analysis, these terms have the following meanings:

Disproportionality: Disproportionality occurs when a protected class is overrepresented among the population with housing problems compared to the protected class's representation in the general population. In this analysis, one attempts to understand if housing problems and cost burden are proportional among protected classes compared to the general population, defined as those without problems, those who do not face cost burdens or those who are not a protected class. For example, if Washington County is about 15% Latino, a disproportionality exists if the population with a high housing cost burden is 25% Latino. While disproportionality may indicate

⁵ Data refers to US Census 2000, Census 2010, American Community Survey 2005 – 2009, and Comprehensive Housing Affordability Strategy 2006 – 2008 (CHAS) tabulations prepared by the US Department of Housing and Urban Development. The Census is a full count of the population conducted decennially. The American Community Survey is a sample survey conducted annually, not a total population count. Due to the high margins of error associated with American Community Survey data for disaggregated populations, the results of calculations should be taken with extreme caution. CHAS data are a special tabulation of Census and ACS data prepared to analyze housing problems. Where CHAS uses different definitions from the Census and ACS, it is noted in the text.

⁶ Portland – Vancouver Metropolitan Statistical Area consists of the State of Oregon's Clackamas, Columbia, Multnomah, Washington, and Yamhill counties and the State of Washington's Clark and Skamania Counties and includes four principal cities, Portland, Hillsboro, and Beaverton, Oregon and Vancouver, Washington.

an equity issue, it is not sufficient to assess differences among groups. To learn if there is an association between protected class status and the housing outcome of interest, we turn to disparity analysis.

Disparity: A disparity occurs when the impact of a problem is greater on a protected class than on the control group. Disparity analysis examines whether the incidence of a problem is higher within a protected class group than it is within the dominant group. For example, if one-third of white households have housing problems, and two-thirds of Latino households have housing problems, there is a disparity. The Disparity Index (DI) is calculated as a ratio of the occurrence of housing problems within a “Target Group” or protected class (such as race, color, religion, sex, national origin, familial status or disability) relative to the occurrence of housing problems within a “Control Group.” If the Target Group has a higher problem rate relative to the Control Group, the Disparity Index will have a value greater than one. Any disparity substantially greater than one (1) is an indication of disparity between the Control Group and the protected class and indicates a potential impediment to opportunity.

The analysis provided here begins a thought process that is supplemented by a more nuanced qualitative inquiry about potential impediments to Fair Housing choice considered in Chapter IV, Experiences and Perceptions of Protected Class Members in Washington County. While this quantitative analysis only tells part of the story and is based on data that may undercount, fail to count or miscount certain important groups in Washington County (e.g., Somali refugees), it provides an important starting point because the data on which it is based are commonly used and often considered to be the most reliable available.

WASHINGTON COUNTY’S PRIMARY PROTECTED CLASSES

Washington County’s total population counted in the 2010 Census was 529,710. The majority of Washington County’s population is White (70%). Latino or Hispanic⁷ residents are the second most prominent racial/ethnic group, with a 16% share of the population. Washington County’s Asian population accounts for a 9% share, while African Americans make up less than 2% of the population. The American Indian and Native Hawaiian populations together are about 1% of the county’s residents. Washington County has a greater proportion of racial and ethnic minorities than are found in the MSA as a whole.

⁷There is limited consistency among data sources used in this analysis regarding the distinction of Latino/Hispanic race and ethnicity. For instance, the US Decennial Census considers Hispanic/Latino both to be an ethnicity, with respondents’ choosing a race and then indicating whether they are also Hispanic/Latino, so a respondent is both White and Latino, or Black and non-Latino. The Comprehensive Housing Affordability Strategy data do not make this distinction, including Hispanic/Latino as a racial group without any overlap with other racial identities. The Census data in this chapter have been adapted so that Hispanic/Latino is treated as racial group, with no overlap with other racial identities.

Washington County and Portland MSA 2010 Population by Race/Ethnicity

Gender	Washington County		Portland MSA	
Total	529,710		2,226,009	
White	369,453	69.7%	1,698,126	76.3%
African American/Black	8,861	1.7%	60,589	2.7%
American Indian/Alaskan Native	2,559	0.5%	15,408	0.7%
Asian	45,354	8.6%	125,673	5.6%
Native Hawaiian or Pacific Islander	2,269	0.4%	9,812	0.4%
Other Race or Ethnicity	940	0.2%	3,730	0.2%
Two or More Races or Ethnicities	17,004	3.2%	70,827	3.2%
Hispanic/Latino	83,270	15.7%	241,844	10.9%

Source: US Census Bureau, Census 2010

Washington County and Portland MSA 2008 Estimated Households by Race/Ethnicity

Gender	Washington County		Multnomah County		Clackamas County	
Total	189,315		286,945		139,140	
White	153,375	81.0%	231,815	80.8%	124,605	89.6%
African American/Black	2,190	1.2%	14,980	5.2%	1,114	0.8%
American Indian/Alaskan Native	586	0.3%	1,750	0.6%	237	0.2%
Asian	13,370	7.1%	13,635	4.8%	4,065	2.9%
Pacific Islander	350	0.2%	850	0.3%	295	0.2%
Other	2,565	1.4%	5,810	2.0%	2,599	1.9%
Hispanic/Latino	16,879	8.9%	18,105	6.3%	6,225	4.5%

Source: US Census Bureau, Comprehensive Housing Affordability Strategy 2006-2008

Caution should be used in interpreting these estimates due to large margin of error

As of 2008, Washington County had an estimated 189,315 households, the majority of which were headed by a White householder (81%). Latino/Hispanic-headed households are the second most prevalent, comprising a 9% share of all households, followed by Asian American households (7%), and African American households (1%). Households across the region are majority White; however, Washington County's Latino/Hispanic and Asian American households comprises a greater share of households than those groups in both Multnomah and Clackamas Counties.

Since 2000, Washington County has experienced population change and is becoming more racially and ethnically diverse. A comparison of 2000 and 2010 Census estimates indicates the share of Washington County's population that is white has declined by 15%. The share of African American/Black population has increased by 46%, the Asian population by 28%, the native Hawaiian/Pacific Islander population by 44% and the Latino/Hispanic Population by 41%.⁸

⁸ Percent change is calculated using the following formula: (Share of Population 2010 - Share of Population 2000)/Share of Population 2000 to reflect the increase or decrease in share of population over time.

Washington County Population Change 2000 - 2010 by Race/Ethnicity

Race/Ethnicity	2000		2010		% Change
Total Population	445,342		529,710		
White	366,007	82%	369,453	70%	-15%
African American/Black	5,119	1%	8,861	2%	46%
American Indian/ Alaskan Native	2,913	1%	2,559	0%	-26%
Asian	29,752	7%	45,354	9%	28%
Native Hawaiian or Pacific Islander	1,325	0%	2,269	0%	44%
Other Race/ Ethnicity	26,100	6%	940	0%	-97%
Two or More Races	14,126	3%	17,004	3%	1%
Latino/Hispanic	49,735	11%	83,270	16%	41%

Source: US Census Bureau, Census 2000 and Census 2010

Washington County 2009 Estimated Foreign-Born Population

Population	Washington County		Portland MSA	
Total	518,002		1,736,565	
Native Born	432,000	83%	1,517,901	87%
Foreign Born	86,002	17%	218,664	13%

Source: US Census Bureau, American Community Survey 2005 - 2009*

*Caution should be used in interpreting these results due to large margin of error

Seventeen percent of Washington County’s population is foreign born, exceeding the foreign-born population of the MSA. As Washington County diversifies, it is important to note that many residents in this area experience linguistic isolation. Linguistic isolation occurs when adults in the household (over the age of 14) speak a language other than English and none speaks English “very well.”

Washington County and Portland MSA 2009 Estimated Linguistic Isolation

Household Language	Washington County Households	Share Linguistically Isolated	Portland MSA Households	Share Linguistically Isolated
Total Households	191,390		673,838	
English	149,773	NA	559,057	NA
Languages Other than English	41,617	22%	114,781	17%
Spanish	18,864	32%	51,092	31%
Indo-European Languages	9,327	9%	30,184	16%
Asian and Pacific Island Languages	11,835	26%	28,555	28%
Other Languages	1,591	8%	4,950	15%

Source: US Census Bureau, American Community Survey 2005-2009

Caution should be used in interpreting these estimates due to large margin of error

While the inability to speak English fluently is not itself a protected class, it is related to national origin and may affect an individual’s ability to comprehend basic information pertaining to housing and housing opportunity if it is provided only in English. Overall, an estimated 22% of Washington County’s households who primarily speak a language other than English at home are linguistically isolated, a higher percentage than in the MSA overall (17%). While only 10% of Washington County residents consider Spanish their primary language, 32% of these Spanish-speaking household live in linguistic isolation. The other populations experiencing a similar level of linguistic isolation are the Asian and Pacific Islander populations. The potential challenges caused by linguistic isolation are of concern, particularly for Washington County’s Spanish-speaking population.

Like linguistic isolation, low income is not itself a protected class, but can also impede access to opportunities (including their range of housing choices) or limit a household’s ability to meet daily needs. According to ACS estimates for 2005-2009, Washington County’s median family income is \$76,231, compared to \$68,959 for the MSA, and the median household income is \$62,210 compared to \$59,551 for the MSA.⁹ While Washington County appears to fare well comparatively, with median family and median household incomes outpacing those of the region as a whole, nearly 10% of Washington County’s population lives in poverty.

Washington County and Portland MSA 2009 Estimated Poverty Level

Poverty Level	Washington County		Portland MSA	
Total Population	512,041		1,708,420	
Below Poverty Level	50,091	10%	205,398	12%
Above Poverty Level	461,950	90%	1,503,022	88%

Source: US Census Bureau, American Community Survey 2005 - 2009

*Caution should be used in interpreting these results due to large margin of error

⁹ In the ACS, the term family is used to indicate a household of related persons living together, while households generally may include unrelated persons. The discrepancy between median family income and median household income may be incidental, or it may be attributed to large populations of unrelated persons who earn small wages living as one household. With respect to Washington County, it is possible that this discrepancy is related to farm worker or other populations.

Washington County and Portland MSA 2009 Estimated Poverty Level by Race

Race/Ethnicity	Washington County Population	Share In Poverty	Portland MSA Population	Share In Poverty
Total	512,041	10%	1,708,420	12%
White	404,764	9%	1,412,424	11%
African American/Black	71,819	16%	49,724	29%
American Indian/Native Alaskan	8,181	24%	21,884	28%
Asian	41,806	8%	96,827	12%
Native Hawaiian/Pacific Islander	1,743	22%	5,484	17%
Hispanic/Latino	74,090	22%	184,873	24%

Source: US Census Bureau, American Community Survey 2005-2009

Caution should be used in interpreting these estimates due to large margin of error

All communities of color in Washington County and the MSA other than the Asian population have poverty rates that exceed the county and MSA averages, respectively. Twenty-four percent of the American Indian, 22% of the Latino/Hispanic, 22% of the Native Hawaiian or Pacific Islander, and 16% of the African American population in Washington County live at or below the poverty level.

With the exception of the small population of Native Hawaiians/Pacific Islanders in Washington County, all of the county's non-White populations appear to have the same or lower poverty rate than their counterparts in the MSA overall.¹⁰ Washington County's African American/Black population has a significantly lower poverty rate than the African American/Black population in the MSA. Nevertheless, racial and ethnic minorities in Washington County—communities of color—have lower incomes than their White counterparts, and that this is likely to influence the housing choices available to them.

Washington County 2009 Estimated Poverty Status of Families with Children under 18

Families with Children Under 18	Washington County		Portland MSA	
Total	68,350		211,736	
Married-couple family	51,014	75%	150,108	71%
Below Poverty	2,116	3%	7,607	4%
Male householder, no wife present	4,285	6%	15,666	7%
Below Poverty	704	1%	2,623	1%
Female householder, no husband present	13,051	19%	45,962	22%
Below Poverty	4,147	6%	16,746	8%

Source: US Census Bureau, American Community Survey 2005 - 2009*

*Caution should be used in interpreting these results due to large margin of error

¹⁰ It is not possible to conclude that these differences are significant, given the very high margins of error in the ACS for estimating small populations.

While nearly ten percent of Washington County’s family households are in poverty, poverty is not evenly distributed among family types. While female headed households with children make up just 19% of the total families in Washington County, they make up 60% of the households with children living in poverty. The situation is as serious across the region (62% of the households with children living in poverty are headed by a female). Fair housing issues related to family status may more seriously impact these low-income families because they have limited ability to pay for housing and thus fewer housing options overall.

Washington County 2009 Estimated Share of Families with Children Under 18 living in Poverty

Families with Children Under 18	Washington County		Portland MSA	
Below Poverty Level	6,967		26,976	
Married-couple family	2,116	30%	7,607	28%
Male householder, no wife present	704	10%	2,623	10%
Female householder, no husband present	4,147	60%	16,746	62%

Source: US Census Bureau, American Community Survey 2005 - 2009*

*Caution should be used in interpreting these results due to large margin of error

WASHINGTON COUNTY HOUSING COSTS AND PROTECTED CLASSES

The US Department of Housing and Urban Development (HUD) defines housing cost burden as a household spending more than 30% of its monthly income on housing and utilities.¹¹ Those paying more than 30% but less than 50% of their incomes on housing are considered moderately cost burdened, and those households paying 50% or more of their of income on housing are considered severely cost burdened. The total number of households with any cost burden is the sum of these two figures. High housing cost burdens can compromise a family’s ability to meet other needs, such as nutrition and healthcare.

Familial Status

Consolidated Housing Affordability Survey (CHAS) data¹² indicate that Washington County’s households with children do not experience a disparate cost burden as a result of unaffordable housing. The CHAS data provide comparisons of what it defines family households (those with children under 18) and non-family households (all households without children). Cost burden calculations pertain to both rental and owner-occupied households.

¹¹ Cost burden calculations are conducted using gross annual income.

¹² Consolidated Housing Affordability Survey (CHAS) is a special tabulation of the American Community Survey for 2006 – 2008, compiled by HUD for analyzing housing problems.

The table entitled “Washington County Estimated Cost Burden of Households with Children” indicates that 19% of families with children experience a moderate cost burden and 11% a severe cost burden. A greater proportion of non-family households experience moderate or severe cost burdens.

Race and Ethnicity

There are disproportionate and disparate impacts of race/ethnicity on housing cost burden in Washington County. The table entitled, “Disproportionality: Washington County 2006-2008 Estimated Cost Burden by Race” indicates the share of non-White households experiencing cost burden exceeds that of White households. At the time of the CHAS tabulation, 81% of Washington County households were headed by a White person, but a smaller share of the White population experienced a cost burden than other races/ethnicities. African American, Asian, and Latino/Hispanic populations are over-represented among those having a housing cost burden, with Latinos being most disproportionately represented.

Disproportionality: Washington County 2006 - 2008 Estimated Cost Burden by Race

Race/Ethnicity	Washington County		Moderate Cost Burden		Severe Cost Burden	
Total Households	189,280		36,455		25,055	
White	153,375	81%	28,745	79%	18,895	75%
African American/Black	2,190	1%	535	1%	445	2%
American Indian/Alaskan Native	568	0%	100	0%	140	1%
Asian	13,370	7%	2,235	6%	2,015	8%
Hawaiian/Pacific Islander	350	0%	50	0%	70	0%
Latino/Hispanic	16,879	9%	4,790	13%	3,490	14%

Source: US Census Bureau, Consolidated Housing Affordability Survey 2006 - 2008*

*Caution should be used in interpreting these estimates due to large margin of error

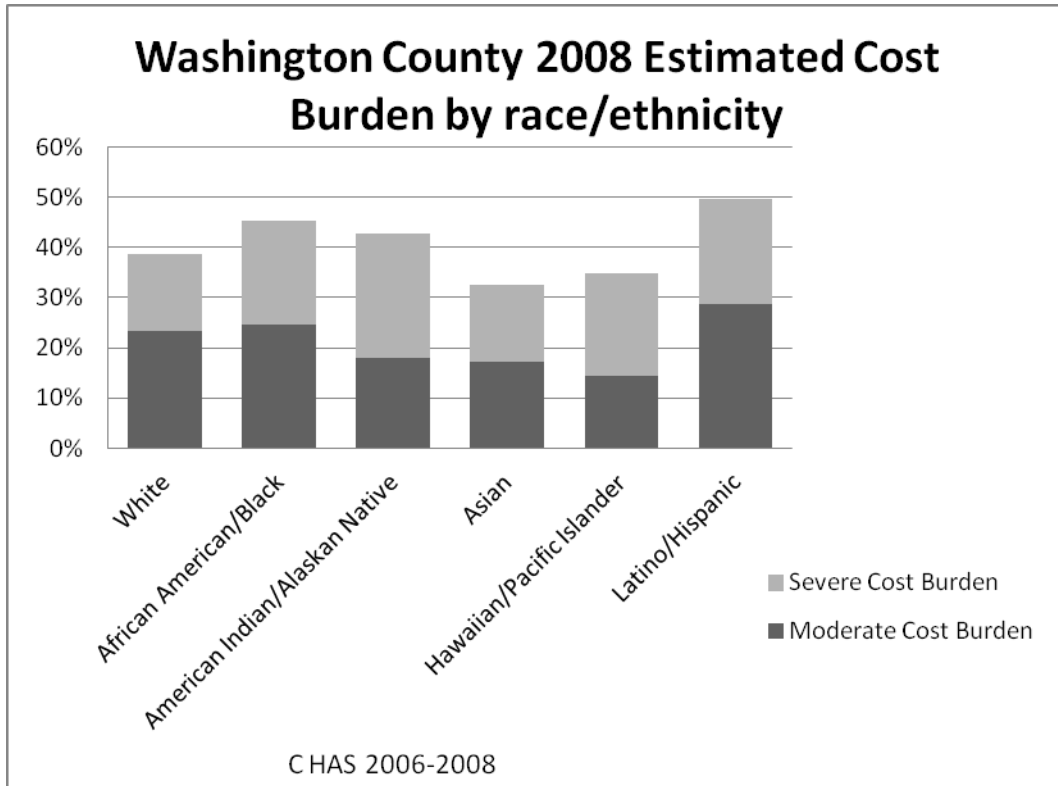
These findings are reinforced by the calculated disparity index that indicates that African American/Black and Latino/Hispanic households experience a disparate rate of moderate cost burden compared to White households. The greater disparities are seen for severely cost burdened households. However, African American/Black, American Indian/Alaskan Native, Pacific Islander, and Latino/Hispanic households all experience disparity in the incidence of severe cost burden in comparison to White households. In all, half of Latino/Hispanic households, 46% of African American households, and 43% of American Indian households are cost burdened—they pay over 30% of their income for housing.

Disparity: Washington County 2006 - 2008 Estimated Cost Burden by Race/Ethnicity

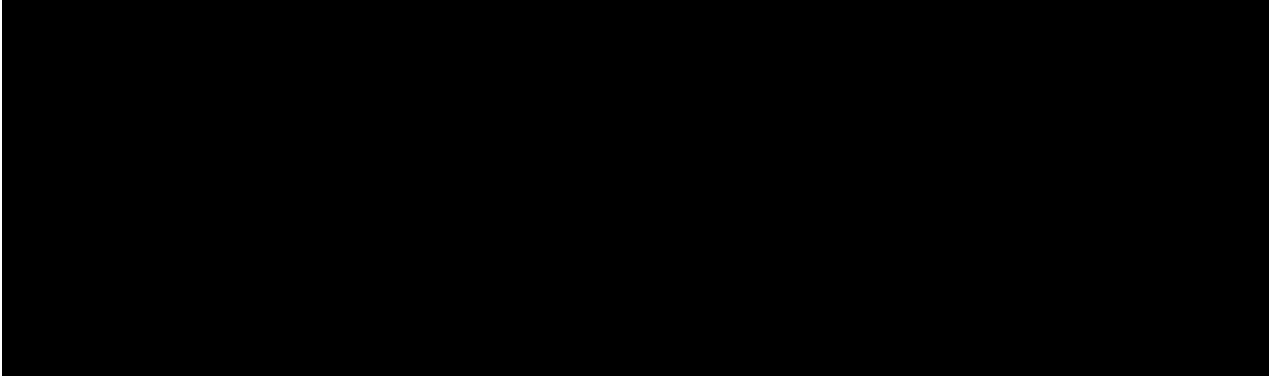
Race/Ethnicity	Moderate Cost Burden	Severe Cost Burden	Disparity (Moderate)	Disparity (Severe)
White	23%	15%	1.00	1.00
African American/Black	25%	21%	1.06	1.34
American Indian/Alaskan Native	18%	25%	0.77	1.63
Asian	17%	15%	0.73	1.01
Hawaiian/Pacific Islander	14%	20%	0.62	1.33
Latino/Hispanic	29%	21%	1.24	1.37

Source: US Census Bureau, Consolidated Housing Affordability Survey 2006 - 2008*

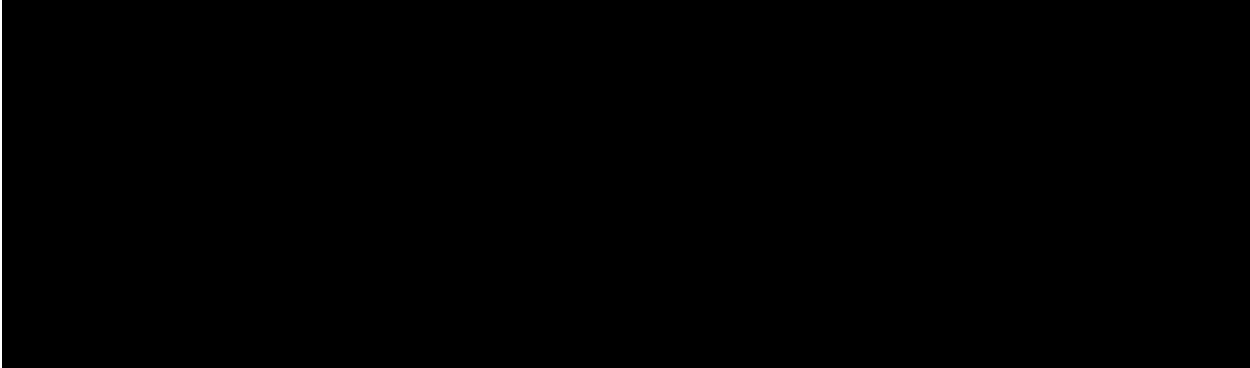
*Caution should be used in interpreting these estimates due to large margin of error



Tenure—whether a household rents or owns—is related to cost burdens and housing problems. Furthermore, there are substantial differences in housing cost burdens when renters and owners are disaggregated by race/ethnicity. While 18% of White owners face a moderate cost burden, all minority racial/ethnic groups experience moderate cost burdens at higher rates. For renters, Latino/Hispanic households face a substantially higher incidence of moderate cost burdens than do Whites.



Severe cost burdens impact fewer households overall. With very small numbers, the estimates become somewhat unreliable due to margins of error. However, Latino/Hispanic households are only 9% of Washington County households, yet they represent 16% of renter households with severe cost burdens. They are over-represented among those with this problem. In both categories, moderate and severe, Latino/Hispanic populations are over-represented among the population experiencing a cost burden.



HUD includes a range of housing issues under the umbrella of “housing problems.” By definition, households with a housing problem have one or more of the following conditions: a cost burden greater than 30% of income, a home with an occupancy rate greater than one person per room, or a home lacking a complete kitchen or plumbing facilities.

An analysis of 2006 – 2008 CHAS data indicates that 35% of households reported housing problems. Seventy-four percent all households reporting housing problems were White, 16% were Latino/Hispanic, 7% were Asian, and 2% were African American/Black households. The distribution of housing problems mirrors the race/ethnicity profile of Washington County.

Disproportionality: Washington County 2006 - 2008 Estimated Housing Problems by Race

Race/Ethnicity	Washington County	
Total Households	189,280	
Total Households with Problems	67,145	35%
White	49,365	74%
African American/Black	1,070	2%
American Indian/Alaskan Native	253	0.4%
Asian	4,605	7%
Native Hawaiian/Pacific Islander	125	0.2%
Latino/Hispanic	10,620	16%

*Source: US Census Bureau, Consolidated Housing Affordability Survey 2006 - 2008**

*Caution should be used in interpreting these estimates due to large margin of error

While distribution mirrors demographic trends, analysis of disparity among groups indicates disparity is present in all racial/ethnic groups when compared to White households reporting problems. The table “Disparity: Estimated Housing Problems by Race” shows the proportion of households within each race/ethnicity that report a housing problem. Among White households, 33% of households reported problems, while 45% of American Indian/Native Alaskan, 49% of African American/Black and 64% of Latino/Hispanic households reported problems. It is noteworthy that nearly two thirds of all Latino/Hispanic households in Washington County reported that they paid more than 30% of their income for housing, lived in overcrowded conditions, had incomplete kitchen or bathroom facilities, or experienced some combination of these three housing problems. The incidence of housing problems for the Latino/Hispanic population is nearly double that of the White population, as indicated by the disparity index of 1.95.

Disparity: Washington County 2006 - 2008 Estimated Housing Problems by Race

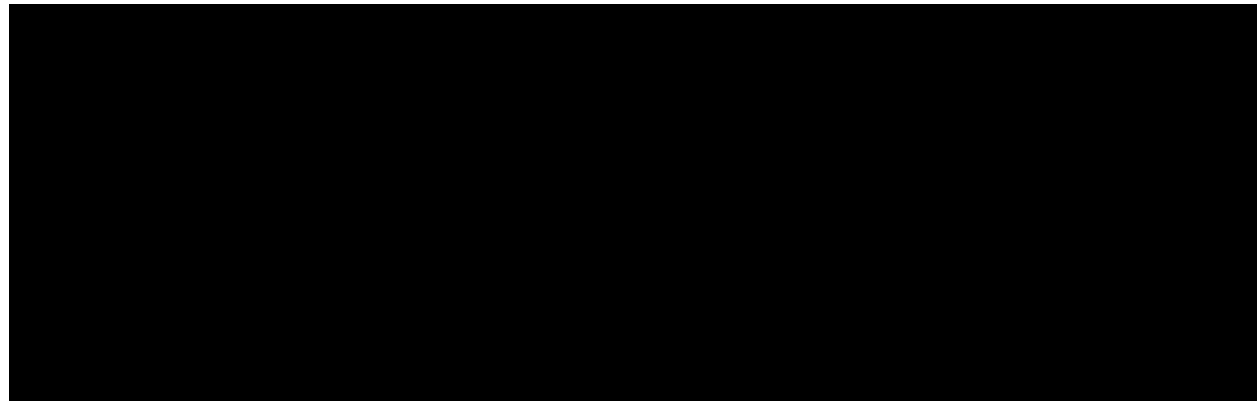
Race/Ethnicity	Households with Problems		Total	Disparity
Households with Problems				
White	49,365	33%	151,095	1.00
African American/Black	1,070	49%	2,170	1.51
American Indian/Alaskan Native	253	45%	558	1.39
Asian	4,605	35%	13,125	1.07
Pacific Islander	125	36%	350	1.09
Other	1,115	45%	2,490	1.37
Hispanic/Latino	10,620	64%	16,670	1.95

*Source: US Census Bureau, Consolidated Housing Affordability Survey 2006 - 2008**

*Caution should be used in interpreting these estimates due to large margin of error

Tenure impacts the incidence of housing problems differently across race/ethnicity as well. The following table shows the proportion of each race/tenure combination that faces HUD-defined housing problems. While 27% of White homeowner households had a problem, half of Black homeowners and 58% of Latino homeowners had a problem. Among White households who were renters, 45% had a housing problem. For African-American and Asians, the same proportion of renters had problems as owners; for Latinos, substantially more renters (67%) had problems than did owners, with both rates being very high. These different rates of housing

problems by race and tenure represent disparities, particularly for Latino/Hispanic households of both tenures and for African-American owners.



Disability Status

Households with disabilities also constitute a protected class that faces significant housing problems. The CHAS data define a disability as having a mobility or self-care limitation.¹³ The estimated Washington County count of households with a member having a disability is 15,000, or 8% of all households. CHAS data indicate 11% of households reporting housing problems included a person with a disability.

Among disabled households, 49% households reported housing problems, compared to 35% of non-disabled households. These relative rates indicate a disparity (DI=1.40) between households with a disability and those without.

Disparity: Washington County 2006 - 2008 Estimated Disabled Households Reporting Problems

Disability Status	Households	HHs with Problems	% with Problems	Disparity
Total Households	186,689			
Disabled	15,354	7,465	49%	1.40
Not Disabled	171,335	59,670	35%	1.00

Source: US Census Bureau, Consolidated Housing Affordability Survey 2006 - 2008*

*Caution should be used in interpreting these estimates due to large margin of error

¹³ For the 2006-2008 CHAS data, households with disabilities are defined as having one or more members with mobility and/or self-care limitations, which include: 1. A long-lasting condition that substantially limits one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying and/or 2. A physical, mental, or emotional condition lasting more than 6 months that creates difficulty with dressing, bathing, or getting around inside the home. This definition may not coincide with the definition of disability in other population surveys.

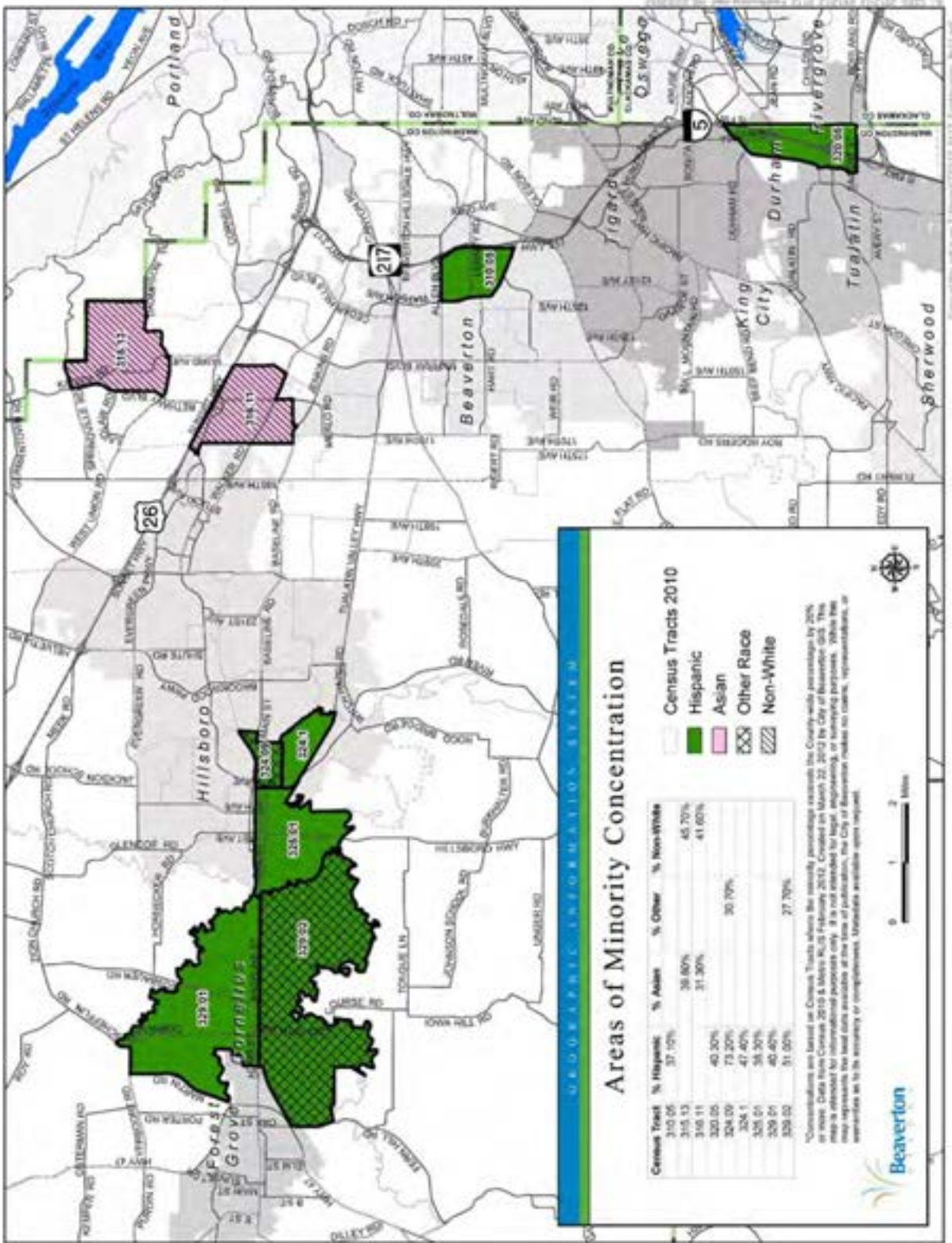
THE GEOGRAPHY OF WASHINGTON COUNTY'S COMMUNITIES OF COLOR

According to HUD, a concentration of racial or ethnic minorities exists in a Census Tract if one or both of the following statistical conditions exists: 1) the percentage of persons of a particular racial or ethnic minority is at least 20 points higher than that minority's percentage in the county as a whole, or 2) the Census Tract's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the county as a whole. The map on the following page shows that Washington County has nine Census Tracts (of a total of 104 Census Tracts in the county overall, or 8.6%) where a HUD-defined "concentration of minorities" occurs. There are seven Census Tracts where a concentration of Hispanics occurs, two where a concentration of Asians occurs, two where a concentration of other races occurs, and two where a concentration of non-whites occurs.

There are other ways to examine the geography of Washington County's Communities of Color besides HUD's formal definition of "concentration of minorities." For example, Chapter VII, Geography of Opportunity, has a map that shows the distribution of the county's non-white population in increments of 11% to 17% of total Census Tract population. Chapter VII also considers the distribution of locational assets (e.g., proximity to public transportation, access to schools with high levels of math and reading proficiency, density of health food sources) relative to the distribution of the county's non-white population.

A major research question, and one that is not answered definitively by this Analysis of Impediments, is whether people live in ethnic enclaves because they are attracted to places where residents share a similar language and cultural heritage, because they are steered there by people in the housing business, or because other desirable neighborhoods are not available to them due to structural conditions and policies that affect the distribution of wealth, income and asset-rich neighborhoods. Chapter IV, Experiences and Perceptions of Protected Classes, explores this question in a limited way. In interviews and questionnaires with Latinos who were not fluent in English, the vast majority (18 of 22 participants) indicated that they would choose a neighborhood with good schools and better stores over a neighborhood close to family, friends and others who spoke Spanish, if faced with this dichotomous choice. While this is a very small sample that may or may not be representative of the Spanish-speaking population in Washington County overall, this result does indicate that removing roadblocks that limit housing choice may yield a larger array of housing options for people wanting to take advantage of them.

Additional geographic information on concentrations of non-White populations based on Census 2010 data relative to the location of subsidized housing is presented in Chapter VII, Geography of Opportunity.



CONCLUSIONS

Washington County has experienced tremendous change between 2000 and 2010. Data indicate that Washington County is becoming more racially and ethnically diverse and emerging as the most racially and ethnically diverse county in the Portland MSA. This chapter has found that, in light of increasing diversity, the benefits enjoyed by some residents of Washington County do not yet extend to all residents. Washington County's protected classes incur disproportionate and disparate impacts in terms of both cost burden and housing problems. In particular, we would like to highlight the following findings:

- Racial and ethnic minorities (communities of color) have lower incomes than their White counterparts.
- Families with children experience both disproportionate and disparate cost burdens compared to families without children.
- Female headed households with children disproportionately experience poverty when compared to other family types with children in Washington County.
- More Washington County communities of color experience moderate and severe cost burdens compared to White households.
- Latino/Hispanic households experience a significantly higher rate of housing problems than do other racial/ethnic minorities and White households.
- Nearly half of Washington County's disabled households report housing problems, compared to 35% of non-disabled households reporting problems.

These disparities provide snapshots in time of some of the principal housing-related differences between the county's majority populations (i.e., White households, non-disabled households, English-speaking households and male-headed households with children) and their minority counterparts that can be captured through various versions of Census Bureau data. They provide a backdrop for both considering the lived experiences of members of protected classes (Chapter IV) and analyzing current day practices and policies in the public and private sectors that may potentially play a role in fostering or perpetuating these disparities (Chapters V and VI).

III. Analysis of Current Fair Housing Status

This chapter addresses three primary questions:

- How many and what kinds of Fair Housing complaints have been received from residents in Washington County and its cities, and what can we learn from this information?
- What are the results of the Fair Housing audit tests that have been undertaken for Washington County and the City of Beaverton by the Fair Housing Council of Oregon, and what can we learn from this information?
- What institutional infrastructure is currently in place to affirmatively further Fair Housing in Washington County and the City of Beaverton, and what can be done to strengthen it?

Each section below includes background information to provide context, data analysis, and conclusions based on the results of the data analysis.

FAIR HOUSING COMPLAINT DATA

An analysis of the nature and quantity of Washington County-based Fair Housing complaints provides a window on both the level of awareness about Fair Housing and the kinds of problems that may be occurring. A National Fair Housing Alliance study estimated that, on a national level, less than one in 100 incidents of Fair Housing discrimination results in the filing of a complaint.¹⁴ In the past, many incidents of discrimination were blatant, such as the redlining that occurred in many places in the country during the middle of the 20th century. In more recent times, discrimination has assumed more subtle forms, with the result that victims of discrimination may not be aware that an offense has been committed. Conversely, not all complaints are based on actual violations. Thus, while complaint data provide a window on discriminatory activity, the information does not present a clear picture. Washington County elected to supplement this analysis of complaint data with Fair Housing audit testing to better understand the nature of Fair Housing problems in the county.

This section analyzes complaint data from four sources: the Fair Housing Council of Oregon (FHCO), the Bureau of Labor and Industries (BOLI), the Department of Housing and Urban Development (HUD), and the US Department of Justice. The role of each is discussed below.

¹⁴ “More than four million instances of housing discrimination occur annually in the United States, and yet fewer than 30,000 complaints are filed every year.” National Commission on Fair Housing and Equal Opportunity. (2008). *The future of Fair Housing*. Retrieved from <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=w23zLzobpwA%3d&tabid=3917&mid=8614> Quote is from page 26 of this report.

Fair Housing Council of Oregon

In Oregon and Southwest Washington, the Fair Housing Council of Oregon (FHCO) plays an important role in the Fair Housing complaint process by acting as an information source and first line of defense for people who believe that they have experienced discrimination. FHCO is empowered by HUD through a Fair Housing Initiatives (FHIP) grant to assist victims in their pursuit of a HUD or BOLI complaint or private lawsuit and investigate Fair Housing allegations in order to provide credible, independent evidence of a claim. FHCO does not have judicial authority to make a finding of cause or impose a remedy, but it is an important starting point for many people seeking assistance and information.

The table below provides information on the number of complaints received by FHCO regarding potential Fair Housing violations occurring in Washington County jurisdictions in 2008 through 2010. The data show a steady increase in complaints from 2008 through 2010, with nearly 2.5 times as many complaints in 2010 as in 2008. While it is not possible to identify with certainty the reasons for this increase, it is noteworthy that the City of Beaverton first conducted Fair Housing testing in 2009 and subsequently stepped up education and outreach as a result of the findings. The number of complaints received from Beaverton nearly doubled from eight to 15 from 2008 to 2010. While it is not the only city with an increase in complaints, this change is consistent with the hypothesis that greater awareness and education around Fair Housing leads to an increase in Fair Housing complaints.

A final caveat: the categorization by city does not necessarily adhere to the legal boundaries of jurisdictions because it is based on information provided by the complainants (typically their mailing address) and may thus result in some anomalies, such as the inclusion of Portland as a Washington County jurisdiction. Only a very small portion of Portland is included within Washington County.

FHCO Location of Complaints of Housing Discrimination in Washington County January 1, 2008 - December 31, 2010

City	2008		2009		2010	
	#	%	#	%	#	%
Aloha	0	0%	3	13%	2	6%
Beaverton	8	62%	10	43%	15	47%
Durham	0	0%	1	4%	0	0%
Forest Grove	0	0%	1	4%	3	9%
Hillsboro	1	8%	3	13%	5	16%
Portland	1	8%	1	4%	1	3%
Tigard	2	15%	2	9%	3	9%
Tualatin	1	8%	2	9%	3	9%
Total Complaints	13	100%	23	100%	32	100%

Source: Fair Housing Council of Oregon

The table below describes allegations received by FHCO for Washington County and the various protected classes involved. Consistent with the increase in complaints, the number of allegations also increased over time. In 2008, the complaints were spread across the protected classes of disability, national origin, race and familial status. In 2010, nearly half were in the area of disability, with race and familial status each representing approximately one sixth of total allegations. Not all allegations logged by FHCO led to complaints, and one complaint may have involved multiple allegations and protected classes, depending on the circumstances. Thus, the totals on this table and the one above are not the same.

FHCO Allegations of Housing Discrimination From Washington County*
January 1, 2008 - December 31, 2010

Protected class	2008		2009		2010	
	#	%	#	%	#	%
Disability	6	33%	15	25%	29	47%
failure to provide rental application	5		5		12	
refusal to rent	0		4		6	
different terms & conditions	1		3		5	
interference or coercion	0		3		3	
discriminatory statements	0		0		2	
discriminatory financing	0		0		1	
Familial Status	3	17%	19	32%	9	15%
refusal to rent	2		7		4	
different terms & conditions	0		5		2	
interference or coercion	1		5		1	
discriminatory statements	0		2		2	
National Origin	5	28%	15	25%	5	8%
refusal to rent	3		3		1	
different terms & conditions	2		6		2	
discriminatory statements	0		2		1	
discriminatory zoning decision	0		4		1	
Race	4	22%	6	10%	11	18%
refusal to rent	2		2		1	
different terms & conditions	1		0		4	
interference or coercion	1		3		4	
discriminatory statements	0		1		2	
Sex	0	0%	0	0%	3	5%
refusal to rent	0		0		1	
different terms & conditions	0		0		1	
discriminatory statements	0		0		1	
Religion	0	0%	3	5%	0	0%
refusal to rent	0		1		0	
interference or coercion	0		1		0	
discriminatory statements	0		1		0	
Sexual Orientation/Gender Identity	0	0%	1	2%	4	6%
refusal to rent	0		0		1	
different terms & conditions	0		0		2	
interference or coercion	0		1		1	
Source of Income	0	0%	1	2%	1	2%
refusal to rent	0		1		0	
different terms & conditions	0		0		1	
Total Allegations	18	100%	60	100%	62	100%

Source: Fair Housing Council of Oregon

* A single complaint may include several different allegations.

Oregon Bureau of Labor and Industries

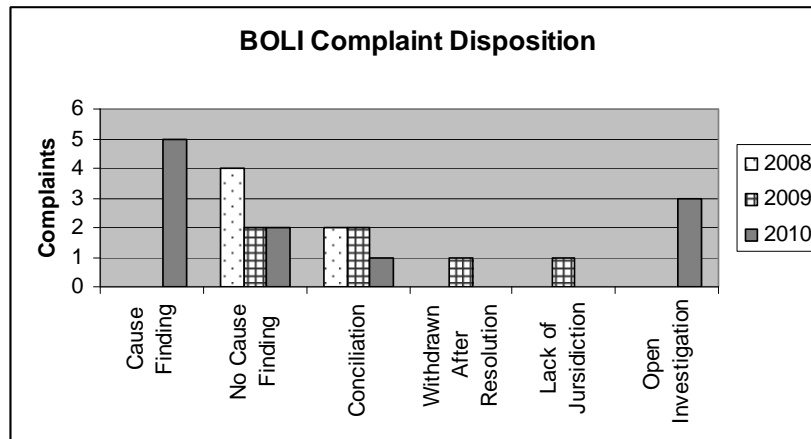
The Bureau of Labor and Industries (BOLI) Civil Rights Division is an enforcement agency. BOLI is empowered through a Fair Housing Assistance Program (FHAP) contract with HUD to conduct neutral investigations and enforce federal Fair Housing laws. BOLI also enforces state Fair Housing laws that pertain to the state protected classes of marital status, source of income and sexual orientation. BOLI has “substantial equivalency” with HUD, which means that filing a complaint with BOLI is, in effect, the same as filing a complaint with HUD. To initiate the process, complainants contact the BOLI Civil Rights Division by phone (971-673-0764) or email (crdemail.boli@state.or.us). The first step is to complete a questionnaire that provides information regarding the complaint.

The table below indicates that the number of complaints filed with BOLI from Washington County nearly doubled from six in 2008 and 2009 to 11 in 2010. Furthermore, the number of cases that resulted in a cause finding by BOLI staff (and thus forwarded to an administrative law judge for a hearing, decision and potential remedies for the complainant) increased from zero in 2008 and 2009 to five in 2010. Two-thirds of the complaints ended in a no-cause finding in 2008; less than one fifth resulted in a no-cause finding in 2010.

BOLI Disposition of Complaints of Housing Discrimination Filed in Washington County January 1, 2008 - December 31, 2010

Complaint Disposition	2008		2009		2010	
	#	%	#	%	#	%
Cause Finding	0	0%	0	0%	5	45%
No Cause Finding	4	67%	2	33%	2	18%
Conciliation	2	33%	2	33%	1	9%
Withdrawn After Resolution	0	0%	1	17%	0	0%
Lack of Jurisdiction	0	0%	1	17%	0	0%
Open Investigation	0	0%	0	0%	3	27%
Total Complaints	6	100%	6	100%	11	100%

Sources: Oregon Bureau of Labor and Industries; Fair Housing Council of Oregon



The table below provides additional detail on the types of protected classes affected and the kinds of allegations that were made with respect to the BOLI complaints. Because a single complaint may involve more than one protected class and more than one allegation, the total allegations is different from the total complaints reported in the previous table. The most common allegation was “different terms and conditions,” followed by “refusal to rent.” Approximately half the allegations resulted from the protected class of disability.

BOLI Allegations of Housing Discrimination Filed in Washington County*
January 1, 2008 - December 31, 2010

Protected class	2008		2009		2010	
	#	%	#	%	#	%
Disability	5	63%	4	57%	8	47%
failure to provide rental application	3		2		3	
refusal to rent	0		2		1	
different terms & conditions	1		0		2	
interference or coercion	1		0		0	
discriminatory statements	0		0		2	
Familial Status	1	13%	0	0%	1	6%
refusal to rent	1		0		0	
different terms & conditions	0		0		1	
National Origin	1	13%	3	43%	2	12%
refusal to rent	0		0		1	
different terms & conditions	1		2		1	
discriminatory statements	0		1		0	
Race	1	13%	0	0%	3	18%
refusal to rent	1		0		2	
different terms & conditions	0		0		1	
Sex	0	0%	0	0%	3	18%
different terms & conditions	0		0		1	
interference or coercion	0		0		1	
discriminatory statements	0		0		1	
Total Allegations	8	100%	7	100%	17	100%

Sources: Oregon Bureau of Labor and Industries; Fair Housing Council of Oregon

* A single complaint may include several different allegations.

US Department of Housing and Urban Development

Anyone who believes that they have been a victim of illegal housing discrimination based on membership in a federal protected class may file a complaint with HUD by calling the HUD Seattle Office (800-877-0245) or filing a complaint online (http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint). HUD refers many of the complaints to BOLI for investigation through the FHAP contract; thus, there is likely to be duplication among the totals reported in the BOLI tables above and the HUD tables below.

The HUD data on complaints do not show the same patterns as the BOLI data. For example, the HUD complaints did not increase steadily during the three-year period, nor was there an increase in cause findings over time. However, the HUD data shows a broader range of types of allegations. As in the case of BOLI data, the HUD complaints are attributed to the jurisdiction as identified by the person filing the complaint and may not correspond to official city boundaries.

**HUD Location of Complaints of Housing Discrimination in Washington County
January 1, 2008 - December 31, 2010**

City	2008		2009		2010	
	#	%	#	%	#	%
Aloha	0	0%	0	0%	1	8%
Beaverton	6	60%	0	0%	2	15%
Durham	0	0%	0	0%	0	0%
Forest Grove	0	0%	0	0%	3	23%
Hillsboro	2	20%	2	29%	5	38%
Portland	0	0%	3	43%	0	0%
Tigard	2	20%	2	29%	1	8%
Tualatin	0	0%	0	0%	1	8%
Total Complaints	10	100%	7	100%	13	100%

Sources: US Department of Housing and Urban Development, Fair Housing Council of Oregon

**HUD Disposition of Housing Discrimination Complaints from Washington County
January 1, 2008 - December 31, 2010**

Complaint Disposition	2008		2009		2010	
	#	%	#	%	#	%
Cause Finding	1	10%	0	0%	0	0%
No Cause Finding	4	40%	3	43%	4	31%
Conciliation	3	30%	2	29%	2	15%
Withdrawn After Resolution	2	20%	1	14%	0	0%
Lack of Jurisdiction	0	0%	1	14%	0	0%
Open Investigation	0	0%	0	0%	7	54%
Total Complaints	10	100%	7	100%	13	100%

Sources: US Department of Housing and Urban Development, Fair Housing Council of Oregon

HUD Allegations of Housing Discrimination Filed in Washington County*
January 1, 2008 - December 31, 2010

Protected class	2008		2009		2010	
	#	%	#	%	#	%
Disability	11	73%	8	67%	19	46%
failure to provide rental application	6		2		5	
refusal to rent	2		1		5	
different terms & conditions	2		3		3	
interference or coercion	1		2		0	
discriminatory statements	0		0		2	
discriminatory financing	0		0		3	
otherwise denying housing	0		0		1	
Familial Status	1	7%	0	0%	7	17%
refusal to rent	1		0		2	
different terms & conditions	0		0		3	
discriminatory statements	0		0		1	
steering	0		0		1	
Nation Origin	2	13%	3	25%	6	15%
refusal to rent	0		0		3	
different terms & conditions	1		2		2	
discriminatory statements	0		1		1	
discriminatory zoning decision	1		0		0	
Race	1	7%	1	8%	3	7%
refusal to rent	1		0		2	
different terms & conditions	0		1		1	
Sex	0	0%	0	0%	5	12%
refusal to rent	0		0		2	
different terms & conditions	0		0		2	
interference or coercion	0		0		0	
discriminatory statements	0		0		1	
Religion	0	0%	0	0%	1	2%
discriminatory financing	0		0		1	
Total	15	100%	12	100%	41	100%

Sources: US Department of Housing and Urban Development, Fair Housing Council of Oregon

Neither Washington County, nor any jurisdiction within Washington County, is subject to a Compliance Agreement with HUD.

US Department of Justice

The Department of Justice may file a lawsuit on behalf of a complainant when there is reason to believe that there has been a pattern and practice of discrimination rather than an isolated incident of discrimination. These lawsuits usually arise in response to discriminatory conditions that have existed over a long period of time and/or which have affected a large number of people. There are a few other instances in which the Department of Justice gets involved, such as allegations of adoption or enforcement of land use regulations by local governments which

discriminate against or unduly burden religious assemblies or institutions. The Department of Justice’s role is that of a neutral finder of fact. There were no Washington County Department of Justice cases filed during the three year time period covered in this study.

The Process of Filing a Complaint in Oregon

When an individual has experienced discrimination, that person has several options available. He or she can contact FHCO for general advice and assistance, including discussing whether the action likely constitutes discrimination and what enforcement options can be pursued. FHCO may assist the individual with filing a complaint or provide a referral to an attorney. The individual may also file a complaint directly with HUD or BOLI.¹⁵ Since BOLI has “substantial equivalency” to HUD with respect to Fair Housing complaints, HUD typically refers all but a few categories of complaints to BOLI for investigation. Finally, the individual may contact an attorney to pursue a civil complaint. If the individual income-qualifies, she or he may pursue legal representation by Legal Aid Services of Oregon (LASO) or its affiliates (e.g., Oregon Law Center). FHCO and BOLI both have extensive Oregon-specific information available online.

The Fair Housing enforcement process consists of three steps, as explained in this excerpt from a 2004 report by the General Accounting Office (GAO):¹⁶

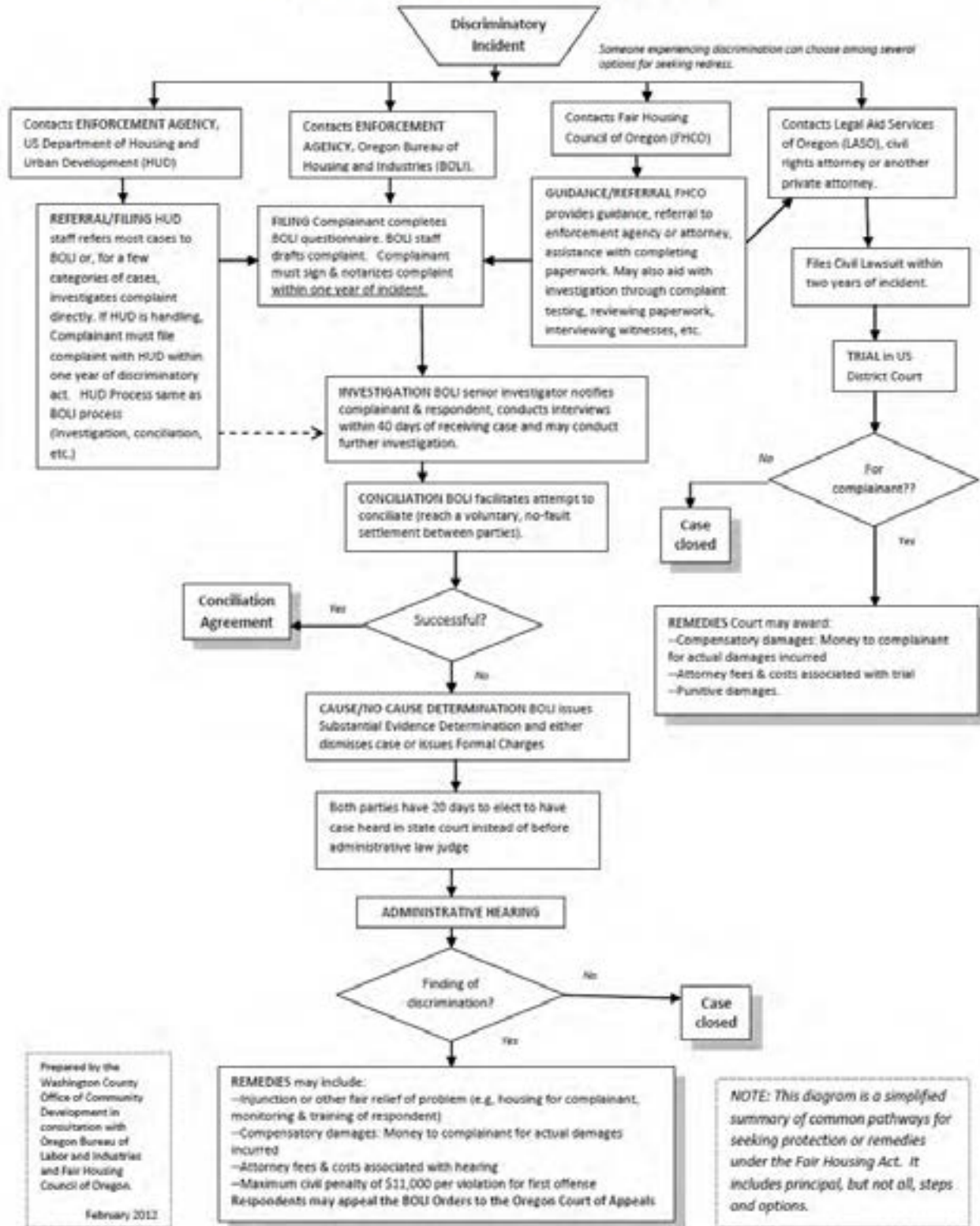
1. *Intake*, during which [HUD offices and state or local agencies empowered with enforcement authority, such as BOLI] receive inquiries from individuals (complainants), determine whether the inquiries involve a potential violation of the Act, and file Fair Housing complaints for those that do.
2. *Investigation*, during which [HUD offices and agencies like BOLI] investigators collect evidence to determine whether reasonable cause exists to believe that a discriminatory housing practice occurred, or is about to occur, and simultaneously work with parties to conciliate complaints to the extent possible.
3. *Adjudication*, during which an administrative law judge, another administrative entity, or a federal or state court actually determines whether a violation of the Act has occurred.

The diagram on the following page provides a simplified overview of the steps involved in pursuing various enforcement alternatives under the Fair Housing Act in Oregon. Since jurisdictions (including Washington County) do not have enforcement authority under the Fair Housing Act, Washington County and city staff provide informational assistance and referral to FHCO, LASO, BOLI or HUD.

¹⁵ An individual may also file a complaint with the Department of Justice, but it appears that this option is rarely pursued.

¹⁶ GAO, *Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process*, GAO-04-463 (April 2004), available at <http://www.gao.gov/new.items/d04463.pdf>

Fair Housing Complaint Flowchart for Oregon



At the federal level, advocacy organizations have been consistent critics of the Fair Housing enforcement process. In 2008, the Leadership Conference on Civil Rights Education Fund, the National Fair Housing Alliance, the NAACP Legal Defense and Educational Fund, and the Lawyers' Committee for Civil Rights Under Law issued a report which included strongly-worded criticism of the enforcement process nationally.¹⁷ The 2004 GAO audit found that complaints filed with HUD or its enforcement agencies from 1996 through 2003 exceeded 200 days, twice the standard of 100 days established in the Fair Housing Act and a related guidebook. It is important to note that this time period predates the date which BOLI was empowered and funded to enforce Fair Housing in Oregon, so this information does not reflect upon BOLI's performance specifically. However, the GAO report findings suggest the possibility of structural, funding and human capital (staff training) issues with the enforcement system nationally.

Problems with the enforcement system have significant consequences for potential claimants. First and foremost, people may be reluctant to file a complaint if they believe that it will take a long time to resolve the problem. Furthermore, filing a complaint does not necessarily mean that the discriminatory action stops. For example, someone might experience ongoing harassment by a landlord or neighbors which does not end or may even intensify after a complaint is filed. While retaliation is a violation of the Fair Housing Act, it will likely take some time before the complaint is resolved, in part to ensure that the other party has access to due process. The individual may contact law enforcement or an attorney if he or she believes that a criminal violation or civil action is warranted. Enforcement agencies are not empowered to take these actions on behalf of the complainant.

Washington County staff has met with BOLI staff to open lines of communication, and found BOLI staff to be receptive, responsive, helpful, informative, forthcoming and positive. Washington County looks forward to deepening a working relationship with BOLI, which must operate within the constraints of a federally-guided enforcement system and the resources allotted to Oregon for enforcement.

Conclusions

It is important to understand the complaint process because it represents the principal avenue through which a harmed party may seek redress for violations of Fair Housing law. Washington County has either established or deepened a working relationship with the Fair Housing Council of Oregon, Oregon Law Center, BOLI and HUD through the preparation of this Fair Housing Plan. It is important that these lines of communication remain open and active going forward.

¹⁷ National Commission on Fair Housing and Equal Opportunity. (2008). *The future of Fair Housing*. Downloaded from <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=w23zLzobpwA%3d&tabid=3917&mid=8614>.

An examination of complaint data shows the degree to which this avenue is being utilized. This analysis shows that, while the level of complaint activity for Washington County remained rather low, it did increase from 2008 through 2010. FHCO and BOLI complaints increased during the three years studied, a period during which the City of Beaverton stepped up its education and publicity about Fair Housing issues. This suggests that the investment of resources in Fair Housing information and support may have resulted in more households availing themselves of the recourse available to them under federal and state law.

Over time, the proportion of BOLI complaints that resulted in a cause determination increased, and thus more complaints were found to have sufficient merit to send to an administrative law judge for action. The proportion of BOLI complaints reconciled through informal mediation by BOLI staff ranged from a third to approximately one tenth. Together, these results suggest that number of households experiencing disparate treatment using the complaint system to help address their problems increased during this time period.

The analysis of audit testing results that follows helps to further describe which protected classes experienced disparate treatment in Washington County and the practices used.

FAIR HOUSING AUDIT TESTING

Washington County and the City of Beaverton both contracted with FHCO to undertake audit testing to better understand the kinds of issues that arise for members of protected classes seeking rental housing in the county and city.

A “test” is a simulated housing search used to obtain comparative data on how prospective renters are treated by landlords or property managers responsible for leasing housing units. In paired testing, two different households are assigned similar backgrounds so that their qualifications as renters are equivalent, except for the protected characteristic (such as race, national origin or disability). The testers do not know what is being tested, and they do not know with whom they have been paired. Within 24 hours of being notified to proceed with testing, each member of the pair applies for housing from the same source, based on the same advertisement. Each then provides detailed information to the testing agency about the process and outcome. The testing agency compares the results to determine one of three outcomes: evidence of discrimination, no evidence of discrimination, or inconclusive.

The National Fair Housing Alliance distinguishes among several different kinds of testing. *Enforcement testing* is used in investigations of Fair Housing complaints to help substantiate patterns of discrimination by a particular entity. *Research testing* involves using a formal sampling methodology (such as a stratified random sample of housing for rent at a particular time in a particular city or county) to produce results that can be used to generalize to all rental housing practices in that jurisdiction. Research testing might result in concluding that “members

of *W* protected class can expect to encounter discrimination *X%* of the time in *Y* jurisdiction, give or take a margin of error of plus or minus *Z* percentage points.”

Audit testing is a third type of testing. The purpose of audit testing is to “identify local patterns of discrimination in the housing market, and should not be treated as research testing” (Letter of the National Fair Housing Alliance to the HUD Desk Officer, Office of Management and Regulatory Affairs, Office of Management and Budget, dated March 28, 2011.) It answers the question: Is there evidence of discrimination in this housing market with respect to the protected classes tested? Because rigorous sampling protocols are not used in audit testing, the results do not describe the extent of the problem. However, audit testing typically provides information about discriminatory tactics used, such as steering, quoting different security deposit amounts, chilling statements that make renters feel unwelcome, or lying about the availability of a unit. Since audit testing is used as an information-gathering tool to help guide future actions, it may not necessarily meet the standards expected of enforcement testing.

City of Beaverton Audit Test Results

The City of Beaverton contracted with FHCO to perform audit testing in 2009 and 2010 as part of a comprehensive Fair Housing services contract. Authorized agents tested Beaverton landlords who had vacant units listed in local publications to test for the protected classes of race, national origin, disability, familial status and sexual orientation.

The results, which are included in the tables listed below, indicate there are incidences of discrimination in relation to all of the protected classes that were reviewed during the audit testing process.

City of Beaverton Rental Housing Audit Test Results 2009

	Race	National Origin	Disability	Familial Status	Sexual Orientation
Total tests conducted	9	8	10	10	10
Results showed different treatment	7	4	5	3	4
Results did not show different treatment	2	3	4	5	3
Inconclusive	0	1	1	2	3

Source: Fair Housing Council of Oregon, 2009

City of Beaverton Rental Housing Audit Test Results 2010

	Race	National Origin	Disability	Familial Status	Sexual Orientation
Total tests conducted	12	18	13	16	16
Results showed different treatment	3	8	4	3	8
Results did not show different treatment	6	7	9	12	5
Inconclusive	3	3	0	1	3

Source: Fair Housing Council of Oregon, 2010

- Race: Examples of differential treatment for the protected tester included being shown fewer units, quotes of higher rents and deposits, being shown different units in complex,

no follow up from leasing staff, no waiving of fees when the control tester had fees waived,

- National Origin: protected testers were not provided with the same descriptions of the units, were not offered the specials, were told no pets were allowed when the control tester was provided differing information, were required to provide additional documentation with the lease application, and were quoted higher rents, deposit and lease durations.
- Disability: protected testers were steered to different properties, not offered specials, provided barriers to having an assistance animal (no pet policy, additional deposits, etc).
- Familial Status: protected testers were steered to different properties, not provided the same information, and were not offered fee waivers or specials.
- Sexual Orientation: protected testers were given different information about unit features and availability, quoted higher rent and deposits, and were not offered fee waivers.

The Fair Housing Council's complete 2009 and 2010 reports, which provide additional details about the experiences of the testers, are included in the Appendix.

Washington County Audit Test Results

Washington County's Office of Community Development contracted with FHCO to perform 20 audit tests from March through June 2011 for the protected classes of race, national origin and disability. FHCO actually undertook 21 audit tests. The area covered by the tests included all of Washington County except the City of Beaverton, because Beaverton, a regional leader in audit testing, had two years of test results available. The purpose of Washington County's audit testing was to reach the areas of the county that had not previously been tested.

The results below provide a strong indication that, in some cases, African American (race) and Latino (national origin) testers were treated differently and less favorably than their White counterparts. Troubling evidence is also provided with respect to rental practices relating to disability as a protected class. Some of the most egregious practices included the following:

- Race: The rental agent quoted information on deposits and move-in specials that resulted in a total move-in cost that could have been up to \$1,000 higher for the African American tester. The agent also showed the African American tester one unit, but showed the White tester two different units. Two days after the White tester applied, the rental agent called her to see if she was still interested in the unit. The rental agent did not call back the African American tester.
- Race: The rental agent told the White tester that she would "bump" him to the top of the wait list but indicated to the African American tester that he would be called after others already on the wait list.
- Ethnicity: The rental agent told the Latino tester that the advertised unit was no longer available, but two days later the agent told the White tester that the unit was available.

Furthermore, the agent steered the Latino tester to a different property, one that had a Latino on-site manager.

- **Ethnicity:** The rental agent did not return the initial call of the Latino tester, but did return the call of the White tester. The rental agent told the Latino tester that he would need to purchase renters' insurance, but did not indicate to the White tester that any insurance was required. The rental agent told the Latino tester that he did not maintain a waitlist. Thus, if no units were available, the only way for the Latino tester to learn of a vacancy was by continually checking the advertisements. In contrast, the rental agent told the White tester that there was a waitlist, offered to take the White tester's name and number, and offered to "bump" the White tester to first on the list.

A copy of the Fair Housing Council's complete report, which provides additional details about the experiences of the testers, is included in the Appendix.

Washington County Rental Housing Audit Test Results 2011

	Race	National Origin	Disability
Total tests conducted	8	8	5
Results showed different treatment	4	7	1
Results did not show different treatment	3	1	4
Inconclusive	1	0	0

Source: Fair Housing Council of Oregon, 2011

Conclusions

Because *research* testing was not conducted in Beaverton or Washington County,¹⁸ one may not conclude from the tables above that a certain percentage of households of color routinely experience discrimination in rental housing in these areas. Nor may one conclude that all violations of Fair Housing law are instances of willful and intentional discrimination. One may conclude, however, that there is evidence to support that different treatment occurred in some instances with respect to applicants of different races and national origins in Washington County and with respect to race, national origin, sexual orientation, disability and familial status in Beaverton. In other words, impediments to Fair Housing Choice clearly exist with respect to applying for rental housing and need to be addressed in this plan.

INSTITUTIONAL INFRASTRUCTURE TO SUPPORT FAIR HOUSING

For the local departments that receive and manage Community Development Block Grant and HOME funds in Washington County, the responsibility to "affirmatively further Fair Housing" has two primary operational aspects:

¹⁸ Currently, it does not appear that the expertise exists in the state to conduct research testing, nor is cost of such testing known. However, the cost is expected to be considerably higher than that of audit testing both because of the sample size needed and because of the rigorous sampling methodology that would need to be employed to ensure the accuracy of the results.

- Ensuring that programs that are administered by these departments, especially those involving funds from HUD, affirmatively further Fair Housing
- Promoting understanding of and compliance with Fair Housing law by other private, public and non-profit entities, both agencies and individuals.

Each is considered below.

Affirmatively Furthering Fair Housing in HUD-Funded Programs

The Washington County Office of Community Development administers HOME funds for Washington County and Community Development Block Grant Funds for all of Washington County except the City of Beaverton. The City of Beaverton Planning Division administers Community Development Block Grant funds for the City of Beaverton. The Washington County Office of Community Development and the City of Beaverton Planning Division have a strong, cooperative working relationship and a successful history of collaboration, especially on planning (e.g., Consolidated Plan), reporting (e.g., Consolidated Annual Performance and Evaluation Report, or CAPER) and cross-cutting issues such as homelessness.

The table below, an excerpt from the Program Year 2010 CAPER, demonstrates the degree to which racial and ethnic minorities were the beneficiaries of programs funded with HUD funds. In Washington County, 29% of housing¹⁹ and 43% of other beneficiaries²⁰ were Latino; in Beaverton, the figures were 13% and 46%, respectively. Additional information about how Washington County and the City of Beaverton utilize federal funds to address the housing needs of protected classes can be found in Volume 1 of the CAPER, particularly pages 30-38 (report on progress made in implementing 2004 Fair Housing Plan) and page 40²¹ (affordable housing for persons with disabilities).

¹⁹ The housing numbers only include beneficiaries in housing projects completed during that program year, as required by HUD. As is indicated in Chapter V, information is not available on the racial and ethnic profile of *all* subsidized housing units; however, information is available on Public Housing residents and Housing Choice Voucher holders. That information is presented in Chapter V.

²⁰ The “other beneficiaries” include those benefitting from public services and facilities funded by Community Development Block Grant funds. The counts include all individuals who received service in the program year, regardless of whether they received services multiple times or just once.

²¹ The CAPER is available at the following website:

<http://www.co.washington.or.us/CommunityDevelopment/Planning/annual-performance-report.cfm>

	Race Categories per HUD Requirements	Race/Ethnicity of WA County (per 2010 Census)	# Served in WA County	WA County %	# that are Hispanic Ethnicity	# Served in Beaverton	Beaver-ton %	# That are Hispanic Ethnicity
Single	White	76.6%	370	75.1%	42	25	83.3%	0
	Black/African American	1.8%	9	1.8%	0	0	0.0%	0
	Asian	8.6%	10	2.0%	0	1	3.3%	0
	American Indian / Alaskan Native	0.7%	100	20.3%	99	0	0.0%	0
	Native Hawaiian/Other Pacific Islander	0.5%	1	0.2%	0	0	0.0%	0
Dual	American Indian /Alaska Native & White	4.3%	3	0.6%	0	4	13.3%	4
	Asian & White							
	Black/African American & White							
	American Indian /Alaska Native & Black							
Other Multi-Racial								
	Some Other Race (This is a Census category not allowed by HUD)	7.5%						
	Total	100.0%	493	100.0%	141	30	100.0%	4
	Hispanic	15.7%		28.6%			13.3%	

	Race Categories per HUD Requirements	Race/Ethnicity of WA County (per 2010 Census)	# Served in WA County	WA County %	# that are Hispanic Ethnicity	# Served in Beaverton	Beaver-ton %	# That are Hispanic Ethnicity
Single	White	76.6%	11,853	73.6%	4,781	2,006	65.4%	797
	Black/African American	1.8%	667	4.1%	15	209	6.8%	0
	Asian	8.6%	365	2.3%	3	23	0.8%	0
	American Indian / Alaskan Native	0.7%	1,842	11.4%	1,685	22	0.7%	17
	Native Hawaiian/Other Pacific Islander	0.5%	187	1.2%	1	19	0.6%	0
Dual	American Indian /Alaska Native & White	4.3%	1,198	7.4%	441	787	25.7%	603
	Asian & White							
	Black/African American & White							
	American Indian /Alaska Native & Black							
Other Multi-Racial								
	Some Other Race (This is a Census category not allowed by HUD)	7.5%						
	Total	100.0%	16,112	100.0%	6,926	3,066	100.0%	1,417
	Hispanic	15.7%		43.0%			46.2%	

The Consolidated Plan for 2010-15 includes a number of new strategies that affirmatively furthers Fair Housing, as follows:

- Strategy 3: Special Needs Housing. The production goals call for the development or preservation of 29 specialized housing units for persons with disabilities, the provision of accessibility improvements to 160 disabled households, the development of 23 new housing units for farmworkers (which, in Washington County, are typically Latinos), and the development of 120 housing units for the elderly and/or disabled.
- Strategy 5: Opportunity Rich Housing. Applicants for HOME funds are required to address how their projects will provide access to an opportunity-rich environment appropriate to the population that they are serving, and this information is considered in the rating of project proposals. Washington County produced Opportunity Maps to help with this process.
- Strategy 6: Fair Housing. Washington County sets aside 2% of its Public Services funding annually to allocate to agencies promoting Fair Housing. The City of Beaverton also allocates funding for Fair Housing activities on an annual basis.

The Housing Authority of Washington County (HAWC) also receives federal funds from the US Department of Housing and Urban Development for Public Housing, Housing Choice Vouchers and other purposes. The analysis of HAWC policies and outcomes appears in Chapter V of this plan.

Promoting Understanding of Fair Housing in Other Activities

The Washington County Office of Community Development and the City of Beaverton Planning Division also have a responsibility to promote greater understanding of, and compliance with, Fair Housing in the broader community, including among private individuals, public agencies, private-sector entities and non-profits. In this regard, the City of Beaverton has taken a leadership role to-date, both through its own educational and informational programming and through funding other entities to assist. The table below highlights some of the key aspects of the existing institutional infrastructure (including areas for improvement) in Washington County and the City of Beaverton.

Summary of Current Fair Housing Institutional Structure		
Planning, Coordination, Informational Services and Investments		
	Washington County Office of Community Development	City of Beaverton
Investment: Administration	Produces Fair Housing Plan; reports on progress annually in Consolidated Annual Performance and Evaluation Report (CAPER).	Partners with the County to produce a Fair Housing Plan; reports on progress annually in CAPER.
Investment: Funding for Partners to Implement Plan	As of PY 2011-12, 2% of Community Development Block Grant (CDBG) Public Services funds are set aside to support the provision of Fair Housing services by nonprofits. In PY 2011-12, this was \$7,427.	Historically, a portion of CDBG administration has been aside for fair housing activities. \$8,000 has been set aside in the PY2011-12 budget.
Investment: Information & Referral	When calls come in, staff refers callers to Fair Housing Council of Oregon (FHCO), Bureau of Labor and Industries (BOLI) or other appropriate agencies. While no informational website exists at present, this is an area that the County plans to add in the future and coordinate with the City of Beaverton and Washington County Department of Housing Services.	The City has a Fair Housing section on the City website for residents and landlords. Fair Housing brochures are available at City Hall and the City Library. Staff refers community members to the appropriate agencies when calls come in and provide outreach and education at community events.
Proficiency of Key Staff in Fair Housing	Moderate proficiency and growing rapidly.	Proficient, but continuously participates in training to increase skill and understanding.
Coordination with Other Partners	Prior to Fair Housing planning process, little coordination existed with training and enforcement entities. This has changed and is expected to continue to improve over time.	Staff uses Fair Housing Plan and coordinates with FHCO to provide Beaverton residents with access and support as it relates to Fair Housing.
Other	As a result of Fair Housing planning process, key County Administrative staff and elected officials have become more knowledgeable of requirements and issues. Proficiency of key staff has also increased.	City also works with Community Alliance of Tenants to further increase community access to quality housing.

Source: Washington County Office of Community Development and the City of Beaverton Planning Division

Conclusions

Washington County and the City of Beaverton will continue to affirmatively further Fair Housing through its utilization of federal funds from HUD. The City of Beaverton is a regional leader in promoting awareness of Fair Housing issues. Washington County should further

develop its institutional infrastructure to do so. In particular, Washington County and the City of Beaverton should further coordinate their activities and also explore the possibility of collaborating with other jurisdictions in the region around activities to affirmatively further Fair Housing.

IV. Experiences and Perceptions of Protected Classes

In addition to analyzing statistical data about Washington County’s protected classes and quantitative data related to potential impediments, the Fair Housing Advisory Committee and the staff involved with producing this plan also believed that it was important to collect and analyze information about the lived experiences of Washington County residents and their potential encounters with Fair Housing issues. While this kind of qualitative data cannot serve as the basis for generalizing to entire populations (e.g., because one person who is from India has experienced problems with neighbors related to her national origin does not mean that all people from India also experience problems with their neighbors), it can provide fine-grained and nuanced insight into actual conditions in Washington County. In particular, an effort was made to reach out to people and groups not typically involved in planning processes. Because the sample sizes are small and individuals were not selected randomly, care should be used with interpreting this information.

With the assistance of a skilled bi-lingual volunteer and a class of graduate planning students from Portland State University, interviews and focus groups were conducted with the following groups of individuals:

- Mental Health
 - Focus group of six adults with mental health challenges at an informal daytime gathering space with services available to consumers
 - Focus group of three case workers who assist adults with mental health challenges
- Muslim Community
 - Focus group of five persons of the Islamic faith at the Islamic Society of Greater Portland
- Latino Community
 - Twelve in-person interviews and five telephone interviews with Latino residents, of whom 11 primarily spoke Spanish
 - Facilitated questionnaire administered to ten members of an English as a Second Language (ESL) class sponsored by Centro Cultural.
 - Facilitated discussion with two Latino residents about homeownership issues

These participant groups were recommended by the Fair Housing Advisory Committee for inclusion in this outreach work. The principal findings from these efforts are summarized below. The full reports of the student and volunteer researchers can be found in the Appendix.

ADULTS EXPERIENCING MENTAL HEALTH CHALLENGES

An informal focus group of persons with mental health concerns (hereafter called “consumers”) was conducted at a daytime gathering place frequented by adult consumers. At a separate office location, a focus group of caseworkers who work with adults with mental health challenges was

also conducted; the caseworkers did not necessarily have the consumers who participated in the focus group as clients.

The housing preferences of the consumers who participated in the focus group appeared to range as widely as they do for the general population in terms of location and type of housing. Most participants said that they preferred to not live in shared housing situations with other consumers (e.g., group homes), as they found it to be isolating and stigmatizing. Participants in both the consumer and the case worker focus groups said that safety was their primary concern finding housing for themselves (consumers) or their clients (case workers). Consumer participants also mentioned the ability to keep a pet and proximity to amenities and transportation as important concerns for them.

Many participants in the consumer focus group said that they had experienced discrimination, and several described specific instances. They were passionate in their conviction that the general public—in this case, property managers—group them into a single category of people characterized by negative stereotypes based on assumptions about their mental health. In particular, one said that “You only hear about the mentally ill when they commit a crime.” Another participant added, “Most of us are in control of our life, trying to do the best we can.” Participants indicated that they felt that their housing options were significantly limited because of the stigma associated with having a mental illness.

When participants in the case worker focus group were asked if any of their clients had experienced discrimination, their response was not entirely clear. Because of issues such as paranoia, case workers said that they found it difficult to differentiate factual instances of discrimination from stories of imaginary incidents told by their clients. None had pursued a Fair Housing discrimination complaint on behalf of his or her clients.

Members of the consumer focus group identified a host of barriers that prevented them from accessing their housing of choice. These included cost-related barriers (e.g., requirements for higher security deposits, lack of resources for application fees and other up-front costs, challenges with finding landlords who would accept Housing Choice or Shelter Plus Care Vouchers), property rules barriers (e.g., pet policies, visitor policies, damage clauses as they relate to hoarding, tidiness requirements), segregation (e.g., the availability of only housing set aside for mental health clients rather than a mix of housing options), and lack of information and training with respect to Fair Housing.

Because it is very difficult to find property managers who will use flexibility in working with residents with mental health challenges, the student researchers concluded that some case managers may unintentionally “steer” their clients to property managers that do. The student researchers expressed concern about the possibility that this might lead to concentrations of

consumers in certain rental complexes. On a related topic, the development of a housing complex for mental health clients (funded by Washington County) was not well-regarded by the consumer focus group participants because they found it to be condescending and isolating. Most of the consumers who participated in this focus group said that they did not want to be segregated from society, as they believed that doing so perpetuated negative stereotypes. However, it should be noted that the ability to function in everyday society ranges widely among persons with mental health challenges, and it is likely that those participating in this focus group were at the more independent end of the spectrum.

MUSLIM COMMUNITY

Like other faith-based communities, the Muslim community includes families and individuals from a variety of nationalities, professions and economic circumstances. The five participants in this focus group included two homeowners and three renters, two of whom have Housing Choice Vouchers. Three were from Somalia, one was from the Philippines and the fifth was from Pakistan.

In general, participants indicated that their interactions with landlords and property managers were positive. However, one said that he moved after receiving complaints from a neighbor via the landlord about his children making too much noise. Participants indicated that they believed that navigating language barriers and differing cultural norms posed the greatest challenges. In particular, they said that American business practices, including due dates for rent and other payments, can be a source of confusion for newcomers who do not speak the language. One participant told the story of a friend who was charged \$900 for a pest infestation in his home. He didn't know his rights as a tenant but received help from the community to fight the charges.

Participants said that the principal housing barrier for Muslims with lower incomes is the cost of housing and the long wait time for Housing Choice Vouchers. Even though the Somali community is well-established in Washington and Multnomah Counties, they said that some families have chosen to move to Marion County because of the availability of rent assistance there. After living a year in Marion County, some move back to the Portland metro area to reconnect with family and community, they said. A second barrier mentioned by participants was the challenge of finding housing with enough bedrooms to accommodate extended or large families. Participants said the families improvise by finding two units or houses near each other instead of one large home.

Participants indicated that they did not think that discrimination was prevalent in their housing experiences, and instead cited cultural misunderstandings as the most likely source of conflicts. Several indicated that they felt more welcome in Washington County than in Multnomah County (and NE Portland in particular), and attributed the difference to the higher level of income, education and religious participation in certain areas of Beaverton.

LATINO COMMUNITY

Information concerning perceptions about housing issues by Latino residents of Washington County was collected through three distinct outreach efforts. Each is summarized below.

Interviews with Latino Renters, Including Renters with Limited English Fluency

In August 2011, a bilingual volunteer conducted in-person and telephone interviews with two groups of Latino residents of Washington County who rent their homes. The first was comprised of 11 renters with low incomes who were at the office of Community Action to receive assistance with help paying overdue utility bills. The second included five members of Adelante Mujeres, a training and empowerment program for Latina women, and one part-time employee of a local library present for a Spanish-language story hour for children. Six participants said that they were fluent in English and the other 11 indicated that they primarily spoke Spanish.

When asked what they look for when they choose a place to live, members of both groups indicated that they wanted a quiet, safe place with amenities for their children. Several mentioned the importance of good neighbors and proximity to amenities like parks, clinics, schools and stores. Two indicated the importance of finding a place big enough to house their entire families. One said that he wanted a place close to work and another mentioned the importance of good schools. Most indicated that they found their current apartments by driving around in areas where they wanted to live and looking for that they liked. Word of mouth was also important. A few used Craigslist and one used publications about apartments for rent found in grocery stores.

When those who said that they were not fluent in English were asked to choose between a neighborhood close to family, friends and other people who speak Spanish and a neighborhood with good schools or more stores but fewer Spanish-speaking residents, two-thirds (eight of 12 participants) chose the neighborhood with better schools/more stores.

Two participants from the Community Action group indicated that they felt that they had been denied housing because of their lack of English fluency or some reason that felt wrong. One Spanish-speaker said that she was told that there was a problem with her rental record, but she felt her rental record was fine. Another Spanish-speaker indicated that one landlord was very rude to her but nice to other people who spoke English. None of the participants from the Adelante Mujeres/Library group reported similar problems.

Those who did not speak English fluently reported that they spoke as much English as they could and relied on friends or family for assistance as needed. Of the eleven Spanish-speakers, approximately a third (four participants) mentioned asking their children to help translate.

Two of the Community Action clients said that they believed that they had experienced discrimination. One reported difficulty with renting an apartment because “We are Mexican.” Another said that she believed that she had been wrongly evicted.

While the majority of respondents said that they would report a landlord who had discriminated against them, one Community Action client said she would not, adding, “We are afraid to speak out. Who would believe us?”

When asked to whom they would report an act of discrimination, five of 17 participants (30%) said that they did not know. Five indicated that they would talk to the Washington County Department of Housing Services (DHS), particularly if they had a Housing Choice Voucher issued by the agency. Since DHS staff receive periodic training on Fair Housing, it is very likely that they would be referred to an appropriate enforcement agency. Two indicated that they would contact Fair Housing and a third indicated that she would contact a renters’ rights organization; it is probable that they would be referred to an appropriate enforcement agency by these groups. One said that he/she would contact a lawyer.

Perceptions of Participants in an ESL Class

Beaverton staff, with the assistance of Spanish-language interpreter, met with an ESL class of adults in December 2011. After providing some background information about Fair Housing and the purpose of her visit, she invited them to participate in a facilitated written survey. Copies of the survey were distributed to class members and participants were invited to write their responses on the form. The questions were read in English and Spanish to help with comprehension and explanation was provided if the participants requested clarification.

All ten class members participated in the survey. Participants were from Washington County and had lived there for almost 2 years to up to 20 years. Six were renters and four were homeowners (or lived in a home with a family member who owned the home). All participants chose their current housing based on its amenities, proximity to schools and price. All respondents indicated that, in choosing a neighborhood, they found it more important to be near better schools rather than to be in a neighborhood with family and others who spoke Spanish, if they were forced to choose between the two.

Most families found their housing through traditional means (word of mouth, advertisements, driving around, etc.). None believe they had been steered toward a community by a housing professional. Only one respondent had been turned down for a rental, and that was due to her immigration status at the time. Respondents communicated with management in a variety of ways, including in Spanish, in English, and with assistance from an interpreter or family member. No respondents reported experiencing issues or harassment related to having children present in their homes.

Two respondents reported experiencing discrimination in the past. Most were unaware of their rights as renters and the availability of agencies that could provide assistance. Also, almost all respondents stated that access to housing could be improved through the availability of more

housing that was affordable. Most renters indicated that they would like to purchase a home but lack a steady source of income.

Homeowners had owned their homes for 6+ years. Very little information was provided about the home buying experience. Most of the respondents did indicate that the process was difficult to understand.

Respondents reiterated that they had chosen their neighborhoods/homes, and most were unaware but happy that there were programs to help people who are interested in buying a home.

Facilitated Discussion about Homeownership

PSU graduate students in planning facilitated a conversation with two Latino residents of Washington County, one of whom was a homeowner and the other was a renter. They discussed the loan process, the availability of housing information resources and language barriers. Since one of the participants was a renter, they also discussed challenges faced by Latino renters.

Participants said that many individuals are not knowledgeable about what is involved in applying for and securing a mortgage, including whether they have a satisfactory credit history, what documents will be requested (e.g., concern over documentation of legal residency and/or citizenship status). They said that without personal referrals or access to well-known and trusted community resources, prospective homebuyers do not have the information that they need to take the first steps. They also mentioned that loan forms and other documents associated with homeownership are rarely provided in Spanish.

With respect to rental housing, participants in this group re-iterated a number of themes expressed by those who had participated in the interviews (the first group above). One person said that he had been required to pay a suspiciously high security deposit and was not refunded the full deposit when he moved.

A new theme expressed by these participants was the fear of retaliation for reporting landlord problems. While neither of them had experienced this situation personally, they believed that others without documentation or without citizenship status were reluctant to pursue complaints due to fear of landlords calling the Immigration and Naturalization Service (INS) and the potential of being picked up and held for questioning.

CONCLUSIONS

In the area of Fair Housing, Washington County is at the beginning of opening lines of communications with persons who have mental health challenges. To date, most information about this group of individuals has come from providers of mental health services rather than from clients directly. The small group of consumers who participated in this initial effort made it very clear that they believed that stereotypes about people with mental illness and a lack of

knowledge about the variety of housing settings that they prefer (e.g., some want integration into the community rather than separation from it) prevent them from fully accessing their housing of choice.

While it is challenging to distinguish perceptions from actual issues in dealing with this population, it is important to continue to attempt to understand their diverse housing needs. In doing so, it is also important remember that the population of individuals with mental illness spans a broad range with respect to their ability to operate within the norms of traditional society, and thus serving this population may require a range of housing options.

It might be appropriate to ask applicants for funding to develop mental health housing about the research that they have done about the wants and needs of the particular sub-population that they seek to serve, including conversations with potential future residents. Ideally, the housing should focus primarily on benefitting the residents and accommodating the requirements of the housing and service providers.

The dialogue is also at a very early stage with members of Washington County's diverse Muslim community. The receptivity of this community to the outreach undertaken as part of this planning process is an indication of their willingness to broaden the information flow. As opportunities arise, continuing the dialogue is appropriate.

With respect to the Latino community, the information in this section provides additional detail about the kinds of Fair Housing challenges faced by Latino residents in Washington County, reinforces the research findings gleaned from audit testing described in Chapter III, and suggests a need for stronger outreach and informational efforts about Fair Housing targeted to the Spanish-speaking community in particular. As the county's largest community of color, the Latino population deserves priority attention in terms of Fair Housing informational efforts.

V. Analysis of Impediments: Public Sector

This chapter presents an analysis of potential impediments to Fair Housing that may result from activities or policies of public sector entities such as county and city agencies and the Housing Authority of Washington County (HAWC). HUD’s Office of Fair Housing and Equal Opportunity (FHEO) defines impediments as “any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.”²² An impediment may result from discriminatory intent (e.g., the former practice in some states—now prohibited—of including restrictive covenants on deeds that prohibited sale of property to Blacks, Jews or Catholics) or it may have a discriminatory effect. HUD defines a discriminatory effect as occurring when a “facially neutral housing practice actually or predictably results in a discriminatory effect on a group of persons (that is, a disparate impact), or on the community as a whole (perpetuation of segregation).”²³ In practical terms, this means that a policy or practice may be an impediment to Fair Housing choice if it harms a protected class, even though it was not adopted with the intent of doing so and may not appear to be discriminatory on the surface. An example of such a practice might be the adoption of a zoning ordinance and map that places multifamily housing zones exclusively in areas where the primary residents are persons of color. An apparently neutral policy or practice may also be an impediment if it perpetuates existing patterns of segregation.

Based on guidance from HUD’s Fair Housing Planning Guide²⁴ and recommendations from a 2008 publication prepared by four national Fair Housing advocacy organizations,²⁵ this analysis focuses on the following three areas:

- Zoning and planning
- Tenant selection procedures for subsidized housing and housing vouchers
- Property tax policies.

In addition, this chapter also addresses a regulatory barrier associated with using federal funds to make accessibility improvements to rental housing occupied by low-income households with disabilities.

Chapter VII, Geography of Opportunity, also addresses impediments by examining where subsidized housing units are located and where Housing Choice Voucher holders are living relative to areas of opportunity in the county. In 2009-10, Washington County developed and

²² From http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh

²³ Proposed Rule: Implementation of the Fair Housing Act’s Discriminatory Effects Standard. (Wednesday, November 16, 2011). *Federal Register*, Volume 76, No. 221, pages 70921 – 70927. Docket No. FR-5508-P-01.

²⁴ From <http://portal.hud.gov/hudportal/documents/huddoc?id=fhpg.pdf>

²⁵ National Commission on Fair Housing and Equal Opportunity. (2008). *The future of Fair Housing*. Downloaded from <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=w23zLzobpwA%3d&tabid=3917&mid=8614>

adopted Opportunity Maps as part of the Consolidated Plan and also adopted policies and procedures that promote the development of new subsidized housing in areas of high opportunity.

ZONING AND PLANNING CODES

Washington County includes twelve cities (plus small portions of four others), each with its own comprehensive plan and zoning code, and the unincorporated area, where Washington County's Comprehensive Plan applies. Rather than attempt to analyze the texts of seventeen different planning codes, this study instead focused on tapping into the actual experiences of developers and managers of housing extensively utilized by protected classes in Washington County. A team of four graduate students in urban and regional planning at Portland State University (PSU) and a team of three planners from Washington County and the cities of Hillsboro and Beaverton assisted with this work.

Methodology

From January to March 2011, the PSU graduate student team undertook a scan of other Fair Housing Plans for best practices and common themes pertaining to planning and land use issues and conducted 15 confidential interviews with developers and housing service providers about challenges they face in addressing the housing needs of protected classes in Washington County. Their goal was to accurately represent what their interviewees said; the graduate student team was not tasked with the responsibility of verifying the accuracy of these statements. A complete copy of their report is included in the Appendix.

The team of City and County planners reviewed the student work and identified those issues which merited action because they had a basis in fact, had not already been addressed and were likely to represent actual conditions that could be improved. The team developed a preliminary list of actions which was circulated to planning staff in all the jurisdictions and presented to the Policy Advisory Board at its August 11, 2011, meeting. The list was also considered by the Fair Housing Advisory Committee. This list became the basis for items included in Strategy III, Land Use and Zoning Tools to Promote Access to Opportunity.

Information from Other Jurisdictions

The graduate student team identified three key themes that ran through the ten Fair Housing Plans that they reviewed: definitions, project cost, and time. Some definitions in planning and building codes were a source of concern. Specific examples include the definitions of family, group home and disabled individual. A second theme was concern about policies and practices that drive up the cost of a project, especially when their public benefits were not clear. As indicated in Chapter II of this Plan, in Washington County there is a nexus between protected classes and income; more members of protected classes have lower incomes and are housing cost-burdened than their counterparts. Thus, practices and policies which increase development

costs (without a clear corresponding public benefit) are likely to disproportionately affect protected classes. Finally, processes that add time to a project were also of concern because developers pay interest on construction loans, and thus time is money.

In their report, the graduate student team included excerpts from the Fair Housing plans of these jurisdictions. This information, particularly a Fair Housing Questionnaire that could be provided to existing cities to obtain information about how their plans address certain topics that may be areas of concern, may serve as a basis for best practices to consider in moving forward on Fair Housing issues related to planning and zoning matters.

Washington County Issues and Ideas

One of the more interesting conclusions that the graduate student team reached in its work addressed how little some of the participants knew about protected classes and the relevance of Fair Housing to development and planning practices. Thus, affordable housing providers and social service agencies should be an early focus for educational activities pertaining to Fair Housing.

The student team also identified a number of concerns related to current regulatory requirements which likely require further attention. These include the need for the following:

- Clearer definitions of and standards for group homes
- Greater clarity about when onsite supportive services require a mixed-use zoning designation and when they can be provided in a residential zone
- Code language addressing alternative housing designs, such as co-housing
- Options to eliminate extra planning steps and costs associated with non-standardized developments
- Considering the feasibility of counting large (4+) bedroom apartments as two dwelling units for the purpose of calculating minimum densities
- Further policy development around zoning and siting of congregate care/assisted living facilities
- Occupancy standards
- Further consideration of open space requirements in market-rate projects that include affordable units for members of protected classes
- Parking standards that allow a reduction in the minimum spaces required for specialized uses where residents are less likely to have vehicles
- Further analysis of the demand for and availability of land near transit for group quarters.

Rather than analyze each jurisdiction's code individually, a more efficient way of addressing potential concerns in this area might be to develop a best practices guide that could be used by individual cities and the County in reviewing and updating their own codes.

Another concern was the resistance that some nonprofit housing groups experience from neighbors and neighborhood associations when trying to build new projects. One way to

facilitate better understanding between developers and community groups and to provide information about Fair Housing law would be to conduct informational workshops and assist with the development of Good Neighbor Agreements consistent with Fair Housing law. Additionally, jurisdictional staff could be intensively trained in Fair Housing law and, as time allows, accompany funded non-profit developers when they make presentations to neighborhood groups. These ideas are captured and included in Strategy III of this Plan.

SUBSIDIZED HOUSING IN WASHINGTON COUNTY

In 2011, Washington County had approximately 6,800 subsidized housing units and 2,870 rental assistance vouchers that help residents who cannot afford market-rate housing. The availability of low-cost rental housing is an important resource for many protected classes. This section examines the tenant selection and waiting list policies of providers of subsidized housing with respect to Fair Housing. To the extent feasible, it also analyzes the outcomes of these policies by comparing the distribution of residents of subsidized housing to that of the population overall.

The Housing Authority of Washington County (HAWC) Policies

HAWC is a significant provider of subsidized housing (vouchers, Public Housing and affordable housing) in Washington County. It manages 242 units of Public Housing and 2,610 regular Housing Choice Vouchers (excluding special programs such as Shelter Plus Care vouchers and Veterans Affairs Supportive Housing vouchers), and it has an ownership stake in 1,312 units of affordable housing.

At the close of business on September 1, 2011, HAWC closed its Public Housing and Housing Choice Voucher (HCV) waiting list because it already had a list that would take significantly longer than 24 months to deplete. When it closed, there were 6,279 applicant households on the waiting list. HAWC was the last of the Portland Metro Housing Authorities to close its waiting list.

HAWC's tenant selection and waiting list policies are described in detail in the following documents, which are found under the "Plans" tab on its website:

- *Public Housing Program: Admissions and Continued Occupancy Plan (ACOP)*
- *Housing Choice Voucher Administrative Plan*

HAWC provides a "single point of entry" approach: when an applicant completes an Application for Rental Assistance, HAWC places the applicant on the waiting list for all types of rental assistance for which the applicant qualifies.

If the applicant has disabilities, HAWC policies require staff to provide a reasonable accommodation that enables the individual to have equal access to the application process. HAWC also makes accommodations for people with Limited English Proficiency (LEP). It

provides translations of vital documents for each eligible LEP language group that constitutes the lesser of 1,000 persons or 5% percent of the population eligible to be served. Currently, HAWC's Public Housing applications are available in English and Spanish.

The waiting list is ordered by date and time of application. HAWC has designated several preferences, which means that households that meet one or more of the preferences are given priority over those who do not. Past experience has demonstrated that most applicants meet one or more of the preference standards. Applicants who do not qualify for one of these preferences may be skipped over if there are others on the waiting list who do qualify.

- Rent Burden: Paying more than 50% of gross monthly household income for rent and utilities.
- Involuntary Displacement: Applicant has lost housing due to a disaster (such as fire or flood), government action, or an action by a landlord beyond the applicant's control (not including non-payment of rent), and the applicant has not been able to obtain permanent housing since being displaced. Victims of hate crimes, or people who fear reprisal for reporting criminal activity, may also be considered involuntarily displaced.
- Residing in Substandard Housing: Applicant lives in housing that is dilapidated, as cited by officials of the appropriate municipal code enforcement office, and does not provide safe, adequate shelter; or has one or more critical defects or a combination of defects requiring considerable repair; or endangers the health, safety, and well-being of family.
- Homeless: Applicant either lacks a permanent, fixed, nighttime residence, is living in an emergency shelter or is living in a place not meant for human habitation (such as a car).
- Disabled and Homeless: Applicant is disabled and lacks a permanent, fixed, nighttime residence.
- Victim of Domestic Violence: "Domestic violence" means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household. The domestic violence must either have occurred within the last 12 months, be of a continuing nature, or pose a continuing threat to the applicant.
- Elderly or Disabled on a Fixed Income: Applicant is elderly (age 62 or over) or is a person with disabilities who has a fixed income that does not change significantly over time from one of the following sources: social security benefits, VA benefits, pension income, or permanent disability benefits.
- Shared Housing: Shared housing is defined as an arrangement in which two or more unrelated people share a house or an apartment. The applicant must be residing with at least one or more families in a housing unit designed not to be occupied by multiple households.

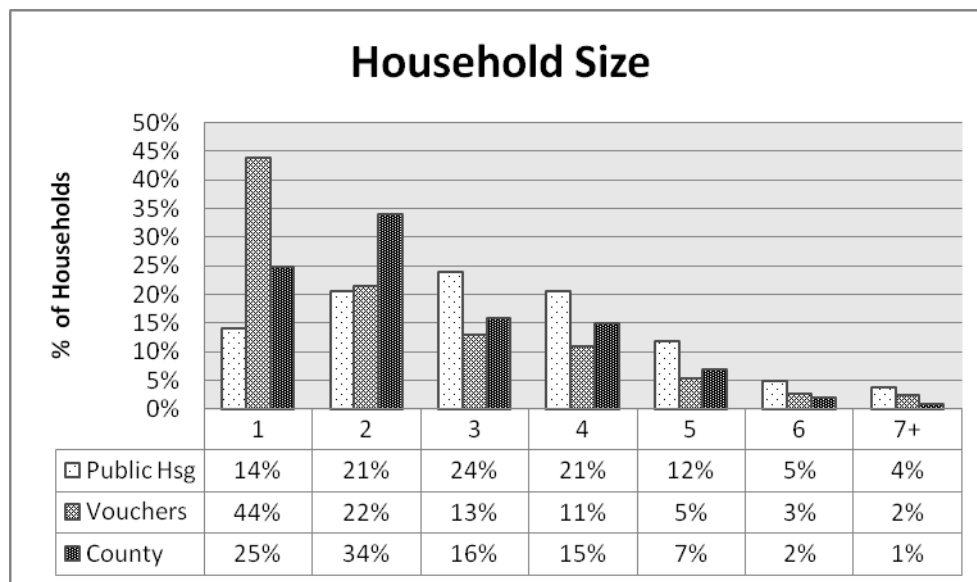
When the applicant's name reaches the top of the waiting list, and either a voucher or a public housing unit of a size appropriate for his or her household becomes available, the applicant is

offered rental assistance from the available program. Because HUD requires that 40% of the families admitted into Public Housing (and 75% of the families admitted into the HCV program) have incomes at or below 30% of Median Family Income, HAWC may skip over families on the waiting list with higher incomes to select household that meets this income criterion, and then return to them when they have the capacity to enroll a household with income above 30% MFI. The applicant may choose to decline the offer and wait for a different program. However, if the applicant declines, then he or she is placed at the bottom of the waiting list for that program.

HAWC Residents

This section considers who lives in Public Housing and who utilizes Housing Choice Vouchers in Washington County, and compares these populations to the overall county population. Since American Community Survey data were used for comparison purposes, care should be taken in interpreting the results due to the margin of error associated with population estimates like this. In general, small differences between the distributions of HAWC clients and that of the general population should be disregarded in the information presented below.

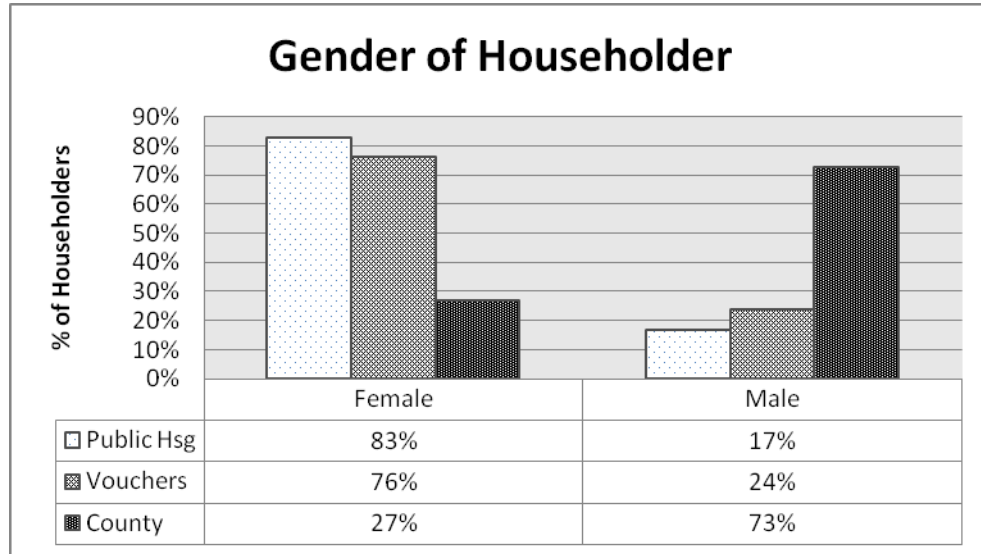
On one hand, voucher households are more likely to be single-person households than either county households or Public Housing households. On the other hand, Public Housing households tend to be larger than households in the county overall. The distribution of Public Housing households may be affected by the unit sizes available; the majority (52%) is three-bedroom units, which can serve up to a seven-person household.



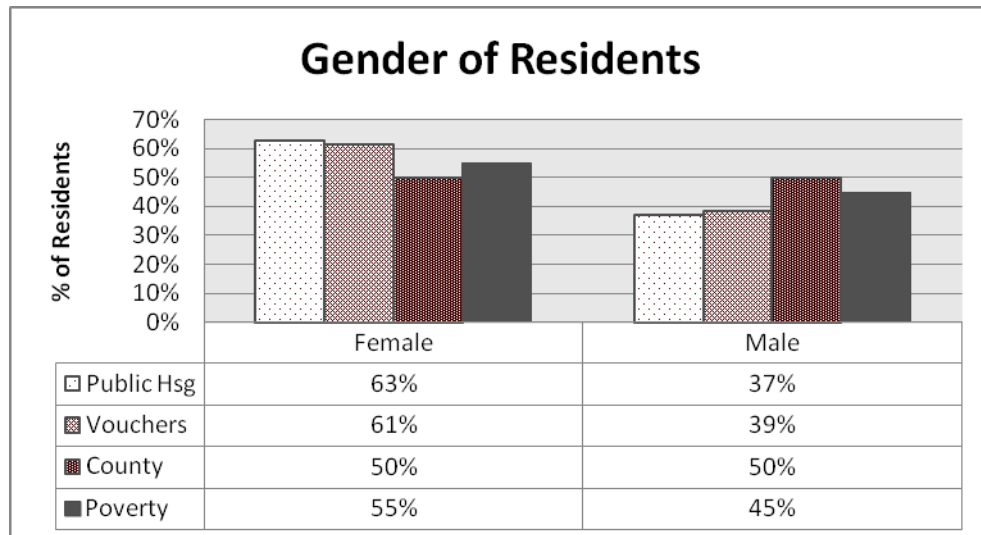
Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates

Public Housing families and Voucher holders are more likely to be female-headed households than is the norm in the county. A higher proportion of females (women and girls) live in Public

Housing and Voucher-supported housing units than is the norm for either the county population overall or for households with incomes below the poverty level.



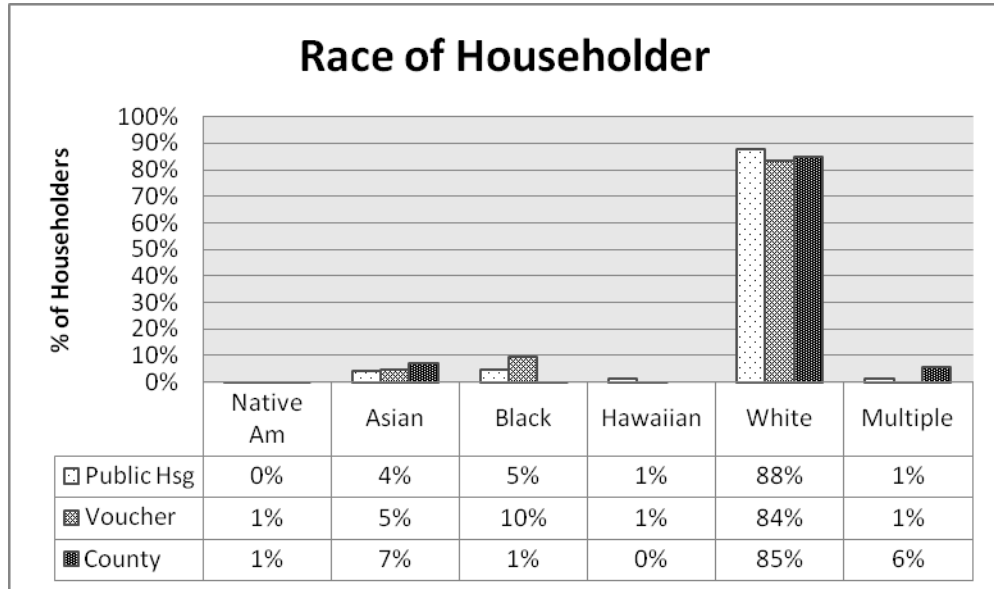
Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates



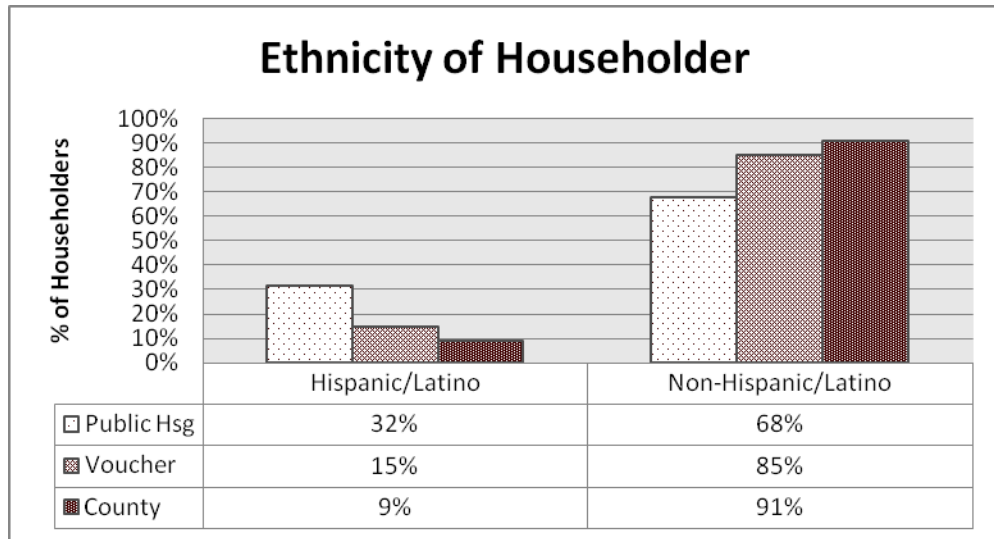
Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates

The distribution by race of Public Housing and Voucher householders is similar to that of the county overall, with the exception of Black householders. While approximately 1% of householders countywide are Black, 10% of Voucher and 5% of Public Housing householders are Black. With respect to ethnicity, Public Housing householders are a lot more likely to be

Latino/Hispanic than either Voucher holders (in which single-family households predominate) or county households.

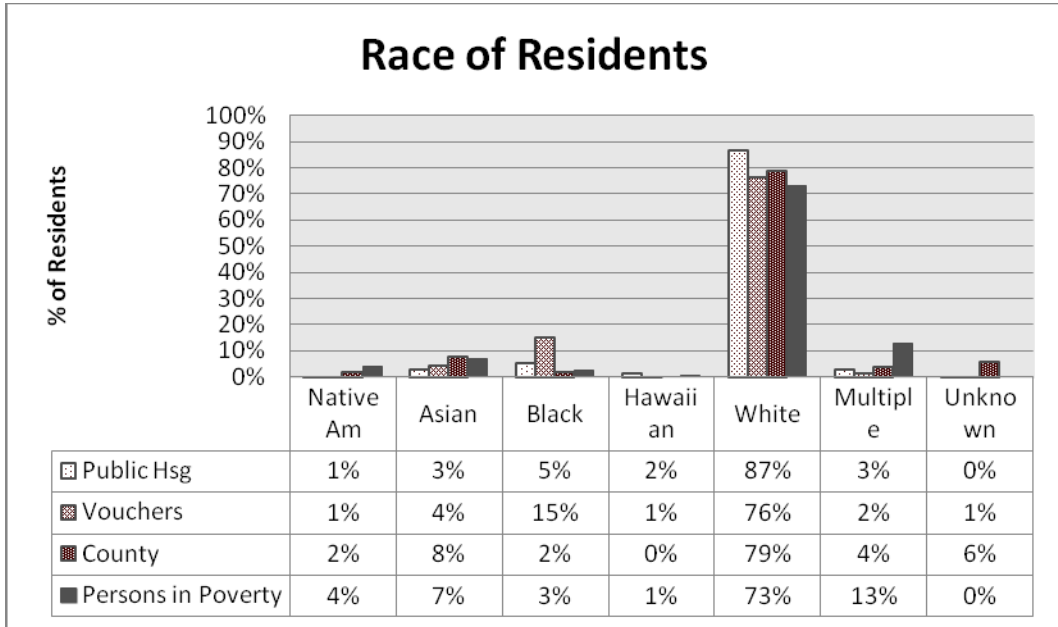


Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates.



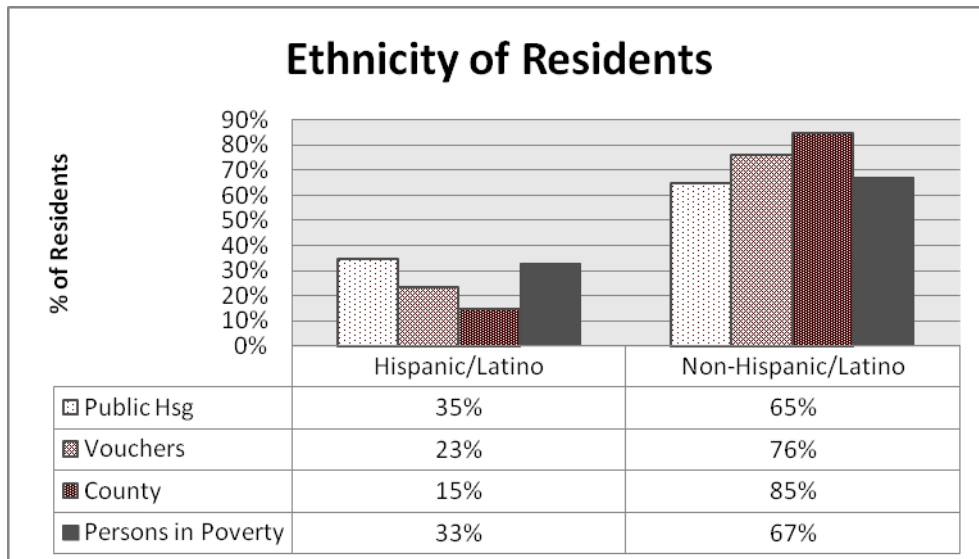
Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates.

A higher proportion of Blacks/African Americans live in households with Vouchers, compared to their proportion of the county population overall and those with incomes below the poverty level.



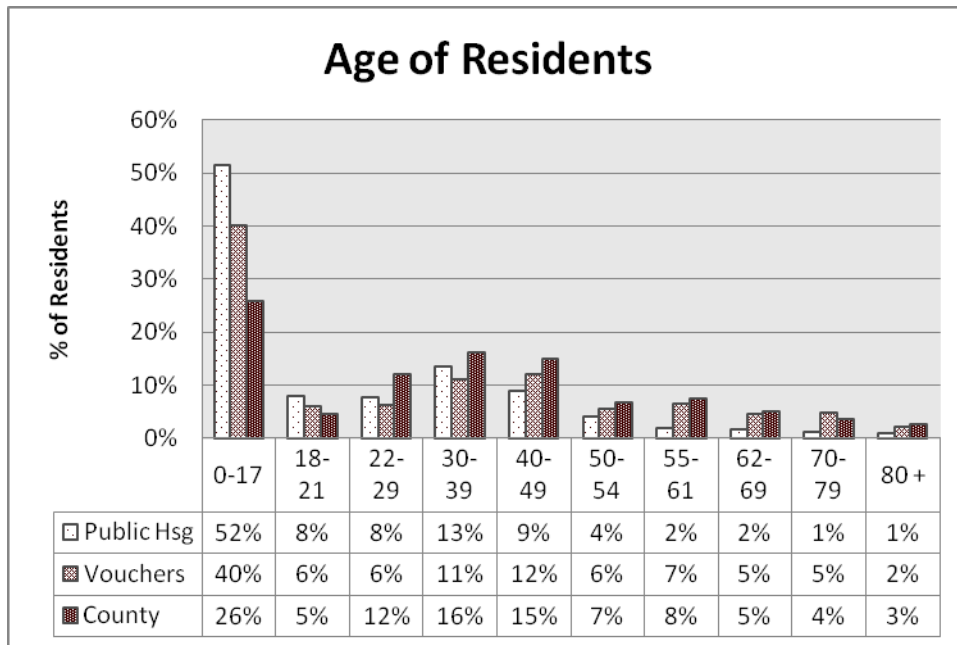
Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates

As in the case of householder ethnicity, a higher proportion of Public Housing residents are Latino/Hispanic than is the case with either Voucher holders or with the County population overall. The proportion of persons with incomes below the poverty level who are Latino/Hispanic is approximately the same as their share of Public Housing residents.



Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates

Although age is not a federal protected class, it is interesting to note that there are higher proportions of children living in Public Housing and Voucher households than is the norm in the county overall.



Sources: Department of Housing Services/Housing Authority of Washington County Statistical Review 8/12/2011 & 2005-2009 American Community Survey Five-Year Estimates

Another area to consider is whether Voucher holders were able to find or retain their housing, or whether they turned back their Voucher. A high turn-back rate could be a potential indicator of concern because it may mean that households who were issued housing Vouchers were not able to find suitable housing, perhaps because of a shortage of rental housing units where Vouchers were accepted as a form of payment. In addition, if protected classes such as racial or ethnic minorities, families with children or persons with disabilities had a higher turn-back rate than their counterparts, then it could be a potential indicator of either discrimination or a lack of suitable housing, both of which could be areas of concern.

The Housing Authority of Washington County examined the history of all households issued housing Vouchers in a one year period ending October 1, 2011. The table below indicates the overall turn-back rate was 12%, which, according to a representative from the Community Alliance of Tenants, is on par or slightly better than other area housing authorities. Furthermore, there is little variation in turn-back rate by race or ethnicity, with only the Asian turn-back rate (15%) exceeding that of White households (13%). Since the number of Asian households involved is so small (three households), this is unlikely to be a significant difference.

Outcomes After Issuance of Housing Choice Vouchers By Race, 10/1/2010 - 9/29/2011

Outcome	Total		White		Black/Afr. American		Asian		Other Nonwhite*		Hispanic	
	Households	Percent	Households	Percent	Households	Percent	Households	Percent	Households	Percent	Households	Percent
Total households	528	100%	420	100%	73	100%	20	100%	15	100%	86	100%
Successful (Client obtained or retained housing, including moves)	406	77%	330	79%	53	73%	14	70%	9	60%	71	83%
Turnback (End of participation, voucher expired without client obtaining housing)	65	12%	54	13%	6	8%	3	15%	2	13%	7	8%
Outstanding (Voucher issued, client has not yet located housing)	38	7%	25	6%	9	12%	3	15%	1	7%	4	5%
Port-out (Client moved to another jurisdiction, outcome unknown)	19	4%	11	3%	5	7%	0	0%	3	20%	4	5%

Source: Washington County Department of Housing Services

* Other Nonwhite households include Native Hawaiian, Pacific Islander, American Indian, Alaskan Native and Mixed

The table below describes the outcomes of households classified by other Fair Housing-related characteristics. The turn-back rates for disabled households and households with children are approximately the same or lower than the turn-back rate for voucher households overall. Interestingly, the turn-back rate for male-headed households with children (20%) is higher than that of female-headed households with children (8%), but without further analysis it is not known whether this is a statistically significant difference, because the number of households involved (for male-headed, 41 overall and 8 that turned back their vouchers) is relatively small. While age is not a protected class, it is interesting to note that elderly households (defined by HUD as those in which the head of household or spouse is age 62 or older) has a turn-back rate (15%) nearly on par with that of Voucher holders in the county overall (13%).

Outcomes After Issuance of Housing Choice Vouchers By Other Household Characteristics, 10/1/2010 - 9/29/2011

Outcome	Total		Disabled*		With Children		Male w Children		Female w Children		Elderly**	
	Households	Percent	Households	Percent	Households	Percent	Households	Percent	Households	Percent	Households	Percent
Total households	528	100%	257	100%	251	100%	41	100%	210	100%	105	100%
Successful (Client obtained or retained housing, including moves)	406	77%	202	79%	195	78%	29	71%	166	79%	77	73%
Turnback (End of participation, voucher expired without client obtaining housing)	65	12%	33	13%	25	10%	8	20%	17	8%	16	15%
Outstanding (Voucher issued, client has not yet located housing)	38	7%	15	6%	19	8%	2	5%	17	8%	9	9%
Port-out (Client moved to another jurisdiction, outcome unknown)	19	4%	7	3%	12	5%	2	5%	10	5%	3	3%

Source: Washington County Department of Housing Services

* Head of household or spouse is person with a disability

** Head of household or spouse is age 62 or older

Other Subsidized Housing in Washington County

In addition to HAWC-owned housing, there are approximately 6,000 other subsidized housing units in Washington County (Source: Consolidated Plan 2010-2015). This other subsidized housing is owned by a variety of nonprofits, for-profits and partnerships of nonprofits and for-profit investors. The largest subsidized housing provider is a for-profit entity, GSL Properties, which owns 2,439 units located in 10 projects in the county. This array of owners, common to jurisdictions throughout the US, enables a variety of different kinds of living environments for families and individuals in need of subsidized housing. One of the disadvantages of a varied and dispersed system is that there is no central database with client information or management

policies. Thus, an analysis similar to that undertaken for HAWC housing is not possible for this inventory of subsidized units.

Subsidized housing projects are subject to monitoring by the public agencies that funded them. Washington County monitors an inventory of 36 HOME-funded rental housing projects representing 1,608 housing units. Most projects are monitored onsite annually; smaller projects are monitored every two to three years, depending on the number of units, consistent with HUD guidance. Monitoring includes a review of affirmative marketing efforts, tenant selection policies and wait-list management. To ensure that discrimination does not occur, managers are required to pull tenants from the waiting list in chronological order of application, giving consideration to the match between unit size and household size and other relevant, non-discriminatory factors. County staff has found no significant deviations from this policy.

Conclusions

- Based on reviews of Housing Authority of Washington County policies and resident data, there is no evidence to suggest that discrimination in admission is occurring among the protected classes of gender, race and national origin.
- The following generalizations can be made about households and individuals living in Public Housing and utilizing Housing Choice Vouchers:
 - Public Housing tends to serve larger households than the norm, and Voucher households are more likely to be comprised of a single person than county households overall.
 - Sex: Both Voucher households and Public Housing households are approximately three times more likely to be headed by a female than county households overall.
 - National Origin: Approximately one-third of Public Housing householders and residents are Latino/Hispanic, while they represent 9% of county householders and 15% of county residents. Approximately one-third of all persons with incomes below poverty in the county are Latinos, which is equivalent to their proportion of the people benefitting from this program. Latinos/Hispanics are slightly less than a quarter of the population benefitting from Vouchers.
 - Race: In general, the racial profile of Public Housing and Voucher householders is similar to that of county householders overall. However, fifteen percent of individuals living in households with vouchers are Black, which is seven times their proportion of the county population and five times their share of county residents with incomes below the poverty level.
- Based on a review of Housing Authority of Washington County data regarding Housing Choice Voucher holders for a one-year period, there is no evidence to suggest that racial or ethnic minorities, persons with disabilities or households with children are having a greater difficulty utilizing their Vouchers than majority households.

- While data do not exist to support a similar review of other subsidized housing in the county, regular monitoring of HOME-subsidized projects has not revealed Fair Housing concerns relating to the selection of tenants.

PROPERTY TAX POLICIES

This subsection discusses property tax and a variety of property tax exemptions that are available under Oregon State law.

All real property within the State of Oregon is subject to assessment and taxation unless exempted as provided by Oregon law. In some cases, exemptions are available to any qualifying property owner that applies for exemption. In other cases, exemptions require adoption by local governments and/or taxing jurisdictions, and may require local governments to develop and adopt policies, guidelines, and processes to administer the program.

Property tax rates impact the long-term expenses of housing projects, thereby influencing the availability and supply of affordable housing. Some jurisdictions have adopted property tax policies that include State-authorized exemptions for low-income housing, affordable housing in specific target areas, or rehabilitation for multifamily or single-family homes, allowing property owners to keep housing costs affordable while maintaining housing quality. Some exemptions are only available to properties serving particular groups, such as farmworkers or elderly residents. While these exemptions do not directly address barriers to Fair Housing for protected classes, they may help reduce housing cost burdens and related housing problems. Because protected classes are disproportionately impacted by cost burdens and housing problems, tax exemptions have the potential to improve access to safe, adequate and affordable housing for some members of protected classes.

Property Tax Exemptions Not Requiring Local Adoption

Oregon law authorizes a number of property tax exemptions that do not require local adoption, including exemptions for public property; property belonging to housing authorities, etc. These exemptions are generally available to any qualifying property owner who submits an application to their Assessment and Taxation office.

ORS 307.090: Property of the State, Counties, and other Municipal Corporations

This exemption grants property owned and used by government agencies, including counties, cities, housing authorities, school districts and other special districts, exemption from property taxes. Government agencies may enter into an agreement to pay PILOT (Payment In Lieu Of Taxes) to the County Assessor, to be paid to the school district in which the property is located.

There is no legislative sunset date for this exemption, and the exemption may be received as long as the property qualifies.

ORS 307.092: Property of the Housing Authority

This exemption grants property owned or leased by the housing authority an exemption from property taxes. In addition, this law also allows tax exemptions for property in which the housing authority is a general partner, limited partner, director, member, manager or general manager, if the property is leased or rented to persons of lower income for housing purposes. The ORS does not stipulate income restrictions or rent limits for properties granted an exemption under this law. However, properties owned and operated by housing authorities are subject to affordability guidelines and income restrictions set by Housing and Urban Development (HUD) and/or other limits governed by state and federal laws. In cases in which the housing authority is a co-owner or manager, the contract or partnership agreement between the housing authority and other partners generally stipulates income restrictions and rent limits for properties receiving tax exemption. Vacant property held for future development of affordable housing by a partnership in which the housing authority is a general partner may not be granted tax exemption under this ORS.²⁶ Commercial property owned by a housing authority and leased to a taxable entity is not exempt under this ORS.

In lieu of taxes or special assessments, an authority may agree to make payments to the city and county for services and improvements that benefit the housing project (such as water and sewer services, emergency services, road maintenance, public schools, etc).

There is no legislative sunset date for this exemption, and the exemption may be received as long as the property qualifies.

ORS 307.130-162: Institutional, Religious, Fraternal, Interment Properties

This law grants property (or a portion of property) owned or being purchased by religious, benevolent, charitable and scientific institutions, and actively and exclusively used in the organization's benevolent or charitable work, an exemption from property taxes. This exemption may include parking space that is provided free of charge at least 355 days a year. Organizations claiming this exemption must apply to the county tax assessor to be granted an exemption. Once the exemption is granted, the owner is not required to submit renewal applications unless the property changes ownership or use. Child care facilities and student housing provided by religious organizations or schools funded by charitable contributions may also apply for exemption under this ORS.

Oregon law does not stipulate a housing type, resident category, income limitations or rent restrictions for properties granted an exemption under this ORS. However, some nonprofit service providers in Washington County have been able to use this ORS to secure tax exemptions for housing units operating in conjunction with supportive services and/or treatment programs.

²⁶ Linn-Benton Housing Authority v. Linn County Assessor, 17 OTR 1 (2003)

There is no legislative sunset date for this exemption, and the exemption may be received as long as the property qualifies.

ORS 307.241-245: Nonprofit Corporation Housing for Elderly Persons

This law grants property owned by nonprofit corporations and receiving funding through one of a variety of Federal affordable housing programs an exemption from property tax.

Eligible owners must be not for profit organizations receiving not less than 95% of its operating gross income (excluding investment income) solely from payments made by, or on behalf of, its elderly residents. Eligible owners may not permit any part of their earnings to benefit a private stockholder or individual, and must stipulate that assets will be distributed to religious, charitable, scientific, literary, or educational organizations upon dissolution. Eligible owners must be receiving (or have received) federal or state financial assistance under the following programs:

- Section 202 of Title II of the National Housing Act (12 U.S.C. 1701q)
- Section 236 of the National Housing Act (12 U.S.C. 1715z-1)
- Section 231 of Title II of the National Housing Act (12 U.S.C. 1715v)
- Section 101 of Title I of the National Housing Act (12 U.S.C. 1701s) or section 8 of Title II of the National Housing Act (42 U.S.C. 1437f), providing rent supplement or housing assistance payments
- ORS 456.515 (Definitions for ORS 456.515 to 456.725 and ORS chapter 458) to 456.725 (Discrimination against purchaser with children prohibited) and 458.505 (Community action agency network as delivery system for federal antipoverty programs) to 458.515 (Advisory committee)

Property eligible for tax exemption under this law includes property being used, wholly or partially, to furnish permanent residential, recreational and social facilities primarily for elderly persons. Eligible property must have been constructed or acquired after January 1, 1977, and must have been in actual use as housing or facilities for elderly persons on January 1, 1990. Construction, reconstruction, renovation, maintenance, repair or other improvement (including addition of square footage to or addition of buildings) made to property that was in use for elderly persons on January 1, 1990 may not disqualify the property from exemption. However, property that has only come into use as residential, recreational or social facilities for elderly persons *after* January 1, 1990, is not eligible for exemption under this ORS.

The value of the exemption must be reflected in reduced rents. In addition to rent for occupancy, tenants may not be charged more than the equivalent of one month's rent for any purpose. Eligible owners must apply for the exemption each year with the county tax assessor's office in order to receive an exemption. The Oregon State Department of Revenue reimburses the county

granting the exemption for tax revenue foregone under this program. The ORS does not stipulate income restrictions or rent limits for properties granted an exemption under this law.

There is no legislative sunset date for this exemption, and the exemption may be received as long as the property qualifies.

ORS 307.480-510: Farm Labor Camps and Child Care Facilities Serving Farm Laborers

This law grants property used to provide residences (including housing, campsites, or sleeping places) to current and prospective agricultural workers and their families an exemption from property taxes. Eligible farm labor camps may provide housing to workers not currently engaged in agricultural work.

Eligible properties must be owned or operated by a nonprofit organization as a nonprofit facility. The nonprofit organization may be a leaseholder if the full value of the exemption is reflected in reduced rents, or may be a general partner or general manager if the nonprofit is responsible for the day-to-day operations of the farm labor camp or child care facility. Properties receiving this exemption must comply with health code for farm labor camps under the Oregon Safe Employment Act. Properties that do not pass inspection will have their exemptions cancelled and will be billed for taxes owed.

Property owners must apply for this exemption annually. Owners receiving tax exemptions under this law are required to pay Payment In Lieu Of Taxes (PILOT) equal to 10% of the rental receipts, along with a certification that the property complies with the requirements of the State Fire Marshal, the local health care offices, or the Child Care Division as applicable. The statute does not stipulate income restrictions or rent limits for properties granted an exemption under this law.

There is no legislative sunset date for this exemption, and the exemption may be received as long as the property qualifies.

Property Tax Exemptions Requiring Local Adoption

Oregon law also authorizes number of property tax exemptions that require local governments and other taxing entities to take some action in order to enable the exemption. For some taxing entities (such as school districts, parks districts, etc), the governing body may simply need to agree to allow the exemption on qualifying properties. For jurisdictional governments, such as cities and counties, the governing body may need to adopt the exemption, hold public hearings, designate areas in which the exemption will be granted, develop rules and guidelines, accept applications for exemptions, and administer the exemption program. The specific local action required to enable the exemption varies for each ORS-authorized tax exemption.

Each taxing district is only authorized to exempt a property from its own share of property taxes. For example, Washington County's share is generally between 16-18% of the total property tax

levied on any individual property. Washington County could therefore exempt the property owner from paying *only that portion* of property taxes. However, if taxing districts comprising 51% or more of the total property tax agree to participate (for example, the city, county, and school district), the property is entitled to a full property tax exemption. Since one local government rarely receives 51% of the property tax levied on a property, these provisions generally require cooperation between two or more taxing districts to meet the requirements to provide a full property tax exemption.

Because property taxes are paid by a single property owner and distributed to a variety of local entities to provide benefits and services, the cost of providing tax exemptions is shared across multiple taxing districts. In the case of tax exemptions for affordable housing, this means that while the *benefit* (in reduced expenses, lowered rents, increased services, etc) is received directly by the property owner and residents, the *cost* (in foregone taxes) is distributed across multiple taxing districts, reducing the financial impact to any single entity.

ORS 307.515-527: Low Income Rental Housing

This law allows owners of rental housing occupied by persons earning no more than 60% MFI (Median Family Income²⁷) to apply for a 20-year tax property tax exemption. Eligible property must be offered for rent or held for developing low-income housing, and must be occupied entirely by low-income residents. The value of the exemption must be reflected in reduced rents. If the property owner is not a nonprofit organization, the housing units must have been constructed *after* the date that the local government adopted ORS 307.515-527. If the property owner is a nonprofit corporation that expends no more than 10% of its annual income from rentals for purposes other than providing low-income housing, the property may be eligible as long as an application for exemption is filed prior to January 1, 2020.

In order to enable ORS 307.515-527, local governments must develop and adopt policy standards and guidelines to be used to assess applications, determine eligibility, and approve exemptions.

Policies may include, but are not limited to:

- Enforcement mechanisms to demonstrate that the required rent payment reflects the full value of the property tax exemption
- Enforcement mechanisms to ensure that housing is maintained in decent, safe and sanitary condition

Taxing districts may only exempt properties from their portion of property taxes unless taxing districts comprising 51% or more of the total tax agree to participate in the exemption program.

²⁷ HUD establishes Median Family Income (MFI) based on Metropolitan Statistical Areas (MSA). The Portland-Vancouver MSA includes Washington, Multnomah, Clackamas, Columbia, and Yamhill Counties, as well as Skamania and Clark County, WA. HUD's MFI is tiered based on household size.

In order to receive an exemption, the property owner must submit an application to the governing body that includes:

- A description of the property for which the exemption is requested
- A description of the purpose of the project
- A certification of income levels of occupants
- A description of how the tax exemption will benefit project residents
- Evidence that the corporation is nonprofit and meets the criteria for a public benefit corporation or a religious corporation (if applicable)
- A description of the plans for development of the property if the property is being held for future development (if applicable)
- A verification of the information in the application by oath or affirmation

The governing body may terminate the exemption if the property fails to comply with the required provisions, including differing from the construction or development described in the application. The governing body may charge a fee for accepting and processing applications, and may require property owners to submit renewal applications over the life of the exemption (depending on the policies developed and adopted to guide the program).

The enabling legislation for this statute was extended and will now sunset in 2020, after which local governments using the program will be required to request that the legislature provide re-enabling legislation. This ORS offers a 20-year exemption from property taxes.

ORS 307.540-548: Nonprofit Corporation for Low-Income Housing

This law allows nonprofit (501(c)(3) and 510(c)(4)) owners of rental housing occupied by persons earning no more than 60% MFI (Median Family Income) to apply for property tax exemption. Eligible property must be offered for rent or held for developing low-income housing. The value of the exemption must be reflected by tenant benefits (including, but not limited to, rent reductions). If the nonprofit is a general partner and is responsible for day-to-day operations, the property may be eligible. A nonprofit with leasehold interest may be considered the property purchaser if the full value of the exemption is reflected in reduced rents.

To enable the exemption, local governments and taxing jurisdictions must adopt the provisions of ORS 307.540-548 and agree to the exemption policy.

Taxing districts may only exempt properties from their portion of property taxes unless taxing districts comprising 51% or more of the total tax agree to participate in the exemption program.

To receive an exemption, the property owner must submit an application to the governing body that includes:

- A description of the property for which the exemption is requested

- A description of the charitable purpose of the project and whether all or part of the property is being used for that purpose
- A certification of income levels of occupants
- A description of how the tax exemption will benefit project residents
- A description of the plans for development of the property if the property is being held for future development (if applicable)
- Evidence that the corporation is nonprofit 501(c)(3) or 501(c)(4)
- Verification of the information in the application by oath or affirmation

The property owner must apply for the exemption and submit an annual application for renewal for every year the exemption is sought. The governing body may charge a fee for accepting and processing applications. The exemption may be received as long as the property qualifies, or until the legislative sunset date, whichever comes first.

The enabling legislation for this statute was extended and will now sunset in 2027, after which local governments using the program will be required to request that the legislature provide re-enabling legislation.

ORS 307.600-637: Multiple-Unit Housing

This law allows owners of multiple-unit housing to apply for a 10-year property tax exemption if they are located in a designated area. Local governments may choose to use this exemption to provide exemptions for housing located in transit station areas or transit-supported areas, in core urban areas, or to provide exemptions for affordable housing. If the exemption is established to provide exemptions for affordable housing, the designated area may be an entire city or county. In order to receive an exemption under the affordable housing provision, the housing must be subject to a low income housing assistance contract with a government entity. No MFI limits are established in the law, however the contract or partnership agreement between the government entity and the property owner would stipulate income restrictions and rent limits for eligible properties.

In order to enable ORS 307.600-637, local governments must designate an area in which it proposes to allow exemptions, develop and adopt policy standards and guidelines to be used to assess applications, determine eligibility, and approve exemptions. The local government must hold a public hearing as part of the process of designating an area for the exemption program. Policies adopted may include, but are not limited to guidelines establishing:

- Utilization of proposed project site
- Design elements or guidelines
- Rental rates or sales prices
- Expected public benefits from the project
- Minimum number of units

- Demonstration that the exemption is necessary to preserve or establish the low income units (for affordable housing)
- Date on which the housing must be established in order to receive an exemption (for affordable housing)

Taxing districts may only exempt properties from their portion of property taxes unless taxing districts comprising 51% or more of the total tax agree to participate in the exemption program.

In order to receive an exemption, the property owner must submit an application to the governing body that includes all information required under the policy standards and guidelines developed and adopted along with the exemption program. The city or county is required to develop findings that determine whether or not the project provides public benefit, and conforms to codes and regulations as well as the requirements of the policy standards and guidelines governing the exemption program. In the case of affordable housing, findings must also determine that the housing would be unlikely to be developed or preserved as affordable housing without a tax exemption.

The governing body may terminate the exemption if the property owner fails to comply with the provisions required by the local governing body. The governing body may charge a fee for accepting and processing applications, and may require property owners to submit renewal applications over the life of the exemption (depending on the policies developed and adopted to guide the program).

The enabling legislation for this statute was extended and will now sunset in 2022, after which local governments using the program will be required to request that the legislature provide re-enabling legislation. This statute offers a 10-year exemption from property taxes.

ORS 307.651-687: Single-Unit Housing in Distressed Urban Areas (cities only)

This law allows owners of new construction with one or more qualified single-family dwelling units with a market value no more than 120% of median sales price for the area to apply for a 10-year property tax exemption, if the property is located within a distressed urban area.

To enable ORS 307.651-687, city governments must designate one or more areas in which they propose to allow exemptions, develop and adopt policy standards and guidelines to be used to assess applications, determine eligibility and approve exemptions. The designated area(s) may not exceed 20% of the land within the city limits, and the city must hold a public hearing as part of the process of designating an area for the exemption program.

Policies adopted may include, but are not limited to, guidelines establishing:

- Design elements or guidelines

- Expected public benefits from the project
- Demonstration that the exemption is necessary to revitalize the area

Taxing districts may only exempt properties from their portion of property taxes unless taxing districts comprising 51% or more of the total tax agree to participate in the exemption program.

In order to receive an exemption, the property owner must submit an application to the governing city that includes all information required under the policy standards and guidelines developed and adopted along with the exemption program. The city is required to develop findings that determine whether or not the project is located within the designated area, includes single-unit housing, provides public benefit, and conforms to codes and regulations as well as the requirements of the policy standards and guidelines governing the exemption program.

The city may terminate the exemption if the property owner fails to comply with the provisions required by the local governing body. The city may charge a fee for accepting and processing applications, and may require property owners to submit renewal applications over the life of the exemption (depending on the policies developed and adopted to guide the program).

The enabling legislation for this statute was extended and will now sunset in 2015, after which local governments using the program will be required to request that the legislature provide re-enabling legislation. This ORS offers a 10-year exemption from property taxes.

ORS 307.841-867: Vertical Housing in Development Zones

This law allows cities or counties to designate an area in a city or unincorporated urban area as a vertical housing development zone. Residential properties within that zone may apply for a partial property tax exemption under this program. The city or county must submit an application for a vertical housing development zone to Oregon Housing and Community Services (OHCS) that includes:

- A list of local taxing districts with territory in the proposed vertical housing development zone
- A copy of a written notification mailed to the taxing districts in the proposed zone that describes the zone, the exemption, and the process for electing not to participate in the zone
- A signed statement stating that the notice was mailed to all districts within the proposed zone
- A description of the area to be designated as a vertical housing development zone, including proposed zone boundaries
- Reasons that all or a portion the proposed zone constitutes a core area of an urban center, a light rail system area or a transit oriented area
- Any other information required by OHCS

Districts that elect not to participate in the vertical housing development zone continue to collect property taxes on developments within the zone. This may result in the property receiving a smaller tax exemption that would otherwise be allowed under the ORS.

OHCS reviews and approves applications for vertical housing development zones. Once a vertical housing development zone is approved, the city or county may acquire or dispose of property in order to develop vertical housing projects within the zone. Housing projects may be developed by local governments alone, or local governments in partnership with private entities, or by private entities acting independently. Property and housing projects developed may be sold at any time during or after development, for market value or less than market value.

After the vertical housing zone is established, property owners seeking to develop vertical housing projects may apply for a partial property tax exemption. The exemption ranges from a 20-80% exemption on the taxes levied on the building improvements (not the land). The rate of exemption is based on the number of floors in the building allocated to residential housing.

This law offers an incentive for developers and owners providing housing occupied by persons earning no more than 80% MFI (Median Family Income). Property owners providing low-income housing may apply to receive an exemption from 20-80% of the taxes levied on the land, in addition to the 20-80% exemption on the building improvements. The rate of the bonus exemption is based on the number of floors in the building allocated to low-income residential housing.

The property owner or developer must apply to OHCS to certify the project as eligible for exemption under this law. The application submitted to OHCS must include:

- The address and boundaries of the proposed vertical housing development project
- A description of the existing state of the property
- A description of the proposed project construction or rehabilitation, including project design, project cost, and the number of floors and residential units
- A description of the nonresidential uses to which any portion of the proposed project is to be put, including the proportion of total square footage proposed for nonresidential uses
- A description of the proposed portion of the project to be used for residential uses, including the proportion of total square footage proposed for residential uses
- A description of the number and nature of residential units in the proposed project that are to be low income residential housing, including the proportion of total square footage proposed for low income residential housing
- A calculation of equalized floors, an allocation of equalized floors to residential uses and an allocation of equalized floors to low income residential housing uses (described in detail in the statute)

- A commitment (including documentation and evidence) that the project will be maintained and operated in a manner consistent with the application

The application must be filed on or before the date residential units are ready for occupancy.

After OHCS certifies the project as eligible for an exemption, the property owner must notify the tax assessor that the project meets the ORS requirements for a partial property tax exemption. OHCS may monitor any property receiving an exemption under this program, including requesting documentation and remedial action by the property owner. If OHCS decertifies the property or a portion of the property, the property will no longer receive the partial tax exemption.

In order to enable the exemption, local governments must apply for a vertical housing zone designation with OHCS.

The enabling legislation for this statute was extended and will now sunset in 2016, after which local governments using the program will be required to request that the legislature provide re-enabling legislation. This law offers a 10-year exemption from a portion of property taxes.

Existing Property Tax Exemptions in Washington County

A number of Washington County plans and policies recommend adopting property tax reductions or exemptions as a means of encouraging affordable housing.

Washington County's 2004 Fair Housing Plan²⁸ identifies property tax reductions as one means by which local governments may reduce the cost of developing and providing affordable housing, thereby reducing barriers to Fair Housing choice.

The North Bethany Affordable Housing Report²⁹ identifies property tax abatements as a necessary strategy in order to meet the community's 20% affordability goals.

Washington County's 10-Year Plan to End Homelessness³⁰ recommends offering property tax exemptions for housing units affordable to residents earning 60% MFI or less as part of its strategies for moving homeless individuals and families into permanent housing.

Washington County's 2010-2015 Consolidated Plan³¹ includes property tax exemptions for housing units affordable to residents earning 60% MFI or less as a recommended strategy to increase the number of affordable housing units.

²⁸ Approved by the Board on August 17, 2004, <http://www.co.washington.or.us/CommunityDevelopment/Planning/fair-housing-plan.cfm>

²⁹ July 2007, <http://www.co.washington.or.us/LUT/PlanningProjects/Bethany/housing.cfm>

³⁰ Approved by the Board on June 3, 2008, <http://www.co.washington.or.us/Housing/10-year-plan-to-end-homelessness.cfm>

Regulated Affordable Housing Ownership in Washington County

TABLE 5-1 Regulated Affordable Housing in Washington County

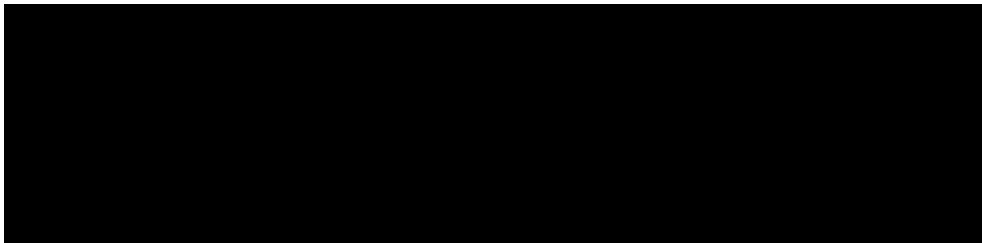
Properties		
Total Count	250	
Housing Authority ownership	172	68.80%
Nonprofit ownership	41	16.40%
For-Profit Ownership	33	13.20%
Other	4	1.60%
Units		
Total Count	7,197	
Housing Authority ownership	1,568	21.79%
Nonprofit ownership	1,371	19.05%
For-Profit Ownership	4,183	58.12%
Other	75	1.04%

Source: 2007 Metro Affordable Housing Database

Regulated (subsidized) affordable housing in Washington County is provided by a variety of owners, including the Housing Authority of Washington County (HAWC), nonprofit housing developers and providers (such as Community Partners for Affordable Housing, Bienestar, Habitat for Humanity, etc) and other for-profit groups. In some cases, owners have partnered with the Housing Authority in order to secure property tax exemptions for their affordable housing units. In these cases, the Housing Authority requires that eligible residents meet income restriction guidelines, and that affordable, below-market rental rates are charged for those housing units.

While most of the regulated affordable *properties* in Washington County are owned and/or operated by the Housing Authority, the majority of the regulated affordable housing *units* in Washington County are owned and/or operated by for-profit housing providers. Nonprofit housing owners provide about 1,370 affordable housing units—approximately 19% of the total supply.

Existing Exemption Programs in Washington County



³¹ Approved by the Board on May 4, 2010, <http://www.co.washington.or.us/CommunityDevelopment/Planning/2010-2015-consolidated-plan.cfm>

As the table above indicates, nearly half of the housing units owned by nonprofit housing providers in Washington County already receive some form of property tax exemption. A number of these units receive exemption under ORS 307.130-162; Institutional, Religious, Fraternal, Interment Properties, and offer residential housing in conjunction with treatment programs or supportive services through a medical or religious service provider. In addition, a few Washington County cities have established property tax exemption programs for other affordable housing providers serving low-income households.

The City of Tigard, in partnership with the Tigard/Tualatin School District and Tualatin Valley Fire & Rescue, adopted an exemption program under ORS 307.540-548; Nonprofit Corporation Low-Income Housing, in 1996. This program was adopted at the urging of local nonprofit housing providers, including Community Partners for Affordable Housing (CPAH). Since program adoption, five developments owned by two nonprofits, including nearly 280 units of affordable housing, have been granted exemptions under Tigard's program. The nonprofit owners were required to secure participation from partner taxing jurisdictions, and must submit annual renewal applications to the City of Tigard. Tigard's program has been part of a successful effort to encourage responsible ownership and upkeep of affordable properties within the city. Tigard has also recently implemented a program to reduce permitting fees and other charges to nonprofit developers of affordable housing units in the city.

The City of Wilsonville has granted a small number of exemptions under ORS 307.540-548; Nonprofit Corporation Low-Income Housing. Wilsonville appears to rely on housing providers to request the exemption from taxing jurisdictions for each eligible property, and approves the exemption by resolution on a case-by-case basis.

The City of North Plains granted a 20-year exemption under ORS 370.515-523; Low Income Rental Housing, to a low-income housing development in 1995. This appears to be the only instance in which this exemption has been granted in North Plains.

The City of Forest Grove has authorized exemptions to Bienestar properties housing agricultural workers under ORS 307.480-510; Farm Labor Camps and Child Care Facilities Serving Farm Laborers. Bienestar pays PILOT for several of these properties.

The Housing Authority of Washington County (HAWC) owns or co-owns 172 properties, including 1,568 housing units. These properties receive property tax exemptions under ORS 307.092; Property of the housing authority, and HAWC pays PILOT for these properties.

Exemption Programs under Consideration in Washington County

The Housing Authority of Washington County is currently meeting with Washington County cities, school districts, and other taxing jurisdictions to discuss the possibility of developing and adopting a consistent, county-wide tax exemption program under ORS 307.540-548; Nonprofit

Corporation Low-Income Housing. If there is sufficient support for this program, the Housing Authority will work with constituent cities and taxing districts to develop model ordinances for adoption, guidelines, applications, and approval processes that could be used consistently across the county. Offering a streamlined and consistent program throughout the county would permit nonprofit housing providers to offer equitable benefits (in the form of lower rents and improved services) to all of their residents, and it may also encourage new affordable housing development based on local need.

There are currently about 20 properties, including nearly 750 units of affordable housing, which may be eligible for exemption under ORS 307.540-548. Based on estimates provided by Washington County Assessment and Taxation, these properties pay about \$340,000 in property taxes to 21 different taxing jurisdictions annually. Taxing districts that currently receive property tax revenue from these properties include TriMet, Metro, Port of Portland, Portland Community College, Washington County, and various school districts, cities, parks districts, and other service districts.

Conclusions

- Oregon State law authorizes a variety of property tax exemption programs that may be used to encourage the development and preservation of affordable housing.
- While property tax exemptions do not specifically address barriers to Fair Housing choice for members of protected classes, they may help increase the supply of affordable, safe, and adequate housing available to members of protected classes.
- Property tax exemptions requiring local adoption have been used to successfully support affordable housing in some Washington County jurisdictions.
- Property tax exemptions for affordable housing providers have been recommended by a number of Washington County plans and policies.
- Washington County is currently considering adoption of a coordinated county-wide policy offering property tax exemptions to nonprofit low-income housing providers.

REGULATORY BARRIER TO PROVIDING ACCESSIBILITY IMPROVEMENTS

The Washington County Consolidated Plan 2010-2015 reports that there were 33,724 people with a physical disability. Of these, 15% (5,025) had incomes below the poverty level. There were 16,523 adults age 16 and older who had a go-outside-the-home disability; 19% (3,156) had incomes below the poverty level (Table 3-36, page 71). Furthermore, Washington County had more than 4,000 renters with mobility or self-care disabilities who had housing problems (Table 3-39, page 72).

To address the housing needs of this vulnerable and protected class population (disabled), Washington County and the City of Beaverton provide accessibility programs to put in place

accessibility improvements (e.g., grab bars, ramps, shower modifications) in rental housing units occupied by low-income, disabled individuals and households. Since 2009, however, the County and City have had to suspend or limit this assistance to complexes of no more than four units because HUD determined that it was necessary to document not only the income of the individual receiving assistance, but to also determine that 51% or more of the households in the entire apartment complex had low incomes. This created a heavy administrative burden, especially if the complex had 50 or more units.

Thus, a regulatory barrier to providing needed housing assistance to a protected class exists. If HUD provided a programmatic waiver that allowed the jurisdictions to resume their accessibility programs that assisted low-income, disabled renters based on the documentation of the income of the assisted household only (and not those not receiving assistance), the regulatory barrier would no longer exist.

VI. Analysis of Impediments: Private Sector

This chapter presents an analysis of potential impediments to Fair Housing that may result from activities primarily undertaken by private sector entities in Washington County. As stated in the previous chapter, HUD’s Office of Fair Housing and Equal Opportunity (FHEO) defines impediments as “any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.”³² Thus, the scope of this analysis could be exceptionally broad. Based on guidance from HUD provided in its *Fair Housing Guide*,³³ this plan examines two key areas:

- Rental housing: Fair Housing complaint data and audit testing
- Owner-occupied housing: private sector lending practices for homeownership.

Chapter III of this plan includes an extensive analysis of Fair Housing complaint data and audit testing and concludes that discrimination in the application process for rental housing is an area of concern. Thus, this chapter focuses on private sector lending practices as they relate to Fair Housing.

Homeownership is advantageous to most buyers because it is a primary way to build equity, strengthen credit, provide residential stability and promote a sense of ownership and accomplishment. Nationally, the advantages of homeownership disproportionately benefit certain populations. There are substantial homeownership rate disparities (often called “homeownership gaps”) for communities of color. According to *the State of the Nation’s Housing 2011* report,³⁴ while overall homeownership rates currently stand at 66.9%, the gap from White homeownership rate of 74.4% to that of non-Whites is growing. The national 2010 homeownership rates for non-White households are:

- Latinos 47.5%
- African-Americans 45.9%
- Asians 58.2%
- Other non-White 48.9%

The reasons for these gaps include a legacy of historical discrimination in housing. Since the post-WW II homeownership boom almost exclusively benefitted White households, there is a persistent gap in the intergenerational transfer of wealth for people of color, who today have fewer assets to use as a down payment. The historical practice of redlining³⁵—refusing to make loans in certain neighborhoods—similarly impacted communities of color. In addition to issues

³² From http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh

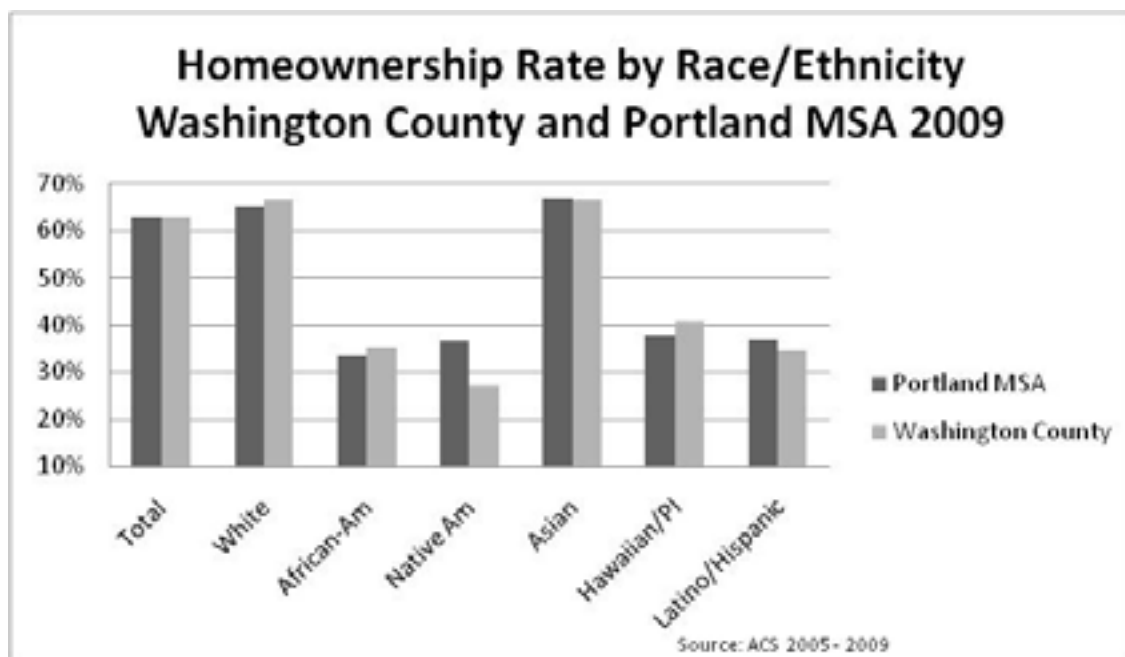
³³ From <http://portal.hud.gov/hudportal/documents/huddoc?id=fhpg.pdf>

³⁴ Joint Center for Housing Studies. (2011). *The State of the Nation’s Housing 2011*. Retrieved from <http://www.jchs.harvard.edu/research/publications/state-nation%E2%80%99s-housing-2011>

³⁵ Redlining was prohibited as a lending practice by the Community Reinvestment Act of 1977.

related to lending practices, there are also non-housing issues that significantly affect the racial and ethnic homeownership gap, including historical and ongoing discrimination and differential outcomes in employment and education, which affect job stability, earnings, wealth, credit scores and amount of debt.

Like the rest of the nation and the Portland metropolitan region, Washington County's homeownership profile shows gaps for communities of color. While Washington County's overall homeownership rate is 63%, homeownership rates vary widely by race/ethnicity. With the exception of the Asian population, the homeownership rates of communities of color are approximately one half to two thirds that of White households. Washington County's racial homeownership gap is similar to that of the Portland Metropolitan Statistical Area³⁶(MSA). The racial homeownership gap is greater in this region for Blacks and Latinos than it is nationwide.



HOME MORTGAGE DISCLOSURE ACT (HMDA)

This section utilizes Home Mortgage Disclosure Act (HMDA) data to understand lending practices in Washington County. This HMDA analysis examines overall lending, approval and denial rates and how those rates differ for Washington County's protected classes. As described above, the causes of homeownership disparities may involve both historical and current-day policies and practices. Analysis of HMDA data provides "outcome" information regarding the application, origination, and cost of home mortgage loans, but it does not provide sufficient

³⁶ The Portland MSA consists of seven counties: Multnomah, Clackamas, Washington, Yamhill and Columbia in Oregon and Clark and Skamania in Washington.

detail to permit a definitive analysis of the causes of homeownership gaps among different groups of protected classes.

HMDA requires that lenders report data on applications, originations, and denials for home mortgages with data on some protected classes. The Federal Reserve reports these data for three reasons: to help assess whether financial institutions are serving the housing needs of their communities; to help public officials target the distribution of public-sector investment; and to assist in identifying possible discriminatory lending patterns and aid in enforcing antidiscrimination laws.³⁷ However, HMDA data alone cannot determine whether racial and ethnic disparities in loan approval rates and pricing reflect illegal discrimination; such an analysis “can only be viewed as suggestive.”³⁸

HMDA requires depository and non-depository institutions to publicly disclose demographic information including race, ethnicity, sex, income, and census tract in which the home is located related to a mortgage application. HMDA data do not provide information on all protected classes, and thus this analysis is limited to race/ethnicity and gender. The regulation applies to depository³⁹ and non-depository institutions.⁴⁰ Depository institutions include savings banks, commercial banks, savings and loan associations, or credit unions that accept deposits from

³⁷ <http://www.federalreserve.gov/communitydev/hmda.htm>

³⁸ Avery, R.B., Bhutta, N. Brevoort, K.P. & Canner, G.B. (2011). The mortgage market in 2010: Highlights from the data reported under the Home Mortgage Disclosure Act. *Federal Reserve Bulletin*, 97:6, p. 1-60. Retrieved from <http://www.federalreserve.gov/pubs/bulletin/default.htm> . Quote is from page 51.

³⁹ **Depository Institutions**

If the depository institution meets the following criteria they must report:

1. The depository institution is a bank, credit union, or savings association.
2. The depository institutions assets total more than \$40 million on the preceding December 31.
3. The institution maintains a home or branch office in a metropolitan statistical area on the preceding December 31.
4. The institution originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one-to-four-family dwelling in the past calendar year.
5. The institution is federally insured or regulated; or the mortgage loan is insured; guaranteed, or supplemented by a federal agency; or the loan is intended for sale to the Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Corporation (FHLMC).

⁴⁰ **Non-Depository Institutions**

If the non-depository institution meets the following criteria they must report:

1. The non-depository institution is a for-profit lender.
2. The institution’s home purchase loan originations (including re-financings of home purchase loans) equal or exceed 10 percent of its total loan originations, measured in dollars, or equal \$25 million or more in the previous calendar year.
3. The institution either: (a) had a home or branch office in an MSA/MD on the preceding December 31, or (b) received applications for, originated, or purchased five or more home purchase loans, home improvement loans, or re-financings on property located in an MSA/MD in the preceding calendar year.
4. The non-depository institution either: (a) had assets (when combined with the assets of any parent corporation) exceeding \$10 million on the preceding December 31, or (b) originated 100 or more home purchase loans (including re-financings of home purchase loans) in the preceding calendar year.

consumers. Examples of depository institutions are Wells Fargo Bank and Bank of America, the mortgage lenders with the largest market share in Washington County. Non-depository institutions are those entities that fund their activities through the sale of securities or insurance. A non-depository mortgage institution is licensed to lend, but cannot accept deposits. Northwest Mortgage Group and Hyperion Capital Group are example of non-depository institutions with large market shares in the county.

HMDA tracks applications and denials for the following loan types:

- Conventional mortgages for purchase and refinance (all loans not originated with FHA, VA, or FSA/RHA support—whether fixed or adjustable rates, or by subprime lenders, or with so-called “exotic” features)
- Federal Housing Administration (FHA) mortgages
- Veteran Affairs (VA) mortgages
- Farm Service Administration and Rural Housing Administration (FSA/RHA) mortgages.

Publicly available HMDA data do not report particular loan features, but they do report if a loan is high cost—if its interest rate (Annual Percentage Rate or APR) exceeds the “average prime offer rate” on prime loans by at least 1.50 percentage points for first-lien loans and 3.50 percentage points for subordinate-lien loans.

For some years of the analysis, it is also possible to identify loans originated by institutions that specialize in subprime lending. The subprime lenders designation is created by HUD to list institutions that have significant business in “Alt-A” or “B/C” lending to borrowers with less than excellent credit scores or who are otherwise unable to meet the underwriting criteria for prime loans. The count of loans made by these lenders does not necessarily signify a count of a particular kind of product, such as an interest only-loan with a balloon payment. Loan products are of particular concern in the current foreclosure crisis; research from the Center for Community Capital has shown that loan features like adjustable rates, interest-only options, and hidden costs have a significant impact on whether a low-moderate income homeowner⁴¹ defaults on the mortgage. HMDA analysis only provides imprecise proxies for these potentially problematic loans in the high-cost and subprime designations, but these are important considerations in signaling potential issues.

HMDA evaluates and records each decision made regarding each application, including:

- Origination - indicates that the loan was made by the lending institution.
- Approved but not accepted – loans approved by the lender, but not accepted by the applicant.

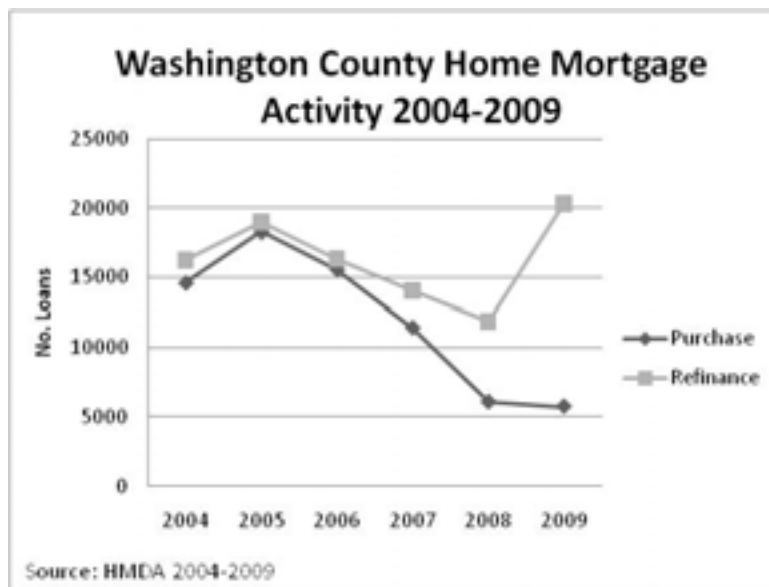
⁴¹ While low/moderate income status is not a precise proxy for the race, ethnicity or disability status of a household, a prior chapter has shown that racial and ethnic minorities and persons with disabilities are disproportionately low-income in Washington County.

- Application denied by financial institution – a situation where the loan application failed.
- Application withdrawn by applicant – indicates the applicant closed the process.
- File closed for incompleteness – refers to a loan application process closed by the institution due to incomplete information.
- Loan purchased by the institution – indicates a previously originated loan was purchased on the secondary market.

HOME MORTGAGE DISCLOSURE ACT (HMDA) ANALYSIS

Lending patterns 2004-2009

The abrupt slowdown in mortgage market activity seen nationwide since 2005 is evident in Washington County, with purchase originations declining dramatically from their 2005 high. Refinance lending activity has rebounded since 2008, likely due to low interest rates. The figure below describes the number of loans originated (approved and provided) in Washington County from 2004 through 2009.



In 2009, the approval rate for loans was 62%. Most of the loans (48%) were made to applicants whose household income placed them in the upper income tier. Likewise, most loans were originated on properties located in Census tracts with median incomes in the middle and upper income tiers.^{42,43} Washington County does not have any Census tracts that are classified as low

⁴² **Income Level** – For household and tract income, HMDA/CRA regulations classify four categories of income: low, moderate, middle, and upper. . This field is based on the Tract Median Family Income %. If the Median Family Income % is < 50% then the Income Level is Low. If the Median Family Income % is >= 50% and < 80% then the Income Level is Moderate. If the Median Family Income % is >= 80% and < 120% then the Income Level is Middle. If the Median Family Income % is >=120% then the Income Level is Upper. If the Median Family Income % is 0% then the Income Level is Not Known. Washington County does not contain any low income Census tracts.

income; therefore, there is no lending activity reported for low income Census tracts in the county. The third table below suggests a potential relationship between race/ethnicity and tract income, with greater proportions of Hispanic/Latino and Hawaiian mortgage applicants living in moderate and middle income tracts than White households. Among all races, Asian applicants appeared to be the most likely to purchase homes in upper income tracts.

Washington County 2009 Loan Applicant Income Distribution

Income Level	# of Loans	% Total
Total	9,106	100.00%
Low	316	3.50%
Moderate	1,341	14.70%
Middle	2,091	23.00%
Upper	4,441	48.80%
Unknown	917	10.10%

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

Washington County 2009 Lending Denials by Tract Income

Income Level	Originations	Denials	Applications
Upper	66%	13%	22,933
Middle	61%	18%	22,293
Moderate	55%	17%	3,533
Underserved	55%	19%	8,106
Low	0	0	0

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

Note: Washington County does not contain any Census Tracts that qualify as Low Income.

Washington County 2009 Race/Ethnicity by Tract Income Level

Race/Ethnicity	Low	Moderate	Middle	Upper
Total	0	3,142	22,684	22,933
White	0	1,961	15,230	14,866
Black/African American	0	31	193	159
Hispanic/Latino	0	193	1,016	513
Asian	0	192	1,300	2,520
Native American	0	5	60	52
Hawaiian	0	23	124	77

Source: Lending Patterns and Home Mortgage Disclosure Act

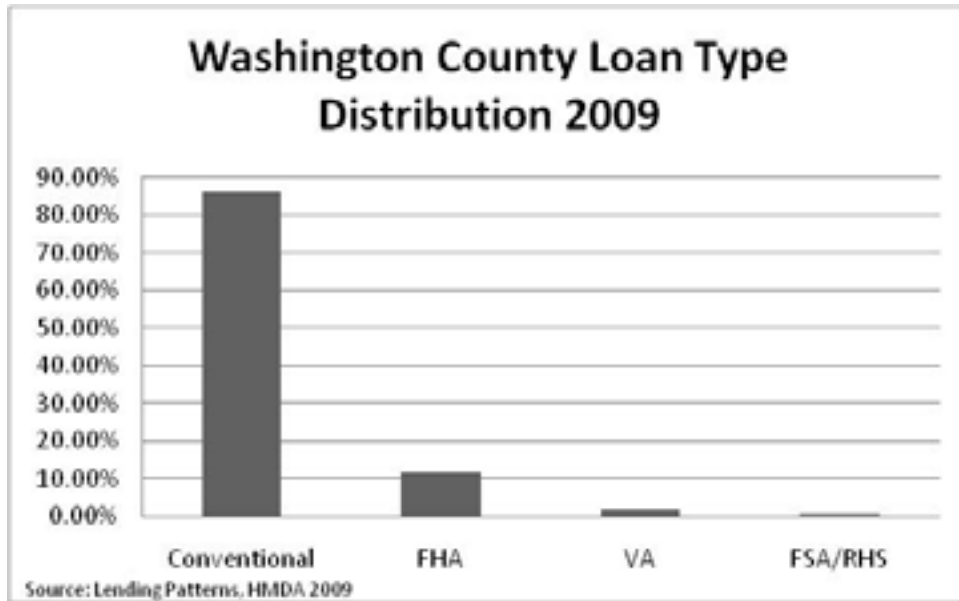
Note: Washington County does not contain any Census Tracts that qualify as Low Income.

Most home purchase loans reported to HMDA for Washington County are conventional (non-governmental), and 12% were originated via FHA. Since the subprime lending market had been nearly eliminated by 2008, FHA lending subsequently increased greatly nationwide.

Conventional, FHA, and VA loans have a similar denial rate of about 15%. FSA/RHA

⁴³ **Distressed or Underserved Tract** - Middle-Income Distressed or Underserved geography are those located in counties with: (1) an unemployment rate of at least 1.5 times the national average; (2) a poverty rate of 20 percent or more; or (3) a population loss of 10 percent or more between the previous and most recent decennial census, or a net migration loss of 5 percent or more over the five-year period preceding the most recent census. These tracts are designated by federal banking regulators.

applications, which represent less than half of one percent of Washington County’s total loan applications, has a higher denial rate (23%) than other loan types.



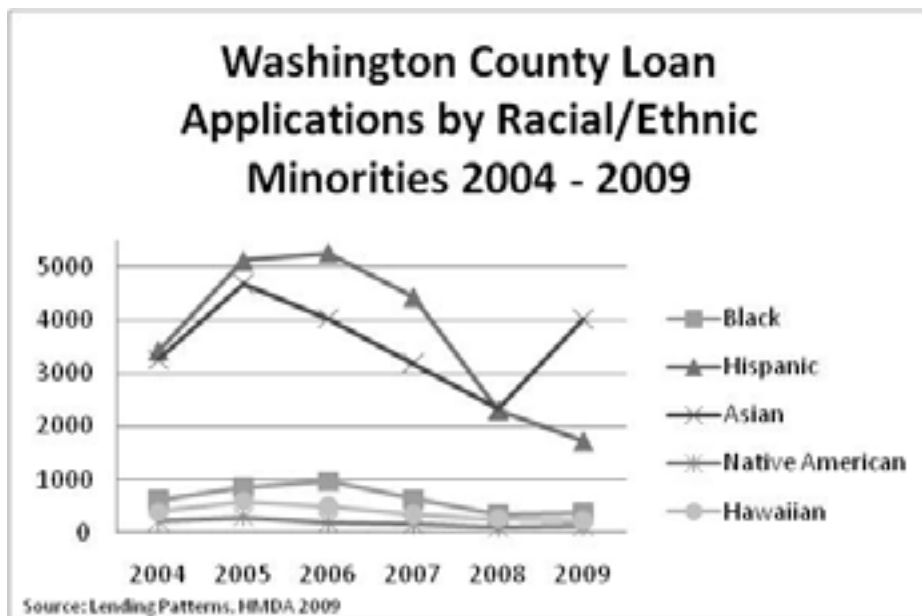
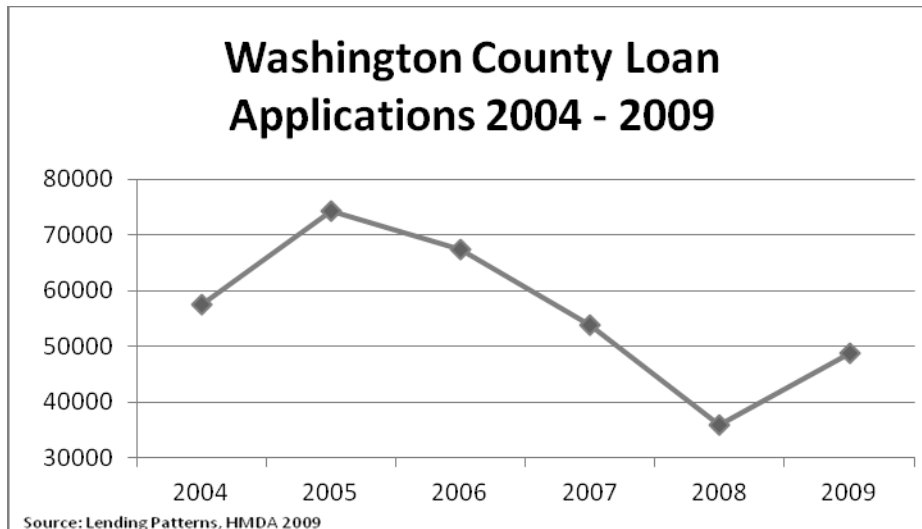
Washington County Denial Rate by Loan Type 2009

Loan Type	Applications	Denials	Rate of Denial
Conventional	28,873	4,382	15.80%
VA	883	122	13.82%
FSA/RHA	137	31	22.63%
FHA	6,252	1,032	16.51%

Source: Lending Patterns and Home Mortgage Disclosure Act

Lending patterns by race/ethnicity

Changes in the national housing market and lending patterns are reflected in Washington County mortgage activity for 2004-2009. The most obvious change in the market has been the effect of the collapse of the housing market nationally, which is reflected in the dramatic decrease in the volume of application activity in Washington County from 2005 through 2008 and has only rebounded recently. While the number of overall loan applications is rebounding, the number of applications from some racial/ethnic minorities has not. Applications from Hispanic/Latino households in particular continue to trend downward, and African-American and Native American households’ application rates remain very low. The number of applications from Asian American households has rebounded and is not far below its 2005 peak. Despite market changes, Washington County’s 2009 overall mortgage borrowing profile remains more racially diverse than that of the MSA. Washington County’s total loan originations (purchase and refinance) include a greater rate of lending to Asians (8% compared to 5% in the MSA) and to Latino/Hispanics (4% compared to 3% in the MSA).



Overall, the number of home purchase loans issued in 2009 in Washington County was 31% of the number issued at the peak of lending activity in 2005. Over the course of the “boom” years of 2004-2007, the county’s share of home purchase mortgages provided to Latino/Hispanic households increased from 8% to 13%. However, the share of home purchase mortgages issued to Latino/Hispanic households for 2009 was just half the 2004 level. Furthermore, while home purchase loan volume in 2009 was about a third (37%) of that of 2006 overall, for Latino/Hispanic households, it was about a tenth (11%) of its 2006 peak. Likewise, African-American and Native American purchases fell and have not rebounded. While there are nearly four times as many African-American households in Washington County than there are Native

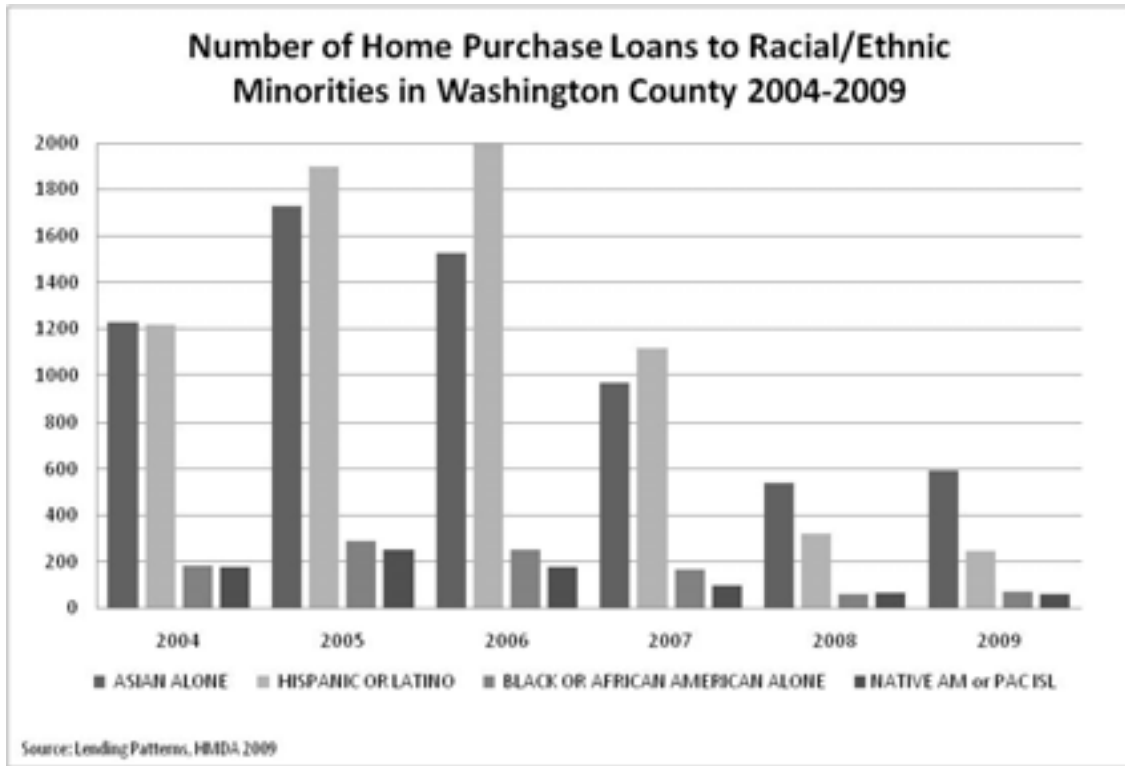
American households, in 2009 nearly the same number of each purchased homes—with 69 loans originated to black households and 60 to Native American households. Borrowing by Asian American households in Washington County rebounded in 2009, with a forty percent increase in home purchase from 2008—a pattern more similar to White buyers than to other non-White households.

The enormous increase in buying by households of color during the 2004-2006 period may have mixed consequences for this population. The expansion of homeownership may be a positive change. However, increased lending to buyers of color during the housing boom may be a cause for concern if these households received inappropriately high cost loans or exotic products that are linked to a propensity for default, or if these borrowers of color are disproportionately affected by unemployment during the economic recession. The Joint Center for Housing Studies has found that, at the national level, disproportionate impacts of the foreclosure crisis are currently reversing gains in minority homeownership that had been made during the boom.

Washington County Share of Purchase Loans by Race/Ethnicity, 2004 - 2009

Race/Ethnicity	2004	2005	2006	2007	2008	2009
Total Loans	14,619	18,282	15,577	11,440	6,079	5,749
White Alone	73%	68%	66%	70%	74%	72%
Black/African American Alone	1%	2%	2%	1%	1%	1%
American Indian/Pacific Islander	1%	1%	1%	1%	1%	1%
Asian	8%	9%	10%	8%	9%	10%
Hispanic/Latino	8%	10%	13%	10%	5%	4%
Two or More Races	8%	9%	9%	10%	9%	11%

Source: Home Mortgage Disclosure Act, 2009



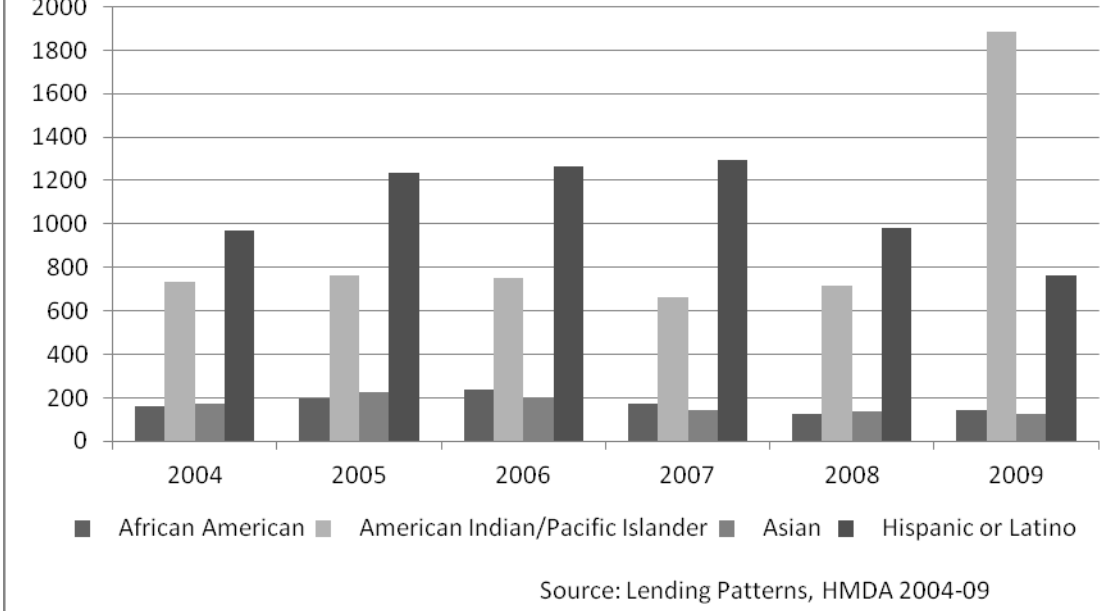
Given the extensive involvement of subprime lenders in the refinance market, it may be of concern that, during the housing boom, there was a significant jump in the number of refinance loans taken by homeowners of color, as the data below indicate.

Washington County Share of Refinance Loans by Race/Ethnicity, 2004 - 2009

Race/Ethnicity	2004	2005	2006	2007	2008	2009
Total Loans	12,231	18,973	16,320	14,074	11,886	20,288
White Alone	72%	75%	73%	71%	71%	72%
Black or African American Alone	1%	1%	1%	1%	1%	1%
American Indian or Pacific Islander	5%	4%	5%	5%	6%	9%
Asian	1%	1%	1%	1%	1%	1%
Hispanic or Latino	6%	7%	8%	9%	8%	4%
Two or More Races	15%	12%	12%	13%	13%	14%

Source: Home Mortgage Disclosure Act, 2009

Number of Refinance Loans to Racial/Ethnic Minorities in Washington County , 2004 - 2009



While Washington County’s mortgage patterns are more racially diverse than the region’s, the comparison of lending originations and denials in Washington County in 2009 indicates that racial minorities do experience disparate rates of originations and denials compared to Whites. Tracking loan outcomes to origination or denial from the applications, there are disparities in origination and denial for African-Americans, Latinos/Hispanics, and Native Americans. Moreover, Latino/Hispanic and Native American borrowers face greater disparities in denials in Washington County than in the metro area as a whole. It is important to note that HMDA data do not include credit scores, debt-to-income ratios, loan-to-value ratios, and other information used in mortgage underwriting. Apparent disparities in lending by race/ethnicity may be accounted for in part or whole by differences in these factors. Disparity indices are one of several indicators considered by the federal government to evaluate lenders’ compliance with fair lending laws, but they are not the sole measure of discrimination.

The table below presents a comparison of the rate of loan origination for racial and ethnic minorities to that of White households as the Origination Disparity Index (ODI). A disparity index score of 1.28 for Hispanics means that Hispanics were 28% less likely to have their loan approved than White applicants. Similarly, a Denial Disparity Index score (DDI) of 1.49 for Blacks indicates that Blacks were 49% more likely than Whites to have their loan applications denied. As stated above, there may be a variety of reasons for these disparities, including credit

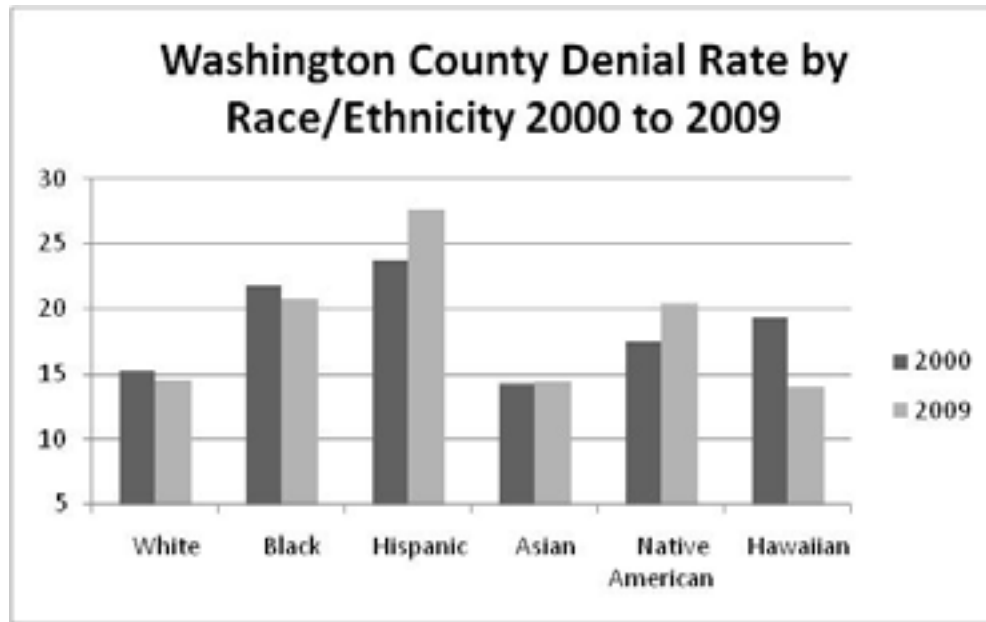
scores, debt-to-income ratios and other factors. Unfortunately, HMDA data do not provide sufficient detail to enable researchers to “hold constant” these other factors and thus isolate whether the disparities are likely a result of discriminatory lending practices. However, bank examiners may use disparity indices to help them decide where to focus their attention with respect to more in-depth analysis of individual files of lenders. While there is no universally accepted standard, two local lenders in Washington County indicated that a score of 1.5 or greater typically indicates an area of potential concern. Using the 1.5 score as a standard, the table below indicates a potential concern with the denial rates of Hispanic (1.97) and Black (1.49) applicants. These disparities in denial might indicate a need for focused programming for households of color to become “homebuyer ready” or repair credit.

Washington County Lending Disparity by Race 2009

Race/Ethnicity	Originations	Denials	Total	ODI	DDI
White	51%	12%	32,074	1.00	1.00
Black	42%	17%	383	1.23	1.49
Hispanic	40%	23%	1,723	1.28	1.97
Asian	55%	12%	4,016	0.94	1.07
Native American	42%	16%	117	1.23	1.40
Hawaiian	50%	12%	224	1.02	1.00

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

Housing market changes have had great impacts on applications and originations for all races/ethnicities. Application denial rates have not increased for White, African-American, or Native Hawaiian applicants over the past nine years, and Asian American denial rates increased slightly. However, Latino/Hispanic and Native American applicants’ denial rates increased substantially from 2000 to 2009. The primary reasons cited in the HMDA data for denial for applicants of all races are too high of a debt to income ratio, lack of collateral, and poor credit history. Application and denial rates and reasons by race/ethnicity should be monitored to ascertain how households are faring in the mortgage market, especially as the housing market continues to be reshaped. If race/ethnicity-specific reasons for denial emerge, there may be public/nonprofit organization activities that can be tailored to those issues. In particular, carefully constructed testing by matched pairs of home purchase loan applicants (one who is a racial/ethnic minority and one who is not) with similar profiles would be beneficial in probing potential causes of higher loan denial rates for persons of color.



Further analysis of loan denials by race for income classes for 2007, a midpoint in the recent market turmoil, does suggest that there are issues around home mortgage borrowing and lending for non-White households that are not explained by lower incomes alone. Indeed, when looking solely at high-income applicants, the denial disparity index for Hispanic/Latinos of 2.25 indicates that they were denied loans at more than twice the rate of Whites. High income Black/African American applicants were 86% more likely to have their loan denied than their White counterparts. Only high income Native Americans had a DDI lower than that of high income Whites. Among middle income applicants, Hispanic/Latinos were two and a half times as likely to have their loan denied than Whites. Low-income Whites similarly experienced mortgage loan denial at much lower rates than low-income blacks, Hispanics, and Native Americans.

Washington County 2007 Denial Rate & DDI by Race/Ethnicity and Income

Race/Ethnicity	Upper Income		Middle Income		Low Income	
	Denial Rate	DDI	Denial Rate	DDI	Denial Rate	DDI
White	11.0%	1.00	12.9%	1.00	13.4%	1.00
Black/African American	20.5%	1.86	23.1%	1.79	20.0%	1.49
Hispanic/Latino	24.8%	2.25	32.4%	2.51	23.9%	1.78
Asian	12.1%	1.10	11.1%	0.86	11.8%	0.88
Native American	6.7%	0.61	18.2%	1.41	33.3%	2.49

Source: Home Mortgage Disclosure Act 2007

Lending patterns by gender and household type

Gender and household type are also areas of concern in mortgage lending. For example, in two recent national cases, discrimination complaints were settled with women whose loans were

denied or differently priced due to their pregnancies.⁴⁴ In Washington County in 2009, male-primary borrower households are the majority of applicants, and at 13% have slightly lower denial rates than all other household types. Income information for households by gender/type is not available. It is not known whether these may indicate differential treatment by gender and household type.

Washington County Denial Rate by Gender 2009

Gender	Applications	Denials	Rate of Denial
Total	36,145	5,567	15%
Female Alone	6,052	1,008	17%
Female-Primary	3,109	502	16%
Male Alone	8,025	1,368	17%
Male Primary	15,053	1,956	13%
Same Gender	627	109	17%

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

When male-primary and female-primary are combined into a single category to capture the possibility that this new group would include a significant number of different gender married/partnered households including, a similar pattern results, with the combined denial rate of 14% being lower than the other three categories of female alone, male alone and same gender. However, none of the DDIs have a value that exceeds the informal 1.5 threshold of potential concern.

Washington County Denial Rate and DDI by Gender 2009

Gender	Applications	Denials	Rate of Denial	DDI
Total	36,145	5,567	15%	
Female or Male Primary	18,162	2,458	14%	1.00
Female Alone	6,052	1,008	17%	1.23
Male Alone	8,025	1,368	17%	1.26
Same Gender	627	109	17%	1.28

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

Again, it is important to note that HMDA data do not include credit scores, debt-to-income ratios, loan-to-value ratios, and other information used in mortgage underwriting, so apparent disparities in lending may be accounted for in part or whole by differences in these factors. These disparity indices are an indicator of potential issues of discrimination, and are used by the federal government to evaluate lenders' compliance with fair lending laws, but are not by themselves proof of discrimination.

⁴⁴ See "Some lenders allegedly deny mortgages to women on maternity leave," reported in the LA Times June 12, 2011.

High Cost and Subprime Lending

Analysis of Washington County lending data prepared by Portland State University's Institute of Metropolitan Studies (IMS) found that Washington County's share of conventional loans underwritten by subprime lenders was slightly lower than those in other areas across the region in the years leading to the foreclosure crisis.

Washington County and Portland MSA Conventional Loan Originations 2004 - 2007

Year	Portland MSA		Washington County	
	Originations	Share by Subprime Lenders	Originations	Share by Subprime Lenders
2004	113,374	17.9%	25,840	16%
2005	142,447	15.1%	33,250	13%
2006	124,551	9.4%	28,811	8%
2007	95,850	N/A	N/A	N/A

Source: Institute of Metropolitan Studies and HMDA

At the peak of national subprime lending activity (2004-2005), about 13 to 16% of loans in Washington County was originated by subprime lenders.⁴⁵ This figure is somewhat less than the 15 to 18% in the metropolitan area, and also in the nation as a whole, where, according to the State of the Nation's Housing 2007 report, about 20% of originations were subprime in 2005-2006.

Lenders are required to report loans that carry interest rates that are above the contemporary Treasury securities rates. The share of Washington County's loans that were high-priced was slightly lower than that of the metro area as a whole from 2004 - 2008. The proportion of refinance loans that were high-cost was slightly higher than for purchase until 2009, which may reflect the generally greater activity of subprime lenders in the refinance market than in the purchase market.

Washington County and Portland MSA Share High-Priced Conventional Loans 2004 - 2008

Geography	2004	2005	2006	2007	2008
Washington County	11%	21%	22%	13%	5%
Portland MSA	12%	24%	25%	14%	5%

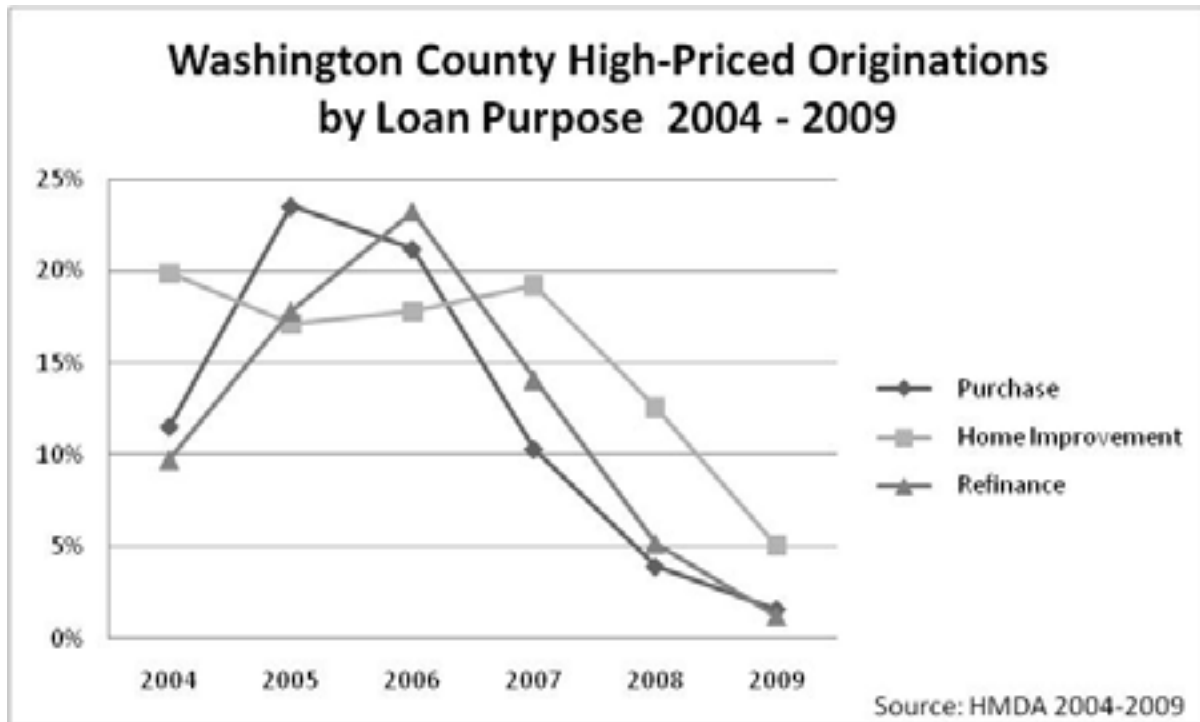
Source: Lending Patterns and Home Mortgage Disclosure Act

⁴⁵ Again, subprime lenders are defined by a HUD list of lending institutions that specialize in subprime or "Alt-A" lending (that is, loans to applicants with less than perfect "A" credit). Not all loan products provided by subprime lenders have features such as interest-only, adjustable rates, and hidden costs.

Washington County Share High-Priced Originations by Loan Purpose 2004 - 2009

Loan Purpose	2004	2005	2006	2007	2008	2009
Purchase	12%	24%	21%	10%	4%	2%
Home Improvement	20%	17%	18%	19%	13%	5%
Refinance	10%	18%	23%	14%	5%	1%
Total	11%	21%	22%	13%	5%	1%

Source: Lending Patterns and Home Mortgage Disclosure Act 2009



It appears that Washington County’s higher median income and established neighborhoods helped the county through much of the foreclosure crisis. However, areas of new development and areas recently incorporated into the urban growth boundary (UGB) show signs of weakness. A 2011 RealtyTrac data analysis prepared by the Institute for Metropolitan Studies at Portland State found that foreclosure activity increased from 2007 through 2009 in areas of Washington County that have seen new housing development, namely in Sherwood, Cornelius, and Hillsboro, and in areas of the county recently incorporated into the UGB.⁴⁶

Nationally, concern has been expressed about the fact that the spike in lending to communities of color involved substantial amounts of subprime lending, high-cost lending, and steering—with research finding that even creditworthy borrowers of color received higher-cost and “Alt-A”

⁴⁶ <http://mkn.research.pdx.edu/wp-content/uploads/foreclosures/PortlandMSA-Foreclosures-Appendices.pdf>

loans.⁴⁷ While these problems existed for all races at a national level during the housing boom, they were more prominent among communities of color. This represents a new concern for fair lending—that rather than being denied at higher rates, protected class households were being approved for higher priced and “exotic” loans.

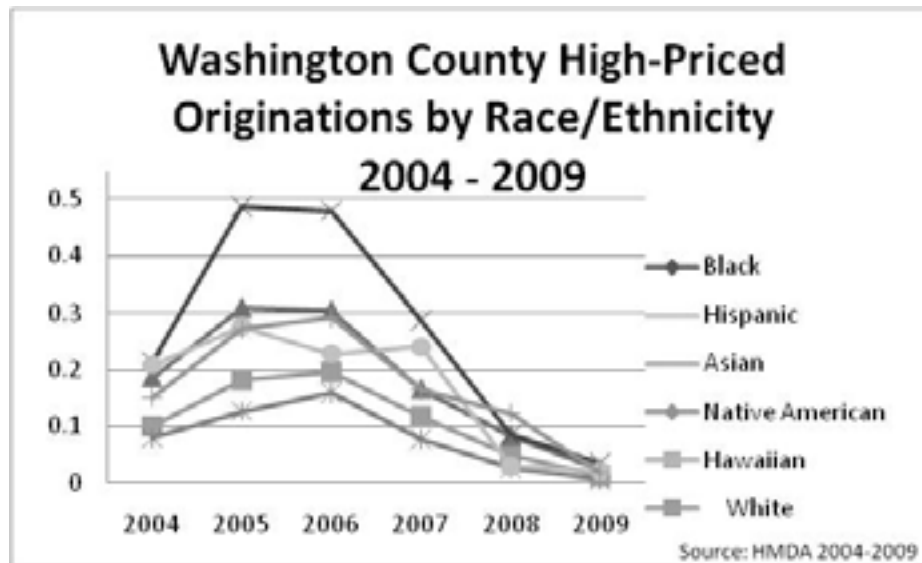
There may be cause for concern about the differential rate of high-priced borrowing by race/ethnicity in Washington County. During the housing boom in Washington County, 20% of loans to Whites were high-priced. However, nearly half of Hispanic/Latino households’ and 30% of African-American households’ loans were high-priced. As lending activity decreased generally in 2007 and 2008, Native American and Native Hawaiian borrowers continued to have high rates of high-priced borrowing. As noted previously, HMDA data do not indicate whether these loans are “predatory” or have features (such as option payments, interest-only payments, or negative amortization) making borrowers more likely to default. Differential rates of high-cost lending by race/ethnicity may not conclusively show active discrimination or steering into inappropriately higher priced loans, but it does suggest an opportunity for increased homebuying education and credit counseling, to help ensure that minority households understand how credit relates to loan pricing and products and enable them to make financially appropriate choices.

Washington County High-Priced Loan Originations by Race/Ethnicity 2004 - 2009

Race/Ethnicity	2004	2005	2006	2007	2008	2009
White	10%	18%	20%	12%	5%	1%
Black	19%	31%	30%	17%	8%	3%
Hispanic/Latino	21%	49%	48%	29%	8%	4%
Asian	8%	13%	16%	8%	3%	1%
Native American	21%	28%	23%	24%	3%	2%
Hawaiian	15%	27%	29%	16%	12%	2%

Source: Lending Patterns and Home Mortgage Disclosure Act 2009

⁴⁷ See “Subprime Lending, Mortgage Foreclosures and Race: How far have we come and how far have we to go?” Ira Goldstein and Dan Urevick-Ackelsberg, The Reinvestment Fund. Written for the PRRAC Civil Rights Task Force on Federal Housing Policy. http://www.prrac.org/projects/fair_housing_commission/atlanta/SubprimeMortgageForeclosure_and_Race_1014.pdf



Portland Metro Region Foreclosure Risk and Communities of Color

A 2012 study released by the Northwest Area Foundation and Policy Link examined the foreclosure trajectories of three northwestern regions, the Portland-Vancouver-Beaverton Metropolitan Statistical Area (MSA), the Twin Cities MSA that includes Minneapolis and St. Paul in Minnesota and Bloomington in Wisconsin, and the Seattle-Tacoma-Bellevue, Washington MSA. They identified the ten zip codes within each MSA that were at the highest risk for foreclosure activity and then examined the racial and ethnic composition of those areas. For the Portland MSA (that includes all of Washington County), researchers found that “foreclosures are only slightly more concentrated in communities of color. 24 percent of the region’s residents are people of color and 27 percent of residents living in the 10 highest foreclosure needs zip codes are people of color.”⁴⁸ The Portland MSA’s disparity was less than that of the other two MSAs examined. In the Seattle MSA, 28% of the region’s residents were people of color, and 39% of residents living in the 10 highest foreclosure needs zip codes were people of color; the figures for the Minneapolis MSA were 19% and 38%. While the results of this study do not imply that ethnic and racial minorities in Washington County were not disproportionately affected by foreclosures, they do provide a larger context for understanding local implications of one aspect of the mortgage market meltdown.

Washington County’s Top Lenders

Washington County’s top lenders for home purchase loans are Wells Fargo (as Wells Fargo Funding, Inc. and Wells Fargo Bank, NA), Bank of America, JP Morgan Chase Bank, NA and Northwest Mortgage Group. Together, these lenders accounted for 47% to 53 % of new home purchase loan originations and purchases of existing loans in 2009 and 2010. A variety of lenders

⁴⁸ Treuhaft, Sarah, Rose, Kalima & Tran, Jennifer. (2012). *Fostering equitable foreclosure recovery*. Northwest Area Foundation and PolicyLink. Retrieved from <http://www.policylink.org/site/apps/nlnet/content2.aspx?c=IkIXLbMNJrE&b=5136581&ct=11622025>

with less volume of activity accounted for the remaining loans. In total, 207 lenders originated home purchase loans or bought existing home purchase loans in the region in 2009 and 195 in 2010.

Top Home Purchase Mortgage Lenders in Washington County

Lenders	2009		2010	
	Mortgage Count	Market Share	Mortgage Count	Market Share
Wells Fargo Funding, Inc	1,264	12.31%	865	10.08%
Bank of America, NA	1,247	12.14%	1,426	16.61%
Citibank, NA	1,161	11.31%	NA	NA
Wells Fargo Bank, NA	831	8.09%	839	9.77%
JP Morgan Chase, NA	481	4.68%	456	5.31%
Northwest Mortgage Group, CIN	416	4.05%	417	4.86%
Total from above	5,400	52.58%	4,003	46.63%

Source: PCI Corporation CRA Wiz

Washington County’s leading originators and purchasers of refinancing loans in 2009 and 2010 include Wells Fargo Bank, NA/Wells Fargo Funding, Inc., Bank of America, NA and JP Morgan Chase. Collectively, these lenders accounted for 41% to 49% of refinancing activity in 2009-10 in the region.

Top Home Refinancing Mortgage Lenders in Washington County

Lenders	2009		2010	
	Mortgage Count	Market Share	Mortgage Count	Market Share
Wells Fargo Bank, NA	3,826	15.67%	4,454	21.55%
Bank of America, NA	2,343	9.60%	2,578	12.47%
Wells Fargo Funding, Inc	1,771	8.75%	1,978	9.57%
JP Morgan Chase, NA	1,016	7.25%	1,140	5.51%
Total from above	8,956	41.27%	10,150	49.10%

Source: PCI Corporation CRA Wiz

CONCLUSION

The financial collapse of 2008 has greatly impacted homeownership across the Portland region. In Washington County, racial minority households’ increased rate of home purchase has been reversed. In particular, applications and originations for Latinos/Hispanics, African-Americans, and Native Americans are currently far below their peak rates during the housing boom. Even given a new context of credit constraints for all applicants, there are disparate denial rates for racial/ethnic minorities in the county. The increased lending activity to racial and ethnic minorities during the housing boom was disproportionately concentrated among sub-prime

lenders, raising concerns about potential increased foreclosure rates among these groups, even if the loan products were not exotic.

Because many factors (such as income, credit history, and existing debt) enter into mortgage underwriting, these disparities are not evidence of discrimination, but they do raise questions. These results suggest a need to increase homebuyer education about credit and loan products targeted to communities of color in Washington County.

A second step might be to have a regional dialogue with other jurisdictions that have recently conducted an analysis of HMDA data to see if similar lending patterns occurred in their areas. In Washington County's case, Denial Disparity Indices (DDIs) exceeded the informal 1.5 threshold for households of color (Black/African American, Hispanic/Latino and Native American), even when income levels were taken into consideration. These discussions could help illuminate what next steps might be prudent, and what resources might be available to support them.

VII. Geography of Opportunity

Washington County's Opportunity Maps, developed for the Consolidated Plan 2010-2015, presented a new concept for identifying places likely to provide a healthy environment, good schools and access to transportation, jobs, every day goods and services and other resources that families need to get ahead in life. Understanding whether or not protected classes have access to these areas of opportunity is fundamental to an analysis of impediments to Fair Housing. This section utilizes US Census 2000 data, ACS 2005-09 estimates, and US Census 2010 redistricting information to understand the spatial distribution of Washington County's racial/ethnic minority populations among Washington County's "Geographies of Opportunity."

OPPORTUNITY MAPS

Opportunity mapping was pioneered by the Kirwan Institute at The Ohio State University. The approach builds upon related approaches in community health, geography, and urban planning. According to the Kirwan Institute, opportunity mapping "is a research tool to understand the dynamics of 'opportunity' within metropolitan areas. The purpose of opportunity mapping is to illustrate where opportunity-rich communities exist (and assess who has access to these communities) and to understand what needs to be remedied in opportunity-poor communities..." If protected classes are not able to access opportunity-rich areas, then they potentially face barriers to Fair Housing choice.

The Washington County Opportunity Mapping Project (2009) developed metrics for measuring access to opportunity in the following four key areas plus generated a fifth indicator that incorporated the other four:⁴⁹

- Proximity to public transportation
- Access to services (health care, child care, and general services like Head Start, senior centers, libraries, etc.)
- Healthy environment (access to parks and trails, sidewalks for walking and healthy food sources)
- Schools (math and reading proficiency and rates of childhood poverty based on the share of elementary school children who qualify for free and reduced lunch)
- Comprehensive opportunity---the average of these four indicators

Opportunity Maps were created by Washington County in 2009 based on Census 2000 *block group* geography. They used a variety of local data sources to describe and analyze dimensions of opportunity. This analysis of protected class populations' access to opportunity uses Census 2010 counts for race and ethnicity. These counts are only available at the Census *tract* geography at this time; counts of racial/ethnic groups were apportioned into block groups based on the proportion of the tract population represented by each block group. This method assumes that

⁴⁹ See Washington County's Consolidated Plan for detailed methodology. Online, searchable Opportunity Maps are available at <http://webags.co.washington.or.us/oppmapping/oppmaps.html> .

racial/ethnic minorities are distributed evenly throughout tracts, which may not be the case. Thus, the results should be considered preliminary.

To further assess protected class populations’ access to opportunity, the location of subsidized housing, which includes many residents from protected class groups, is also assessed. Finally, this section analyzes a “snapshot in time” of where Housing Choice Voucher Holders were located to see if they were tending to live in places with high access to opportunity.

Population Distribution and Opportunity Areas

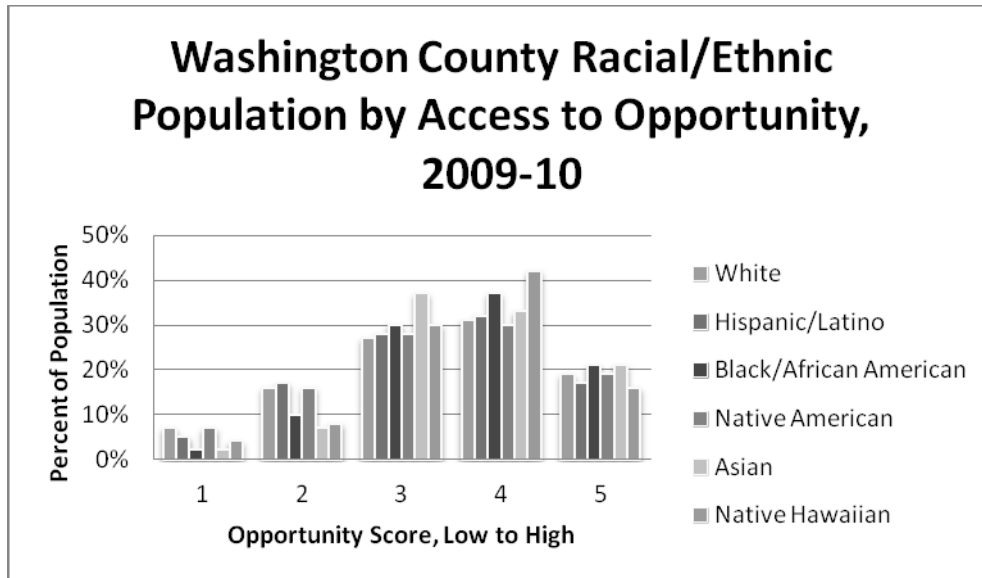
Washington County is the Portland metropolitan region’s most diverse county. While this analysis expected to see disproportional concentration of minority populations in areas of low opportunity, we discovered that minority population is distributed near evenly across areas of opportunity. In other words, communities of color are distributed similarly to Whites among the areas of opportunity.

The table below illustrates the distribution of White, Hispanic, Black, Native American and Hawaiian populations among the areas of opportunity. It appears that the distribution of residents is fairly even, with the majority of households of each race living within average to higher than average opportunity. There is no disproportionality in the populations within each opportunity area. The table below shows that 7% of Whites lived in areas with the lowest access to opportunity, compared to 5% of Hispanics/Latinos, 1.9% of Blacks, 6.8% of Native Americans, 2.5% of Asians and 4% of Hawaiian/Pacific Islanders. Conversely, 19% of Whites, 17% of Hispanics/Latinos, 21.1% of Blacks, 19.0% of Native Americans, 21% of Asians and 16.2% of Hawaiian/Pacific Islanders lived in areas of high opportunity. While the population groups do not have identical distributions across opportunity areas, they are similar. This analysis finds no basis for determining that they are different, given the level of accuracy of the data; more precise geographic measurement may result in a different conclusion.

Washington County Racial/Ethnic Population by Access to Opportunity

Race/Ethnicity	Percent of Population in Opportunity Score (low - high)				
	1	2	3	4	5
White	7%	16%	27%	31%	19%
Hispanic/Latino	5%	17%	28%	32%	17%
Black/African American	2%	10%	30%	37%	21%
Native American	7%	16%	28%	30%	19%
Asian	2%	7%	37%	33%	21%
Native Hawaiian	4%	8%	30%	42%	16%

Sources: Washington County Office of Community Development, US Census 2010



Distribution of Subsidized Housing and Opportunity Areas

Because the population living in subsidized housing in Washington County includes a substantial number of households considered to be part of protected classes, it is also important to consider the location of subsidized properties with respect to opportunity.⁵⁰ This analysis provides a lens through which to understand how public allocations of housing resources benefit or harm protected classes living within them. In 2009, the households living in subsidized housing (3,560 total households) had the following characteristics:

- 37% of households were female headed with children
- 24% of households included a person with a disability, half of whom were non-elderly
- 30% of households were minorities
- 12% of households had incomes below the poverty level.

According to HUD’s 2009 Picture of Subsidized Households, these subsidized units were in census tracts with an average 30% minority (i.e. non-white) population. As seen in the first map at the end of this chapter, even at the smaller block group scale, subsidized housing is located in block groups with higher minority population than the overall county population.

Washington County’s subsidized housing tends to be located in average to high opportunity areas. As the table below indicates, more than nine in ten subsidized housing units in Washington County are located in areas of average to high opportunity. Two-fifths are located in areas of above-average opportunity. The second map shows the location of subsidized housing relative to opportunity level. While the overall profile is positive, subsidized housing in Forest Grove and Cornelius tends to be sited in areas of low opportunity.

⁵⁰ Subsidized housing here includes public housing, project-based Section 8 housing, Section 236, LIHTC, and certificates/vouchers.

Opportunity Level of Subsidized Housing (2010)

Opportunity Level	Projects		Units		
	#	%	#	%	
High	5	19	8.0%	406	5.7%
Above Average	4	63	26.5%	2674	37.7%
Average	3	111	46.6%	3475	48.9%
Below Average	2	44	18.5%	497	7.0%
Low	1	1	0.4%	48	0.7%
Total		238	100.0%	7,100	100.0%

Source: Washington County Consolidated Plan 2010-15

To further assess the barriers to accessing opportunity for residents of publicly subsidized housing, the components of opportunity have been disaggregated to consider access to transit and schools with high test scores, where more variation relating to subsidized housing is observed. This analysis did not consider the nature of individual subsidized housing projects (e.g., whether it is comprised of larger units and amenities for families, or whether it is comprised of small units intended for adults and older adults), so it is not possible to probe the fit between intended residents and the type of opportunity considered.

Access to transportation varies widely for those protected class households living in subsidized housing. Subsidized housing in Beaverton and Hillsboro has high transit access scores, but residents in Sherwood, Tigard, Tualatin, Forest Grove and Cornelius are disproportionately located in areas of low opportunity with respect to transit. This signals an important consideration for Washington County: how to expand transportation access to subsidized housing locations and how to invest in affordable housing nearer to transit. However, for some of the areas that are rural, transit service may not be the most effective solution to residents' transportation needs.

The indicator for student performance on math/reading tests shows mixed results for access to opportunity by residents of subsidized housing. It appears that the City of Hillsboro's subsidized housing is primarily located in areas with elementary schools that have lower than average reading and math test scores. In Beaverton and Cornelius, subsidized housing is located in areas with schools that have average to low test scores. However, the subsidized housing in Tigard, Tualatin, and Sherwood is located in areas with access to elementary schools with higher test scores. This mixed record suggests that some families with children who need subsidized housing in Washington County may not be able to access elementary schools with higher test scores due to the location of these public investments with respect to educational opportunity.

With respect to access to *licensed* child care, most subsidized housing has low to average scores. However, families may use informal sources of childcare that are not included in this analysis,

such as in-home care by family members or unlicensed child care. To the extent that accessing licensed child care providers is an issue, the geographic distribution of subsidized housing is not near these facilities.

Access to Opportunity and Housing Choice Voucher Holders

The prior section considered the access to opportunity available to residents of subsidized housing as a result of the investment of public funds in a particular site. The desired outcome was to see a pattern of public investment in places with high access to opportunity. This section considers a different question: are Washington County Housing Choice Voucher holders living in places with higher levels of opportunity?

Implicit in this analysis are several issues: whether voucher holders are able to find landlords who own housing in areas of higher opportunity who are willing to rent to them;⁵¹ whether voucher holders can afford suitable housing in areas of higher opportunity, and, if suitable housing is available, whether voucher holders are choosing to live areas of higher opportunity or are instead opting for other choices. All of these considerations are conflated in the results below.

Analyzing access to opportunity for voucher holders involved the following steps:

- Determining how many voucher holders lived in each of 236 block groups as of August 2011 (using Census 2000 geography)
- Grouping the block groups by opportunity level for three key indicators and comprehensive opportunity.
- Determining the percentage of voucher holders who lived in each of five opportunity levels for each indicator.

The table and figure below present the results:

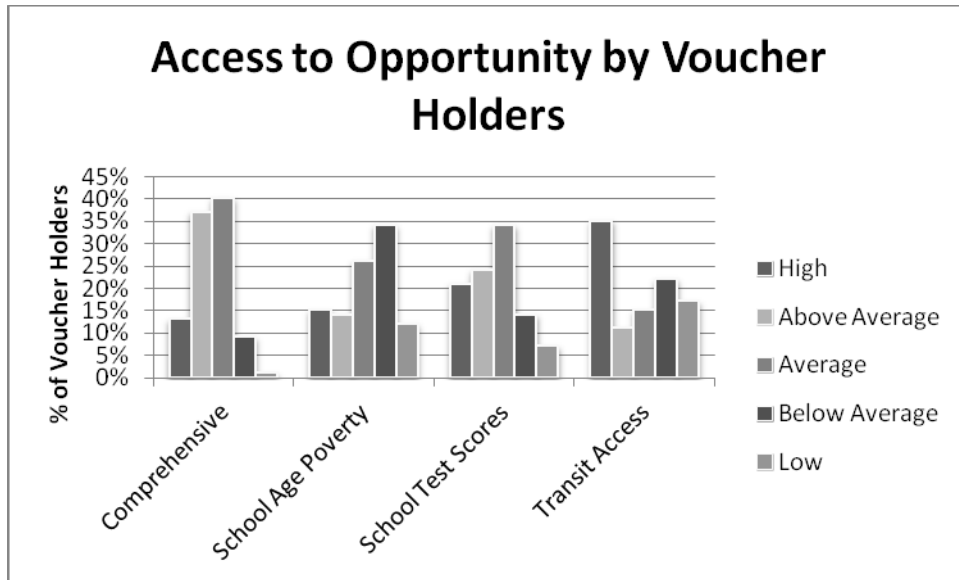
Washington County Housing Choice Vouchers and Access to Opportunity, August 2011

Opportunity Level	Comprehensive		School Age Poverty ¹		School Test Scores		Transit Access	
	Vouchers	Percent	Vouchers	Percent	Vouchers	Percent	Vouchers	Percent
High	316	13%	350	15%	500	21%	838	35%
Above Average	898	37%	342	14%	587	24%	254	11%
Average	954	40%	618	26%	812	34%	359	15%
Below Average	213	9%	814	34%	338	14%	536	22%
Low	24	1%	281	12%	168	7%	415	17%

Source: Housing Authority of Washington County and Washington County Office of Community Development

¹ School Age Poverty: The higher the level of opportunity, the lower the percentage of students receiving free/reduced lunch.

⁵¹ In Oregon, landlords are not required to participate in voucher programs. Vouchers are an exception to the state’s prohibition on discrimination based on source of income.



Source: Housing Authority of Washington County and Washington County Office of Community Development

To summarize:

- 90% of voucher households lived in areas with average or higher access to comprehensive opportunity in Washington County. Half lived in areas with above average or high comprehensive opportunity.
- While 46% of voucher households lived in areas with above average or high levels of elementary school poverty (below average and low opportunity areas for this indicator), 79% lived in areas with average or higher school test scores (average or higher opportunity areas for this indicator).
- 46% of voucher holders lived in areas with above average or higher level of access to public transportation.

These results suggest that options do exist for voucher holders to live in areas with high-performing schools, good overall opportunity and good access to transportation. However, an analysis such as this does not tell us whether the opportunities are sufficient (whether all who seek them can find them). But there is little doubt that the fact that 90% of voucher holders live in areas of average or higher opportunity is very positive.

It is important to note that these results represent a snapshot of where voucher holders lived at one particular point in time. Undertaking an analysis such as this on an annual basis would help paint a picture of how access to opportunity for this population, which includes a number of people who are members of protected classes, changes over time.

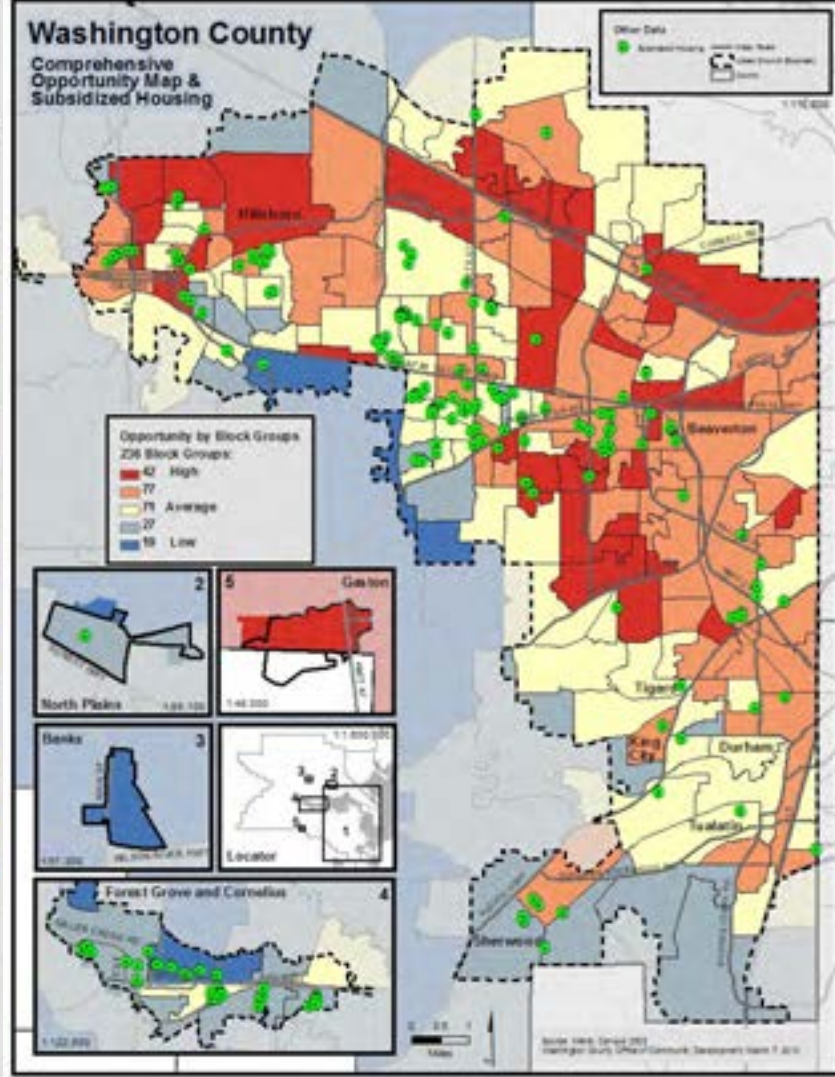
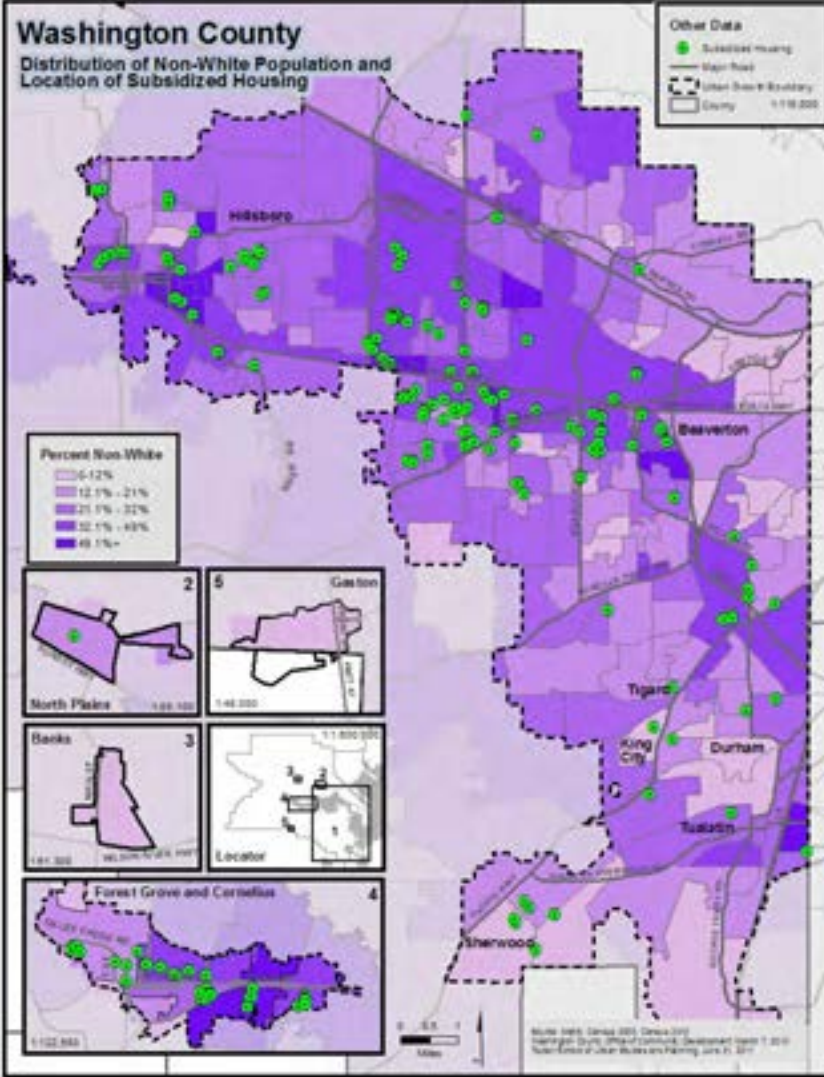
Conclusions

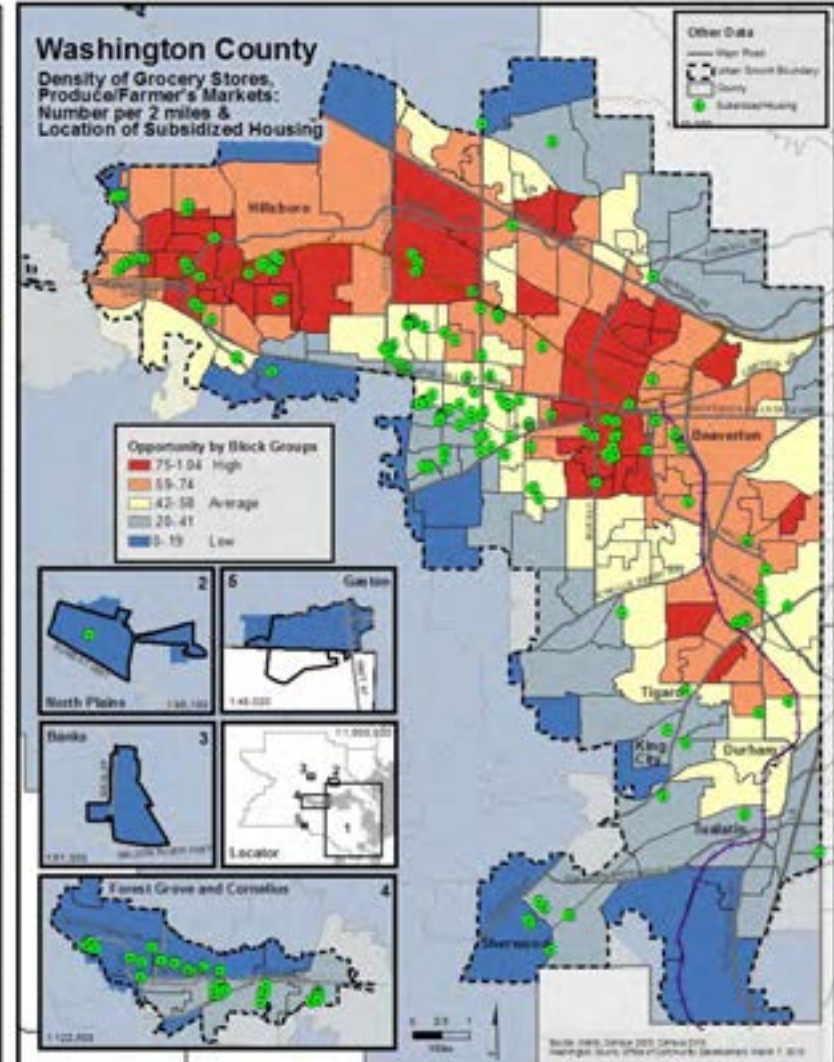
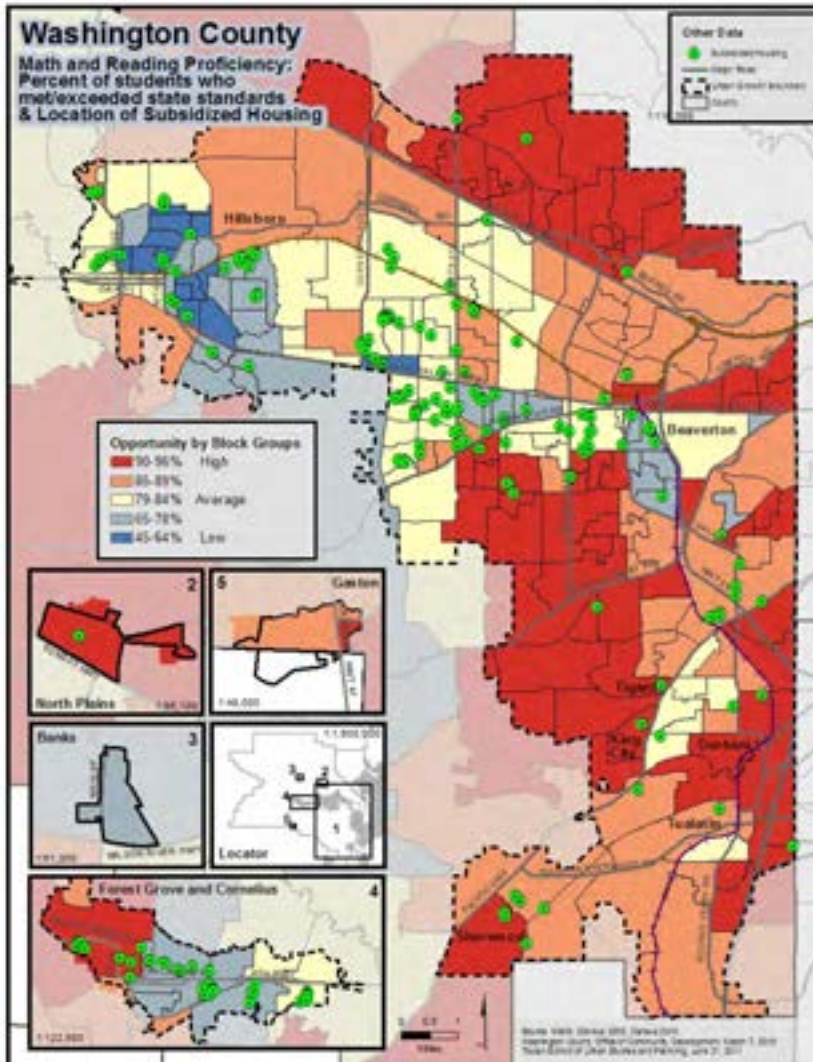
Washington County pioneered the use of Opportunity Maps in its affordable housing and community development planning in the state, thus making this analysis for Fair Housing purposes possible. It represents an important step for the County.

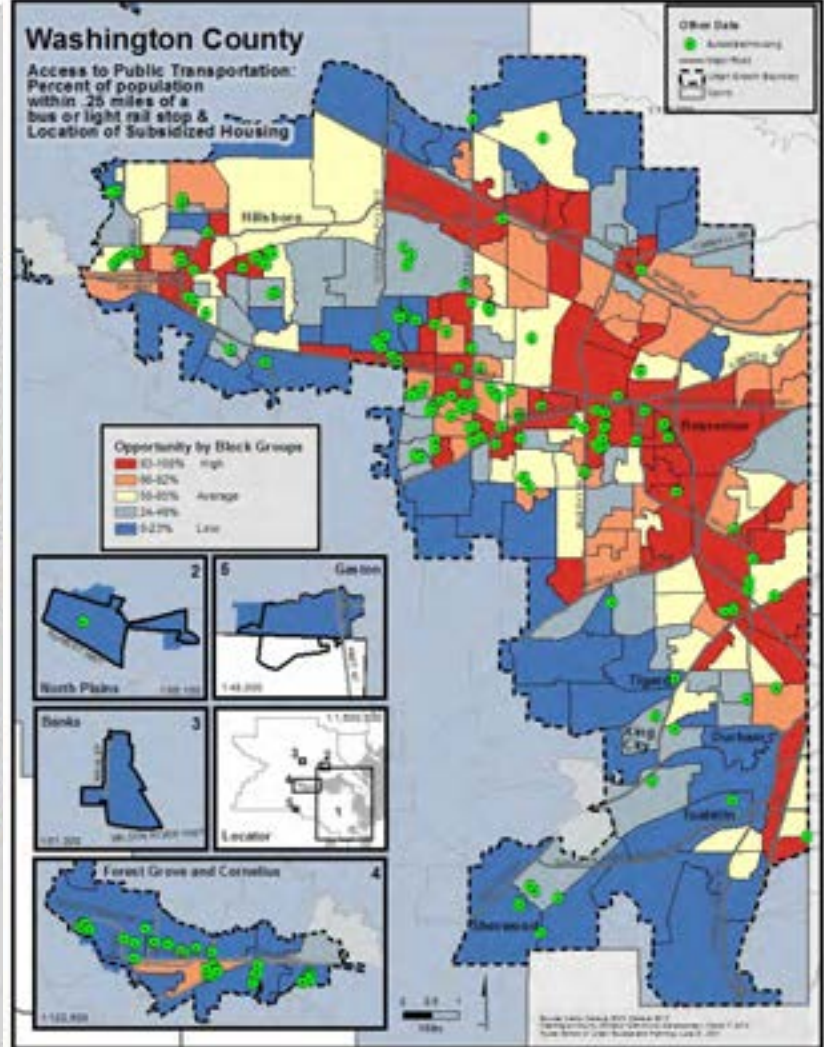
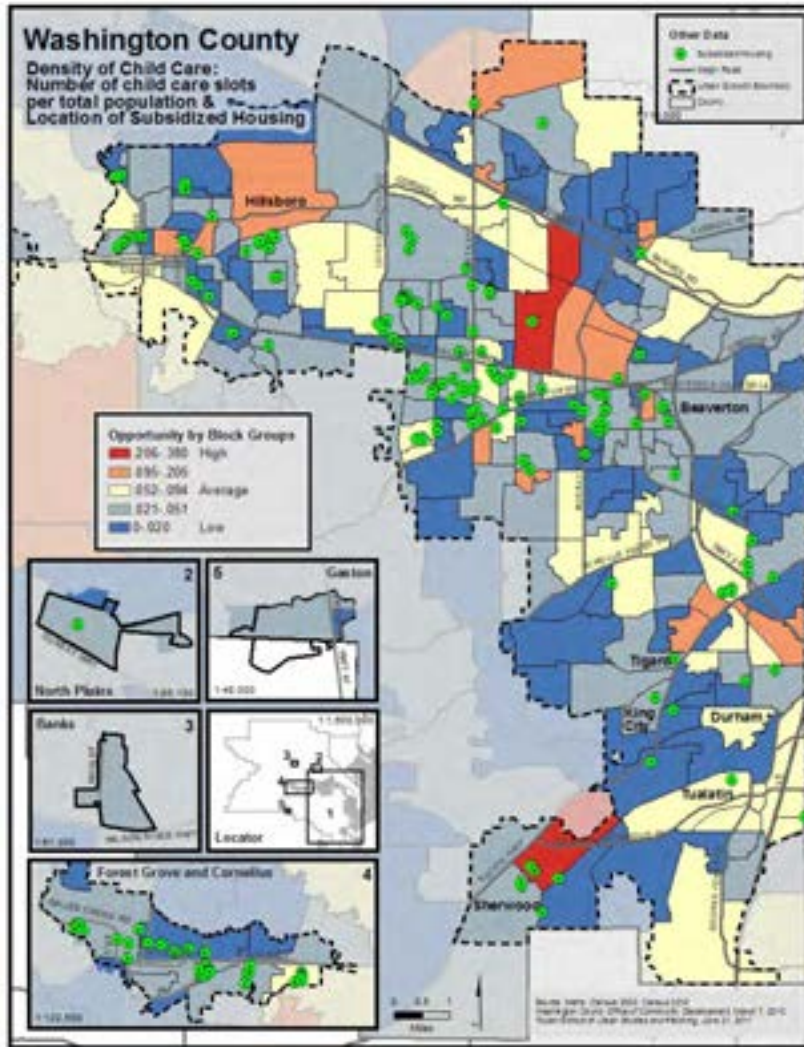
Moving forward, decision makers should continue to treat access to opportunity as an important consideration in investing in subsidized housing. While the current Opportunity Maps do not fully capture all the nuances associated with “real time” access to opportunity (e.g., the frequency of transit service, the quality and affordability of food in grocery stores), they are an excellent way to begin this consideration. Washington County should also continue its involvement in the development of a regional opportunity map/equity atlas, as this will enable all jurisdictions and groups to build their metrics upon a common data set that is both more sophisticated than the prototype Washington County Opportunity Maps and also updated regularly. One of the early analyses that should be performed when the regional data are available is to again consider the distribution of protected classes across opportunity areas in Washington County, since the analysis contained in this report is provisional.

As a county that includes both urbanized areas and agricultural land, one of the challenges that Washington County faces is analyzing how this characteristic affects the transportation and transit needs of protected classes. In particular, additional attention needs to be devoted to understanding the transportation needs and access challenges of protected classes in small cities and rural areas, and how this might differ from more densely-developed areas of the county. Currently, there are a number of subsidized units that are not well-served by transit access, but they may be located near agricultural employment opportunities.

Finally, Washington County should continue to map the location of Housing Choice Voucher holders with respect to areas of opportunity on an annual basis, so that staff and advocates can look for trends that begin to emerge over time.







VIII. Conclusions, Actions and Strategies

The preceding chapters have provided information about the residents and housing patterns in Washington County, analyzed data about potential impediments, and explored the concept of access to opportunity. It all comes down to this: What can be done about the problems that have surfaced, and how can positive outcomes be supported and reinforced? This chapter summarizes the principal concerns and then presents strategies and actions to address them.

With significant input from the Fair Housing Advisory Committee, other stakeholders and the general public (through two public work sessions), the following principal strategy areas emerged:

- I. Awareness, Information & Training
- II. Access to Decent and Affordable Housing
- III. Land Use and Zoning Tools to Promote Access to Opportunity
- IV. Overcoming Linguistic and Cultural Isolation and Serving Communities of Color
- V. Overcoming Disability-Related Barriers
- VI. Data Collection and Analysis

Each strategy area has three sections:

- A list of Principal Barriers and Impediments, drawn from the quantitative and qualitative data presented in the prior sections of this report and augmented by feedback received during the public outreach associated with this work.
- Actions to address the Barriers and Impediments. Resources are available or are likely to be available and lead partners have been found for the Actions.
- Aspirational Strategies represent items which are important, but for which the path forward is not clear. They may include items which require action by third parties not involved in this planning process or resources not currently available. Even though Washington County and the City of Beaverton cannot commit to implementation of these items at this time, there was agreement that pursuing these items is highly desirable on the terms noted.

The Barriers and Impediments are illustrative of the kinds of issues found under the broad strategy area and are not all-inclusive. The Actions and Aspirational Strategies are intended to collectively make progress in the broad topic area (e.g., Awareness, Information and Training); they are not intended to systematically eliminate each Barrier or Impediment listed.

For each Action, lead and primary partners have been identified and a timeframe has been proposed. As implementation proceeds, additional partners may come forward; the list of partners is intended as a starting point and is not all-inclusive.

A document like this is a statement of intention regarding how a community plans to step into an unknown future. Unanticipated circumstances may arise that affect the timeframe, appropriateness or feasibility of proposed Actions and Aspirational Strategies. Adjustments are inevitable; however, what is important is that the community sets forth its intentions and proceeds in good faith with implementation.

The Washington County Office of Community Development will track progress on each of these Actions and Aspirational Strategies and report on them in the Consolidated Annual Performance and Evaluation Report produced each fall. Midway through the implementation process, Washington County Office of Community Development will reconvene the Fair Housing Advisory Committee to review progress and discuss potential amendments to bring the plan in alignment with current circumstances.

I. Awareness, Information and Training

Principal Barriers/Impediments

- Fair Housing audit testing results point to the possibility of underlying societal factors affecting to Fair Housing in Washington County.
- Many renters, including people with limited English proficiency, the Latino community, persons with mental health challenges, and members of the Islamic community, are not familiar with Fair Housing or the resources available to assist them, should they encounter disparate treatment.
- Many social service providers have not had Fair Housing training and do not know where to send their clients who experience unfair treatment.
- There is no comprehensive plan for Fair Housing training for the County or the region.
- While Beaverton has a website and contracts with the Fair Housing Council of Oregon for training, the same level of information and assistance is not available throughout the county.
- While Metro Multifamily offers Fair Housing training several times per year in the region, often the same people come to the training. There is a need to reach smaller landlords. There is also a need to provide more advanced informational and problem-solving opportunities for those familiar with the basics.
- The process of Fair Housing enforcement (through BOLI, HUD and/or a lawsuit) and the potential remedies available are not well-understood, even by those somewhat familiar with Fair Housing issues. This uncertainty may discourage people from filing a complaint.

A. Actions

Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Washington County and the City of Beaverton will develop a coordinated schedule of trainings and educational opportunities to help address the lack of information documented above. Training schedules will also be requested from others who may be providing training available to Washington County residents, businesses and employees (Fair Housing Council of Oregon, Metro Multifamily Housing Association)	1 initiate, 2-5 keep doing	<i>OCD & CoB</i> Fair Housing Council of Oregon Metro MultiFamily Housing Association	Other cities will be invited to participate and/or link to this information. High priority audiences: social service providers, culturally concentrated communities (e.g., people with limited English proficiency, Islamic community), persons with mental health disabilities, smaller landlords.

2. Develop and maintain coordinated websites providing information on Fair Housing and linking to informational and enforcement resources.	1 initiate, 2-5 keep doing	<i>OCD & CoB</i>	Will include information on related problem-solving resources, such as community mediation services and landlord-tenant assistance. Other cities will be invited to participate and/or link to this information.
3. Through regular outreach, encourage Washington County landlords to participate in Fair Housing training.	1 initiate, 2-5 keep doing	<i>Metro Multifamily Housing Association, OCD & CoB</i>	
4. Sponsor advanced forums and other training opportunities for asset and property managers who already have a substantial background in Fair Housing	1 initiate, 2-5 keep doing	<i>Metro Multifamily Housing Association</i>	
5. Assess the need for additional written materials (posters, brochures), particularly in translation. Seek resources to help produce and appropriately distribute these materials. Should also include information about where to go for general assistance with housing needs (e.g., 211)	2 - 3	<i>OCD & CoB</i>	Include information for landlords and property managers in Spanish.
6. To the extent feasible, participate in and support Fair Housing awareness efforts, such as Fair Housing Week.	ongoing	<i>OCD & CoB</i>	
7. Research and, as appropriate, implement innovative, non-traditional outreach and information targeted to reaching smaller landlords and those who do not participate in training opportunities currently offered, such as online trainings and a blog.	1 research, 2 – 5 implement	<i>Metro Multifamily Housing Association</i>	
8. Develop a Fair Housing Best Practices Guide for Property Managers that includes practical tools to promote fair and consistent treatment of applicants and tenants.	1 research, 2 – 5 implement	<i>Metro Multifamily Housing Association</i>	May do this collaboratively with Oregon Opportunity Network or separately, as regulatory frameworks for subsidized housing may result in slightly different practices than those appropriate for private sector properties.

9. Develop diagram of Fair Housing Enforcement process.	1	BOLI, OCD	OCD developed the diagram, and BOLI and HUD have been provided the opportunity to review it. It is included in this Fair Housing Plan.
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B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Facilitate community dialogue, reflection and action on societal and structural conditions leading to discrimination and issues of social equity that contribute to the perpetuation of Fair Housing problems.	OCD has met with Vision Action Network (VAN) to inquire as to whether they would take on social equity as an issue area. While the VAN board elected to not take on a new item in the short term, they are interested in considering it in the future, perhaps in late 2012 or 2013. OCD will contact VAN in summer/fall 2012 to inquire about the organization's capacity to act as a convener on this topic.
2. Create a regional Fair Housing Education and Information Plan that involves public, private and non-profit sectors and advocates.	Office of Community Development (OCD) will promote this concept and facilitate an initial meeting of partners.
3. Expand the capacity of 211 to provide housing information, including referrals for potential Fair Housing issues.	OCD will initiate contact with Community Action (the local 211 information agency) and 211 to discuss this action as well as the possibility of their staff attending basic Fair Housing training.

II. Access to Decent and Affordable Rental Housing

Principal Barriers/Impediments

- Audit testing of rental housing application processes in Washington County and the City of Beaverton uncovered instances of disparate treatment of renters on the basis of race, national origin and disability status.
- A disparity exists with respect to the distribution of housing problems by race and ethnicity, with a higher proportion of African American/Black, American Indian and Latino/Hispanic renters experiencing a housing problem than white households. A household with a housing problem has one or more of the following conditions: housing cost burden greater than 30% of income, a home lacking a complete kitchen or plumbing facilities or a home with an occupancy rate greater than one person per room.
- A disparity exists with respect to the distribution of households that are housing cost-burdened. African American/Black and Latino renters are more likely to be cost-burdened than white renters.

A. Actions

NOTE: Many of the strategies listed in Area I (Awareness, Information and Training) address this impediment.

Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Develop and promulgate a standardized information form with places to insert information about rent, security deposits, and additional pricing information on units to distribute to prospective tenants.	1 - 2	<i>Metro Multifamily Housing Association</i>	This would be similar to the "rate form" posted in hotels.
2. Create a "best practices" Fair Housing manual for property owners and a distribution plan that targets smaller landlords.	2 - 3	<i>Metro Multifamily Housing Association & Oregon Opportunity Network</i>	
3. Do a literature review on existing research that examines the efficacy of commonly-used tenant screening criteria (e.g., as bankruptcy status, credit scores, presence of a FED) in predicting the success or failure of tenants to maintain housing.	1 - 2	<i>Oregon Law Center</i>	This action would occur at the discretion of the Oregon Law Center. No jurisdictional resources are allocated to this project.
4. Continue to advocate for and support new or increased funding for an expanded supply of affordable housing.	ongoing	<i>Housing Advocacy Group (HAG)</i>	
5. Continue to advocate for and support new or increased funding for short-term rental assistance.	ongoing	<i>Housing Advocacy Group (HAG)</i>	

6. Strategize about ways to add incentives to encourage landlords to rent to people with barriers to housing.	ongoing	<i>Housing and Supportive Services Network (HSSN)</i> and Housing Advocacy Group (HAG)	Risk mitigation tool is recommended by Ten Year Homeless Plan.
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B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Undertake regional Fair Housing Testing as a way to help target informational resources. Attempt to do research-level testing, with statistically valid results.	Promote this concept among regional partners.
2. Request that BOLI provide identifying information (address, property owner) to OCD of all bona fide Fair Housing Complaints in subsidized housing in Washington County.	OCD will make this request of BOLI.
3. Consider the feasibility of adopting a housing maintenance code and enforcement program for rental housing.	OCD will enquire about County’s interest in this area. Hillsboro staff will also enquire about the interest of city leaders in this area. Other cities without codes may wish to consider this option as well.
4. Expand the availability of programs like Rent Well to people with time, disability and other barriers.	OCD will initiate contact with Community Action, the agency that provides Rent Well services in Washington County, to explore the options.
5. Improve the quality of testing protocols. Identified issues include a) some landlords know when they are being tested because of the way that the testing is conducted. b) Some landlords say that they have been tested multiple times. This is onerous, as it requires spending time with applicants who are not seriously considering renting.	CoB will bring these issues to the attention of the Fair Housing Council of Oregon, the agency that performs testing in this state.
6. Improve the availability of information and assistance on landlord-tenant rights and responsibilities.	CoB has funded this service in the past and, if funding is available, may continue to do so. OCD will investigate the availability of funding for this service for the remainder of Washington County.

III. Land Use and Zoning Tools to Promote Access to Opportunity

Principal Barriers/Impediments

- In most jurisdictions, there is no formal process for introducing specialized housing to the neighborhood in which it will be located. Thus, sponsoring organizations use their judgment in deciding how to approach the integration of special needs housing into the community.
- Service providers are unclear about who establishes and regulates occupancy standards and what those standards are.
- In some jurisdictions, current multi-family density requirements (the number of housing units per acre) encourage the development of smaller units (i.e., units with one or two bedrooms) and discourage the development of rental units for larger households (i.e., units with three or more bedrooms), including multi-generational families.
- The statewide prohibition on inclusionary zoning affects the likelihood that lower-cost housing will be integrated into new moderate or higher-income housing developments. Since a disproportionate share of racial and ethnic minorities and persons with disabilities live in households with low incomes, this prohibition may affect the range of opportunities available to these groups based on where they live.
- Zoning codes that do not provide for reduced parking requirements for specialized housing constructed for groups unlikely to use personal vehicles (e.g., persons with vision or mobility impairments) may result in development costs not justified by a commensurate social/community benefit.
- Because projects that serve protected classes may require the inclusion of special features designed to meet the needs of residents, developers would greatly benefit from either a limited amount of no-cost, up-front planning advice on how best to approach their project in a way that conforms with the local code and/or the designation of a particular staff person to guide specialized projects through the planning and permitting process.
- In general, development professionals appear to have a limited understanding of Fair Housing laws and how they affect the development process.

A. Actions

Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Research the feasibility of having problem-solving/training sessions involving neighborhood association leaders/citizen participation organizations, developers and managers of special needs housing and Department of Community Corrections staff on housing for persons with special needs.	2-4	<i>OCD, CoB, planning departments, staff who work with neighborhood associations & CPOs, nonprofit developers, Community Corrections, mediation staff</i>	

2. Designate trained staff to attend neighborhood meetings regarding new HOME-funded housing projects where issues regarding Fair Housing may arise to explain Fair Housing rules	4	<i>OCD</i>	
3. If needed, develop informational brochure on development/planning-related Fair Housing topics to provide at counters where developers obtain permits	4	<i>OCD will evaluate the need in conjunction with Department of Land Use and Transportation staff and, if required, access appropriate resources to produce brochure.</i>	
4 Include protected classes as a consideration in awarding incentives for mixed-use housing development elements (e.g., vertical housing).	4	<i>CoB Planning Staff</i>	Staff is currently working on creating incentives and associated policy. Adoption will be in later years.

B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Support removal of the state preemption of local inclusionary zoning.	OCD and CoB will review proposed inclusionary zoning bills and forward their recommendations to their respective Administration/Manager/Governing Body, as appropriate, as a potential part of the County's/City's legislative strategy. One option may be to support the removal of the ban on inclusionary zoning through participation in a larger group, such as the Housing Alliance.

<p>2. At the regional level, develop model comprehensive plan language and zoning code provisions to address Fair Housing issues identified in the Analysis of Impediments</p> <p>Issues to consider include the following:</p> <ul style="list-style-type: none"> • Definitions and requirements for group homes • Greater clarity about when onsite supportive services require a mixed-use zoning designation and when they can be provided in a residential zone. • Code language addressing alternative housing designs, such as co-housing. • Options to eliminate extra planning steps and costs associated with non-standardized developments • Allowing large (4+) bedroom apartments to be considered 2 dwelling units for the purpose of calculating minimum densities • Zoning and siting of congregate care/assisted living • Occupancy standards • Further consideration of open space requirement in market-rate projects that include affordable units for members of protected classes • Parking standards for specialized uses • Availability of land near transit for group quarters. 	<p>OCD and CoB will promote this concept at the regional level. If it cannot occur regionally, OCD will request that it be added to Long Range Planning’s work plan or incorporated into the third phase of the Aloha-Reedville Plan.</p> <p>Note: Some of these provisions may already be included in some jurisdictions’ codes.</p>
<p>3. Develop ways to better help guide nonprofit developers through the development review process. The strategies will be dependent upon a jurisdiction’s current procedures. Options include, but are not limited to, providing one free hour of planning assistance prior to a formal Pre-Application Conference and assigning a staff liaison to help guide the organization through the development review process.</p>	<p>OCD and CoB will make this request of their planning departments. If adopted, CoB and OCD will request that other jurisdictions consider this action.</p>
<p>4. Include sessions on relevant Fair Housing topics in planning and design-oriented industry conferences (e.g., Oregon American Planning Association, Oregon American Institute of Architects, American Society of Landscape Architects, Oregon Building Officials Association).</p>	<p>OCD will request that Housing Land Advocates and Fair Housing Council of Oregon include this in their strategic plans/work agendas on an ongoing basis.</p>

5. In the County and more populous cities with planning departments, designate a staff person to be the Fair Housing resource person for the department. Provide in-depth Fair Housing training for planners to these individuals.	To be determined
6. Develop "Fair Housing Checklists" that can be used to review new subdivisions and multi-family housing projects.	To be determined

IV. Overcoming Linguistic and Cultural Isolation & Serving Communities of Color

Principal Barriers/Impediments

- One third of the County's households who speak Spanish at home experience linguistic isolation, which means that no adults in the household speak English fluently. One quarter of households who speak Asian or Pacific Island languages at home are linguistically isolated.
- 17% of Washington County's population is foreign-born.
- Misunderstandings about important responsibilities and rights associated with renting a home can result from cultural differences and language barriers.
- Newcomers from other countries report that the process of finding and renting a home is confusing and overwhelming for them because of different business practices, customs, languages, etc. They tend to turn to friends, family and community members for guidance. Those with higher income and educational levels tend to fare better in navigating the unfamiliar process of finding and keeping a home in the US.
- Multi-generational and large families have a hard time finding homes that they can afford that can accommodate everyone in the household. Sometimes families address this challenge by renting two nearby units.
- Latinos, Native Americans, and Pacific Islanders are more than twice as likely to live in poverty as a white or Asian individual in Washington County, and they are also disproportionately housing cost-burdened.
- Significantly more Latino/Hispanic households experience housing problems than other racial/ethnic minorities and White households.
- Typical rental application processes involve the disclosure of an applicant's social security number (SSN). Thus, landlords know who has a SSN and who does not. Residents without a SSN are afraid of pursuing landlord-tenant or Fair Housing complaints because they feel vulnerable to the possibility of the landlord reporting them to ICE.
- The increased mortgage lending activity to racial and ethnic minority homebuyers during the housing boom disproportionately consisted of high-price loans. The causes of this disproportionality are not known.

A. Actions			
<i>NOTE: Some strategies listed in Area I (Awareness, Information and Training) address this impediment. To achieve the end of reaching people experiencing linguistic/cultural isolation and communities of color, the outreach, training and information needs to be provided in a culturally- and language-appropriate manner. Special efforts should be made to include service providers assisting these communities and individuals.</i>			
Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Support high-performing agencies and nonprofits that provide culturally-competent financial literacy training, homebuyer assistance, and other housing-related activities with their efforts to obtain funding from foundations, businesses and other sources.	ongoing	<i>OCD & CoB</i>	
2. Continue to monitor sponsors/owners of HOME-funded projects for compliance with Limited English Proficiency guidance from HUD.	ongoing	<i>OCD</i>	
3. Seek funding to train and support diverse volunteers (racially, ethnically, etc.) so that they provide culturally-appropriate information to friends, neighbors and family, identify potential Fair Housing problems and help them find professional assistance.	TBD	<i>OCD</i> to convene potential partners to find an entity to lead this effort.	Kaiser Permanente Community Fund may be a potential funding source for a pilot project. Promotores program is an excellent model.

B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Routine monitoring of state bond and tax credit properties by Oregon Housing and Community Services should include monitoring for conformance with laws addressing translation needs of persons with limited English proficiency.	OCD will inquire whether this is currently done and if it is feasible to do this in the future.
2. Determine how county/city departments provide for translation services, when needed, and the languages available.	OCD to inquire about availability of this information for County; CoB to inquire about availability of this information for City.
3. Inventory languages other than English spoken/read by staff and level of fluency.	OCD to inquire about availability of this information for County; CoB to inquire about availability of this information for City.

4. Develop list of key housing-related documents available in translation and the associated languages in which they are available.	OCD to inquire about availability of this information for County; CoB to inquire about availability of this information for City.
5. Develop an overview of the composition of key appointed and elected bodies by race, ethnicity, gender and disability status of the members of appointed commissions and committees and the languages other than English spoken by these members.	OCD to inquire about availability of this information for County; CoB to inquire about availability of this information for City.
6. Expand the availability of cultural competency training for front-line employees who work with the public on a routine basis.	OCD to inquire about availability of training and whether an inter-jurisdictional plan and schedule could be developed, thus making training more broadly available countywide.
7. Encourage more diversity in Citizen Participation Organizations.	OCD to contact OSU Extension about this issue and offer assistance.
8. Find out whether other jurisdictions also noted a disproportionate increase in high-price lending to racial and ethnic minorities during the housing boom and their thoughts about next steps.	OCD to help facilitate this discussion among jurisdictions as new Fair Housing Plans are completed.

V. Overcoming Disability-Related Barriers

Principal Barriers/Impediments

- Disability status has a disparate impact on housing problems. Households that include a person with a disability are more likely to experience one or more of the following conditions: a housing cost burden greater than 30% of income, a home lacking a complete kitchen or plumbing facilities or a home with an occupancy rate greater than one person per room.
- Currently, there is no convenient way for persons seeking housing with physical accessibility features to find rental housing or homes for sale that meet their needs.
- Some housing units that meet the minimum standards for accessibility could achieve substantially higher levels of functionality with the addition of minor improvements customized to the needs of the existing tenant.
- Some persons with disabilities prefer to live in housing integrated into the community, while others prefer to live in specialized communities.
- An aging population nationally and in Washington County specifically is likely to result in a greater demand for housing units that are visitable, adaptable or partially or fully accessible.
- People who are both disabled and are a member of a racial/ethnic minority face two kinds of barriers. Most services provided to persons with disabilities are not culturally-specific, and thus may fail to meet the needs of these individuals and their families.
- More needs to be done to understand the housing needs and preferences of the diverse range of people with mental health disabilities and developmental disabilities to better inform public investments in these housing areas.

A. Actions

NOTE: Some strategies listed in Area I (Awareness, Information and Training) address this impediment. To achieve the end of reaching the diverse population of people with disabilities of all kinds and their families, the outreach, training and information needs to be provided in appropriate settings and ways. Special efforts should be made to include service-providers assisting these populations.

Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Develop, promulgate and maintain a database of rental housing units with accessibility features.	1-3	<i>CoB, Unlimited Choices</i> , Metro Multifamily	Many decisions need to be made with respect to this action, including coordination with Housing Connections. CoB will try to secure an intern to perform rental inspections to improve the database during Summer 2012.

<p>2. Learn about accessibility requirements associated with existing building codes pertaining to the construction of new multifamily housing and explore options for promoting a higher level of physical accessibility. For example, investigate the feasibility of promoting or requiring that a percentage of new first floor multifamily units be visitable by persons with mobility impairments and/or that some units be adaptable.</p>	<p>4 - 5</p>	<p><i>OCD & FHCO</i></p>	<p>This effort may begin by focusing on new HOME-funded projects. The DAVs Housing Committee is also interested in promoting ways to encourage developers “Build Smart/Accessible” at the start of a project and exceed the 5% minimum.</p>
<p>3. Support efforts to amend state Landlord Tenant statutes to hold harmless those landlords who offer a unit with accessible features to the next waiting list applicant needing those features instead of the next applicant.</p>	<p>ongoing</p>	<p><i>OCD & CoB</i></p>	<p>OCD and CoB will review proposed bills and forward their recommendations to Administration as a potential part of the County’s/City’s legislative strategy. OCD will undertake a community notification strategy to let all interested parties know about proposed legislation.</p>
<p>4. Support efforts to amend state Landlord Tenant statutes pertaining to the owner’s ability to require tenants to escrow funds to restore a unit back to its original, “pre-adaptation” condition if the tenant-made adaptations do not result in a decrease in the value of the property or the rental income from the unit.</p>	<p>ongoing</p>	<p><i>OCD & CoB</i></p>	<p>OCD and CoB will review proposed bills and forward their recommendations to Administration as a potential part of the County’s/City’s legislative strategy. OCD will undertake a community notification strategy to let all interested parties know about proposed legislation.</p>
<p>5. Seek the assistance and advice of experts and researchers in the area of housing for persons with mental health disabilities and persons with developmental disabilities to understand how best to assess the range of housing options desired by these populations. Continue the dialogue with “consumers” of services in these areas.</p>	<p>3-5</p>	<p><i>OCD</i></p>	<p>OCD will research models of housing for persons with mental health disabilities which emphasize inclusive communities. These models will be shared with local housing advocates for applicability and feasibility here.</p>

6. Request waiver from HUD to permit use of CDBG funds for making accessibility improvements to homes of disabled, low-income households and individuals without having to certify the incomes of other households in the apartment complex who are not receiving assistance.	1	<i>OCD and City of Beaverton</i>	If HUD provides this waiver, the County and City will be able to fully reinstate their programs serving this population.
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B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Create a certification and listing program of rental and owner-occupied homes with specified levels of physical accessibility, like the program in Rogue Valley.	Washington County DAVS Housing Committee is researching the feasibility of adopting the Rogue Valley Housing Certification Checklist and related processes to Washington County as a means of building a database of housing for sale or rent with varying levels of accessibility. CoB is also interested in the possibility of creating a pilot program for Beaverton, and will coordinate its efforts with the DAVs Housing Committee.

VI. Data Collection and Analysis

Principal Barriers/Impediments

- Some data that may have further informed the Analysis of Impediments were not available at the time the report was prepared.
- To be the most useful, some information included in the Analysis of Impediment should be collected annually and analyzed on a multi-year basis to identify potential trends.

A. Actions			
Action	Timeline (Years)	Primary Partners <i>Lead Partner(s) Italicized</i>	Notes
1. Provide information about the location (by Census Block Group, if feasible and appropriate), race, ethnicity, and (if possible) disability status and presence of children of Housing Choice Voucher holders on an annual basis.	1 - 5	<i>Washington County Department of Housing Services.</i>	Community organizations must commit to analyzing this information once it is made available.
2. Provide information annually on the turn-back rate for Housing Choice Vouchers. Compare the population with Vouchers to those who turned theirs back by race, ethnicity, & (if possible) disability and presence of children.	1 - 5	<i>Washington County Department of Housing Services.</i>	Community organizations must commit to analyzing this information once it is made available.
3. Collect and analyze data from existing property inspections programs to better understand the scope and nature of substandard housing problems, so that jurisdictions can develop potential new innovations to address the problems.	2-3	<i>CoB</i>	Analysis in years 2-3; recommendations in year 4.
4. If feasible, provide information on the number and percentage of Housing Choice voucher holders and Public Housing residents who are both disabled and a racial or ethnic minority.	TBD	<i>Washington County Department of Housing Services.</i>	

B. Aspirational Strategies	
Strategy	Washington County Office of Community Development (OCD) /City of Beaverton (CoB) Role
1. Request that Oregon Housing and Community Services provide data on the number of total households, households with persons who have disabilities, female-headed households and households headed by racial or ethnic minorities living in projects in their inventory in Washington County at the smallest geography possible (preferably block group).	OCD to place that request with Oregon Housing and Community Services. If location-based information is available, OCD will analyze this data utilizing Opportunity Maps.
2. Produce a count of Washington County income-restricted properties/units located in areas designated as Centers by Metro, because Metro views investment in Centers as an important policy tool to achieve regional affordable housing goals.	If staffing is available, OCD to request assistance from Planning/IT with undertaking this project. The information, when compiled, will be provided to Metro.

APPENDICES

Appendix A: Public Hearings

NOTICE OF PUBLIC COMMENT PERIOD AND HEARINGS ON Draft Program Year 2012 Action Plan & Draft Fair Housing Plan (Housing and Community Development) Washington County and City of Beaverton

The Draft Action Plan for program year 2012 and Draft Fair Housing Plan will be available for public review and comment from Tuesday, March 13 through Thursday, April 12, 2012, at all County library branches, and Beaverton City Hall (Mayor's Office) during regular business hours. Copies of the draft plan documents can be obtained from the County's website: <http://www.co.washington.or.us/CommunityDevelopment> Click on Planning, then Annual Action Plan or Fair Housing Plan. Or if unable to access via the web, you may contact the Washington County Office of Community Development at 503-846-8814.

Two public hearings will be held on the draft plans:

Thursday, April 5, 2012, 2:00 p.m.

**Beaverton Library
Conference Room
12375 SW Fifth Street
Beaverton, OR**

Thursday, April 12, 2012, 7:00 p.m.

**Washington County Public Services Building
Cafeteria (entrance from back of building)
155 N First Avenue
Hillsboro, OR**

Both meeting rooms are accessible to persons with mobility impairments. Please notify the Office of Community Development at least 7 days before a hearing if special equipment or interpreting service is needed. If you have a disability or are hearing impaired and need assistance, please make arrangements in advance by calling 503-846-8814 or TTY 503-846-4598.

You may comment on the draft Action Plan and draft Fair Housing Plan at either of the public hearings, or by writing to

**Jennie H. Proctor, Program Manager
Washington County Office of Community Development
328 W. Main Street, MS7
Hillsboro, OR 97123
Phone: 503-846-8814
Fax: 503-846-2882
or
E-mail: cdbg@co.washington.or.us**

PUBLIC HEARING
DRAFT 2012 FAIR HOUSING PLAN
Beaverton City Library Conference Room
12375 SW 5th Street, Beaverton, OR
April 5, 2012
2:00 p.m.

Staff members present: Jennie Proctor, Ben Sturtz, Lauren Sechrist, Andree Tremoulet, and Patricia Longua with Washington County's Office of Community Development and Andrea Nelson with the City of Beaverton

Community members present: Val Valfre with Washington County Housing Services, Annette Evans with Washington County Housing Services, Alton Harvey with Beaverton Human Rights Commission, Greg Heaton and Sharron Apple with Cypress Management, and Mark Forker with Willamette West Habitat for Humanity.

Jennie Proctor opened the Fair Housing Plan public hearing at 2:04 p.m.

Jennie began the meeting by explaining that Washington County Office of Community Development (OCD) receives federal funds through the US Department of Housing and Urban Development (HUD). There are some requirements that must be met in order to qualify for the funds. One of which is the planning process that is undertaken through OCD. This includes the Fair Housing Plan as well as the yearly Action Plan. The County has undertaken the Fair Housing Plan in partnership with the City of Beaverton. Beaverton has been very pro-active and a leader in fair housing through Andrea Nelson's effort. After introductions around the table, Jennie thanked Fair Housing Committee members Alton Harvey and Annette Evans for participating on the committee and attending this public hearing. She explained the committee was comprised of a dedicated and knowledgeable group of people, who unfortunately were not able to attend this hearing. She also thanked Val Valfre, Executive Director of Housing Services, for his department's support throughout the process of developing the plan. A lot of research and data came from his staff. Lastly, she thanked Andree Tremoulet for and Andrea Nelson for their effort and work in the development and writing of the plan.

Jennie proceeded to give a brief summary of the agenda of the public hearing. She explained that Andree would be giving a Power Point presentation encompassing the history of the planning process, who has been involved, what has been learned from the data that was collected and what has been envisioned for the five year plan of action, and then follow up with a period for public testimony, questions, and comments.

She mentioned that after the hearing has been closed for the Fair Housing Plan, the public hearing for the FY 2012 Action Plan will be opened. The Action Plan describes how federal housing, homelessness and community development funds will be used starting July 1, 2012.

Ben Sturtz, Lauren Sechrist, and Andrea participated in the process of writing the Action Plan. She then introduced Andree.

Andree began by asking a question as to why housing mattered. She explained that housing was more than shelter—it is a platform for building and accessing things that are needed to thrive. It provides physical and psychological safety and comfort. It is also a major source of wealth for most individuals. Having or not having the ability to enjoy housing affects people in many ways in their life. Barriers to accessing housing’s benefits included a lack of income and wealth and impediments affecting people of protected classes, i.e. race, color, religion, national origin, sex, familial status, and disability. Fair housing addresses these impediments, whereas affordable housing addresses barriers associated with lack of income and wealth.

Fair Housing became law in the United States in the wake of the assassination of Dr Martin Luther King, Jr. It prohibits discrimination on the basis of the seven protected classes and includes a wide range of activities pertaining to housing. It covers activities such as planning documents, zoning requirements, mortgage applications as well as neighbor on neighbor relationships.

When a jurisdiction receives Community Block Grant (CDBG), Emergency Solutions Grant (ESG), Home Investment Partnership (HOME) or Housing for People With Aids (HOPWA) funds from HUD, it is required to develop a plan that considers the range of impediments that are in the community and identify actions to address them. The plan must go beyond identifying the impediments; it must describe how to use the resources available to affirmatively further encourage and promote fair housing. These plans are typically done every five years.

The time line for the planning process consisted of forming a Fair Housing Advisory Committee and undertaking an analysis of quantitative data. Focus groups and interviews with protected classes comprised of mental health clients, people of the Islamic faith, and persons with limited English language proficiency were held. The committee then identified areas of concern and developed actions to address them. Public workshops were then held to gain feedback on the ideas that had been generated. Changes were made in the document to address the feedback given at the workshops. The last part of the process was to develop and write the plan, which is now available for public comment.

The contents of the Fair Housing Plan consists of an introduction, a small demographic and housing profile of the County in general, an analysis of current fair housing status, experiences and perceptions from the point of view of persons of protected classes, analysis of impediments in the public sector, analysis of impediments in the private sector, geography of opportunity, and lastly, conclusions, actions and strategies.

Demographics

Income disparities occurred throughout the county. While the poverty rate for Whites in Washington County was 9%, it was more than twice that for Hispanics (22%), Native Americans (24%) and Pacific Islanders (22%). Asians in Washington County have slightly lower poverty rate than Whites (8%), and the Black poverty rate is 16%.

Disparities in severe housing cost burden (paying more than 50% of your income for housing costs) mirror the income disparities.

Linguistic isolation is when all people in the household over the age of 14 speak a language other than English, and none speaks English “very well.” Of all the households that primarily speak Spanish at home, 32% were linguistically isolated. 26% Asian and Pacific Island speakers are linguistically isolated as well.

Disparities in housing problems were also detected in the areas of race, ethnicity and disability. A housing problem exists when the household pays more than 30% of income for housing cost, is overcrowded, or lives in a home with incomplete bathroom or kitchen facilities. In Washington County, Hispanic/Latinos are nearly twice as likely to have housing problems as Whites, and Blacks are about 1.5 times as likely. Persons with disabilities are 1.4 times more likely to have housing problems than non-disabled. This is almost ½ of the disabled population.

With the help of the City of Beaverton, the County was able to develop a map showing areas of minority concentrations based on the 2010 census. Washington County has nine census tracts where a HUD-defined concentration of minorities exists. Andree explained that concentration exists when the % of residents who identified their race as being other than White exceeds the county average by 20% or more for that race. Seven census tracts have concentrations of Latinos/Hispanics; the highest percentage was 73%, which exists in a small census tract that includes portions of downtown Hillsboro. The next highest percentage, 51%, occurs in a census tract that includes portions of Cornelius and unincorporated areas.

Lastly, there are two census tracts with concentrations of Asians, two that have concentrations of people who identified as “other,” and two that include concentrations of non-White populations, a group which includes all racial minorities.

Rental Practices

When Fair Housing Council of Oregon (FHCO) did audit testing of leasing practices, they found incidences of discriminatory practices in all of the protected classes tested.

In looking at complaints filed with BOLI and HUD and the calls received by FHCO, they all increased from 2008 to 2010. For FHCO, allegations of discrimination increased from 18 in 2008 to 62 in 2010. In the case of BOLI and HUD, complaints filed had increased from eight in 2008 to 17 in 2010.

This might be a good sign, possibly due to the City of Beaverton’s aggressive information and education campaign in the intervening years. It may mean that more residents are aware of their rights and know where to get help.

Zoning and Planning

In the area of zoning and planning, a team of PSU graduate students spoke with developers who create affordable or special needs housing and identified potential areas for further consideration

in local zoning codes. Because there are so many different jurisdictions in the county with their own codes and procedures, one way to address this would be to develop a best practices guide that could be utilized by local jurisdictions to develop solutions customized to the conditions in each individual jurisdiction.

Another area of concern was the fact that developers sometimes deal with neighborhood groups that may not be fully informed about fair housing, and they face these groups alone (without support from staff knowledgeable about fair housing). The neighborhood group's opposition seemed more likely to come from not wanting a particular group of people in their neighborhood.

There was one last issue that developers of affordable or special needs housing identified, which was the lack of available land near transit for group quarters.

Public Housing & Vouchers

The committee looked extensively at the demographic composition of Public Housing residents and Housing Choice voucher holders and found no areas of concern. Andree explained that vouchers, like Section 8 vouchers, are given out to individuals as a supplement towards rental payments. These can be used county wide and also eventually ported out of the county. Public housing is a type of affordable housing that is owned and managed by a Housing Authority. The review also included an analysis of stated policies and found no areas of concern.

The committee also looked at the turn-back rate on vouchers, which was about 12%, which we understand is about average for the region. It was found that people in protected classes were no less likely to be able to utilize their vouchers than others.

Fair Lending

Andree explained that the public data for lending practices was hard to come by and not easily interpreted. Looking at the data available, it was not possible to determine if there was any form of discriminatory practices. Other data was not available due to proprietary restrictions.

The committee did discover that, in 2009, the loan rate for denials for Latinos was nearly twice that of Whites. For Blacks, it was 1.5 times, and, for Native Americans, 1.4 times that of Whites. The reasons for these disparities are unknown. Low credit scores or income to debt ratios may play a role in the denials.

It was possible to partially control for income. Logic would have it that, if there were no discrimination, higher income people would have similar denial rates regardless of race or ethnicity, middle income would have similar rates to each other, and low income people would also have similar denial rates. That was not the case in Washington County. Instead, upper income Latinos were 2.25 times as likely to be denied as upper-income Whites, and upper-income Blacks were 1.9 times as likely to be turned down for a mortgage as their White counterparts. For middle income, Latinos were 2.5 times as likely to be denied, and Blacks were 1.8 times as likely to be denied as middle income Whites. Low income Native Americans were denied at a rate 2.5 times that of Whites, Latinos 1.8 times that of Whites and Blacks 1.5 times that of Whites. No information was available that would permit a further analysis as to why

these disparities occurred. While low credit scores or debt ratios may have played a role, it is not possible to determine whether those or other conventional underwriting criteria were the cause, or whether there was a pattern of discrimination. With the limited data available, it's not possible to identify the underlying causes of the disparities.

During the peak of the housing boom (2005-06), when homeownership for minorities grew, Latinos and Blacks were more likely to get high-priced loans than Whites. Andree pointed out that that was an additional area of concern.

Access to Opportunity

Andree explained that the whole notion of access to opportunity was an evolving concept. While developing the Consolidated Plan, the staff looked at block groups throughout the county and determined that some block groups had better access to needed services than other block groups. Staff then rated block groups with respect to their relative geographic access to things that people need to thrive, such as good schools, needed services, transportation access, and a healthy environment. There were several observations made after looking at the data:

1. There was no evidence to suggest that residents of color in Washington County are clustered in areas with lower access to opportunity
2. 92% of subsidized housing units are located in areas with average or higher access to opportunity
3. 90% of voucher holders lived in areas with average or higher access to opportunity, and
4. 76% lived in areas with average or higher school test scores.

Strategies and Actions

The next step the committee took was to develop actions and strategies and classify them into six categories. Actions are steps to be taken for which resources are available or are likely to be available and, in nearly all cases, leads have been found for the action. Aspirational strategies are things which are important, but for which the path forward is not clear at this time. This includes items which may require third party actions, or for which resources have not yet been identified. While no one can commit to these right now, there is agreement that pursuing these items is desirable. Listed below are the actions and strategies that the committee produced.

I. Awareness, Information & Training

Andree pointed out that awareness and information was the foundational strategy. It is important to build a strong information infrastructure by coordinating with regional partners and to utilize what is already available in the community. . Since people learn in many ways, it is also important to use multiple formats to reach specific audiences, such as written materials, a community web site, and trainings and forums. Distributing material in multiple languages has been identified as a way to reach out as well. There are specific audiences identified, including smaller landlords that need to be reached, who may not already be participating in fair housing training.

II. Access to decent & affordable rental housing

Community partners have come forward to help and support this action. OCD's tools to increase rental housing are outlined in the Consolidated Plan which talks about how the County will invest money in that area. This action deals with what the partners will do in the county. Metro Multifamily discussed doing a best practices manual and is investigating the possibility of developing a standardized informational form for renters. The Housing Advocacy Group will continue to advocate for resources, for rental assistance, and along with HSSN advocate for incentives for renting to people with barriers to housing. The Oregon Law Center is interested in looking at ways to review effective ways of using tenant screening tools to better predict the success/failure of tenants.

In terms of aspirational strategies, there is hope for regional testing and coordinating with BOLI in terms on whether or not it has claims on subsidized housing. Some of these units are monitored by the County, so it would be a good thing to know if a particular unit has a claim filed against it.

III. Land use & zoning tools to promote access to opportunity

One action is researching a model code language. There is hope that, in phase three of the Aloha/Reedville Plan, there potentially may be resources to look at zoning code issues and addressing those that developers have already identified as being issues. There are also plans for doing neighborhood workshops to bring together neighborhood leaders and developers to discuss fair housing issues. Guiding non-profits through the development phase has been discussed for awhile. Reaching out to the planning departments and encouraging them to designate a fair housing resource person was also talked about. A final idea is to develop a fair housing checklist to review new subdivisions and multi-family projects for compliance with fair housing, particularly accessibility requirements.

IV. Overcoming linguistic & cultural isolation & serving communities of color

Actions include supporting high performing non-profits with their efforts to get funding from other places to support their work. The plan also calls for continuing to monitor projects for limited English proficiency (LEP) compliance and helping others seek funding for peer leadership training.

Aspirational strategies include encouraging the state to monitor bond and tax credit projects for LEP compliance, translating key County documents into other languages, expanding cultural competency training, and investigating high-priced mortgage lending to persons of color on a regional basis.

V. Overcoming disability-related barriers

The City of Beaverton is interested in developing a database of rental units with accessibility features. There were several recommendations to support state legislation to promote better use of existing accessible housing. Additional actions include researching further the range of housing options desired by people with mental health challenges by talking directly with them and not just the agencies that support them and exploring options for promoting a higher level of accessibility/adaptability/visitability of new subsidized housing.

VI. Data collection & analysis

Andree mentioned that the Housing Authority did such a great job of collecting data that it was decided to continue the process on an annual schedule.

The process that the Fair Housing Plan has gone through involves two public hearings, with today being first one. The second one will be in front of the Policy Advisor Board in Hillsboro at 7:00PM and then goes to the County Commission for approval on May 1st.

Andree concluded her presentation. Jennie then invited comments and questions.

Public Testimony

Alton Harvey, Sr. offered his opinion on the mortgage lending process. Black people were given loans with balloon payments due 10 – 15 years into the loan but were then unable to make such payments. With such a loan, people were guaranteed to fail. It was his belief that this kind of loan was provided with the knowledge that people would fail and lose their home and investment. This was a practice as early as 1950 – 60s and possibly continues to this day.

Mark Forker commented that, on the subject of disability barriers, Willamette West Habitat for Humanity has built three ADA compliant houses that have provided homeownership for four families in the last ten years. They have done it with the help of CDBG and HOME program. They are appreciative of that and look forward to being able to that in the future.

Val Valfre thanked Andree, the City of Beaverton and County staff for a very thorough and comprehensive process and for letting Housing Services participate. The process was both objective, comprehensive and inclusive in reaching out to get other perspectives in the County. He mentioned that he appreciated the close look at his department; it was helpful to have a third party look at their procedures and track record. It was a true reflection as to what they are doing right and what could be done better. He is a very strong supporter for more communication out in the community. He felt that people sometimes create barriers inadvertently and that the key to it is education. He believes HUD needs to provide funding for fair housing training rather than expecting agencies to take it out of their own budgets. He felt it was important enough that it should have its own funding stream, which has not happened so far. He said that tax exemptions helped reduce the cost of developing housing for folks who otherwise might not find safe and decent place to live.

Jennie thanked everyone for their comments and for attending the hearing. She explained that there are different schools of thought about the best way to do fair housing planning. Staff considered the options, including hiring an independent consultant, and decided to do it in house. This choice was not only economical, but also enabled the County to tap, deepen and establish new relationships with jurisdictions and groups connected to diverse community residents. The advisory committee included people who helped prevent bias and were able to independently review the data, identify impediments and help form the strategies.

Jennie closed the public hearing at 2:47pm.

PUBLIC HEARING

DRAFT 2012 FAIR HOUSING PLAN

Washington County Public Service Building

155 W Main Street, Hillsboro, OR

April 12, 2012

7:00 p.m.

Staff members present: Jennie Proctor, Ben Sturtz, Lauren Sechrist, Andree Tremoulet, and Patricia Longua with Washington County's Office of Community Development (OCD)

Policy Advisory Board present: Brian Biehl, City of Banks; Harley Crowder, City of Cornelius; Peter Truax, City of Forest Grove; Rick Lorenz, City of Gaston; David Newham, City of King City; Robert Kindel, Jr., City of North Plains; Marland Henderson, City of Tigard; Andrea Nelson, City of Beaverton

Guests present: Karla Hernandez, Center for Intercultural Organizing; Amelia Mena, Citizen of City of Beaverton; Gail Snyder, Center for Intercultural Organizing; Martin Brasco, Washington County Cooperative Library Service

PAB Chair Peter Truax opened the Fair Housing Plan public hearing at 7:03 p.m.

Peter thanked guests for attending the public hearing for the Fair Housing plan. After introductions he introduced Andree Tremoulet, who would be giving a Power Point Presentation on the plan.

Andree gave a brief overview of the contents of the Power Point and what particular portions of the Fair Housing Plan she would be focusing on during the presentation.

She explained that housing is more than shelter; it is a platform for building and accessing things that are needed to thrive. It provides physical and psychological safety and comfort. It is also a major source of wealth for most individuals. Having or not having the ability to enjoy housing affects people in many ways in their life. Barriers to accessing housing's benefits included a lack of income and wealth and impediments affecting people of protected classes, i.e. race, color, religion, national origin, sex, familial status, and disability. Fair housing addresses these impediments to fair housing, whereas affordable housing addresses barriers associated with lack of income and wealth.

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Income disparities occurred throughout the county. While the poverty rate for Whites in Washington County was 9%, it was more than twice that for Hispanics (22%), Native Americans (24%) and Pacific Islanders (22%). Asians in Washington County have slightly lower poverty rate than Whites (8%), and the Black poverty rate is 16%.

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During the peak of the housing boom (2005-06), when homeownership for minorities grew, Latinos and Blacks were more likely to get high-priced loans than Whites. Andree pointed out that that was an additional area of concern.

Access to Opportunity

Andree explained that the whole notion of access to opportunity was an evolving concept. While developing the Consolidated Plan, the staff looked at block groups throughout the county and determined that some block groups had better access to needed services than other block groups. Staff then rated block groups with respect to their relative geographic access to things that people need to thrive, such as good schools, needed services, transportation access, and a healthy environment. There were several observations made after looking at the data:

5. There was no evidence to suggest that residents of color in Washington County are clustered in areas with lower access to opportunity
6. 92% of subsidized housing units are located in areas with average or higher access to opportunity
7. 90% of voucher holders lived in areas with average or higher access to opportunity, and
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Strategies and Actions

The next step the committee took was to develop actions and strategies and classify them into six categories. Actions are steps to be taken for which resources are available or are likely to be available and, in nearly all cases, leads have been found for the action. Aspirational strategies are things which are important, but for which the path forward is not clear at this time. This includes items which may require third party actions, or for which resources have not yet been identified. While no one can commit to these right now, there is agreement that pursuing these items is desirable. Listed below are the actions and strategies that the committee produced.

VII. Awareness, Information & Training

Andree pointed out that awareness and information was the foundational strategy. It is important to build a strong information infrastructure by coordinating with regional partners and to utilize what is already available in the community. . Since people learn in many ways, it is also important to use multiple formats to reach specific audiences, such as written materials, a community web site, and trainings and forums. Distributing material in multiple languages has been identified as a way to reach out as well. There are specific audiences identified, including smaller landlords that need to be reached, who may not already be participating in fair housing training.

VIII. Access to decent & affordable rental housing

Community partners have come forward to help and support this action. OCD's tools to increase rental housing are outlined in the Consolidated Plan which talks about how the County will invest money in that area. This action deals with what the partners will do in the county. Metro Multifamily discussed doing a best practices manual and is investigating the possibility of developing a standardized informational form for renters. The Housing Advocacy Group will continue to advocate for resources, for rental assistance, and along with HSSN advocate for incentives for renting to people with barriers to housing. The Oregon Law Center is interested in looking at ways to review effective ways of using tenant screening tools to better predict the success/failure of tenants.

In terms of aspirational strategies, there is hope for regional testing and coordinating with BOLI in terms on whether or not it has claims on subsidized housing. Some of these units are monitored by the County, so it would be a good thing to know if a particular unit has a claim filed against it.

IX. Land use & zoning tools to promote access to opportunity

One action is researching a model code language. There is hope that, in phase three of the Aloha/Reedville Plan, there potentially may be resources to look at zoning code issues and

addressing those that developers have already identified as being issues. There are also plans for doing neighborhood workshops to bring together neighborhood leaders and developers to discuss fair housing issues. Guiding non-profits through the development phase has been discussed for awhile. Reaching out to the planning departments and encouraging them to designate a fair housing resource person was also talked about. A final idea is to develop a fair housing checklist to review new subdivisions and multi-family projects for compliance with fair housing, particularly accessibility requirements.

- X. Overcoming linguistic & cultural isolation & serving communities of color
Actions include supporting high performing non-profits with their efforts to get funding from other places to support their work. The plan also calls for continuing to monitor projects for limited English proficiency (LEP) compliance and helping others seek funding for peer leadership training.

Aspirational strategies include encouraging the state to monitor bond and tax credit projects for LEP compliance, translating key County documents into other languages, expanding cultural competency training, and investigating high-priced mortgage lending to persons of color on a regional basis.

- XI. Overcoming disability-related barriers
The City of Beaverton is interested in developing a database of rental units with accessibility features. There were several recommendations to support state legislation to promote better use of existing accessible housing. Additional actions include researching further the range of housing options desired by people with mental health challenges by talking directly with them and not just the agencies that support them and exploring options for promoting a higher level of accessibility/adaptability/visitability of new subsidized housing.

- XII. Data collection & analysis
Andree mentioned that the Housing Authority did such a great job of collecting data that it was decided to continue the process on an annual schedule.

Lastly, Andree explained that there was a public hearing on April 5th at the City of Beaverton's library. This hearing is the second and last to give PAB and citizens an opportunity to ask questions and make comments. The next step will be to make any changes and to present the plan to the Washington County Board of Commissioners on May 1st for its approval.

Andree concluded her portion of the public hearing. Peter then opened the hearing up for comments and questions by the Board.

Questions and Comments from the Board

Peter asked if there would be a public hearing on May 1st, when the plan was presented to the County Commissioners. Andree's understanding was that there would not be a public hearing. Peter then commented in regard to land use and zoning tools and creating model code language. He indicated that boiler plate language, in particular zoning and planning, was already available

through various agencies, such as the American Planning Association. He understood and although he didn't want to surrender Forest Grove's independence, zoning was zoning. These issues would be best met and understood across on a regional basis.

David Newham said that he thought that the presentation was well-organized, thoroughly investigated and well financed. He commented that it was a good process to have, but a small city like King City doesn't have the funds or staff to do many of the actions suggested. Peter suggested that this was where jurisdictions could pool together and share resources and rely on one another or the County. Andrea Nelson answered that the good part of the plan was that it was a community effort, and not an outside entity that developed it. She mentioned that it was a pooling together of many county agencies in order to share ideas and resources. She felt it was one of the most dynamic plans out there in the community. The actions and aspirational strategies in the plan are attainable and measurable goals. She was excited and encouraged to see agencies and persons throughout the county have taken notice of the plan and are supporting it in many ways. Andree mentioned that, in writing the plan, she tried to keep in mind the smaller communities. David mentioned that with a staff of three it would be a hardship to expect them to add more to their work load.

Marland Henderson asked how progress would be measured. Andrea explained that it wasn't necessarily a numbers type of measurement, as with the Consolidated Plan. She hopes that, in five years, when a new plan is being developed, the same issues won't appear again. Improvements might consist of jurisdictions having better knowledge of fair housing regulations that pertain to zoning and planning, or more rental agencies participating in fair housing programs and following the policies. Andree pointed out a section in the Fair Housing Plan that addresses how progress will be tracked. She explained progress would be presented annually as part of the CAPER. Marland liked the idea that the plan came from the community and was not an "off the shelf" plan.

Peter then opened the hearing up for comments and questions from guests.

Public Testimony

Through an interpreter, **Amelia Meno** explained that she had experienced landlord discrimination. When she had problems in her home that needed fixed, nothing was fixed. She said that if she spoke to the manager, the manager would get upset. Lauren Sechrist asked if there had been any issues of retaliation or that she felt she couldn't ask for certain things to get repaired for fear of having the landlord raising her rent. Amelia located an agency, Community Alliance [of Tenants], who gave her a way to not have fear for asking for what she needed. She recently attended a meeting with new owners of the complex and hopes that they will now have a better relationship. Andree asked if there was anything that staff could do with policies that could help. Amelia answered that she thought so. Andree then asked if Amelia felt the landlord is paying more attention to them now that they are organized. She's not too sure if he is paying more attention because he just sold the complex. There is now a new owner. Andree asked if the tenants plan to meet with the new owner. For now, the new manager has behaved very well towards them, and no issues have surfaced so far. Peter suggested she stay active, which was her right. Amelia thanked everyone for allowing her to speak. Ben Sturtz added that OCD has

oversight over several housing complexes in the County and regularly monitors them for housing compliance issues. When there are compliance issues, landlords are required to do the repairs and document that the repairs have been done. Amelia mentioned that she had struggled for nearly a year before she was able to find the help she needed.

Karla Hernandez explained that she worked for the Center for Intercultural Organizing (CIO) in Portland and is a resident of Beaverton. CIO works a lot with immigrants and refugees for advocacy and trying to help them get included in public processes and the work that cities do. In Washington County, the demographics have been changing; there are many more immigrants and refugees than in the past. The County appears to be a safe place, and the services residents receive are great. In terms of fair housing, the agency has dealt with a lot of discrimination. When people arrive here, they have a hard time finding places to live because they are denied housing due to their race or national origin. She complimented staff on the work they have done and expressed the importance of cooperating with the various agencies within the County to share resources. She felt partnering with outside agencies and communication between agencies was good for the community overall, such as the County partnering with Bienestar's Promotores program that trains community leaders. She explained that many immigrants and refugees who are in the country legally with a temporary visa are afraid to speak out because of the fear of having their status taken away. She suggested that the County find ways to offer that type of protection, so if they do file a complaint, they feel safe from retaliation.

Gail Snyder explained she works at CIO as a volunteer. She asked if staff had a feel for what the 'real' number of cases of discrimination might be. Andree mentioned that nationally, staff had heard that only one in one hundred incidents of fair housing violations resulted in a formal complaint being filed. It was unclear how those numbers apply in Washington County. She went on to say there are intersecting issues; one is fair housing, which means that you're not treated the same as other people due to nation origin, race etc. and then there are landlord tenant problems, which just has to do with the dynamic that landlords typically have more power than tenants. Gail asked how receptive the County was to increasing the diversity of its various committees. She mentioned that CIO has been working to train new leaders and help promote greater diversity on public committees.

Jennie Proctor concluded by saying that, through this planning process, the Office of Community Development had built new relationships with various individuals and organizations, thus potentially laying the ground work for communication and collaboration in the future.

Peter closed the public hearing at 8:12 pm.

E-mail comment received from Alfonso López-Vasquez:

From: Andree Tremoulet [mailto:Andree_Tremoulet@co.washington.or.us]
Sent: Monday, March 26, 2012 12:45 PM
To: Recipients
Subject: Addendum to draft Fair Housing Plan

Greetings, Fair Housing Advisory Committee--

Thanks to Andrea's diligent efforts, we now have an additional map to add to our plan that shows the HUD-defined "areas of minority concentration" in Washington County based on Census 2010 information (at the Census Tract level). We are sending this to you, our list of Fair Housing Stakeholders, and area libraries as an Addendum to the plan.

Andree

Andree Tremoulet

Washington County Office of Community Development

From: Lopez-Vasquez, Alfonso [mailto:alfonsolv@pacificu.edu]
Sent: Monday, March 26, 2012 2:39 PM
To: Recipients
Subject: RE: Addendum to draft Fair Housing Plan

Thank you for the special effort in bringing this demographic profile to the forefront and for the preliminary analysis/assessment. I concur that given the minimal sample involved in the focus groups, we cannot arrive at a conclusion as to the concentration. This, however points to the need to make sure the plan is not a stagnant document and that if possible, a follow up be done in the near future to ascertain with more reliability the cause factors for this concentration. We do know from anecdotal sources that Cornelius may have become the community of choice for immigrant Mexican-Americans in part because of redlining elsewhere, including Forest Grove. De facto segregation may have been the genesis of the Hispanic concentration and the social and cultural presence of Hispanics sustains will most likely sustain this concentration even though clusters elsewhere in the county will continue to grow.

Alfonso

Alfonso López-Vasquez

Pacific University

Director of Diversity

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www.pacificu.edu*

Summary of Principal Issues Raised During Hearings and Public Comment Period	
Summary of Comment	Response
Nationally, there is a history dating back to the 1950s of lenders providing mortgages to Black borrowers on unfavorable terms and with features such as balloon payments that are likely to result in defaults. (Alton Harvey, Sr., Beaverton hearing)	This history of discrimination resulted in African Americans being left out of the boom in homeownership that occurred after WWII. While the adoption of Fair Lending requirements nationally was intended to prevent discrimination in lending today, Washington County’s Housing Mortgage Disclosure Act data does raise unanswered questions about current practices.
Willamette West Habitat for Humanity provides accessible housing for partner families who need it. Three units have been built so far. (Mark Forker, Beaverton hearing)	So noted; thank you.
HUD should provide funding for Fair Housing training rather than expecting agencies to identify a funding source. Doing so would underscore HUD’s commitment to Fair Housing. (Val Valfre, Beaverton hearing)	So noted; thank you.
It is difficult to find help with landlord-tenant issues in Washington County. The Community Alliance of Tenants was helpful in enabling a tenant feel safe in asking for the repairs she needed. (Amelia Meno, Hillsboro hearing)	Washington County recognizes the importance of this resource and has included improving the availability of assistance on landlord-tenant issues an Aspirational Strategy under Strategy Area II. Access to Decent and Affordable Rental Housing.
Some immigrants and refugees who are in the country legally (with a temporary visa) are afraid to speak out regarding housing discrimination or landlord-tenant issues because of fear of having their status taken away. (Karla Hernandez, Hillsboro hearing)	Washington County will convey this concern to BOLI.
It is important to increase the diversity of County committees. The Center for Intercultural Organizing is working to help train new leaders. (Gail Snyder, Hillsboro hearing)	This issue is one of the areas addressed in the Anti-Poverty Strategy of the Consolidated Plan. In addition, Aspirational Strategy 5 under Strategy Area IV. Overcoming Cultural Isolation calls for a census of composition of key appointed and elected bodies.
Additional follow-up research is needed to better understand the reasons behind concentrations of minorities in identified areas in the County. (Alfonso López-Vasquez)	Washington County would welcome additional research on this issue.

Appendix B: Audit Test Results for Beaverton and Washington County

Beaverton Audit Results 2009

Report Prepared by Fair Housing Council of Oregon

	Familial Status	Disability	National Origin	Sexual Orientation	Race
Negative	5	4	3	3	2
Positive	3	5	4	4	7
Inconclusive	2	1	1	3	0
Total	10	10	8	10	9

FS- Familial Status

D- Disability

NO- National Origin

SO- Sexual Orientation

R- Race

CT- Comparative Tester

PT- Protected Tester

HP- Housing Provider

Positive Test Results Expanded

A800

FS- PT was not offered the same “November Special” the CT was given which waived the security deposit and the administrative fee. CT was also informed of a more expensive unit that the PT was not offered.

SO- PT was not offered the same “November Special” the CT was given which waived the security deposit and the administrative fee. The PT had a cumulative move-in fee of \$1189 versus the CT’s \$839.

A802

NO- PT was not provided with a description of the complex or room amenities. HP freely provided CT with a list.

SO- HP did not offer the waived application fee (\$40) to the PT. This option was given to the CT.

A804

D- HP told PT they had a weight limit of 25 lbs for animals. Told PT they would call back after speaking with supervisor about 40 lb animal, and never called back. CT’s inquiries all answered.

A806

D- HP told PT he only accepted cats, not dogs. After informing HP of verification letter, HP told PT he would check with HOA and call back. HP never called PT back. CT’s inquiries all answered.

A807

FS- PT steered to different properties than CT through promotion of more yard space and parking space. PT was given an application fee and the CT’s application fee was waived.

D- PT steered to different properties than the CT. HP only mentioned one property to the PT, and three to the CT.

NO- HP did not provide same locations to the PT as she did to the CT. Potential steering.

SO- HP did not provide same locations to the PT as she did to the CT. HP also put PT on phone for four minutes after making protected statement. CT was spoken to right away.

A809

FS- PT was not informed of the \$1000 rent credit special the CT was provided. PT also only told about the more expensive 2 bath unit, while CT was told about the 1 bath and 2 bath units.

D- HP did not provide PT with the same \$1000 rent credit special the CT was given.

NO- HP did not provide PT the \$1000 rent credit special the CT was given.

SO- HP did not provide PT the \$1000 rent credit special the CT was given.

A811

D- PT was not told about the first month's free rent special the CT was given.

NO- PT was told the complex does not allow dogs, while other testers were told dogs allowed. PT also told he MUST sign a 12 month lease, while CT was not given this ultimatum.

A813

R-CT was offered three levels of units for viewing, while PT was only offered one unit (most expensive). CT given three handouts the PT was not given: a list of reasons to live at the complex, a map of the complex, and a list of phone numbers to local amenities.

A816

R-CT was given five more documents detailing the complex than the PT was given. The HP also described the complex in more detail to the CT than the PT. HP offered CT first month's rent prorated, but did not offer to PT.

A817

R- CT was given a lower rent than the PT. HP contacted the CT two times after appointment through e-mail, while the PT was never contacted after the appointment. CT received two more documents than the PT detailing the complex's amenities. CT shown units on opposite side of complex than the PT was shown. Rent with Equity Program only discussed with CT, and not the PT.

A818

R-CT and PT shown different units. CT was given no cleaning deposit and a \$200 security deposit. PT was given a \$150 cleaning deposit and a \$400 security deposit.

A819

R- CT given tour of house by HP, while PT was told to show herself around. HP informed CP of other available properties and gave CT a handout detailing properties. PT was not informed of properties and did not receive a handout.

A820

R- CT shown office model, and shown 3 BR model when 2 BR was not available. PT was only shown the office model, and was not given the option of viewing the 3 BR or 2 BR model.

A821

R- CT was told about special to prorate the apartment's first month's rent. The PT was not told about this option.

Beaverton Audit Test Results 2010

The City of Beaverton partnered with the Fair Housing Council of Oregon to complete fair housing audits of rental properties in Beaverton for 2010.

Methodology

The Fair Housing Council randomly selected units that were listed for rent in the local market (selected from listings on craigslist.org and local newspapers). A listed unit would then be visited by an applicant representing a protected class (listed in the table below) and a control tester within a 24 hour period. The two testers would be alike in rental history, job, and income with the protected class tester having a slightly better application that would make him or her more desirable as a tenant. The protected class tester would not be told what they were testing for. Each tester completed their site visit and filled out a general questionnaire regarding their experience (what was the quoted rent, move-in costs, amenities, etc). The protected class and control testers would turn their form in to staff at the Fair Housing Council to review and compare in an effort to identify any discriminatory practices. A testing pair would then be classified as testing positive, negative or inconclusive for discrimination.

Both the Fair Housing Council of Oregon and the City of Beaverton recognize that audit testing only provides a small sample of rental activity occurring within the City of Beaverton. The testing serves as one of many tools to gather data regarding what is occurring in the rental market.

Fair Housing in Beaverton

As a recipient of Community Development Block Grant funds, the City of Beaverton certifies that it will affirmatively further fair housing within our community. In an effort to meet that obligation, the City contracts with the Fair Housing Council of Oregon (FHCO) to provide fair housing trainings and to staff the fair housing hotline for Beaverton residents (as a supporting community, our residents receive priority service when they call in with fair housing questions or have a complaint).

The City of Beaverton maintains its commitment to help provide information regarding residents' and landlords' rights and responsibilities under the Fair Housing Act. The City will continue to partner with local organizations to provide fair housing training and access to fair housing information. A variety of resources can be found by visiting the City's fair housing homepage, http://www.beavertonoregon.gov/departments/housing/programs/fair_housing/default.aspx. The City is also working on a new Fair Housing Analysis of Impediments and Action Plan in partnership with Washington County and the City of Hillsboro. This document will examine practices throughout the county that may impact fair housing choice. A working group has been convened and a plan is expected to be available in June of 2012. If you have ideas regarding fair housing in our community or would like to learn more about the planning process, please contact Andrea Nelson at anelson@beavertonoregon.gov.

2009 vs 2010 Results (overview)

The City of Beaverton partnered with the Fair Housing Council of Oregon to complete fair housing audits in Beaverton in both 2009 and 2010. The table below highlights the difference in the results between the two audit reports. The City saw an overall decrease in practices that are considered discriminatory. The largest decrease was in racial discrimination (from 78% to 25%).

Protected Class	2009	2010
Familial Status	30%	18.75%
Disability	50%	69%
National Origin	50%	44%
Sexual Orientation	40%	50%
Race	78%	25%
Total	48%	37%

Beaverton Audit Results 2010

Report Prepared by Fair Housing Council of Oregon

	Familial Status	Disability	National Origin	Sexual Orientation	Race
Positive	3	4	8	8	3
Negative	12	9	7	5	6
Inconclusive	1	0	3	3	3
Total	16	13	18	16	12

Report Prepared by Fair Housing Council of Oregon

FS- Familial Status

D- Disability

NO- National Origin

SO- Sexual Orientation

R- Race

CT- Comparative Tester

PT- Protected Tester

HP- Housing Provider

Positive Test Results Expanded

Familial Status

1. Agent pointed out many positive features about unit and neighborhood to CT but gave few details to PT
2. Agent steered tester to a different property that was a “cute, cottage” apartment with a pool instead of the desired 2 BR house
3. Agent offered PT no info regarding complex amenities but did for CT
- 4.

Disability

1. Agent made discouraging statement saying that he would allow animal even though “Traditionally, this is a ‘no dog’ community”
2. After PT disclosed presence of assistance animal agent said “Ok... um... I don’t know what kind of yard it has” (Listing clearly indicated unit had private yard)
3. After PT stated that she had an assistance animal RP said “No pets and no smoking.” PT then explained she had a note from her doctor. RP said “If you had a required pet then I would need additional deposits to cover any damage.”
4. After PT disclosed presence of assistance animal agent said “Gosh, we don’t allow pets.” PT explained it was not a pet and that she had a prescription from her doctor. Agent said “We have a wet backyard and new carpets and any pet would track mud in so we just aren’t allowing pets.” Agent then told PT that he would not give her further information about the unit.

National Origin

1. Agent offered CT more units with more features than PT. Agent also pointed out more negative features to PT such as high street noise and bad smell of old apartment.
2. Agent told PT that he needed to provide social security number along with two pieces of ID, one of which had to have a photo. This requirement was not discussed with CT.
3. Agent quoted higher price for rent and deposit to PT. Agent did not return PT’s initial call. PT made general question about unit and agent did not respond. Agent originally would not show unit to PT. Agent was not very friendly, hurried during PT’s visit.
4. Agent quoted higher price for rent and deposit to PT. Agent also said to CT “We’d love to have you!”
5. Agent called after visit and stated that they would do first month free with one year lease
6. PT was quoted a deposit \$500 greater than CT by agent
7. Agent disclosed move-in special: \$200 off first month’s rent with 12-month lease to CT but not to PT. Agent stated “You can potentially move-in for less than \$700!”
8. Agent offered PT no info regarding complex amenities but did for CT

Sexual Orientation

1. Agent called back CT to offer \$200 off of move-in cost but did not do so with PT. Agent offered CT two different units but only offered PT the more expensive one. Agent told CT many more positive functional features of unit than PT. Agent told CT that there was a unit available in the next few days but told PT about unit not available until the end of the month.
2. Agent disclosed that deposit varied depending on background check but told CT amount was a flat rate.
3. Agent told CT many more positive features of unit than she did for PT. Agent also seemed in a rush to end the conversation with PT.
4. Agent told CT about more units, many of which were more economical than those offered to PT.
5. Agent seemed to stammer after PT made protected class statement. Agent also offered a lower move-in price to CT.
6. Agent told PT higher price for both rent and for deposit than CT amounting in \$160 (approx) difference in move-in and \$880 (approx) over duration of 1 year lease.
7. Agent quoted a higher application fee to PT than CT. Agent also stated to CT that deposit was negotiable and depended on credit while PT was told that deposit was \$1000.
8. Agent told higher rent for better unit to PT than he did to CT.

Race

1. Agent offered CT remainder of month free, an offer not provided to PT.
2. Agent offered PT no info regarding complex amenities but did for CT.
3. Agent tried to “up-sell” CT to a town house instead of apartment. Agent also offered CT move-in special of two weeks free. Agent told PT that deposit was \$300 to \$795 but told CT it was just \$300. Agent offered more units to CT than to PT. Agent pointed out more positive features about units to C than she did to PT.

Other Protected Classes

1. Source of income- Agent stated that they needed to verify income AND verify employment indicating unemployed may not be accepted.
2. Source of Income- Agent asked tester if both applicants were employed indicating that applicants must have jobs in order to qualify.
3. Source of Income- Agent stated that he did not want to rent to someone who was recently hired suggesting one has to have long-term employment to qualify.

Washington Co. Audit Results 2011

Report Prepared by Fair Housing Council of Oregon

	Race	National Origin	Disability
Results Showed Different Treatment	4	7	1
Results Did Not Show Different Treatment	3	1	4
Inconclusive	1	0	0
Total	8	8	5

R- Race

NO- National Origin

CT- Comparative Tester

PT- Protected Tester

HP/LL/RP- Housing Provider, Landlord, Respondent, or other agent

Positive Test Results Expanded

Race

1. Agent told CT of move-in special (remainder of month is free) but did not disclose special to PT. Agent told CT a flat rate deposit (\$200) but told PT it could be as much as a full month's rent (\$790). These differences result in a total move-in cost that is up to \$1000 higher for PT. Agent also showed PT only one unit while showing CT two different units. Two days after on-site test, agent called CT to see if she was still interested in the unit but did not call back PT.
2. Agent strongly warned PT about an extra deposit if his credit was "horrible" but did not disclose the possibility of this extra deposit to CT. This has a chilling effect on the PT's desire to apply.
3. Agent told CT that she would "bump" him to the top of the wait list but indicated to PT that he would be called after others already on the wait list.
4. Agent only offered one of two unit types to PT but offered both types to CT. Of the two types, PT was only offered the cheaper unit while CT was afforded the chance to rent the more expensive option.

National Origin

1. Agent told PT that the unit was no longer available, but two days later told CT the unit was available. After stating unit was unavailable, agent steered PT to a different property, one that had a Hispanic on-site manager.
2. Agent did not call PT back after initial call but did so with CT. Agent told PT he would need to get renters' insurance, a term of tenancy not disclosed to CT (and something not required by landlord-tenant law). Agent told PT that they did not maintain a waitlist indicating that if no units were available there was no way for PT learns about new units unless they continually checked for advertisements. In contrast, agent told CT that there was a waitlist, offered to take CT's name and number, and that agent would "bump" CT to first on the list.
3. Agent gave higher total move-in cost to PT (\$1114 to \$1834) than to CT (\$1053). Agent told PT that deposit ranged from \$175 to \$895 depending on credit and rental history while CT was told a flat rate deposit special of \$99. Agent also only offered one of two unit types to PT but offered both types to CT. Of the two types, PT was only offered the cheaper unit while CT was afforded the chance to rent the more expensive option.
4. Agent asked PT how many people would be living in unit but did not ask the same of CT. Since the PT, and not the CT, was asked this question it seems designed to screen out applicants of Latino national origin based on the stereotype that Latinos have large families.
5. Agent asked PT how many people would be living in unit but did not ask the same of CT. Since the PT, and not the CT, was asked this question it seems designed to screen out applicants of Latino national origin based on the stereotype that Latinos have large families.

6. Agent asked PT how many people would be living in unit but did not ask the same of CT. Since the PT, and not the CT, was asked this question it seems designed to screen out applicants of Latino national origin based on the stereotype that Latinos have large families.
7. Agent asked PT how many people would be living in unit but did not ask the same of CT. Since the PT, and not the CT, was asked this question it seems designed to screen out applicants of Latino national origin based on the stereotype that Latinos have large families.

Disability

1. After hearing PT had an assistance animal, agent questioned tester about its use. After PT explained it was for his anxiety agent said “It’s... not a seeing-eye dog or anything?” After PT explained he had a doctor’s verification, agent paused for several seconds then said he would consider it but would not agree to rent to PT. Agent stated that if the dog barked he could lose his current tenants. Agent never agreed to accept the animal, and did not offer to call PT back with a definitive answer. This has a discouraging effect on PT’s decision to apply.

Appendix C: Study of Planning and Land Use Issues

2011 Field Work Review
FAIR HOUSING CHOICE

Prepared For:
Washington County and
City of Beaverton, Oregon

Prepared By:
Portland State University
Graduate Students
Suvi Wesa
Samantha Petty
Cassandra Hill
Allison Moe

I. Executive Summary

This report is about planning and land use challenges related to affirmatively furthering fair housing in Washington County, Oregon. It is based on research that included a) a scan of other Fair Housing Plans for best practices and common themes pertaining to planning and land use issues, and b) 15 interviews with developers and housing service providers about challenges they face in addressing the housing needs of protected classes in Washington County. This research was conducted by four graduate students in the school of Urban Studies and Planning at Portland State University from January through March 2011, and was commissioned by the Washington County Office of Community Development and the City of Beaverton. It is a student work product being provided to Washington County for use in the development of the Fair Housing Plan.

As a recipient and allocator of federal grant money from the Department of Housing and Urban Development (HUD), Washington County must demonstrate compliance with the Fair Housing Act. This is achieved by regularly updating its Analysis of Impediments to reflect actions being taken to affirmatively further fair housing for classes protected at the federal, state, and county level. A list of protected classes is available in Section III.

Impediments to fair housing can be both active and passive, including actions *and* omissions, direct barriers *and* items that are simply counter-productive to affirmatively furthering fair housing. Potential impediments identified in this section refer to zoning or building code requirements, project planning and development requirements or regulations, and general procedural challenges. They also can refer to the less concrete lack of knowledge or understanding of fair housing, protected classes, or the provision of housing accessible to those classes. This paper presents our findings and recommendations for next steps.

II. Participants & Methodology Employed

The analysis of impediments is based on both a literature review and interviews with developers, industry members, and non-profit housing and service providers with experience in Washington County. This research was done by four students at Portland State University, under the guidance of Andree Tremoulet of Washington County.

A host of AI studies were reviewed in preparing this report, and are itemized below. These AIs were analyzed for impediments and recommendations related to planning regulations, policies and procedures. The list was chosen to represent a mixture of jurisdiction levels (state, county, and city), and a variety of geographies from across the United States.

- Draft: City of Tempe Analysis of Impediments to Fair Housing Choice, FY 2010-2014
- State of Arizona Analysis of Impediments to Fair Housing Choice, 2010
- City of Phoenix Analysis of impediments to Fair Housing Choice, 2010
- New York City Consolidated Plan, Affirmatively Furthering Fair Housing Statement, 2007
- State of Colorado Analysis of Impediments to Fair Housing Choice, 2005-2010
- Arapahoe County, CO Analysis of Impediments to Fair Housing Choice, 2009

- Twin Cities Metro Region Analysis of Impediments to Fair Housing Choice, 2009
- Seattle Analysis of Impediments to Fair Housing Choice, 2008
- Murfreesboro, Tennessee Analysis of Impediments to Fair Housing Choice 2010
- City of Royal Oaks Analysis of Impediments to Fair Housing Updated 2010

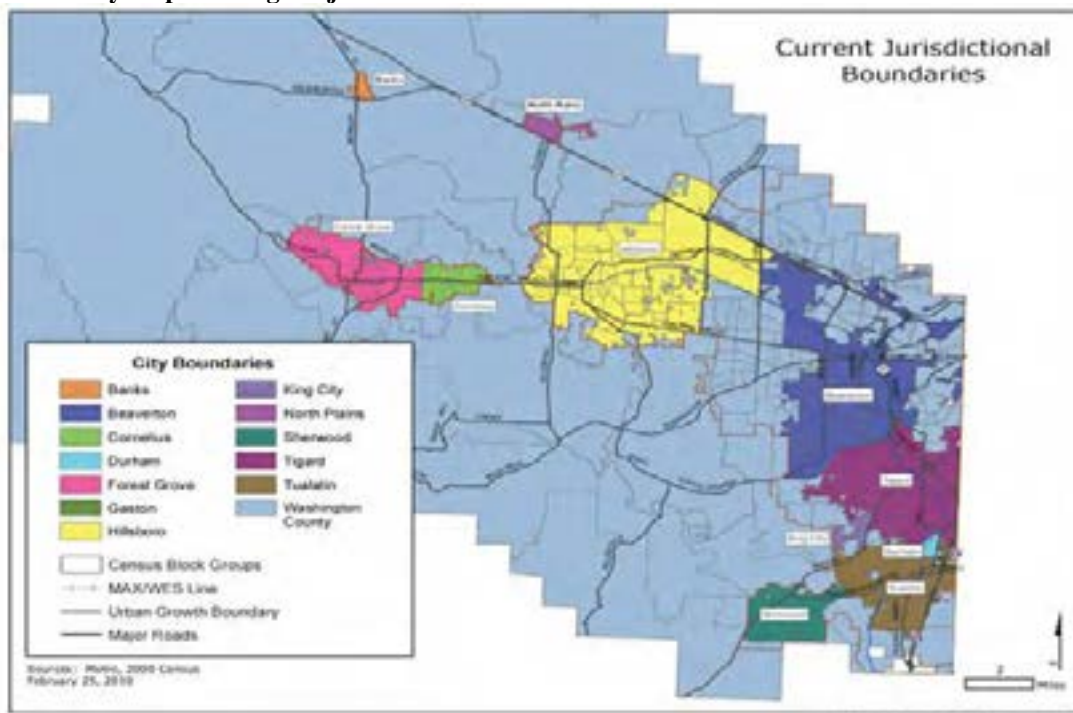
The following is a list of organizations and agencies represented by the individuals interviewed for this report. This list was compiled by Washington County staff members, and sought to include a range of stakeholders with experience in different aspects of housing provision, and with different protected classes. Interviews were conducted in person and by telephone between January and March 2011.

TABLE 1 Organizations and Agencies Interviewed (2011)

Agency	Agency Focus
WA Co Dept. of Housing Services	Housing Authority
Families for Independent Living	Developmentally Disabled
Luke-Dorf	Chronically Mentally Ill
Sequoia Mental Health	Mentally Ill
Accessible Living	Developmentally Disabled & Physically Disabled
WA Co Community Corrections	Formerly incarcerated -not protected
WA Co Health & Human Services	Developmentally Disabled
Community Partners for Affordable Housing	Families/Developer
Housing Development Center	Developer
Oregon Housing Community Services	Housing Policy
Family Bridge	Homeless Families
City of Beaverton	Group homes/ Fair Housing Issues
Albertina Kerr	Developmentally Disabled & Mentally Challenged Youth
The Nielson Group	Development Consultant, Specializing in Persons with Disabilities
WA County Habitat Chapter	Affordable Homeownership

III. Background Information of Study Area

Below is a county map showing the jurisdictional boundaries:



The following is list Fair Housing Protected Classes in Oregon:

Fair Housing Protected Classes in Oregon																
Protected Class	Federal (1)	State	Counties:	Municipalities:												
			Multnomah Co.	Benton Co.	Ashland (1)	Beaverton Beaverton City Code 5.16.015 et sec.	Bend Bend Code 5.700 et sec.	Corvallis Corvallis Mun. Code Chapter 1.23	Eugene Eugene City Code 4.873 et sec.	Hillsboro Hillsboro City Code Chapter 9.34.005	Lincoln City Lincoln City Code Chapter 9.14.050	Lake Oswego Lake Oswego City Code Chapter 34.22.060	Portland Portland City Code Chapter 23.21	Salem Salem Municipal Code Chapter 97	Springfield Springfield City Code 5.551 et sec.	
Race	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Color	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Religion	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
National Origin	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sex	X	X (2)	X	X	X	X	X	X	X (2)	X	X	X	X	X	X (2)	
Parental Status (1)	X	X	X	X	X (2)	X	X	X	X	X	X	X	X	X	X	
Mental or Physical Disability	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Source of Income (2)		X	X	X		X		X	X	X	X	X	X	X	X	
Mental Status		X	X	X		X	X	X	X	X	X	X	X	X	X	
Age over 18 (1)			X	X		X	X	X	X	X	X	X	X	X	X	
Sexual Orientation		X	X (2)	X (2)	X	X	X	X (2)	X (2)	X	X	X	X (2)	X (2)	X	
Gender Identity		X	X (7)	X		X	X	X	X	X	X	X (7)	X (7)	X	X	
Type of Occupation (3)			X	X		X		X	X	X	X	X	X	X	X	
Ethnicity									X							
Ancestry																
Domestic Partnership									X	X	X		X			

(1) generally doesn't apply with respect to housing for "older persons"
(2) most statutes provide exceptions for recipients of federal rent subsidy payments under 42 USC 1437f (Section 8) or income derived in an illegal manner
(3) this protection is derived from the definition of "source of income"
(4) certain religious organizations or private clubs are allowed to give members preference; certain owner-occupied units are exempt
(5) may not be protected if real property is such that protection would result in unrelated persons of opposite sex using same bath or bedroom facilities
(6) some exceptions apply (in certain owner-occupied units and property owned by a religious organization)
(7) some exceptions apply (in certain owner-occupied units and property owned by a religious organization; documentation of gender status may be required in some situations)
(8) some exceptions apply (i.e. where dwelling is less than 400 sq ft, if state/federal housing, where regulations restrict occupancy)

IV. Literature Review (All Key Points)

The following items are pertinent findings from a literature review of ten analyses of impediments. The samples taken attempt to cover a broad variety of geographical scales and regions.

- The time required to move housing projects through the planning process greatly increases costs. (Colorado, Arapahoe County)
- Communities are creating policies to define ‘family’ and limit the number of people per household, square foot or bedroom. This is adversely affecting the Latino population. (Colorado, Arapahoe County and Twin Cities and Arizona)
- There is no clear definition of what constitutes a disabled individual. “There is nothing in the applicable fair housing laws nor case law that allows a jurisdiction to pick and choose the types of disabilities allowed in group homes.” (p.89) This affects the disabled community, halfway housing, and recovery/treatment housing. (Tennessee)
- Impact fees for community infrastructure or services are a challenge to developing affordable housing. (Colorado, Arapahoe County)
- Definitions, requirements, and the approval process for group homes vary by jurisdiction within the county. These differences are described, but not stated as impediments. (Arapahoe County)
- Developers face outdated ordinances which conflict with FHA guidelines. (Michigan)
- Fire, safety, and land use building codes potentially discriminate against disabled individuals with false or over protective assumptions of their needs. (Tennessee)

- Populations with limited English Proficiency are targeted by predatory lending, foreclosure and loan modification agents, and brokers. (Arizona State)
- Rural populations are underserved by fair housing services which has created racial and ethnic inequalities in residential patterns. (Arizona State)
- Zoning issues can indirectly restrict the conversion of properties and increase construction costs. (Phoenix)
- Removal of certain building restrictions that add significantly to the cost of development (e.g. certain tile roofing, landscaping and street dedications) results in greater flexibility for different housing types and reduction of fair housing impediments. (Phoenix)
- Zoning practices that dictate lot size and density lead to the concentration of affordable housing in minority and low-income areas. (Twin Cities)
- There is recognition of a lack of support for construction of housing for certain special needs groups, such as those living with a chemical dependency. (Twin Cities)
- When asked if they were aware of codes or regulations that created barriers to fair housing choice, respondents cited requirements for older properties to comply with lead-based paint standards or disability codes. (Twin Cities)
- Continued incidents of housing discrimination, particularly based on race, disability and family status present in areas of North and Central Seattle. (Seattle)
- Lack of knowledge/information about fair housing and the complaint process lead to underreporting of fair housing violations, especially in limited English communities. (Seattle)
- Subtle forms of preferential housing advertising exist in some local media sources. (Seattle)
- Racial minorities continue to experience differential rates of loan denials. (Seattle)
- The current subprime mortgage crisis brings potentially significant impacts on protected classes including: greater vulnerability to foreclosures due to racial minorities being a disproportionate share of subprime loan borrowers, increased difficulty of obtaining homes. (Seattle)

In review of the AI's, there are a few common themes present. One of the themes deals with definitions, whether it's addressing zoning codes, families, and group homes. There seems to be issues across the board with how definitions of certain words can create impediments for protected classes. Another theme is affordability. This is a combination of issues related to the costs associated with permitting/impact fees and the lack of sufficient funds. Time is also an issue related to affordability, the length of time of a project start to finish directly impacts the cost of the project and thereby potentially making the project not affordable any longer. Affordability issues are not always directed to the protected classes; however, many times affordability is a factor in serving the needs of the protected classes. The common themes across AI's indicate need for continued evaluation of impediments to achieve better results with the Fair Housing Act.

V. Interview Findings

FAIR HOUSING IMPEDIMENTS IDENTIFIED

The following two sections describe impediments to fair housing for specific protected classes, as identified by interviewees. The numbers of interviewees with similar impediment discussions are indicated within parenthesis, e.g. (x2) means two interviewees noted similar impediments.

Process Problems

- Washington County planners, building officials, and other developments staff have inconsistent development knowledge in conjunction with a lack of knowledge around financing requirements for varying funding sources. (x5)
 - Concerns expressed specifically for Beaverton.
 - There is a disparity between jurisdictions on how they would go about considering special issues such as reduced parking, reduced square footage per unit, or mandated higher density per acre to reduce land and building costs.
- The permitting process is too slow. It causes developers to lose significant amounts of money that are not factored into their budget. The slow economy exacerbates this situation. (x3)
 - One interviewee commended Tigard for their permitting speed; one also commended Hillsboro and Forest Grove; another mentioned that Beaverton was very slow.
- There is no regulated process for introducing specialized housing to the neighborhood in which it is slated to be built. Organizations use their judgment to decide how to integrate housing for people with criminal histories, those with drug and alcohol abuse problems, the homeless, and chronically mental ill into the community.
 - Some communities get upset that they didn't know these people are living in their community and that they were not involved in the planning process.
 - Some organizations developing this type of housing felt that the County is purposely working to make this process opaque so that individual politicians are not connected with these projects. They are frustrated by a perceived lack of support for their projects by the County.

Zoning/ Building Problems

- A few interviewees expressed concerned that “blanket” parking requirements and transportation development impact fees were unreasonable for many protected classes. E.g. the physically disabled who do not drive, notably in Beaverton. (x4)
- Limited mixed use zoning restricts housing that has supportive services within residential buildings (daycare, communal kitchen, etc.). (x3)
- Despite federal min/max occupancy standards based on number of bedrooms, individual landlords can set their own occupancy requirements. This leads to clustering of large families.
 - Service providers are unclear who regulates occupancy standards and what they are. Because of their lack of knowledge, service providers are unable to help families advocate for themselves.

- Residential density zoning and existing housing stock in Washington County is not suited for large families or group living facilities.
- One interviewee mentioned the special permitting required when building a two bedroom two bathroom unit. This expectation incentivizes developers to build one bathroom units and discriminates against families who often must share one bathroom.
- One interviewee experienced a zoning change in Beaverton. Their location went from Residential to Commercial so when it came time to rebuild the facility, the zoning required a Commercial space being built to be larger than the residence facility for the protected class. Also conflicted with HUD financing for this non-profit.

OTHER FINDINGS

The following is a summary of findings related to fair housing and impediments. The first section contains items that do not fall within the policy/planning/regulatory framework of this report, and relevant or interesting comments. The other section shows impediments to the development of affordable housing. Many of the affordability impediments impact one or multiple protected classes, however they are not specific to those classes, and thus are organized separately.

Challenges to Fair Housing and Integration

- Interviewees are unfamiliar with protected classes. (x13)
- The lack of funding for social services for protected classes (and non-protected individuals) such as the homeless, the physically and mentally disabled, the mentally ill, and seniors is a major impediment to helping these people either stay in their own homes or re-enter the housing market. (x9)
 - Keeping people in their own homes was considered the most successful type of “development.”
- It is harder to garner support (both from government and local communities) for developments serving those with mental illness or drug & alcohol abuse than it is in its support for developments for those with developmental disabilities) (x6)
 - Especially true in Beaverton.
- Clustering
 - Because application fees are such a large percentage of a homeless family’s budget, social service agencies steer them towards landlords they feel will accept them which can lead to clustering.
 - An individual’s own perceptions, beliefs, and desire to live with their own community may restrict where they are willing to live. (x5)
 - Service providers notice a pattern of Hispanic people finding housing faster but of less good quality and in clustered regions.
- Service providers are not cognizant of the level of housing discrimination that Fair Housing tests have shown to be present in their areas and are not advocating for their clients accordingly.
 - Fair Housing discrimination complaints go unreported. Social service providers are not engaging in this process. Service providers encourage families to move on and apply elsewhere instead of pursuing Fair Housing suits.

- Turnover in social service staff is such that development knowledge is quickly lost among non-profit developers.
- When applying for housing the application process is unregulated and opaque.
 - Landlords are supposed to take applications on a first come first serve basis. But landlords are hesitant to tell families/individuals where they are on the list so that they can decide who they want to take.
 - Landlords will take weeks to get back to families/individuals and these people will give up and apply elsewhere.
- Service providers working to house people in protected classes find that their client's housing applications are more often accepted by private landlords than by management companies.
- NIMBYism: The philosophy of Washington county community does not support, especially high needs/at risk populations ("benign unawareness" of homeless or special needs groups). This makes it difficult to direct money and resources towards these populations.
- Interviewee expressed difficulty "tapping into" minority/ethnic groups to provide housing or services.
 - With growing Somali population, some organizations have cultural competency trainings, but there are still huge variations within "Somali" and so there continues to be a steep cultural learning curve.
 - There is a lack of translators for some ethnic groups (ex: Somali), resulting in difficulty matching them with housing and services.
 - Some groups have known cultural advocates/liaisons, but others do not.
- Important considerations for many protected classes include proximity to public transit and shopping, good school districts, high quality public infrastructure (sidewalks, streetlights, etc), public space and access to health care facilities. Finding affordable land or existing structures that meet these needs is challenging.
- English as a Second Language (ESL) populations are especially vulnerable to landlord discrimination.

General Findings

- There appears to be no agreement among service providers to the protected classes as to whether these populations should be segregated or integrated with larger communities of renters.
- Interviewees indicated The Bridge development in Beaverton as a successful development to model though it is a segregated community serving the developmentally disabled. (x3)
- Seniors are disproportionately impacted by closures of mobile home parks. There is currently no proactive process for relocating displaced seniors with limited resources.
- Interviewees did not perceive building officials to be an impediment to developing housing for protected classes. Instead, they struggled to work with ODOT.
- To avoid code restrictions, homeless people are housed in churches because churches pass inspections for fire code and their insurance policies cover the general public. As long as the families rotate from church to church the churches do not have to follow codes pertaining to numbers of unrelated people cohabiting.

- Group homes are required to do late night fire drills that disturb neighbors. However, they are usually able to get variances for this.
- When creating housing for people with disabilities developers and county staff report using Fair Housing Law to deal with disgruntled neighbors and NIMBYism. They feel that this is very effective.
- In senior developments, the biggest expense was hiring a senior housing consultant to help with layout, design features to help seniors age in place.
- The challenge of balancing environmental stewardship goals of a dense transit-oriented development with needs of certain classes was brought up.
 - Ex: Seniors don't want to live in high-rise, even if there is an elevator. Families require more open space for children.
- Senior housing age limits are determined by funders, and sometimes can be 55+, meaning the age and need range is huge.
- Companion animals and service animals are often not cared for and cause damages to units. Housing providers have no way to recoup these damages.
- Landlord/Tenant law issues with eviction process surround even transitional homes.
 - Landlords struggle to implement speedy evictions for tenants who create a dangerous environment for themselves and others and should transition into skilled facilities.
- Developers who are proactively educating the community and addressing questions about their developments feel that their projects are accepted and successful.

Challenges to Developing Affordable Housing

- Design codes and covenants can make construction of homes for protected classes cost prohibitive. (x4)
 - Ex. certain types of shingles, building materials, and setbacks are required.
 - North Bethany and South Hillsboro are especially difficult areas.
 - Dictated square footages increase costs.
 - Special permitting fees to allow more bathrooms in two bedroom units raise costs.
- Beaverton pre-application hearing requirements and associated fees increase cost of development. (x3)
 - A hearing is required before you can move forward on project/purchasing land. This hearing requires Architect/engineer's plans, which are expensive
 - Organizations without extensive development knowledge are unaware that permits may be required before they go in for the hearing.
 - Hillsboro offers free "off the record" advice on plan drafts before official plan submittal or review.
- Relatively low market rate rents in Washington County make it difficult to develop economically sustainable mixed income housing.
- Pre-Development Costs are high
 - Systems Development Charges (SDCs) can make a development prohibitive financially. Sherwood and Hillsboro have very high SDCs that often amount to \$4,500 to \$6,500 per apartment unit. SDCs vary across Washington County. Costs cannot be recouped and add dramatically to debt service.

- \$125,000 is the estimated amount of money needed to complete the initial application. It is difficult to find funding for pre-development costs.
- Non-profit developers tend to have a limited relationship with the business community. This leads to challenges when trying to develop mixed use housing especially in downtown areas.
- Beaverton and Hillsboro do not provide tax exemptions for affordable housing as Tigard does.
- It is cost prohibitive to provide housing for protected classes on public transit routes.
 - To work around this the county provides shuttles between housing and public transit or uses Ride Connection.
- The county has no ability to mandate affordable housing
 - Affordable housing development is therefore dependent on the “goodwill of non-profits and occasional beneficence of for-profits.”

VI. RECOMMENDATIONS

The following recommendations were conceived by the authors of this report. Some are inspired by, or come directly from, the interviewees.

- County and Fair Housing organizations should create and distribute educational tools and materials to social service workers, county staff, and developers. These materials should include the following:
 - A current list of the protected classes in Washington County.
 - Rates of discrimination (as demonstrated by Fair Housing tests or other measures), and related pressing issues per most recent analysis.
 - Best practices guide for development of housing for protected classes.
 - Best practices guide for integrating housing for protected classes into the surrounding community.
 - Firefighters, police and other public safety workers should be included in the planning and development of housing for the homeless, disabled, or mentally ill.
 - Volunteers of America run a men’s house in Portland for drug and alcohol recovery. This project could be used as a case study. From the start of the process, VOA had a committee that met regularly with the community, and residents did regular community service in the neighborhood.
 - Provide training to county staff on government funding sources as it relates to the development process.
 - Develop protocols to educate emergency responders about where people with special medical needs are and what those needs consist of.
 - Provide more cultural education/language services and cultural competency training to housing and service providers. (E.g. Resources such as names of religious or cultural centers and leaders.)
 - Perform regular surveys of stakeholder knowledge of protected class issues and follow up with education as needed.
- Provide jurisdiction or county-wide classifications for parking requirements and transportation-related impact fees based on proximity to public transit, and percentage of population likely to use a vehicle.
- Land costs constrain availability of larger affordable housing with more bedrooms that serves protected classes in group homes or with larger families. Zoning could be altered to allow larger housing units in low cost areas or subsidies provided in high cost areas.
- Advocate for compelling incentives for for-profit developers to include affordable units. (E.g. inclusionary zoning!)
- Expand voluntary tax-abatement program from Tigard to county-wide.
- In Beaverton (or county-wide) allow for free “off the record” advisory services to non-profits serving protected classes before the pre-application hearing.
- By focusing on public infrastructure like sidewalks, increased public transit, street lights, and general public safety, Washington County could greatly increase the ability of protected classes to stay in their own homes. This focus would simultaneously broaden the areas appropriate to develop housing for protected classes.
- Politicians should vocalize public support for specific development projects aimed at protected classes to counter NIMBYism.

- Washington County should send representatives to community meetings/hearings about proposed developments and let their constituents know that the county is behind the development.
- Match social services funding to protected classes that are already housed but may need support can stay in their own homes. Also, the County should prioritize social services for protected classes that may need long-term or short-term support staying in or transitioning to private market independent housing.
- Develop a proactive process to deal with re-housing seniors when mobile home parks are closed.
- To facilitate the parking and impact fee variance process for ADA and senior housing the County should have studies on file of reduced parking need or reduced traffic impact.
 - E.g. in Beaverton you have to go through variance process to change parking requirements to 0.5/unit for senior housing. This means you have to pay traffic/transportation engineer to produce a study saying seniors have fewer cars than average.
 - Tigard has policy written into code that allows 20% reductions in parking requirements, but the onus is on developers to prove a need.
- Provide a collaborative forum to advance partnerships between public, private and non-profit development planning for protected classes and affordable housing needs.
 - The economic development arm of Washington County should help non-profits collaborate with the business community to promote mixed use developments like the “Belmont Dairy” in Portland.

VII. Conclusions

In general the stakeholders agreed that Washington County has become more focused on Fair Housing over the last decade. That being said, it is clear that affordable housing is prioritized over specific needs of protected classes. Stakeholders were overwhelmingly unfamiliar with the protected classes. They could not list them and often included groups of people who are not protected such as ex-criminals. Social service workers in particular displayed a dismissive attitude towards reported housing discrimination. They were unaware of the stark findings of recent Fair Housing tests in their communities. The County should focus on outreach to developers and social service agencies that include a housing element. The outreach should both increase awareness of protected classes and train advocates to recognize and address fair housing violations.

Stakeholders emphasized that the housing needs of the protected classes they served went beyond “brick and mortar” issues. They exhorted Washington County to continue to devote funds to improving public infrastructure. Housing for many protected classes must be near public transit, have sidewalks and streetlights, be near shopping, groceries, medical facilities, and hopefully have high walkability scores. Moreover, by matching CSBG funds and other funding sources with social service agencies that work to house protected classes the County could increase housing for protected classes without requiring any new development. Expanded social services would allow many protected classes (e.g. those with disabilities, the mentally ill) to remain in their own homes. In our interviews we were repeatedly told that the most successful developments for these protected classes were those that maximized the choice of the client, including the choice to remain in their own home.

Many developers expressed frustration over the persistent NIMBYism in Washington County. One notable exception is the development of homes for the developmentally disabled. Stakeholders ask that Washington County be transparent about the need for housing for protected classes and be present at community hearings and meetings during the process of integrating such housing into neighborhoods. We recommend that County staff encourage communication between land use planners and funders to facilitate this process.

Finally, we would like to recognize the limitations of our study, namely the lack of participants from unincorporated Washington County and rural communities within county lines. We hope that representatives from these communities can be included in the future.

References:

Arizona State

<http://www.azhousing.gov/azcms/uploads/REPORTS/2010%20Analysis%20of%20Impediments.pdf>

Tempe, Arizona

<http://www.tempe.gov/housing/CDBG/Tempe%20AI-FINAL-DRAFT.pdf>

Phoenix, Arizona

<http://www.phoenix.gov/GRANTNSD/impedim.pdf>

Murfreesboro, Tennessee

http://www.planningcommunications.com/ai/murfreesboro_tn_ai_2010.pdf

Michigan State

http://www.ci.royal-oak.mi.us/portal/webfm_send/1058

Twin Cities, Minnesota

www.metrocouncil.org/planning/

Seattle, Washington

www.seattle.gov/housing/planning/

New York City, New York

http://www.nyc.gov/html/dcp/pdf/pub/conpl_affh_sub.pdf

Colorado State

<http://dola.colorado.gov/cdh/publications/COLORADO%20ANALYSIS%20OF%20IMPEDIMENTS%20TO%20FAIR%20HOUSING.pdf>

Arapahoe County, Colorado

http://www.co.arapahoe.co.us/Departments/CS/HCDs/FairHousing/Fair_Housing_Impediments_FINAL_2009.pdf

Appendix:

SECTION A: Relevant recommendations from other AIs

The Twin Cities AI states:

“Because of the high degree of disproportionate shares, or over-concentration of population, seen by selected racial and ethnic minorities, communities throughout the FHIC region need to work more carefully to encourage inclusive housing location policies for both private and public housing providers.

a. This would include considering the location of new public and/or assisted housing units and the concentrations of racial and ethnic minorities in those neighborhoods and avoiding making such concentrations more extreme.

b. This would include encouraging the rental and real estate industries to better understand their role in this problem.

c. This would include encouraging the adoption of affirmative marketing policies that would guide decision making in the distribution of jurisdiction owned homes and the selection of participants in jurisdiction-administered home finance programs.” (pp. 110-111)

The Seattle AI uses strong language and proactive policies and land use regulations to address fair housing:

Siting Policy- “Versions of [siting] policy date back to the early 1980s, when concerns about concentration of subsidized rental housing in low-income neighborhoods came to the forefront. Today’s siting policy limits extremely low-income housing units (0-30 percent of AMI) to no more than 20 percent of total housing units in any given Census block group. The siting policy includes the following statement: “In accordance with national, state and local fair housing laws, OH disregards, in evaluating neighborhood support for the project, any opposition that appears to be based on characteristics of future residents of a project if discrimination based on such characteristics is prohibited.” (p.77)

Neighborhood Notification and Community Relations Guidelines Policy- This policy relates to siting of affordable housing and includes the following statement: “It is the policy of the City of Seattle that OH funding of affordable housing not be refused solely on the basis of concerns expressed by neighbors; the City supports and is committed to promoting diversity in Seattle neighborhoods. Consistent with State and Federal law, a housing project should not be excluded from a neighborhood solely based on any of the following characteristics of the persons who will live there: age, ancestry, color, creed, disability, gender identity, marital status, national origin, parental status, political ideology, race, religion, gender, sexual orientation, possession or use of a Section 8 certificate, or use of a guide or service animal by a person with a disability.” (p.78)

Affirmative Marketing- “Borrowers are required to affirmatively market vacant units. Borrowers must use marketing methods designed to reach persons from all segments of the community, including minorities, persons of color and persons with disabilities. In addition, owners are strongly encouraged to inform providers of emergency shelters and transitional housing about their projects and to promote access to households ready to move into permanent housing. Owners will be required to maintain records of their affirmative marketing efforts and to report annually to OH on those efforts. Borrowers of funding for transitional housing will be required to develop processes to assure that homeless individuals or families coming out of emergency shelters have equal access to transitional housing projects.” (p.78)

Seattle land use regulations support fair housing, including parking requirements, provision of group

homes, and allowance of non-traditional dwelling types that expand housing choice. These are discussed below.

Reduced parking requirements- “In recent years, the City of Seattle has enacted reduced parking requirements for affordable housing developments and for certain areas of the city, which helps improve housing affordability. In October 2002, the Seattle City Council passed Ordinance 120953, which reduced parking requirements for affordable housing developments. Parking requirements for extremely low-income units (30 percent median income and below) with two or fewer bedrooms were reduced to 1 parking space per 3 units (instead of 2). Units with three or more bedrooms were required to have 1 parking space per unit. For units serving tenants between 30 and 50 percent of median income, 0.75 parking spaces per unit are required. Additionally, parking for residential units in Center City neighborhoods of downtown were 1 space per 2 units (for 3+ bedrooms) and 1 space per 3 units (2 or fewer bedrooms.” (p.79)

Below is Seattle’s plan for education and outreach. It may be helpful as a model for Washington County.

- a. Partner with tenants advocacy groups and community organizations to provide fair housing training to renters. Request HUD funding to provide staff and material resources.
- b. Develop a Fair Lending program for renters and prospective homebuyers to provide training in recognizing discriminatory lending practices. Ensure the program is language- and culturally-appropriate for limited English underserved populations.
- c. Work with advertising departments of publishers of local housing information to eliminate explicit and implicit forms of preferential advertising.
- d. Explore feasibility of a fair housing hotline to encourage education and follow-up on filing of complaints.
- e. Continue to reach out to apartment owners and the real estate industry, particularly in North and Central Seattle sub-areas, to encourage education about fair housing.
- f. In reasonable cause cases, develop a settlement requirement requiring respondent to provide and assume cost of SOCR-led Fair Housing trainings for tenants. Trainings should be open to the public and advertised in locales commonly-frequented by neighborhood residents such as grocery stores, Laundromats, child care centers, grocery stores, etc.” (p.7)

Overall the Seattle AI has a strong focus on fair housing and is worth reading in its entirety. This AI utilizes creative research like looking on craigslist for ads that imply or directly state a desired type of tenant. Such research may be interesting to Washington County.

SECTION B: Fair Housing Questionnaire

FAIR HOUSING IMPEDIMENT STUDY

Review of Public Policies and Practices (Zoning and Planning Codes)

Name of Jurisdiction: _____

Reviewing Agency: _____

Reviewer: _____

Date: _____

The Fair Housing Impediments Study reviews the Zoning and Planning Code and identifies land use and zoning regulations, practices and procedures that act as barriers to the development, the site and the use of housing for individuals with disabilities. The Study analyzes the Code and other documents related to land use and zoning decision-making provided by the participating jurisdiction. Additional information should be provided through interviews with Planning and Building and Safety Department staff and non-

profit developers of special needs housing. In identifying impediments to housing for individuals with disabilities, the Study should distinguish between *regulatory* impediments based on specific Code provisions and *practice* impediments, which describe practices by the jurisdiction.

Zoning Regulation Impediment: Does the Code definition of “family” have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement? Yes ____ No ____

Zoning Regulation Impediment: Is the Code definition of “disability” the same as the Fair Housing Act? Yes ____ No ____

Practice Impediment: Are personal characteristics of the residents considered?

Yes ____ No ____

Practice Impediment: Does the zoning ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as a “boarding or rooming house” or “hotel”? Yes ____ No ____

Practice Impediment: Does the zoning ordinance deny housing opportunities for disability individuals with on-site housing supporting services?

Yes ____ No ____

Does the jurisdiction policy allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled?

Yes ____ No ____

Does the jurisdiction policy not allow disabled persons to make reasonable modifications or provide reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing? Yes ____ No ____

Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for disabled applicants and is the hearing only for disabled applicants rather than for all applicants? Yes ____ No ____

Does the zoning ordinance address mixed uses? Yes ____ No ____

a. How are the residential land uses discussed?

b. What standards apply?

Does the zoning ordinance describe any areas in this jurisdiction as exclusive?

Yes ____ No ____ Are there exclusions or discussions of limiting housing to any of the following groups? No ____ If yes, check all of the following that apply:

Race ____ Color ____ Sex ____ Religion ____ Age ____ Disability ____

Marital or Familial Status ____ Creed of National Origin ____

Are there any restrictions for Senior Housing in the zoning ordinance? Yes ____ No ____ If yes, do the restrictions comply with Federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older or at least one person 55 years of age and has significant facilities or services to meet the physical or social needs of older people)? Yes ____ No ____ If No, explain:

Does the zoning ordinance contain any special provisions for making housing accessible to persons with disabilities? Yes ____ No ____

Does the zoning ordinance establish occupancy standards or maximum occupancy limits? Yes ____ No ____ Do the restrictions exceed those imposed by state law? Yes ____ No ____

Does the zoning ordinance include a discussion of fair housing?
Yes ____ No ____ If yes, how does the jurisdiction propose to further fair housing?

Describe the minimum standards and amenities required by the ordinance for a multiple family project with respect to handicap parking.

Does the zoning code distinguish senior citizen housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)? Yes ____ No ____

Does the zoning code distinguish handicapped housing from other single family residential and multifamily residential uses by the application of a conditional use permit (cup)? Yes ____ No ____

How are “special group residential housing” defined in the jurisdiction zoning code? _____

Does the jurisdiction’s planning and building codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act? Yes ____ No ____ Is there any provision for monitoring compliance? Yes ____ No ____

SECTION C: PSU Group Template Questions for Interviewees

Questions for Developers and Owners

- Could you tell me about the kind of housing work you do, and which protected classes you serve on a regular basis? [might need to refer to list of protected classes]
 - Prompts: Do you have housing built specifically for a protected class, such as persons with disabilities? What about “mixed” housing that may serve both households not in protected classes as well as those in a protected class?
- What special things have you found that you need to consider in designing, developing or purchasing housing for [the protected classes that you serve]?
- What challenges related to zoning ordinances or building codes, if any, have you faced in creating projects that serve [protected class]?
 - Prompt: Which jurisdiction?
- What challenges do you experience in the pre-development process?
 - Prompt: What do you look for when you search for a site suitable for a project for [protected class]? What challenges do you experience in finding a suitable site?
 - Prompt: What tools do you have at your disposal to get into neighborhoods that are perceived as safe or have an array of amenities to serve [protected class] needs?
 - Prompt: How hard is it to find a suitable site where the public infrastructure and services are good enough to support families or disabled persons (i.e. sidewalks, lighting, transit access, good schools)?
- What kinds of challenges, if any, do you experience in working with planners to get approval for your projects?
 - Prompt: Which jurisdiction?
- What kinds of challenges, if any, do you experience with building officials in developing housing that meets the needs of [protected class]?
 - Prompt: Which jurisdiction?
- Are there any other challenges that you experience in the permitting process that get in the way of creating housing for [protected class]?
- Do you feel that there are zoning/building regulations, etc. (like parking, ADA) that require you to provide space/spend money or time, that could be better spent to provide services or alternate space for use by [protected class] residents? (Ex: Industrial kitchen in a community area in your development.)
- What suggestions do you have for making it easier to create and own housing that meets the needs of [protected class]?
- What do you consider to be your most successful project that serves [protected class]?
 - Prompt: Please tell me about it (who it serves, where it is, what makes it successful)?
- What project that serves [protected class] has given you the most problems?
 - Prompt: What has made it challenging? What would you do differently?

- Is there any advice that you would like to offer Washington County that we have not covered already about how to remove impediments, provide tools or otherwise make it easier to create housing for [protected class]?
- Is there anyone else you whom think it would be helpful for us to talk to?

Appendix D: Qualitative Data

Fall 2011 – Concepts of Citizen Participation
Prof. Ellen Bassett
Allison Moe and Erik Olson

BARRIERS TO FAIR HOUSING IN WASHINGTON COUNTY FOR ADULTS WITH MENTAL HEALTH CHALLENGES ~ FOCUS GROUP RESULTS ~

Introduction

On Friday October 28, 2011, Portland State University graduate students Erik Olson and Allison Moe conducted two focus groups. The first was with case workers who work with adults with mental health challenges, and the second was with adults with mental health challenges themselves (referred to in this document as “consumers”). The purpose of these focus groups was to gain insight into the difficulties mental health consumers face in trying to access housing in Washington County, Oregon.

These focus groups are part of a larger effort by the county to update its Fair Housing Plan. Fair Housing Planning is required by the Federal Government of any jurisdiction that receives funding from the Department of Housing and Urban Development (HUD). It is a result of the 1968 Fair Housing Act, which prohibited discrimination “in the sale or rental of housing on the basis of race, color, religion, or country of origin” (Schultz, 2006, p. 277). Disability and familial status were later added as additional “protected classes.” In the context of Fair Housing, discrimination refers both to disparate *treatment* of people in protected classes, and disparate *effects* of policy or practices. Treatment refers to the very direct mechanisms of discrimination that existed at the passage of the Fair Housing Act, for example racially discriminatory lending practices such as redlining. Impact refers to discrimination that is often more difficult to detect, for example zoning or other land-use regulations for which the resulting development might have a different impact on people in protected classes. HUD has required that jurisdictions receiving grant money periodically prepare and Analysis of Impediments report to identify barriers and discrimination that exist, and what actions they plan to use to address them. These focus groups were a part of this process in Washington County, specifically directed towards the protected class of those with mental health disabilities.

Methodology

Portland State University graduate students Allison Moe and Erik Olson conducted both focus groups on the afternoon of October 28, 2011. Other attendees included Jennie Proctor, a representative from the Washington County Office of Community Development, as well as Chonglie Wang and Xiaozhou, urban planners visiting from China. In both focus groups, Jennie provided an overview of the purpose behind the County’s research and sat in as a (more or less) neutral observer, answering County-specific questions when needed. The two planners from China were also observers, there to witness one method of public participation used in the United States. The facilitator for each group asked a series of prepared questions, which had been approved by Washington County staff. A copy of the questioning route is provided in Appendix 1. Both Allison and Erik took notes on the responses, and the focus group was audio-recorded as well, with the permission of the participants.

The first focus group was conducted with three case workers who work with mental health consumers, who represented the following organizations: Lukedorf, Safe-Haven, and Sequoia. This group was facilitated by Allison Moe, with Erik Olson taking on note-taking and observation responsibilities. This group took place at the Washington County Office of Community Development in Hillsboro, and lasted just under one hour.

The second focus group lasted just over one hour, and was facilitated by Erik Olson. It took place in the main community room at Comfort Zone, a facility in Hillsboro that provides daytime gathering space and services to consumers. There were six participants for most of the focus group proceedings, though some came and left the table, and others chimed in with comments for only particular questions. The setting of the focus group, in the middle of a commonly used meeting space surrounded by activity, helped make the participants feel comfortable. Due to the specific challenges of this protected class and the exploratory nature of the focus group we embraced the fluidity of participation.

Findings

What consumers are looking for in housing:

We found that the consumers' preferences for housing were very similar to those of the general public – in particular, both focus groups highlighted safety as a primary concern. Another important issue identified by both case workers and consumers was the permission of pets within their homes (something that will be addressed in further detail later in the report). Access to amenities came up several times - including proximity to shops, cafes or community gathering spaces – along with access to transit routes such as bus and light-rail. Though there were some common themes, these consumers exemplified varying lifestyle and housing preferences, making it risky to overly generalize for this particular protected class. Some consumers said that it was good for them to get out of the house, and that they'd prefer to be surrounded by activity and “things to do,” while other participants self-identified as “home-bodies” who preferred quiet and solitude.

Location preferences for an ideal housing situation also varied greatly, with some wanting an urban setting and others preferring a more low-key suburban setting- notably with trees. The consumers also seemed to have varying inclinations towards housing type, though there seemed to be an overarching preference for single family or duplex housing, as opposed to multi-family apartments. Most case workers stated that they would prefer *not* to live in shared housing situations, especially if they were clumped together with individuals with criminal backgrounds or histories of drug abuse. Again, it should be re-stated that most of these findings were not necessarily uniform amongst all participants, and that identifying commonalities amongst this protected class is just as difficult as doing so for the public at large.

Discrimination

Many of the consumers clearly stated that they had experienced discrimination based on their mental health status, and were very passionate in their conviction that the general public – in this case property managers – lump them into negative stereotypes based on assumptions about mental health. For example, they perceived that they are considered by many to be slobs, drug users, or threats to safety. A few consumers stated that many people don't know anything about the “mentally ill,” and one echoed, “you only hear about the mentally ill when they commit a crime.” Another commented, “most of us are in control of our life, trying to do the best we can,” and yet are “segregated” to a few housing options because of the “stigma against mental health.”

A specific example that echoed this perception arose when two of the women in the consumer focus group said that property managers enforced certain rules differently for them than for other residents, which they believed was directly related to the managers' knowledge of their mental health status. The situation they described was related to having friends visit their residence or stay overnight, which the case workers also identified as a recurring issue- especially in shared housing environments.

However, such examples of discrimination are difficult for case workers to substantiate due to the mental health status of some consumers, with paranoia as an especially relevant concern. When the case workers were asked if any of their clients had experienced discrimination, the response was not entirely clear.

Due to their mental health state, and because many consumers have been discriminated against in the past, some are very sensitive to disparate treatment. It was to differentiate perceived discrimination from factual evidence of episodes where discrimination occurred. None of the case workers interviewed for this focus group had pursued Fair Housing discrimination cases with any of their clients. It is also worthwhile to note that no prior research had been conducted by Washington County in relation to the existence of discrimination against this protected class.

Barriers to Fair Housing for Consumers

In Appendix 2, we have provided a summary of the barriers to fair housing, with examples, identified in our focus groups. It is important to note that many of the barriers overlap with each other. This is because it is difficult to generalize about these individuals, since each has such specific challenges and needs. The case workers pointed out that most of the people they work with face challenges that transcend a simplistic definition of 'mental health consumer,' and histories with drug usage or criminal activity can make individuals ineligible for protection under Fair Housing law. This makes it very difficult to determine what actions constitute illegal discrimination, and makes the definition of legally defensible barriers somewhat blurry.

Yet it was clear in both focus groups that certain unique aspects of individuals with mental health challenges make it much more difficult to find and retain housing (see Table 2). For example, hoarding tendencies within rental units are common amongst consumers, and property managers explicitly dislike this behavior. These instances make consumers far more vulnerable to eviction or harsh implementation of regulations. Pets also fall under this category; though some consumers of mental health services may have medically designated service animals (which are protected under ADA "reasonable accommodation" requirements), many others have less official service animals. These situations can make it difficult to find accepting property managers willing to allow consumers with pet companions into their units.

Income

Income and cost of housing were barriers that seemed to underlie much of our discussion in both focus groups. Income is not protected under the Fair Housing Act, and disentangling this issue from the issue of protected status was at times difficult. Though source of income is generally protected within the State of Oregon, housing vouchers present instances where this protection is excluded (<http://www.fhco.org/incm.htm>).

According to both the case worker and consumer focus groups, housing vouchers (whether Section 8 or local Shelter Plus Care) seemed to be a primary source of housing financing. Almost everyone expressed difficulty in finding property managers that would accept vouchers; one case worker even said that when she began this aspect of her job, she incorrectly assumed that it would be easy to place individuals in homes that would accept what she considered "guaranteed money." Case workers also mentioned that vouchers don't cover application fees, which can be a serious challenge for individuals for whom the

vouchers (or other non-monetary items like food stamps) may be a sole source of income. The other difficulty is that many property managers require that renters have a certain amount of monthly income, sometimes defined in terms of multiples of the amount rent (for example, income must be double or triple the amount rent), in order to accept an applicant. Because vouchers are often one of the only sources of income for consumers, many are automatically ineligible for such units.

Another income-related barrier has to do with deposits. The case workers mentioned that sometimes property managers will require double the regular deposit amount for certain “hard cases.” This commonly includes people with bad credit histories, but the case workers said that some property managers will require it of people with criminal or legal histories. Since individuals with mental health disabilities may be more likely to have such histories (though statistically it is unclear, the case workers seemed to believe this), and are more likely to have very limited incomes, this requirement is a particular challenge. Case workers also pointed out that this deposit requirement is not uniform amongst property managers, and is seldom put in writing. In several cases this contingency was not brought up until very late in the lease-signing process, another challenge for consumers and case workers.

Regulation

The examples provided above suggest another theme in housing challenges that face mental health consumers: regulation. Case workers, and a few of the consumers we spoke with, identified the strict regulations of larger property managers as being a major challenge for consumers looking for housing. Rules regarding aforementioned issues of criminal history, policies towards pets, “tidiness” and minimum income requirements are very difficult for individuals with mental health challenges to adhere to. Though these regulations protect property managers/owners, they present a unique challenge for a diverse array of mental health cases. Case workers discussed how they tend to work with independent property owners/managers, who are more likely to make adjustments on an individual basis.

Depending on the sources and levels of income for consumers, case workers said they also often recommend using craigslist to find housing – a tactic echoed by one of the consumers we spoke with. Though most craigslist opportunities won’t accept housing vouchers, many will not do extensive background checks (which helps with criminal history barriers), and will often be more flexible with issues identified as important to consumers. However, such an approach also has its own difficulties – the flexibility of independent property managers can make it easier for consumers to access housing, but often makes it harder to retain housing. For example, using a checklist when you first get into a housing unit is fairly standard with larger property managers, but not with independent ones. Consumers, for example those with hoarding tendencies, may be accused of property damage, and without the regulation of that initial checklist it can be very difficult to defend.

Segregation

During the focus group with mental health consumers, the word and concept of “segregation” came into the discussion more than once. All of the barriers mentioned above, especially the issue of limited financial resources, greatly limit the range of locations and properties available to consumers. Many case workers seek out and maintain relationships with property managers that are more flexible, or less likely to impose strict regulations, which can simplify the process of overcoming these complex barriers. But these units tend to fill up quickly, and can lead to “steering” among case workers.¹

¹ We listened to, and have relayed these suggestions. However, the kind of regulation they are looking for, known as mandatory “inclusionary housing,” is not permitted within the state of Oregon.

In another example, one of the consumers said that she was “horrified” by a recent multi-unit development intended to provide housing for individuals with mental health challenges. In her mind, the County (and perhaps other levels of government) was subsidizing the purposeful separation of mental health consumers from the general public. The consumers feel that this isolation from larger society perpetuates the kinds of stereotypes that in turn make it difficult for them to access and stay in housing.

That same consumer noted that every year a group of students from PCC visit Comfort Zone (presumably as a community service project), and that many had not previously interacted with people with mental health challenges. This discussion underscored a desire amongst the consumers we spoke with for a more integrated living environment.

One consumer suggested that the County should stop giving money to organizations that she perceived as building segregated housing. Her suggestion was supported by a man cutting peoples’ hair in the back of the room, who said that the County should require that property managers accept a certain number or percentage of “hard cases.” The consumer pushed this farther, saying a percentage of units should be set aside in order for new developers to get a building permit. The man cutting hair mentioned the New Columbia HOPE VI project in Portland, which redeveloped public housing into a mixed-income community. In his eyes, this “broke up the ghetto,” helping to integrate “black people” and increase safety. [1]

Key Themes and Recommendations

Above all else, it is clear that consumers want to be treated like average members of the general public. The focus groups brought to light a variation within housing preferences and needs that were similarly diverse to the population in Washington County at large, and it seemed like housing strategies that include integration – as opposed to “segregation” – were most desired. Safety issues related to shared housing situations with other non-protected classes, such as those with criminal backgrounds and histories of drug abuse, seemed like a concrete example of the pitfalls of current methods leading to separation of consumers from more traditional housing environments. Yet it became clear that there were often multiple issues at play, depending on the particular case, and there were problems with defining consumers as a protected class when there are often other issues that can prevent these individuals from fair treatment under the law. The multi-layered, unique nature of each consumer’s situation might be the single most challenging barrier identified in these focus groups.

Most property management practices that negatively impact consumers are protected under the realm of legal property rights, and there is a distinct difficulty in allowing for the pet policies, property damage clauses and contingencies relating to deposits or lease requirements that would favor these individuals the most. Recent efforts made by Washington County to be more accommodating of these needs, such as the recently completed housing development intended to specifically serve this population, were seen as condescending and detrimental to mental health consumers. The best method for effectively meeting the housing needs of this community remains unclear; the desire to become more integrated into the community and the need for more accepting property management regulations are somewhat at odds with each other, and it may have been a good idea to brainstorm more concrete examples of housing situations that the consumers feel would resolve these issues.

Many of the identified barriers could be considered universal barriers related to income disparities and housing voucher systems. None of the case workers we spoke with had received specific training on fair housing, and most consumers in the focus group admitted to not being familiar with programs that could help navigate the processes associated with obtaining affordable housing, including Rent Well and NAMI. One recommendation would be for the County to provide informational pamphlets for these

programs to Comfort Zone and other mental health-related organizations, as well as providing them to organizations that offer case management services. In addition, the County could organize training sessions on fair housing, or perhaps host informational meetings at places like Comfort Zone. It was encouraging to witness the level of participation and engagement that resulted from these focus groups, and the willingness of these individuals to provide input and share their experiences should be considered in future efforts. Though at the moment many of the barriers identified in these focus groups seem outside of the power of the County, such as the current housing voucher system, inclusionary housing regulations, and property management practices, there is definite potential to successfully work with this population to ideate more implementable strategies in the future – especially if the County continues to reach out to the community at locations as welcoming as Comfort Zone.

Appendix 1. Questioning Routes for Focus Groups

MENTAL HEALTH CASE WORKERS/SERVICE PROVIDERS

Introduction

Hello, my name is Allison Moe, this is Erik Olson, and this is Xiazhoe and Chonglie. Erik and I are graduate students studying urban planning at Portland State University, and these are planners from China, who are here in Portland through an exchange with our program at PSU, and our observing this focus group today.

We are conducting this focus group today as part of a class we are all in at PSU, but it is on behalf of Washington County. As you may or may not know, Washington County is currently updating its Fair Housing plan, and we are working with them to gather information for a part of it called the Analysis of Impediments to fair housing. We are looking to you all today to help us, and Washington County, to understand some of the barriers your consumers face when looking for housing.

A few things for you to know before we get into our questions: First of all, this meeting is structured as a focus group, which should last one hour. I will be facilitating and Erik will be supporting me and taking notes. I will be asking specific questions, and really trying to keep to those questions. But our goal today is to learn, and so any relevant comments you may have that fall outside of our specific questions are very much welcome. We will reserve some time at the end for more open-ended discussion.

Second, many of you may work with people from a great diversity of situations. However, we are here to understand barriers specific to people with mental health disabilities, which is a federally protected class, and so we will try to keep the conversation to that specific population. Finally, we know that we are trying to get general reflections on individuals with very unique needs and experiences. So if there are questions you think would be better answered by your consumers themselves, please let us know.

Ice-Breaker

1. Can everyone go around and tell us your name, a little bit about your background, and your role with consumers of mental health services?
 - (probe) Do you place people in housing?

Questions

2. What process do you use to identify housing options for your consumers?
 - Do they find it themselves?
 - Do you offer them choices? Do you work from a list?
3. What are the aspects that you feel are most important to your consumers when looking for and selecting housing?
 - Is location important?
 - Is the type/style of housing important? (shared, SRO, multi-family, single family, etc)
 - What amenities are important?
4. What are the biggest challenges, if any, that **you** face in placing consumers in housing in Washington County?

5. What are the biggest challenges, if any, that **you** face in trying to help keep consumers in their housing situations?
 - Are they different from question #4?
6. If any of you have worked in other jurisdictions, are there differences in the challenges to housing consumers compared to Washington County?
7. In these other jurisdictions, were there different approaches to housing, or fair housing, that you think were particularly effective or ineffective?
 - Where? Examples?
8. Have any of your clients reported experiencing discrimination while looking for housing? If so, how have you dealt with this?
 - How frequently?
 - Do you think more or less goes on than is reported?
 - Do they know about fair housing protections?
 - Have you referred them to other agencies or organizations?
9. Have you received training from your agency on Fair Housing?
 - Can you talk about what this training looks like?
10. In light of this discussion, are there things that you think Washington County could do to make it easier for consumers to access housing that suits their specific needs?
11. Finally, are there any issues we have not touched upon that you feel are important to consider in terms of access to housing, or housing-related discrimination?

MENTAL HEALTH CONSUMER FOCUS GROUP

Note: A lot of this may need to be changed on-the-fly as we learn more about these consumers in the first focus group with the Case Workers. These questions are designed to be relatively flexible in light of this fact.

[Topics for further probing to be indicated with bullet points]

Begin by introducing myself and the purpose of the focus group, including who is involved (Washington County, City of Hillsboro, etc.) and the specific usage of the information that will be obtained.

--> What is your name? If you could live anywhere within the county, in any type of living situation, what would you choose?

- Encourage reasonable expectations, try to steer clear of 'mansion with my own chef'-type responses

--> Can you describe your current housing situation, and how long you've lived at your current place?

- Location?
- Size? (Lot size, square footage, single family vs multi-family?)
- Owned or rented?
- How do you pay rent? (Private vs subsidized/section 8)

--> What do you like best about your place? What don't you like about it?

- What was your housing situation like before you moved into your current place?

--> What do you do on a day-to-day basis? What types of activities?

- How do you get around town?
- Where do you go? (specific locations)

--> How did you decide to live in your current place?

- Were case workers involved? Was there other assistance?

--> Do you feel like you're a part of the neighborhood you live in?

- How do you feel you are perceived by those that live near you?

--> Do you know your landlord, or see them on a regular basis? How would you describe your relationship with this person?

--> Where in your daily life do you feel most welcome and accepted?

- How does the Washington County Consumer Council / Comfort Zone fit into this? These meetings?
- Based on responses, perhaps question certain individuals about where they do not feel comfortable... especially if it relates to a housing situation.

--> Are you aware of any resources available to members of your community that experience discrimination when it comes to housing issues?

- If necessary, explain that such discrimination is illegal based on the Fair Housing Act.
- If necessary, explain the mission of the Washington County Fair Housing plan, including it's scope.
- If necessary, explain specific resources available to them through the County, the City of Beaverton, or the WCCC / Comfort Zone.

**Appendix 2. Summary of Barriers to Fair Housing in Washington County
Identified in Focus Groups, with examples**

<p>Income and Costs</p> <p>Costs Ex. Income requirements (eg. as multiple of rent) Ex. Higher deposits for “hard cases”</p> <p>Voucher limitations Ex. Can’t be used for application fees/deposits Ex. Not accepted by all landlords/property managers Ex. Can limit mobility</p>
<p>Property Regulations</p> <p>Costs Ex. Income requirements (eg. as multiple of rent) Ex. Higher deposits for “hard cases”</p> <p>Voucher limitations Ex. Can’t be used for application fees/deposits Ex. Not accepted by all landlords/property managers Ex. Can limit mobility</p> <p>Rigidity Ex. Pet/service animal policies Ex. Visitor Policies Ex. Damage clauses (eg. hoarding)</p>
<p>Segregation</p> <p>Variation in accommodation by landlords/property managers Perceived discrimination by landlords/property managers Ex. Disruptive behavior/safety Ex. Drugs/alcohol</p> <p>Perceived isolation Ex. Mental Health-only housing</p>
<p>Information on Fair Housing</p> <p>Lack of training Lack of information available</p>

November 10, 2011

TO: Andrée Tremoulet, Washington County Office of Community Development
 Andrea Nelson, City of Beaverton
 Jennie Proctor, Washington County Office of Community Development

FROM: Kelly Moosbrugger, Portland State University
 Mark Person, Portland State University
 Alison Wicks, Portland State University

RE: Washington County and City of Beaverton Fair Housing Plan Focus Group -
 Muslim Community

Attachments: Focus Group Script

Purpose

In coordination with the City of Beaverton and Washington County, students from Portland State University completed outreach to select communities to determine barriers to housing for specific populations. Washington County and the City of Beaverton are in the process of developing their Fair Housing Plan and the information in this memo will help the Fair Housing Advisory Committee in their planning process. Jurisdictions that receive housing and community development funds from the federal government are required to periodically prepare an analysis to identify barriers to fair housing and proposed actions to address those barriers.

The Fair Housing Act prohibits discrimination based on color, race, national origin, religion, sex, disability, or familial status. In theory, members of these groups should have the same access to affordable, quality housing as any other group. For the purposes of this report, members of the Muslim community living in the Washington County area were contacted. Through this outreach effort, the research team hoped to identify specific barriers and challenges to obtaining housing for this group in particular.

Methods

The public involvement method used for this outreach effort was a focus group. Focus groups bring a relatively homogeneous group of around six to 12 individuals together in a setting with a facilitator. Ideally, the facilitator will ask a question and the participants will answer and other participants will contribute or take the question and add a different or similar perspective. A key element in focus groups is the interaction between participants.

If participants are dissimilar they may not feel comfortable opening up and speaking their mind. With too few participants and the inter-group dynamic may suffer and the focus group will be more like an interview. A group of over 12 may be too large, people that want to contribute may not have a chance to speak and the group may become unfocused. Ideally, a focus group will last from 60-90 minutes.

Location and Material Environment

The focus group took place on Wednesday, November 2nd, 2011 at 7 pm and was held at an Islamic Society of Greater Portland (ISGP) facility located at 16100 SW Blanton Street

Beaverton, Oregon. The meeting space was a single-family residential house that had been converted to a meeting place. The meeting was arranged by coordinating with one of the leaders of ISGP. By meeting at an ISGP facility, participants were within their “comfort zone” and were more likely to open up and share their experiences.

The focus group itself lasted for approximately 60 minutes. Prior to starting the focus group the research team talked with some of the participants at length and shared a meal provided by the hosts from ISGP. The research team recorded the focus group with an audio recorder in addition to taking notes.

Participant Makeup and Group Dynamics

The five participants in the focus group were all of Islamic faith and varied in background. Three of the participants were female and two were male. Three participants were home owners, two were renters. All members were born outside of the United States, three of the participants were Somalian, one was Filipino and one was Pakistani. The most distinct differences were the participants’ English language abilities and the varying amount of time they had lived in the United States and the Beaverton area. We asked one group member with strong bilingual skills to translate for other members of the group with weaker skills. Group members’ duration in America varied, one member had emigrated in the 1970s while others had lived in the area for about ten to twelve years. Nonetheless the religious homogeneity of the group allowed for participants to feel comfortable sharing personal stories and stories about acquaintances. Overall we experienced good group compatibility and were warmly welcomed by the ISGP.

Findings

The questions we asked during the focus group meeting are attached. Findings below are organized into topics that we covered during the group conversation.

How participants found their current housing

Individuals within the focus group found their existing housing through a variety of methods. One participant found their existing place by seeing a “for rent” sign. Another participant who had purchased a home used a realtor that had been recommended by one of his work colleagues. The realtor was fairly inexperienced and showed this individual some homes that were out of their price range at first but was able to find something that met their needs after a little over a month. Lastly, individuals mentioned Internet or web searches as a way to find housing in the Washington County area.

Two of the Somali participants said they received government assistance for housing (Section 8). One commented that it was difficult to find housing because the majority of landlords prefer tenants who work and pay rent from a paycheck instead of through the government. He thought government bureaucracy and required inspections are not something that landlords want to deal with; they would rather have tenants able to move in right away.

Landlord relations

Participants within the focus group told us that overall, their interactions with landlords or property management people were positive. One individual said that a past landlord had written her a nice recommendation or referral letter that, in her opinion, made it easier to find a new

place to live. Another participant said that his landlord would come and talk to him about his kids being noisy because a neighbor complained about the noise multiple times per week. This recurring event and the need for a larger place was one reason that this person moved. Participants seemed to agree that language barriers and cultural norms posed the greatest challenge in landlord relations - one gentleman said that people have misunderstandings over when bills and rent are due, for example. He said immigrants are desperate when they first arrive - they just want to get into a home, but the process is confusing as a newcomer who does not speak the language. In some instances children will have a better language skills and are able to interpret for them.

One gentleman told a story about a friend who had an insect infestation in his home. This friend was charged \$900 for the pest control services by his landlord, who threatened to evict him if he did not pay the bill. The friend, because of language barriers, did not know his rights as a tenant, but got help from the community to fight the charges.

Housing Options that meet the needs of the Muslim Community

Lack of affordable housing is one of the major housing problems identified by our participants. Washington County in particular seems to have a long waiting list for Section 8 vouchers. One participant said that many people who qualify for Section 8 have to wait four or five years to get a voucher here. Even though the Somali community is more established in Multnomah and Washington counties, many Somali families have moved to Marion County, which has extra funding for housing vouchers from the federal government. But some of these families try to move back to the Portland area, sometimes after just a year in Marion County, to connect to the major communities here.

All participants agreed that locating housing that was large enough or had enough bedrooms to accommodate their families was often difficult for them. Members of this community, especially Somali immigrants, often have many children and extended family that immigrate with them. One participant said that families will sometimes have to find two units or houses next to each other in order to keep their family nearby. Another mentioned that people have to call lots of landlords to find a large enough house that is also affordable.

Discrimination

The participants in this focus group did not feel that discrimination was prevalent in their housing experiences. One participant said she does not know anybody who has been discriminated against, but another said he heard stories about landlords who say they are not renting when they really do have units available. He said it is hard to know what the reasons for that are, but that it could be that the landlord does not want to deal with immigrants. Participants cited cultural misunderstandings, not discriminatory attitudes, as the major source of conflicts. Two group members said people where they live their neighbors and people in the community are friendly to them.

The events of September 11th came up a few times during the conversation - one woman mentioned that the mosque got only three negative phone calls after September 11th and the next day there were flowers and cookies left at the mosque. One participant felt that the higher level of income, education, and religiosity in Washington County compared to other areas of Portland made people there more tolerant. She was referring in particular to NE Portland, where there is also a large Somali refugee presence. She mentioned that people in the Beaverton community offered to escort Muslim women to the grocery store after September 11th when they were fearful of retaliation that was being reported elsewhere in the country. She also said the wealthier areas in the region, like Beaverton, have more resources for immigrants and better schools, which helps immigrants adjust better to life in the United States.

Conclusion

The main themes that emerged from this focus group regarding fair housing were that participants had a hard time finding housing that was big enough for larger families and that language and cultural differences can make it difficult or more time consuming to find a place to live. Overall, the participants in this group had positive things to say about the City of Beaverton and Washington County and the way they are treated there. Little to no discrimination was reported by the people that participated in the focus group.

Moving forward, Beaverton and Washington County should do their best to maintain a dialogue and continue to building their relationship with the Muslim Community. Having another focus group, perhaps one attached to another community function, may be able to capture additional perspectives and get more people involved. In addition, how else can the jurisdictions continue to work with this community? Is there a need for a Fair Housing spokesperson at the community level? Leaders identified through this process could be tapped for such a responsibility. Could the jurisdiction work through ISGP to provide materials about fair housing resources? Or collaborate to produce a "Housing 101" program to help new immigrants avoid common pitfalls? The jurisdictions should consider the best ways to reach out, include and support this community as they review and revise the Fair Housing Plan.

ATTACHMENT

Washington County Fair Housing Focus Group

Islamic Society of Greater Portland
16100 SW Blanton St. Beaverton, Oregon
November 2, 2011

First and foremost we would like to thank you for coming here tonight to talk with us. We are graduate students from Portland State University. For one of our classes we are working with individuals from Washington County and the City of Beaverton to better understand some of the challenges that people in the area face when trying to find a place to live. The city and county are jointly working on a Fair Housing Plan, information from this meeting will be conveyed to the a committee of people who are hoping to address barriers to housing.

We want to hear from you about your experiences. There are no wrong answers and we want everyone to feel comfortable speaking. We will be recording our discussion to make sure that we do not miss any important comments. Our team will be the only ones that will have access to this recording. We will be writing a report about the information that we get from this meeting but no names will be referenced in our report.

Because we are interested in what you have to say we ask that only one person speaks at a time so that we do not miss anything. We want to allow everyone who has something to say time to speak. Some of the stories that people have may be personal, we ask that what is said in this room, stays in this room.

Introductions:

- “Ice breaker”- Please share:
 - Your name
 - If you live in Washington County (Beaverton Area)
 - How long you have lived in the area
 - If you and your family/household currently rent or own your home

Questions and probes:

- Let’s talk about how you found the housing that you are currently living in.
 - How did you find out about it? (through friends/family, Realtor, Internet, other)
 - About how long was your search for housing?
 - Would you say it was easy or hard? Were there challenges you faced?
- Focus on Renters: Next we’d like to talk about your interactions with landlords or property management at your current home, or previous home in Washington County.
 - What sort of interactions did you have? Initial contact, tour, signing the lease agreement
 - How were you treated during the process?
 - Do you feel like the treatment you received was the same as everyone else or different and how?
 - What changes could be made to the system to better your experience?

- Now let's talk about the housing options that were available to you. Do you feel like there are housing options that meet your needs as far as price, size and location?
 - What is easy to find or What is challenging?
- Were you satisfied with the condition of the homes or apartments you looked at and ultimately chose to live in? Have you ever had to ask for repairs? What was that like?
- In your neighborhood, do you feel safe? Do you feel welcome/accepted?
 - Have you always felt that way or has it changed over time?
- Have any of your friends or family in Washington County experienced discrimination in housing? [If so, could you tell us about it?]
 - How about you?
- Besides anything we have already discussed, have you experienced discrimination in obtaining or keeping housing in Washington County?
- Is there anything that we have missed asking about that you would like to share with us?

August 20, 2011

MEMO

To: Washington County Fair Housing Advisory Committee

From: Leigh Schrock, volunteer for Fair Housing Survey Project

Subject: Fair Housing Surveys of Latino Residents of Washington County

I am pleased to present the results of the fair housing surveys that we conducted this month with 17 Latino residents who rent housing in Washington County.

We surveyed 11 people at the Beaverton and Hillsboro offices of the non-profit social service agency Community Action, where they were receiving energy assistance to pay overdue utility bills. Over the phone, we surveyed 5 clients of Adelante Mujeres, a non-profit organization that provides education, empowerment and small business training for low-income Latina women and their families in Washington County. In addition, we visited the Beaverton library to survey one of their part-time contract employees. All respondents are Latinos who rent housing in Washington County. Six of the respondents are fluent in English, and 11 speak Spanish, primarily.

We have separated the responses into two groups: 1)Community Action clients and 2)Adelante Mujeres/Beaverton library respondents. We chose to provide the answers separately because the answers to questions 4, 7, 8 and 11 differed dramatically between these two groups.

Question 4 asked, "How did you choose the housing where you live now? What things did you look for in a housing unit?" Five of the Community Action clients replied that they were leaving an emergency housing situation (eviction, homelessness, fire, etc...) when they found their current unit. In contrast, only one of the Adelante Mujeres/Beaverton library respondents was leaving an emergency housing situation (overcrowding).

Although both Community Action and Adelante Mujeres serve low-income clients, the responses from these groups was quite different. One possible explanation for this difference is the fact that the Community Action clients were receiving energy assistance to pay overdue utility bills. Perhaps they have more economic emergencies than the Adelante Mujeres/Beaverton library respondents, or perhaps they lack social support networks (tight-knit community, family, friends) that could assist them in emergencies.

Questions 7, 8 and 11 asked if the respondents encountered housing discrimination or other problems when renting housing in Washington County. Four of the Community Action clients reported instances of housing discrimination, while none of the Adelante Mujeres/Beaverton library clients did. I have no hypothesis to explain this difference.

It is also interesting to note the responses to question 5, “Which neighborhood would you prefer to live in: 1)a neighborhood close to your family, friends and other people who speak Spanish or... 2)a neighborhood with better schools or more stores, but with fewer of your friends and other people who speak Spanish?” In both groups of respondents, 2 people chose the neighborhood with friends, family and others who speak Spanish, while 4 people chose the neighborhood with better schools or more stores.

Some respondents stated that although living near their family and the Spanish-speaking community was important to them, they would choose the neighborhood with better schools because their children’s education took first priority. Other respondents preferred living near family and the Latino community. The social worker at Community Action mentioned that when some of her Spanish-speaking clients can’t pay their rent, their Spanish-speaking neighbors each donate money to them. She stated that this is one benefit of living in a tight-knit Spanish-speaking community.

The total responses to question 5 were: 4 near family and other Spanish-speakers and 8 near better schools and more stores. These responses illustrate the importance of having a range of housing options throughout the county.

Thank you for the opportunity to conduct these interviews. Several respondents stated that they hope their answers to this survey will help other people who rent housing in Washington County in the future.

2011 Fair Housing Survey of Latino Residents Who Rent Housing in Washington County

Summary of Survey Respondents:

Throughout the month of August 2011, we surveyed 17 Latino residents of Washington County.

Of these 17 survey respondents, 11 were receiving energy assistance (for overdue utility bills) from Community Action, the largest non-profit social service agency in Washington County. Of these Community Action clients, 5 were fluent English-speakers, and 6 spoke Spanish, primarily.

Five of the survey respondents are clients of Adelante Mujeres, a non-profit organization that provides education, empowerment and small business training for low-income Latina women and their families. All 5 of these Adelante Mujeres clients speak Spanish, primarily.

One survey respondent is a part-time contract employee of the Beaverton library. She is fluent in both English and Spanish.

Survey Questions and Responses

“Hello. My name is _____, and I’m a volunteer for Washington County. Washington County wants to hear the opinions of the Spanish-speakers who live here. We want to know about your experiences in finding and renting housing in Washington County. May I ask you a few brief questions for a moment?”

Intro questions

1. Do you live in Washington County?
2. Do you rent your housing, or do you own your housing?
(Note: Only interview people who rent housing in Washington County.)

All 17 respondents rent housing in Washington County.

Questions about Choice

3. How long have you lived in Washington County?

Community Action

- 1 year
- 5 years
- 8 years
- 12 years
- 15 years
- Many, many years.
- entire life: 3 people
- I forgot to ask: 2 people

Adelante Mujeres and Beaverton Library

- 3 years
- 10 years: 2 people
- 12 years
- 18 years

4. How did you choose the housing where you live now? What things did you look for in a housing unit? (ex: location, amenities, near schools, etc...?)

Community Action

Respondent was looking for something:

- With a place for the children to play.
- Nice community for the children, nice apartment complex, pool, playground
- Near his place of work
- Available in an emergency: Needed something as fast as possible, and it didn't matter to her whether she liked the place or not.
- Available in an emergency: Was renting a room from another renter. The landlord evicted the other renter for an unknown reason. The landlord agreed to rent an apartment in the same complex to the survey respondent, so she now rents her own apartment with her children.
- Available in an emergency: Her previous unit was destroyed by a fire. She needed a place that was available quickly, with enough bedrooms for her family.
- Available in an emergency: Was homeless. She rented the first place that would accept her.
- Available in an emergency: Was living in a garage with her family. Wanted a place that would be nice for her baby grandson.
- Affordable, near Mexican stores because the wife doesn't drive, near places to take the children, a place with a pool, near a park
- Affordable

- Affordable, quiet and calm, 2 bedrooms
- Looking for a place that would accept him even though he has poor credit due to past doctors' bills that he hasn't fully paid.

Adelante Mujeres/ Beaverton Library

Respondent was looking for:

- A quiet place to raise children, with good neighbors, safe
- Affordable, safe, quiet, with a garden or a private area for the children. She likes that her current apartment is near the children's school, a clinic, and a play area for the children
- A quiet place to raise children
- Safe, clean, a nice neighborhood, good schools
- Large enough to accommodate her family (overcrowded in former unit)

5. Which neighborhood would you prefer to live in: 1)a neighborhood close to your family, friends and other people who speak Spanish or... 2)a neighborhood with better schools or more stores, but with fewer of your friends and other people who speak Spanish?

<u>Community Action</u>			<u>Adelante Mujeres/Beaverton Library</u>	
<u>Choice 1</u>	<u>Choice 2</u>	<u>N/A: Spoke Fluent English</u>	<u>Choice 1</u>	<u>Choice2</u>
2	4	5	2	4

6. How did you find housing to rent? (newspaper, word of mouth, driving by, etc...)

Community Action

- Drove by buildings: 7 (looked in neighborhoods she liked, looked in areas near his workplace)
- Word of mouth : 3
- Apartment magazines in the grocery stores: 1
- Used an apartment list from the Section 8 department: 1
- Used Craigslist (website): 2
- Newspaper: 2

Some respondents used several methods. Those who said that they used word of mouth used only that method.

Adelante Mujeres/ Beaverton Library

- Drove by buildings: 3
- Word of mouth : 1
- Newspaper: 1

One respondent is currently renting but is enrolled in homeownership preparation classes through Habitat Hillsboro. She heard of this program through Adelante Mujeres, a non-profit organization that she attends frequently. Adelante Mujeres learned of openings in this program through an employee at a local school.

7. When you were looking for housing in Washington County, did any landlord in Washington County deny your application because you speak Spanish? (or “for any reason that you felt was wrong”: for Latino respondents who speak fluent English)

Community Action

No: from Spanish-speakers: 4

Yes: from Spanish-speakers: 2 One respondent was told once that there was a problem with her rental record, but she believes her rental record is fine. Another respondent said that one landlord was very rude to her but nice to other people. He “put her to the side”.

From fluent English-speakers: Denied for a reason you felt was wrong: 3 No

Adelante Mujeres/Beaverton Library

No: from Spanish-speakers: 6

Yes: from Spanish-speakers: 0

8. Have you faced any other problems/challenges in renting an apartment in Washington County?

Community Action

No: 6

Yes: 5 Reasons:

- due to her ex-husband
- Before they signed the lease, the landlord was very nice. Once they signed the lease, he was not very nice. Respondent didn't label this as discrimination, just a problem.
- In one place they looked at, the landlord just didn't seem to like them. They don't know why, as there are other Latinos in that apartment complex.
- Had a difficult time finding a place that would accept her because she didn't have a rental record. The place she lives in now is the first place she has ever rented.
- Think the apartments are "more expensive than they're worth".

Adelante Mujeres/Beaverton Library

No: 5

Yes: 1 Reason: For economic reasons, she wanted to rent a 2 bedroom unit. Several landlords told her that they would not rent her anything smaller than a 3-bedroom unit for her 6-member family (due to unit occupancy standards in the area).

Questions about current status:

9. How do you communicate with apartment managers or landlords in Washington County? (i.e. Do landlords speak Spanish or have Spanish-speaking employees? Does a friend or family member translate for you?)

Community Action

- Speak as much English as he/she can, and his/her child also translates: 2
- Speaks as much English as she can: 1
- Some apartment managers speak Spanish, or her adult daughter translates for her: 1
- Speaks as much English as he/she can and brings a friend or other person to interpret: 2
- Fluent in English: 5

Adelante Mujeres/Beaverton Library

- Her husband, who speaks English very well, is the one who communicates with the apartment managers.
- Her children translate for her.
- Her building has a Spanish-speaking employee.
- Speaks as much English as she can.
- Speaks English pretty well.
- She speaks English fluently now. When she first moved to the U.S. and didn't know much English, she would bring someone with her because few apartment managers spoke Spanish.

10. Do children live with you? Has a landlord in Washington County ever made a comment to you about your children? Have you had any problems with your housing due to your children?

Community Action

No negative comments or problems : 9

N/A – no children : 1

Yes, negative comments or problems: 1 One respondent stated that when an item broke outside in a common area, the maintenance man assumed that the respondent’s children were responsible, although there are many children in the apartment complex.

Adelante Mujeres/Beaverton Library

No negative comments or problems : 6 (One respondent mentioned that she has rented in 4 cities in Washington County and has not experienced this kind of discrimination in any of those locations.)

Yes, negative comments or problems: 0

11. Has an apartment manager or employee in Washington County discriminated against you for any other reason?

Community Action

No: 9

Yes: 2 One respondent had difficulty renting an apartment. “Sometimes the managers don’t like us because we are Mexican.” Her counselor/case worker from Washington County helped her get the apartment where she currently lives.

Another respondent was evicted from an apartment. She believes she was evicted because the apartment manager didn’t like her. She brought the rent check to his office on time, but he would not accept it. Her niece tried to talk to the manager, but he wouldn’t speak with her. Several days later, he sent her an eviction notice stating that she did not pay her rent. She could not prove in court that the manager wouldn’t accept her timely rent check. She also visited another apartment complex where she felt the employees were “very racist and rude”.

Adelante Mujeres/Beaverton Library

No: 6

Yes: 0

12a. If you believe that a landlord is discriminating against you, would you report him/her?

Community Action

Yes: 8

No: 1 “We are afraid to speak out. Who would listen to us?”

I forgot to ask: 2

Examples of answers: “I’ve seen a case of discrimination against a friend of mine, so yes, I do believe I would report discrimination. I’m paying the same rent as everyone else so that they will treat me like everyone else.”

“If we didn’t do anything wrong, then there’s no reason (to treat them poorly). I would report discrimination in a heartbeat.”

Adelante Mujeres/Beaverton Library

Yes: 5

No: 0

I forgot to ask: 1

One respondent said that she would probably talk to someone about it first before reporting it officially.

12b. To whom would you report an act of discrimination?

Community Action

Don’t know: 2

The Department of Human Services (DHS): 2

Section 8 Department at the Washington County Housing Authority: 1

WorkSource Oregon: 1

Community Action: 1

“Fair Housing”: 2

Washington County government offices: 1

Respondent has the business card of a renters’ rights organization, so she would call them: 1

To her parents: 1

Adelante Mujeres/Beaverton Library

Don’t know: 3

A counselor at a local government agency: 2

A lawyer: 1

13. Do you have any ideas to make it easier/better to find, rent and keep housing in Washington County?

Community Action

- One respondent only rents apartments where an employee speaks Spanish. He looked at several different apartments and chose the one with the Spanish-speaking manager.
- Another respondent believes that those who aren't legal residents face the biggest barriers to finding and renting housing because the screening process is most difficult for them (some don't have a credit history).
- Social service organizations can help.
- Landlords should ask for lower rent deposits.
- Keep a list of apartments, especially affordable apartments, at the Department of Human Services where you obtain TANF (welfare). She asked for an apartment listing there, but they only gave her a list of farmworker housing. She is not a farmworker.
- Landlords should show more personality and be less about purely the business side. "People are struggling, so have a heart." She wishes that it were easier for people with a poor credit record to be able to rent. He suggested that social service groups or local government could have a "bingo game" for free rent coupons.

Adelante Mujeres/Beaverton Library

- One respondent replied that more apartments in Washington County should have Spanish-speaking employees because some tenants are nervous and scared to speak to a manager in English.
- A respondent suggested that if an applicant doesn't qualify for a certain apartment (due to family size, price of rent, etc...), the apartment managers could provide information about other apartment complexes in the area.
- One respondent is currently trying to find a larger unit to accommodate her growing family, but she doesn't know how to find an affordable unit.

MEMORANDUM

Date: Nov 10, 2011
To: Andree Tremoulet, Washington County Office of Community Development
Andrea Nelson, City of Beaverton, Community Development Dept.
From: Erin Goodling
Erica Ho
Tony Vi
Subject: Focus Group Findings for Homeowners of Color - Fair Housing Plan

Purpose

Portland State University students conducted a focus group to gather information regarding housing and home-ownership experiences for minorities. The goal of facilitating this focus group was to assist the City of Beaverton and Washington County in the formation of their Fair Housing Plan. The focus group was conducted on Wednesday October 25, 2011 from 6:00 to 8:00PM at the Beaverton City Library.

This memorandum will summarize the findings of the focus group regarding challenges for home-buying and renting, and will make recommendations for conducting future focus groups and for the Fair Housing Plan.

Attendance

Though flyers had been distributed, there were only two attendees at the focus group: a homeowner living in Beaverton, the other a renter in Aloha, both Latino males living with their spouses and children. The individual currently renting a home states that he hopes to eventually become a homeowner. Both individuals stated that they came to the focus group after being personally contacted by another member of the community. One of the attendees was more comfortable asking and answering certain questions in Spanish, and translation was facilitated by one of the PSU students.

Challenges for Home-buying

Loan Process - Many individuals are unsure of what the loan process entails, whether or not they have sufficient credit, or what documents will be requested (e.g. concern over citizenship or documentation status). There is also wariness over high interest rates and down-payments, particularly because of recent economic conditions.

Lack of Housing Information Resources - "Where do you even start?" Without personal referrals or other well-known and trusted community resources, prospective homeowners do not have the information they would like before beginning the buying process.

Language barriers - There are members of the Latino community who either prefer Spanish or have limited English proficiency. Forms for applying for loans printed in Spanish rather than English are rarely, if ever, offered.

Challenges for Renting

Predatory and illegal landlord practices - Individual experiences of suspiciously high deposit amounts, additional housing rules after the signing of a lease, and a restrictive landlord (would not allow children to play outside of unit) were discussed. Attendees discussed difficulties obtaining returns of deposits, such as not receiving the full deposit thereby limiting the money available for the deposit on a new rental, and landlords exceeding the maximum time allowed for returning deposits.

Lack of knowledge of renter's rights - Renters are not aware that discriminatory practices are illegal and thus do not seek recourse.

Fear of retaliation for reporting - Renters fear that if they complain about their landlord, they may lose their deposit or hurt future housing options. Though not personally experienced by either attendee, the fear of landlords calling the United States Immigration and Naturalization Service was also brought up as a reason renters without citizenship status do not file housing complaints.

Language barriers - There are members of the Latino community who either prefer Spanish or have limited English fluency. Lease agreements printed in Spanish rather than English are rarely, if ever, offered.

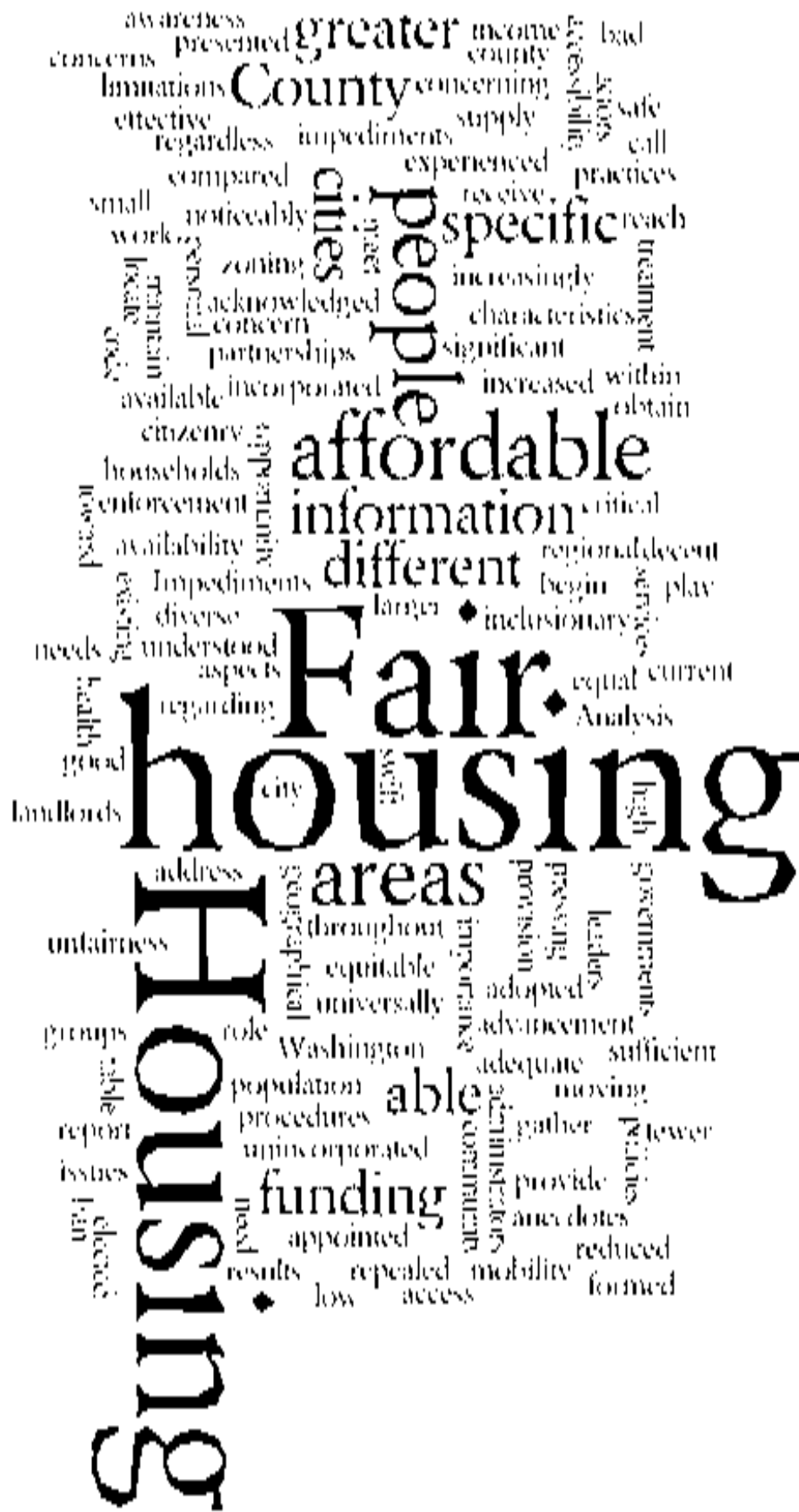
Recommendations for Future Focus Groups

Due to the small size of this focus group, the PSU student team feels that the information gained from the meeting was purely exploratory and would best be utilized to inform future focus groups or other public participation activities.

Both attendees offered suggestions for increasing awareness of events (flyers printed in Spanish, radio advertisements, posting event in church bulletins) and increasing turnout (utilizing local organizations to network, consulting key informants on best days to schedule events, offering translation services).

Recommendations for Fair Housing Plan

The most common themes from the perspective of a current homeowner and current renter point to two areas deserving of attention: knowledge gaps and issues of cultural competency relating to language. To increase homeowner knowledge, outreach about existing housing resources should be informed by community input to maximize the number of people that can be reached. Tapping into existing community gathering places and other social networks will offer ways to disseminate information about people or organizations that can provide assistance. Regulations requiring home-buying and renting agencies to carry paperwork in multiple languages or contact translation services would also provide community members with greater understanding of and control over their housing situation.





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