

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Policy Session Worksheet

Presentation Date: 9/6/2016 **Approx. Start Time: 3:00 p.m.** **Approx. Length: 30 min.**

Presentation Title: 2017 – 2021 ASSESSMENT OF FAIR HOUSING

Department: Health, Housing and Human Services (H3S), Housing & Community Development Division (HCD) and Housing Authority of Clackamas County (HACC)

Presenters: Richard Swift H3S, Director; Chuck Robbins, HCD Director

Other Invitees: Kevin Ko, HCD Manager; Mark Sirois, AFH Coordinator

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

1. Review of the Clackamas County draft Assessment of Fair Housing Goals
2. Approval to hold a public hearing on September 15th to hear any testimony on the Fair Housing Goals

EXECUTIVE SUMMARY:

As a recipient of Federal Community Development Block Grant, HOME investment Partnerships Program, and Emergency Solutions Grant funds from the U.S. Department of Housing and Urban Development (HUD) the County is required to comply with Federal Fair Housing Regulations. Since 1996 the County has met these requirements by preparing an Analysis of Impediments to Fair Housing Choice (AI). The Analysis of Impediments is a comprehensive review of the County's laws, regulations and administrative policies, procedures and practices. It involves an assessment of how these laws, regulations, policies and procedures affect the location, availability, and accessibility of housing, and how conditions, both private and public, affect fair housing choice.

On July 8, 2015 HUD finalized changes to the Affirmatively Furthering Fair Housing Rule requiring that recipients of HUD funding prepare an Assessment of Fair Housing Plan (AFH).

With the new rule HUD specifically looked at addressing shortcomings under the current regulatory scheme. These include:

1. Need for Clearer Guidance, Standards, and Oversight. The Analysis of Impediments is generally defined in the Fair Housing Planning Guide, but the parameters for the analysis are not clear enough, HUD provides no data, and the standards of review are not transparent; and
2. No Integration into Planning Processes. The current Analysis of Impediments has no regulatory expiration and fair housing strategies are not explicitly required in the Consolidated Planning or Public Housing Authority (PHA) planning process,

meaning that there is limited synchronization with the housing and community planning process and investment plans.

The proposed AFFH rule therefore has several aims:

1. Increase transparency by ensuring a robust public process for assessing fair housing planning and explicitly linking this input to public investment plans (e.g., Consolidated Plans, PHA Plans, and Capital Fund Plans).
2. Improve compliance by equipping grantees with a clear framework and mandating early HUD review of assessments of fair housing so that program participants will have greater security that they have met regulatory standards.
3. Reduce data collection costs and make analysis easier by providing consistent national data and tools to assist in interpreting that data.
4. Synchronize the assessment process with the investment planning process by requiring regular updates to assessments of fair housing that are linked to the consolidated and PHA planning cycles, linking fair housing goals to strategies, actions, and reporting on outcomes.

In addition to HUD's desire to refine and improve the planning process, the new regulations included 2 significant programmatic changes:

1. An AFH must be submitted by the Housing & Community Development Division (HCD), and a plan must be submitted by the Public Housing Agency - Housing Authority of Clackamas County (HACC); and
2. The completed plan(s) must be sent to HUD for their review 270 days prior to the start of the fiscal year which begins the 5-Year Consolidated Planning cycle. Approval of the plan is required before HUD will release any of the federal funds coming to HCD and HACC.

The schedule for submitting an AFH is tied to the date for submitting the 5-Year Consolidated Plan. Since Clackamas County's Consolidated Plan is due in May 2017, we are one of the first 22 jurisdictions in the County to prepare an AFH.

In preparing the Plan HUD has identified four nation-wide AFH goals:

1. Reduce segregation, and build on the nation's increasing racial, geographic and economic diversity.
2. Eliminate racially and ethnically concentrated areas of poverty.
3. Reduce disparities in access to important community assets such as quality schools, job centers, and transit.
4. Narrow gaps that leave families with children, people with disabilities, and people of different races, colors, and national origins with more severe housing problems, aka., disproportionate housing needs.

The AFH has a number of component units. These include:

1. An assessment of past fair housing goals and objectives
2. Data analysis including
 - a. Demographic information
 - b. Levels of segregation and integration

- c. Racially and ethnically concentrated areas of poverty
 - d. Disparities in access to opportunities
 - e. Disproportionate housing needs
 - f. Publically supported housing needs
3. Development of 5-Year Fair housing goals and priorities

Another major addition to the AFH process was the increased emphasis on collaboration. In reviewing the data and preparing Clackamas County's fair housing goals HCD coordinated a comprehensive public participation campaign. This included 10 public meetings, three separate surveys (community survey, a public housing resident survey and a Spanish language survey) and consultations with 23 community agencies.

Once all of the data was collected and analyzed the next step was the development of goals and priorities. This involved a series of meetings with a work group comprised of staff from HCD, HACC, H3S Administration, Social Services Division, Fair Council of Oregon and Legal Aid.

One of HUD's objectives in revising the fair housing rules was to standardize the planning format ensuring that plans from across the country could easily be compared. As part of the standardization HUD identified four nation-wide AFH goals:

1. Reduce segregation, and build on the nation's increasing racial, geographic and economic diversity.
2. Eliminate racially and ethnically concentrated areas of poverty.
3. Reduce disparities in access to important community assets such as quality schools, job centers, and transit.
4. Narrow gaps that leave families with children, people with disabilities, and people of different races, colors, and national origins with more severe housing problems, aka., disproportionate housing needs.

The Workgroup members reviewed past fair housing efforts, clarified the contributing factors in the jurisdiction and in the Portland metro region and discussed the HUD provided census maps and data. After review of the available data and discussion of local issues and concerns, Workgroup members agreed to the following goals in priority order:

1. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
2. Improve access to housing and services for all protected classes.
3. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
4. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

The Full Draft AFH plan is posted here:

<http://www.clackamas.us/communitydevelopment/maps.html>

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$ 600+ hours of staff time

What is the funding source? CDBG

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
Sustainable and Affordable Housing
- How does this item align with the County's Performance Clackamas goals?
Ensure safe, healthy and secure communities

LEGAL/POLICY REQUIREMENTS: Affirmatively Furthering Fair Housing is a legal requirement that federal grantees further the purposes of the Fair Housing Act. The County is required to submit an AFH to HUD for continued HCD and HACC funding.

PUBLIC/GOVERNMENTAL PARTICIPATION:

- A 30-day public comment period began on August 22nd and runs through September 23rd.
- A public hearing is scheduled on September 15th to hear any testimony on the AFH.
- The BCC will need to approve the Final AFH on September 29, 2016.
- The Fair Housing plan is due to HUD by October 4th.

OPTIONS:

1. Approve the goals and proceed to the Public Hearing
2. Modify the goals as part of the public comment period
3. Reject the goals

RECOMMENDATION:

Staff recommends that the County approve the AFH goals. Adoption will place the County in a position to meet the regulatory review schedule and ensure that the County will continue receive federal housing resources.

ATTACHMENTS:

- DRAFT Executive Summary
- Contributing Factors and Goals Document
- Public Hearing Notice

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Mark Sirois @
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Clackamas County

2017 – 2021 Assessment of Fair Housing Report - DRAFT

Housing Authority of Clackamas County and

Housing and Community Development Division

Executive Summary

The Fair Housing Act was enacted in 1968. Recent changes to the Affirmatively Furthering Fair Housing Rule 24 CFR 5.150-5.180 were finalized by HUD on July 8, 2015. The 2016 Assessment of Fair Housing (AFH) in Clackamas County relied on census data provided by the U.S. Department of Housing and Urban Development (HUD), local information and community feedback through surveys and public meetings. The AFH was conducted jointly by the Housing Authority of Clackamas County and the Housing and Community Development Division.

HUD's newly developed AFH process has four nation-wide fair housing goals:

- 1) Reduce segregation, and build on the nation's increasing racial, geographic and economic diversity.
- 2) Eliminate racially and ethnically concentrated areas of poverty.
- 3) Reduce disparities in access to important community assets such as quality schools, job centers, and transit.
- 4) Narrow gaps that leave families with children, people with disabilities, and people of different races, colors, and national origins with more severe housing problems, aka., disproportionate housing needs.

The community participation process for selecting Clackamas County's fair housing goals included 10 public meetings, three separate surveys during April, May and June and consultations with 23 community agencies. A total of 310 people responded to a community survey, a public housing resident survey and a Spanish language survey. Some surveys were mailed to groups and all surveys were available on paper and online. A public notice was published in community newspapers notifying interested persons that a draft of the AFH document, AFH Goals and an executive summary was posted for 30-day comment period. The public notice also included an invitation to attend a public hearing on September 15th to provide testimony on the proposed AFH goals.

Insert summary of comments during 30 day comment period here.....

Community meeting discussions in April and May included a review of past fair housing goals, a review of some of the 2010 census data demographics provided by HUD, a comparison of county data to regional housing data and, a review of maps of the county areas that have high concentrations of minorities and concentrations low income households.

Contributing factors to the fair housing conditions were identified after a review of HUD data, comments during public meetings, community survey data and local housing data. Representatives of the Legal Aid Services of Oregon, the Fair Housing Council of Oregon, the Housing Authority of Clackamas County, the Social Services Division and the Housing and Community Development Division formed a work group to results of surveys, community meetings and HUD provided data to select the contributing factors listed below:

Contributing Factors to fair housing conditions listed in priority order include:

1. Lack of affordable, accessible housing in a range of unit sizes.
2. Availability of affordable units in a range of sizes.
3. Displacement of residents due to economic pressures.
4. Community Opposition.
5. Site selection policies, practices and decisions for publicly supported housing.
6. Lack of assistance for housing accessibility modifications.
7. Private Discrimination.
8. Lack of public fair housing enforcement.
9. Lack of resources for fair housing agencies and organizations.
10. Land Use and Zoning Laws.
11. Inaccessible sidewalks, pedestrian crossings, or other infrastructure.

The Contributing Factors listed above are similar to the fair housing choice impediments identified in 2012 which are listed here:

1. Violations of fair housing laws in renting and purchasing property
2. Lack of knowledge of fair housing laws, including confusion about ADA and fair housing laws
3. Patterns of disadvantage for minorities and other protected classes – location, income, education
4. Lack of suitable affordable (including subsidized) housing in general, and lack of choice by quality, accessibility, location, type of units and access to opportunities
5. Land use and other public policies may be barriers to developing affordable housing

The process of analysis to select the 2017-2021 AFH Goals for the jurisdiction was a series of meetings and discussions by the work group. Workgroup members reviewed past fair housing efforts, clarified the contributing factors in the jurisdiction and in the Portland metro region and discussed the HUD provided census maps and data. After review of the available data and discussion of what data was not available, work group members agreed to the following goals in priority order:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs).

3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

These AFH goals will become part of planning and performance reporting documents for the Housing Authority and the Housing and Community Development Division for the 2017 through 2021 program years. These AFH goals are similar to fair housing goals selected in 2012 listed here:

Goal I: Fair housing laws are enforced

Goal II: People and agencies/institutions know about fair housing

Goal III: Integrative patterns are promoted

Goal IV: Fair housing is attained regionally

Goal V: All rental housing is habitable

Goal VI: Actions are guided by local and regional data

Since 2012 the significant changes that have impacted Clackamas County include a sharp increase in housing demand due to the number of new residents moving to the Portland metro area including Clackamas County. Another significant change has occurred in fair housing enforcement at the Oregon State Bureau of Labor and Industry (BOLI). BOLI legislative changes to the state law made Oregon state fair housing laws no longer substantially equivalent to federal fair housing laws. As a result HUD terminated its contract/partnership with BOLI as of April 3, 2016. This means that now all federal claims of fair housing violations will have to be filed directly with HUD. HUD has limited capacity to handle the additional workload. Fair Housing advocates are anticipating a backlog of complaints to be filed and investigated.

Add summary here after comment period and public hearing....

I. Fair Housing Goals and Priorities

- 1. For each fair housing issue, prioritize the identified contributing factors. Justify the prioritization of the contributing factors that will be addressed by the goals set below in Question 2. Give the highest priority to those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance.**

The Contributing Factors listed below are listed in order of priority with #1 being the highest priority and #11 being the lowest priority.

1. Lack of affordable, accessible housing in a range of unit sizes. The Portland metropolitan region which includes Clackamas County is experiencing a period of rapid population growth after the recent economic recession. The rapid population growth is bringing an estimated 100,000 people per year to the region, which is increasing the demand for housing units to own or rent. Low income households and protected classes are directly impacted by the increased housing demand. The waiting list for public housing in the jurisdiction was more than 6000 households in 2014. A 2015 regional Housing Equity Report found that the region has a shortage of 80,000 units of affordable housing. The majority of resident feedback during community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that it was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

Habitable housing is healthy housing free of leaks, mold and pests. Unhealthy rental housing is poorly maintained and generally occupied by low-income vulnerable populations. The critical shortage of affordable rental housing units in the jurisdiction compounded with the threat of lawful no-cause evictions, makes tenants fearful of requesting repairs due to risk losing their housing from retaliation and eviction. Housing survey respondents and comments during community meetings revealed that vulnerable populations including protected groups such as people of color, families with children and persons with disability are forced to live in unhealthy conditions because no other housing is available to them.

2. Availability of affordable units in a ranges of sizes: The wait list for public housing assistance was more than 6,000 households in 2014. The 2016 public housing wait list was more than 4,000 households requesting assistance. The current housing market has a vacancy rate of less than 2% which is causing rents to increase monthly in some cases. Apartment buildings are being purchased and remodeled to increase rent revenue, resulting in many tenants being given “no cause” evictions. The largest city in the region, Portland, Oregon has proposed enacting a 3-month eviction/rent increase moratorium to provide renters time to find new units or adjust to the rent increase.

3. Displacement of residents due to economic pressures: The city of Portland declared a homeless housing emergency in October 2015 to increase efforts to find solutions to homelessness and the housing shortage crisis. The high demand for private market housing has increased rent levels by 300% in some cases. Under current law, private landlords can evict residents without a reason (“no-cause eviction”) and this type of eviction frequently masks unlawful eviction that is retaliatory or discriminatory. There is no legal mechanism for stabilization of rents in Oregon. Evicted residents in urban areas close to jobs, schools and services are being pushed out to suburban areas to find affordable rental units. However, with a vacancy rate of less than 2%, very few units are available to rent. The end result is a concentration of poverty and minority households outside areas of high public investments. In some instances, lower-income minority households are being displaced out of one jurisdiction and into specific areas of adjacent jurisdictions that lack the social and physical amenities of their prior homes.

4. Community Opposition: Affordable housing projects when proposed often face community opposition to affordable “housing projects” that bring “poor people” into a neighborhood. Many homeowners are concerned that “Section 8” housing and other affordable housing units will degrade property values in expensive neighborhoods. Low-income and protected classes that currently live in these communities would directly benefit from new affordable housing units. Often, multi-family units may only be constructed where the land has been zoned as high or medium density residential. Community opposition is institutionalized by smaller communities with city councils and land use planning boards that write zoning and land use ordinances which prohibit or allow new multi-family and affordable housing projects. These zoning and land use ordinances may further concentrate poverty or segregate low-income people out of communities.

5. Site selection policies, practices and decisions for publicly supported housing, including discretionary aspects of Qualified Allocation Plans and other programs. Oregon’s Housing and Community Services administers the low Income Housing Tax Credit (LIHTC) program. In Clackamas County, there is only one census tract that is considered either a Qualified Census Tract (QCT) or a Difficult Development Area (DDA). The QCT and the DDA designations allow for more tax credits to be included (up to 30% more) in the project, which increases the financial viability of those housing projects. Without more qualified census tracts for LIHTC credits the jurisdiction will continue to struggle with financing options for affordable housing projects and perpetuate concentrations of poverty.

Additional concern is the lack of reliable data on the minority households within the LIHTC housing. HUD provided data (Table 8) is 5 years out of date at the time of this report. As a result, it is very difficult to track whether or not minority households that qualify for LIHTC are actually adequately represented in the tenant population or if there are additional barriers in the housing application and screening process that may violate fair housing laws. Lastly, because of community opposition to “subsidized” housing, the majority of LIHTC that are built restrict the tenant population to seniors. This type of housing is found most often in the higher income, predominantly white communities with the most social and physical amenities (transportation, access to good schools/grocery stores) while “subsidized” housing for minority families are often located outside of such areas of high opportunity.

6. Lack of assistance for housing accessibility modifications: The Clackamas County jurisdiction operates one program with limited funding to assist low-income households with accessibility modifications to their homes. The Housing Access Grant provides small grants to approximately 20 households per year. This program could be expanded to serve more low-income families. Persons with disabilities surveyed and interviewed during community participation meetings expressed their need for more units of affordable and accessible units to increase housing choice.

7. Private discrimination: Private discrimination in the housing rental market continues to affect housing choice for vulnerable populations and protected classes in the region and the jurisdiction. The Fair Housing Council complaint data for the jurisdiction from July 1, 2014 to June 30, 2015 had 92 complaints. The Housing Rights and Resources (HRR) program assisted over 800 households to understand their rights and responsibilities as tenants. 80 households had potential

discrimination cases. Private discrimination also occurs frequently with persons who have a criminal history which is a barrier to accessing housing. Private discrimination for a criminal history is one of the collateral “downstream” impacts of the racial and ethnic disparities in our local criminal justice system. A recently released report of data from Multnomah County found African-Americans were four times more likely to be stopped, arrested, charged and sentenced more harshly than their white counterparts despite their relatively low presence in our communities. This discrimination is having a disparate impact on African American and Hispanic men and their families. HUD has begun providing training to fair housing organizations and housing providers to consider additional screening criteria to prevent a disparate impact in these populations seeking access to housing in the region and the jurisdiction.

Private discrimination may also occur when requests for repairs are ignored by property managers. Habitable housing is healthy housing free of leaks, mold and pests. Unhealthy rental housing is poorly maintained and generally occupied by low-income vulnerable populations. The critical shortage of affordable rental housing units in the jurisdiction makes tenants fearful of requesting repairs due to risk losing their housing from retaliation and eviction.

Private discrimination may also occur when tenants are evicted for “no cause” which is legal in the region and the jurisdiction although a few cities in the jurisdiction have or are considering enacting 90-day notice requirements for large rent increases or eviction notices. The increase in the number of “no cause” evictions may also be a result of the economic pressures faced by investors and property owners in a high demand housing market such as the current Portland metro area housing market.

8. Lack of public fair housing enforcement: The jurisdiction has no public agency to enforce fair housing. In the region and the state, there are only two enforcement agencies: HUD and the Oregon Bureau of Labor and Industry (BOLI). Recently, HUD withdrew federal funds from BOLI because of a recent change in state law that eliminated BOLI’s legal capacity to enforce federal fair housing laws. Although BOLI technically has the authority to enforce the state fair housing laws, BOLI has reduced the number of cases the agency is willing to enforce due to funding limitations.

In 2012, budget cuts within Legal Aid Services of Oregon (LASO) and Oregon Law Center (OLC) lead to the closure of an office in Clackamas County and to a 20% reduction in staff positions statewide. In the five county region that LASO

Portland Regional Office serves, which now includes Clackamas County, over 200,000 people meet LASO income guidelines. Approximately 36,000 people are living in poverty in Clackamas County and are eligible for legal help. Additionally, there is a higher and increasing rate of poverty among the Latino population in Oregon. In Clackamas County, according to the 2011-13 American Community Survey, the number of Latino residents living in poverty was at 18%, a number double that of whites in Clackamas County.

9. Lack of resources for fair housing agencies and organizations: The jurisdiction has one program to assist low-income persons with housing information and referral. Potential housing discrimination complaints are directed to the Legal Aid Services of Oregon, the Fair Housing Council of Oregon and/or the Oregon Bureau of Labor and Industry for investigation and possible legal action. The Fair Housing Council of Oregon has no office in the jurisdiction. The Legal Aid Services of Oregon recently closed an office in the jurisdiction due to lack of funding. The Oregon Bureau of Labor and Industry is no longer conducting housing discrimination legal actions and is no longer recognized by HUD as equivalent to HUD for enforcement actions.

10. Land Use and Zoning Laws: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. In 2015 the repeal was narrowly defeated in the legislature.

<https://housinglandadvocates.org/resources/land-use-and-housing/inclusionary-zoning-in-oregon/>

11. Inaccessible sidewalks, pedestrian crossings, or other infrastructure: Persons with mobility disabilities continue to face barriers in their communities.

Rural communities and low-income urban areas lack resources to build sidewalks, pedestrian crossings and other accessible infrastructure for persons with disabilities. The jurisdiction does fund some infrastructure projects including installation of accessible sidewalks in low-income rural areas in the jurisdiction on a limited basis. Cities in urban areas of the jurisdiction are also re-building streets and sidewalks to include accessible sidewalks and crosswalks.

2. **For each fair housing issue with significant contributing factors identified in Question 1, set one or more goals. Explain how each goal is designed to overcome the identified contributing factor and related fair housing issue(s). For goals designed to overcome more than one fair housing issue, explain how the goal will overcome each issue and the related contributing factors. For each goal, identify metrics and milestones for determining what fair housing results will be achieved, and indicate the timeframe for achievement.**

Potential AFH Goals/Housing Issues

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households.
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing Laws
5. Coordinate Fair Housing Advocacy and Enforcement Efforts with regional partners.
6. Ensure that all housing in Clackamas County is healthy and is habitable.

<u>Goal 1</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Develop new housing units with long-term affordability for a broad range of low-income households	Lack of affordable, accessible housing in a range of unit sizes.	Disproportionate housing needs. Disparities in Access to Opportunity	Construct 500 new units of affordable (rent restricted units) housing over the next 5 years in areas	H3S and HACC (Jurisdiction and public housing agency)

<p>with an emphasis on dispersal of affordable housing.</p>	<p>Community Opposition</p> <p>Displacement of residents due to economic pressures</p> <p>Land Use and Zoning Laws</p>		<p>of high opportunity.</p> <p>By 2018 the jurisdiction will adopt a Strategic Housing Plan.</p>	
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Discussion: More affordable and accessible housing in our jurisdiction will directly benefit low-income households, vulnerable populations and protected classes. Affordable housing units once completed will include eligibility requirements for low income and disabled persons. Affordable housing development organizations will be required to reach out to protected classes and vulnerable low income populations in the jurisdiction.

A recent regional Metro Housing Equity 2016 Report detailed the lack of affordable housing units referenced as “missing middle” housing units. “There are currently approximately 30,000 income-restricted units of housing regulated to remain affordable to households making less than 60 percent of median income, and approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of affordable housing.” ...

The areas identified as having high concentrations of ethnicity and low income households are also areas that have high concentrations of multi-family housing rental units which are zoned for medium and high density residential uses. A Strategic Housing Plan will guide jurisdiction efforts to efficiently get more units built and occupied by low-income households and members of protected classes.

A jurisdiction Strategic Housing Plan will include:

- Conducting a study local zoning codes as to whether “up-zoning” in particular neighborhoods would affirmatively further fair housing as well as potential strategies to enact Inclusionary Zoning ordinances pursuant to Oregon HB1533 in 2016.
- A study of segregation in the jurisdiction using current census data including demographics by community and relationship to school quality will be included in the Strategic Housing Plan.
- An affordable housing dispersal plan to de-concentrate areas of high concentrations of ethnicity and poverty areas by developing new rent restricted housing units in communities that currently have less multi-family housing

units. Any new rent restricted housing units will be build either in or close proximity to areas of opportunity.

- An exploration of possible tenant protections from “no cause” evictions due to economic pressures on private housing in unincorporated areas of the jurisdiction.
- Discussion on how to establish, allocate and fund a Housing Trust Fund to provide additional resources for affordable housing in the jurisdiction.
- An exploration of options to establish and fund a land trust to increase available land for affordable housing developments in the jurisdiction.

<u>Goal 2</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
<p>Increase accessibility to affordable housing for persons with disabilities and single parent households.</p>	<p>Discrimination</p> <p>Availability of affordable units in a ranges of sizes</p> <p>Lack of available accessible units.</p> <p>Displacement of residents due to economic pressures</p>	<p>Disparities in access to housing</p> <p>Disproportionate housing needs.</p>	<p>By 2018 begin collecting data on persons with disabilities access to home ownership and rental units in the jurisdiction.</p> <p>Beginning in 2017 promote the availability of any new affordable housing units directly to persons with disabilities and female headed households.</p>	<p>H3S Housing Programs and HACC</p>
<p>Discussion: Persons with disabilities have limited housing choices, can’t find affordable accessible units and, are facing increasing rents due to the demands of the private housing market. Complaint data indicates that 46% of fair housing complaints in the</p>				

jurisdiction are regarding reasonable accommodation requests for physical and mental illnesses.

Persons with Disparate Housing Needs will be assisted with the increase in availability of affordable housing units through marketing of any new affordable housing units directly to persons with disabilities and advocacy organizations.

The jurisdiction will direct efforts to familial status households with the greatest need for housing and services. Single parent familial status households struggle to find affordable 2 and 3 bedroom units. Female-headed households with children (single mothers) are far more likely to live in poverty than other household types. 25.4% of female head of household families have income at or below poverty according to a County 2014 Poverty Report.

<u>Goal 3</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Improve access to housing and services for all protected classes.	<p>Lack of affordable, accessible housing in a range of unit sizes.</p> <p>Lack of Assistance for housing accessibility modifications.</p>	<p>Disparities in access to housing.</p> <p>Disparities in access to opportunity</p> <p>Disproportionate housing needs.</p>	<p>By 2018, provide information to housing programs in 2 additional languages for the Housing Rehabilitation program.</p> <p>By 2019 establish written policy on assisting persons with sensory impairments to access H3S housing programs and services.</p>	<p>All (jurisdiction) County Departments</p> <p>HACC and H3S housing programs</p>

			<p>(hearing and vision)</p> <p>By 2020 the County will include a standard for the use of translation and interpretation services in the Title VI plan.</p> <p>By 2019 revise all public housing admissions criteria with respect to tenants with criminal records to align with HUD Guidance issued in April 2016.</p> <p>By 2018, provide jurisdictional support for state legislative policy changes to enact “banning the box” for all housing in Oregon.</p>	
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Discussion: Race and National Origin are protected classes. Both the Hispanic population and the LEP population (a subset of the National Origin protected class) is growing in the region and in the jurisdiction. The jurisdiction plans to provide more information about housing programs directly to LEP populations in additional languages including Russian and Chinese.

The Housing Authority of Clackamas County (HACC) currently has forms in both Spanish and Russian as well as an interpreter service and services for hearing impaired applicants for housing assistance.

The jurisdiction will identify persons in protected classes who have the greatest need for housing and services. Persons with disabilities in the jurisdiction have limited housing options due to the lack of affordable accessible housing units. The H3S Housing Rehabilitation program helps low-income persons with disabilities to remain in their homes and have more access to opportunities in their communities through increased mobility at home. The H3S HOME program funds a limited number of affordable housing units that are generally part of larger housing developments.

H3S housing programs are currently lacking materials and training to assist persons with sensory impairments (hearing and vision) who request access to housing programs. The 2016 Oregon State Impediments to Fair Housing Choice report Finding #1 was that Persons with Disabilities face widespread barriers to housing choice statewide.

Clackamas County intends to improve access to public housing and County services such as parks, water, social services, health care, mental health services and juvenile services. The County is currently developing a Title VI Plan to clarify language services for LEP populations.

Criminal history records frequently present a barrier to accessing housing. This discrimination is having a disparate impact on African American and Hispanic men and their families. Private discrimination for a criminal history is one of the collateral “down stream” impacts of the racial and ethnic disparities in our local criminal justice system. HUD has begun providing training to fair housing organizations and housing providers to consider additional screening criteria to prevent a disparate impact in these populations seeking access to housing in the region and the jurisdiction.

The jurisdiction will ensure that all public housing admissions criteria are updated to align with the 2016 HUD Guidance on criminal history records to be considered during the housing application process. The jurisdiction will also support state legislative initiatives to ensure that all housing admissions criteria does not automatically disqualify persons who have criminal history records from eligibility for both private and publically supported housing.

<u>Goal 4</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Enforce Fair Housing laws and Increase public understanding	Private Discrimination Lack of local private fair housing enforcement	Source of Income discrimination Discrimination	Annually, at least 400 landlords and renters will receive information on fair housing	HACC Landlord training. Housing Rights and Resources

<p>of Fair Housing laws.</p>	<p>Lack of local public fair housing enforcement</p> <p>Lack of resources for fair housing agencies and organizations</p> <p>Community Opposition</p>	<p>Segregation</p> <p>Disparities in access to housing.</p>	<p>laws and training on rights and responsibilities of tenants and landlords.</p> <p>(2000 people over 5 years.)</p> <p>The number of potential discrimination referrals to Legal Aid and Fair Housing Council by Housing Rights and Resources program will be compiled and reported to HUD in CAPER reports.</p>	<p>sponsored fair training events.</p> <p><u>H3S RentWell tenant education program.</u></p> <p>Fair Housing Council of Oregon.</p> <p>Legal Aid Services of Oregon.</p>
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Discussion: Private discrimination in access to housing continues to occur in the jurisdiction and the region. Clackamas County has the Housing Rights and Resources (HRR) Program to increase public awareness about fair housing and to provide tenants and landlords information about their rights and responsibilities in fair housing. When staff determine that a potential housing discrimination has occurred a referral is made to Legal Aid or to Fair Housing Council for further exploration. Between July 1, 2015 and June 30, 2016, more than 2000 people called this program for housing information. More than 800 callers were assisted with rights and responsibilities information. 80 of the callers were calling with a specific discrimination issue which was clarified by HRR staff and as appropriate, callers were referred to Legal Aid Services of Oregon. The HRR program serves a vital function to screen appropriate cases to Legal Aid services. The jurisdiction will explore funding and partnership options to expand these legal services.

The H3S RentWell program provides tenant education to help clients accept responsibility for rental histories, build skills needed to become good renters, and build skills to overcome individual barriers to permanent housing. RentWell services also include a rental assistance fund to assist landlords with eligible damages and to help clients with application fees, security deposits, cleaning deposits, moving expenses and other expenses to access rental housing.

The Housing Authority of Clackamas County (HACC) works with landlords to understand the Housing Choice Voucher program and to encourage landlords to accept Housing Choice Vouchers.

The jurisdiction's Fair Housing Council of Oregon (FHCO) complaint data collected from July 1, 2014 to June 30, 2015 resulted in 92 discrimination complaints. 46% of complaints were about accommodations for persons with either a mental or physical disability. 20% of households believed they had been discriminated against due to their family status. 11% of the complaint households believed they were discriminated against due to their national origin. 9% of households listed their source of income as a basis for discrimination and 5% believed they were discriminated against due to their race. Other complaints filed were in relation to discrimination due to domestic violence, marital status, sex and, sexual orientation.

The state Civil Rights Division, part of Oregon's Bureau of Labor and Industries (BOLI), is tasked with defending the rights of all Oregonians to equal opportunity in employment, housing, public accommodations and career schools. However, a year ago a legislative change made Oregon state fair housing laws no longer substantially equivalent to federal fair housing laws. As a result HUD terminated its contract/partnership with BOLI as of April 3, 2016 and now all federal claims of fair housing violations will have to be filed directly with HUD. This change in how complaints are filed presents a potential barrier to a reasonable length of time for the resolution of complaints, and therefore justice for complainants.

The 2016 Oregon State Impediments to Fair Housing Choice report Finding #2 was that Discrimination against protected classes persists statewide.

<u>Goal 5</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners	Private discrimination Lack of local private fair housing enforcement Lack of resources for	Segregation Disparities in access to housing	By 2019 each jurisdiction in the region will have at least one shared goal. By 2020 produce a bi-annual regional fair housing report.	H3S and HACC staff Fair Housing Council of Oregon

	fair housing agencies and organizations Discrimination Lack of affordable, accessible housing in a range of unit sizes.	Disparities in Access to Opportunity	By 2020 distribute the regional fair housing report to all regional governments and housing authorities.	
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Discussion: The Clackamas County jurisdiction is located in the south east corner of the Portland Vancouver Metropolitan Statistical area also known as the U.S. Census Bureau Core-based Statistical Area. Region partners continue to coordinate efforts to promote and expand fair housing laws and improve housing choice for all protected classes. Regional partners are coordinating efforts with the Fair Housing Council of Oregon to collect discrimination complaint data for examination and dissemination to local jurisdictions. Improve data collection will boost efforts to make the public more aware of the persistent discrimination that occurs in the private rental housing market.

The jurisdiction participates with regional partners to coordinate fair housing training events and advocacy efforts on an informal basis. Regional partners are supporting efforts by the Fair Housing Council of Oregon to expand resources, strengthen advocacy efforts and promote the benefits of fair housing for all communities. The housing market in the Portland Metro region also contains part of southwest Washington state including the City of Vancouver and Clark County. Part of the coordination effort includes data collection and dissemination of housing discrimination data.

As listed in the 2012 Analysis of Impediments to Fair Housing (Goal VI) local and regional data must guide planning efforts by; 1. Maintaining County data on violations and potential violations of fair housing laws and use to promote fair housing and to conduct fair housing training/education; 2. Coordinating with Housing Authority of Clackamas County to include annual reporting of wait list and housing recipients and; 3. Working with regional partners to identify and integrate additional available data in local and regional fair housing planning.

<u>Goal 6</u>	<u>Contributing Factors</u>	<u>Fair Housing Issues</u>	<u>Metrics, Milestones, and Timeframe for Achievement</u>	<u>Responsible Program Participant(s)</u>
Ensure that all housing in Clackamas County is healthy and habitable.	Lack of affordable, accessible housing in a range of unit sizes.	Segregation Disparities in access to housing	Jurisdiction/County Adoption of a Residential Rental Maintenance Standard by 2020.	County H3S Housing Staff and HACC

	<p>Availability of affordable units in a ranges of sizes.</p> <p>Lack of local private fair housing enforcement</p> <p>Lack of resources for fair housing agencies and organizations</p> <p>Private Discrimination</p>	<p>Disparities in access to opportunity</p>		
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Discussion: Substandard housing conditions including fire danger, mold, rodents and bedbugs may have a disparate impact on protected classes that are more likely to occupy private low rent housing.

The critical shortage of affordable rental housing units in the jurisdiction and the region and, the law allowing no cause evictions, makes tenants fearful of requesting repairs due to risk losing their housing from retaliation and eviction. Housing survey respondents and comments during community meetings exposed that vulnerable populations including fair-housing protected groups such as people of color, families with children and persons with disability are forced to live in unhealthy conditions. Such conditions include vermin infestations and leaky roofs or leaky plumbing which causes mold and mildew in their rented homes because they cannot afford better housing. These sub-standard housing units further burden low-income and vulnerable populations with potentially chronic health conditions that may limit their access to opportunity in school and at work.

An enforceable residential rental maintenance standard would provide one mechanism to assure rental housing quality by requiring landlords timely to repair rental units. The state of Oregon’s residential rental habitability statute, ORS 90.320, requires landlords to maintain premises in a habitable condition but the state law relies entirely upon private enforcement in court and low-income residents have very little access to legal representation to enforce their rights. Thus, the adoption of a housing inspection program to enforce residential rental maintenance standards would both alleviate potentially severe public health problems and affirmatively further fair housing.

The neighboring jurisdictions of Portland and Gresham have adopted similar residential property maintenance codes to assure rental housing is healthy and safe for low-income renters.



ASSESSMENT OF FAIR HOUSING PLAN
PUBLIC COMMENT AND
PUBLIC HEARING

The Draft 2017-2021 Assessment of Fair Housing (AFH) Plan consists of an assessment of the past, current and future efforts to improve housing access for all protected classes in Clackamas County. The AFH Plan includes a description of the community participation process, an assessment of past goals and action, an analysis of fair housing issues, and Clackamas County's 5-year fair housing goals and objectives.

The draft 2017-2021 AFH Plan will be posted on August 22 at this website: <http://www.clackamas.us/communitydevelopment/maps.html>. The public comment period on the plan will open on August 22, 2016. For additional information, or to submit comments, contact Mark Sirois at marksir@clackamas.us or Kevin Ko at the Clackamas County Community Development Division, (503) 655-5891, Public Services Building – Suite 245, 2051 Kaen Road, Oregon City, Oregon 97045. Comments will be accepted until 5:00 p.m., Friday, September 23, 2016.

The Clackamas County Board of County Commissioners will hold a
PUBLIC HEARING

At the Public Services Building
Hearings Room - 4th Floor, Room 409
2051 Kaen Road, Oregon City, Oregon
Thursday, September 15, 2016 at 6 P.M.

This hearing will provide an opportunity for people to discuss and testify on the Fair Housing goals listed in the draft 2017-2021 Assessment of Fair Housing Plan. The goals listed in the draft AFH Plan will be made part of Housing and Community Development and the Housing Authority of Clackamas County planning documents during the 2017 to 2021 program years.

The hearing will consist of three parts:

- 1) A review by the Housing and Community Development Director, Chuck Robbins, of the process of reviewing census data, community meetings, survey data and discussions to develop the draft goals;
- 2) A review of the draft AFH Plan goals; and
- 3) An open discussion period during which citizens may testify on the draft plan.

Reasonable accommodation will be provided for any individual with a disability

Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting may request assistance by contacting the Section 504 Coordinator. Determinations on requests for reasonable accommodation will be made on a case-by-case basis. All requests must be made at least 5 days before the meeting date.

Contact: Chuck Robbins, Clackamas County Community Development, 2051 Kaen Road, Suite 245, Oregon City, Oregon 97045. Telephone: (503) 655-8591. E-Mail: chuckrob@co.clackams.or.us.