

**Analysis of Impediments to Fair Housing
Advisory Committee
July 21, 2005**

Attendees: Joe Wykowski (HCDC-Community Vision), Irma Valdez (HCDC-realtor), Pegge McGuire (Fair Housing Council), Micky Ryan (Oregon Law Center), Andrew Epstein (Independent Living Resources), Michael Sheehan (Fisher, Sheehan and Colten), Colin McCormack (Native American Youth and Family Center), Beth Kaye (BHCD), Tracy Lehto(BHCD)

The meeting followed the agenda and essentially reviewed the materials supporting each agenda item. See attached agenda and supporting materials.

The following issues were identified and set aside to discuss at the next meeting:

- A concern that the Housing Authority of Portland may not be collecting demographic data on tenants in tax credit properties.
- Language barriers
- Accessible units being rented to people without disabilities
- Lack of education to low-income households about the benefits of becoming a homeowner
- Other homeownership strategies to increase housing choice
- Concerns about some homeownership strategies such as shared appreciation mortgages
- Culturally specific issues, example, Native Americans in Portland sometimes choose to spend summers at reservations, the resulting intermittent tenancy can cause issues when seeking housing.
- De-concentration of poverty vs. ensuring housing choice to all (even when it may result in concentrations of poverty or minority populations)
- Sec 811 housing, limits populations that can live there, concentrates those populations

Next meetings were set for Aug 31st 2-4 pm and Sept 22, 2-4pm at Independent Living Resources, 2410 SE 11th Ave

**Analysis of Impediments to Fair Housing
Advisory Committee**

July 21, 2005

2:00-4:00pm

Please be on time, we will start promptly at 2pm

Location

East Portland Community Center, Multi Purpose Room 1&2
740 SE 106th Ave., (Stark/Washington & 106th)
Tri Met Bus 20

Co-chairs Joe Wykowski and Pegge McGuire

AGENDA

Agenda Item	Time	Presenter
1. Introductions <ul style="list-style-type: none">Who you are, what you do, how your work relates to fair housing.	2:00 – 2:10 pm	Joe
2. What is the Analysis of Impediments (AI) and why we are updating it?	2:10 – 2:15 pm	Tracy
3. Fair Housing Overview <ul style="list-style-type: none">protected classes under federal, state and local lawintentional discrimination or barriers to fair housing<i>de facto</i> discrimination or barriers to fair housingacts that violate the fair housing lawsclasses or actions not covered by fair housing law	2:15 – 2:35 pm	Pegge
4. Why are we updating the AI now? <ul style="list-style-type: none">connection to fundingconnection to the Consolidated Planconnection to our programs	2:35 – 2:45 pm	Beth
5. The goals and outcomes of the AI	2:45 – 2:55 pm	Beth
6. Scope of work for the AI <ul style="list-style-type: none">Location policy (discuss as part of scope, example of policy tied to fair housing)	2:55 – 3:25 pm	Tracy
7. AI timeline, opportunities for public comment, and committee review process <ul style="list-style-type: none">The role of this committee	3:25 – 3:40 pm	Beth
8. Next Steps	3:40 – 4:00 pm	Beth

Analysis of Impediments Summary

BHCD is in the process of updating the Analysis of Impediments to Fair Housing (AI) for Multnomah County and all jurisdictions within Multnomah County, including the City of Portland. The last AI was done in 1996. In the AI update process, we will seek to identify barriers to fair housing and housing choice, and identify strategies to address them. A wide variety of information will be collected and analyzed, including interviews with key stakeholders, public testimony, demographic data, and public policies that have an impact on housing choice.

You may review the current AI (1996) on our website, go to <http://www.portlandonline.com/bhcd> and click in the fair housing link, then the Analysis of Impediments link.

What is Fair Housing?

Fair Housing refers to a set of federal, state, and local laws that protect people from illegal housing discrimination. These laws prohibit housing discrimination based on a person's *race, color, national origin, religion, sex, sexual orientation, source of income, familial status (children in the household under age 18, anticipated presence of children through adoption, pregnancy etc.), marital status, or physical or mental disability*. People protected by the fair housing laws against discrimination are said to belong to a "*protected class*."

Violations of the fair housing laws may include, depending on the specific facts:

- Refusing to rent housing to a member of a protected class;
- Refusing to sell a home to a member of a protected class;
- Providing false information to a member of a protected class;
- Evicting a member of a protected class;
- Refusing to make a loan, or charging a higher interest rate, to a member of a protected class;
- Refusing to allow persons with disabilities to make their housing physically accessible;
- Refusing to adjust rules that inhibit the ability of people with disabilities to successfully use their housing;
- Having policies that make families with children unwelcome;
- Harassment, e.g. asking a tenant for sexual favors, or proselytizing the tenant, or calling members of protected classes insulting names;
- Building new housing that is not accessible to persons with disabilities.

For more information about fair housing go to <http://www.portlandonline.com/bhcd> and click in the fair housing link.

Protected Class Definitions

- Federal law: a person's gender, race, color, national origin, religion, disability, familial status (presence of children or pregnancy).
- Oregon state law: marital status, source of income.
- City of Portland, Multnomah County: sexual orientation, age, gender identity.

Scope of Work Summary

1. **Community interviews:**

The process of developing the AI will involve substantial interaction with the constituents of the process. Approximately 20 to 25 interviews will be completed with representative organizations and individuals who advocate for protected groups under city, county, state and federal Fair Housing statutes (e.g., Legal Services, protective services, community action agencies); constituent-based groups for protected classes; fair housing investigators; and government officials with responsibilities implicating Fair Housing objectives.

2. **Review of public policies:**

This task is to review public policies that implicate fair housing concerns. This review must be completed for all jurisdictions in Multnomah County. Public policies include the local comprehensive plan, zoning ordinances, development policies, policies regarding permitting, and building code enforcement. Policies may "implicate" fair housing concerns even if the policy is not explicitly housing-related. This review of public policies will occur on two separate bases: (1) an "as written" basis, and (2) an "as applied" basis. *The review of public policies will include a review of the City's **location policy**, which prohibits City-controlled investment in projects in Impact Areas with high poverty.*

3. **Fair housing procedures:**

This review will involve a review of two different aspects of Fair Housing "procedures." Fair Housing complaints filed with the city, the regional HUD office, and the Fair Housing Council of Oregon will be reviewed to determine whether there are trends or patterns that can be discerned. Complaints will be reviewed to determine whether they are handled in a timely and appropriate fashion. In addition, Fair Housing Education is important. Education directed toward both public and private sector constituencies will be reviewed to determine whether it is adequate in scope and amount and appropriate in content.

4. **Program administration:**

The review of program administration involves five aspects. A review of *performance* seeks to ensure that programs do, in fact, make available financial assistance without disparate impacts on protected classes. A review of *operations* looks, for example, at marketing and advertising materials, practices and policies. A review of *delivery* examines whether the delivery of program outputs (e.g., new/rehabbed affordable housing units) implicates Fair Housing concerns. A review of *administration* will consider the Fair Housing training which county and municipal staffs (and grantee staff) receive.

5. **Housing stock data analysis:**

This task involves a quantitative analysis of local housing stock. The age of housing stock may affect the extent to which, if at all, there is lead paint in the area (having implications for discrimination based on family status to the extent that landlords refuse to rent to families with children). The size of available housing (both in

numbers of bedrooms and square feet) should be considered. The absence of appropriately-sized housing stock can be an impediment to housing for both disabled persons and older persons. In contrast, the addition of new housing stock consisting of only one and two bedroom units can represent either explicit (or de facto) discrimination against families with children.

6. **Demographic analysis:**

Prepare a demographic analysis, including:

- The geographic location of protected classes, and the overlap of lower-quality housing with protected class-related variables.
- A review of whether jurisdictions provide adequate housing for "large related families."
- Relationship between housing and linguistic isolation.

7. **Community infrastructure:**

Examine the impacts of community infrastructure on housing choice, particularly by the aged, disabled and very low income. The community infrastructure relative to transportation and selected life services (grocery stores, pharmacies, banks, and health care) will be examined.

8. **Home lending data:**

The City of Portland has set a goal to lower the minority homeownership gap and the consultant should use that as a lens to review of home lending data. The consultant will use existing Homeownership Advisory Committee (HOAC) reports and information from interviews to assess whether home purchase loans, loan refinancing and housing rehab loans are appropriately made to all customers. Based on above findings, the consultant may chose to complete an examination of Home Mortgage Disclosure Act (HMDA) and Community Reinvestment Act (CRA) data for Multnomah County. The AI will first assess whether protected classes are disproportionately denied access to financing. The AI will *also* assess the reasons why home mortgage applications are withdrawn (as opposed to being denied).

10. **Additional data analysis:**

The following tasks will surface issues that indicate whether there is true freedom of choice in housing price, housing quality, and neighborhood quality of life decisions. The data developed through the basic tasks listed above will be placed in the context of the additional information listed below:

- Locational data by crime rates as available;
- Elementary school student performance;
- The existence, and if so, the location of hazardous waste sites and/or reportable hazardous waste spills;
- The availability of, and the concentration of, public, subsidized and mobile home housing;
- The availability of public transit options relative to employment opportunities.

AI Timeline

Task	Date	Entity
Update of AI begins, final process planning	May 23- May 30, 2005	Consultant/BHCD
Data collection and analysis	June 1 – August 2, 2005	Consultant/BHCD
Public Testimony at July HCDC meeting re: Fair Housing Issues	July 6, 2005	HCDC/Public
Technical Committee 1 st Meeting- Review scope, process and data collection needs	July 11, 2005	Technical Committee
Advisory Committee 1 st Meeting- Review scope and process	July 21, 2005	Advisory Committee
Initial AI draft report complete	August 25, 2005	Consultant
E-mail to Advisory and Technical committees and HCDC same day w/ cover memo that committee feedback will be presented at Sept 7 meeting. Committee feedback will be e-mailed to HCDC before 9/7 if possible.	August 25, 2005	BHCD
Technical Committee 2 nd Meeting- Initial Review of AI draft report, collect feedback on analysis and report, begin to gather ideas for strategies	August 31 or September 1, 2005	Technical Committee
Advisory Committee 2 nd Meeting- Initial Review of AI draft report, collect feedback on analysis and report, begin to gather ideas for strategies	August 31 or September 1, 2005	Advisory Committee
Summarize feedback from committees as report supplement to present to HCDC	Sept 2-6, e-mail to HCDC if possible	BHCD
HCDC first review of AI draft report and feedback form Advisory and Technical Committees	September 7, 2005	BHCD/HCDC
Consultant revises draft with feedback from committees, HCDC, revised draft due	September 15, 2005 e-mail to committees immediately	Consultant
Technical Committee 3 rd Meeting- Second Review of AI draft report, develop draft recommendations to address issues in AI	September 21 or 22	Technical Committee
Advisory Committee 3 rd Meeting- Second Review of AI draft report, develop draft recommendations to address issues in AI	September 21 or 22	Advisory Committee
Final draft complete	September 29, 2005	Consultant
BHCD sends draft to HUD with CAPER; requests HUD feedback	September 30, 2005	BHCD
HCDC final review and approval of AI report	October 5, 2005 or November 2, 2005	HCDC
Final report complete	No later than October 30, 2005	Consultant
Joint meeting of Advisory and Technical Committees on implementation of strategies	mid-November 2005	Advisory Committee Technical Committee

Public Input Opportunities

- Public Testimony was taken at the July 6, 2005 Housing and Community Development Commission
- Citizens can call BHCD with input
- Write letter with input to BHCD
- E-mail input BHCD
- Analysis of Impediments to Fair Housing Advisory Committee

Attached

Income chart

Location Policy

Partial Data on Protected Classes