



*Behind every front door there is a family.
How can you create and open doors within your community?*

The Fair Housing Council of Oregon's Good Neighbor Guide



Being a good neighbor is more than just supporting those who live next to you, but supporting your entire community. All community members should have access to housing and the amenities that housing provides (safety, security, warmth, education). Discrimination against new housing development—the focus of this guide—leaves a legacy as long as the lifespan of the would-be housing by locking some community members out of existing neighborhoods. Multiple generations can suffer when development projects are rejected, or rules are put into place to prohibit entire categories of housing, motivated by fear of and prejudice against “those kind of people” that differ from the dominant community groups.

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

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

An Introduction to Fair Housing Laws

Denial of a new housing development because of concerns about race, family status, or disability of future residents is discrimination.

It may seem hard to believe that someone in your community in this day and age would oppose the building of an apartment building or an adult foster home primarily because of fears of who might live in such projects, but FHCO receives many development project-specific discrimination complaints each year. When a new housing project is proposed in your community, listen for phrases like “**incompatible with neighborhood character**”, “**bringing in those kinds of people**,” “**decreasing property values**”, or “**increasing crime**”. These are often indications that discrimination and prejudice are influencing the decision-making process. Discrimination can also lurk behind seemingly neutral objections to proposed development, including concerns about parking, school capacity, or traffic. Any one of these concerns can create a biased review process that threatens the future of a proposed project. Fortunately, there are laws and regulations that can help you speak out against these injustices, advocate for diverse housing types, and ensure your community is both welcoming and inclusive.

The Fair Housing Act and Oregon Fair Housing Laws

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

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

Oregon adds to the protections of the FHA. To the seven protected classes it adds five more: a person’s marital status, source of income (including Housing Choice/Section 8 Vouchers), sexual orientation, gender identity, and status as a survivor of domestic violence. Thus, in Oregon, local governments may not exercise their authority in any way that has the effect of discriminating against individuals of these twelve protected classes.

Oregon Needed Housing

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



INTERACTION BETWEEN AFFORDABLE HOUSING AND RACE

In most communities, the majority of people who need affordable housing or special needs housing are also people whose access to housing choice is protected under fair housing law. For example, in many communities, a greater share of people of color (race, national origin and color) may need more affordable and varied housing than the majority population; thus the rejection of a subsidized apartment project would have a disparate impact on people of color.



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

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

Additional Protections for Group Homes

In Oregon, licensed **residential facilities** are defined by ORS 443.400 as “facilities licensed to serve six or more individuals with physical, mental health or developmental disabilities.” The term **residential homes** is defined as similar facilities serving five or fewer individuals. Housing projects defined as either residential facilities or homes include addiction residential treatment homes and adult foster care. According to ORS 197.670, jurisdictions must allow residential homes in all residential zones and any commercial zone that allows single-family dwellings, and must allow residential facilities in all residential zones that allow multifamily housing. Combined with the FHA, these regulations mean that jurisdictions may not require additional review, hearings, or meetings, or impose additional standards on a licensed residential home/facility.

Fair Housing and Protections for Shelters

Unfortunately, shelters, transitional housing, motels used as transitional housing, and campsites do not fall under the definition of needed housing as defined by ORS 197.303 and thus cities are not required to allow them or to apply clear and objective standards to proposed projects. However, many qualify for protections under the FHA because they predominately serve members of protected classes. These are both some of the most needed and most discriminated against proposals, running into unjust stereotypes of housing-insecure individuals. Neighbors, elected officials and even city staff may view such projects with concern, creating opportunities for both education and advocacy to better support such projects.

PROTECTED RESIDENTIAL PROJECTS MOST OFTEN SUBJECT TO DISCRIMINATION

Affordable Housing



- often multifamily
- income restricted

Transition Housing



- for recovery
- for re-entry

Group Homes



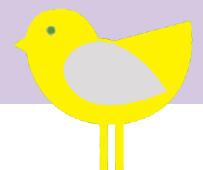
- adult foster care
- disabled persons
- addiction treatment

Shelters



- domestic violence
- homeless shelters

Senior Housing and Senior Care Facilities



How YOU can help

There are multiple ways you can get involved in your local planning and land use review process. The first is to **understand** what is happening around you, in regards to both the proposed project and the applicable regulations. In some cases, the city is required to mail written notice of a proposed project to nearby residents. However, ask your local planning department to be on any email/notification lists of proposed projects, to ensure you know what is happening and when.

HOUSING PROJECT CHECKLIST

- Contact local city planning department**
- Ask questions and request to be on an email notification list (don't be shy!)**
- Obtain all project documents including any public comments received**
- Identify the applicable zoning standards**
- Note all project review dates/deadlines**
- Call FHCO with any concerns about discrimination in the review process**
- Gather allies and provide them with key points to support the project**
- Submit comments/testify, and take note of discriminatory opposition commentary**
- Obtain a copy of the final decision and review for fair housing or needed housing violations**

Great questions to ask your local planning department about a proposed project include:

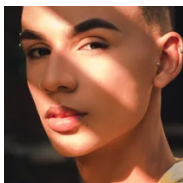
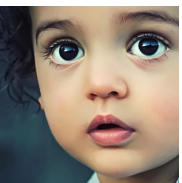
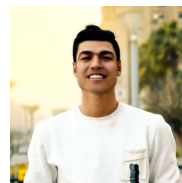
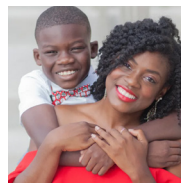
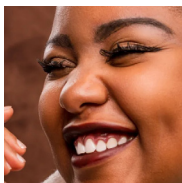
- What zoning standards apply?
- How will the project be reviewed?
- How can I best participate in the process?

Second, **inform FHCO** if you are concerned about fair housing or needed housing violations, even if you don't know precisely which laws apply.

Third, **gather and educate new allies**. This will not only help arrest false stereotypes before they arise, but amplify your ability to create positive change.

Fourth, **participate with your allies** orally at official meetings and through written testimony. Written testimony must be received before planning commission and city council meetings, so remember to keep your dates in order. Testimony is most effective when it speaks to the applicable zoning standards, rather than personal stories or emotional appeals.

Finally, **stay informed** by reading your local news and the more in-depth guides on the FHCO website, in order to be prepared to advocate for future housing projects and more inclusive housing regulations.



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