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## Affirmatively Furthering Fair Housing

Title VIII of the Civil Rights Act of 1968, known as the [Fair Housing Act](#), requires HUD and recipients of federal funds for purposes of the Fair Housing Act, also known as "affirmatively further fair housing" or "AFFH." The obligation to a recipient of federal funds is to take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and restrict access to opportunity based on protected characteristics, which are:

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

Generally, in administering programs and activities relating to housing and community development, the recipient of federal funds should:

- Determine who lacks access to opportunity and address any inequity among protected class groups
- Promote integration and reduce segregation
- Transform racially or ethnically concentrated areas of poverty into areas of opportunity

For more information on AFFH, view the [AFFH page on HUD.gov](#).



## Oregon Planning

Department of Land Conservation and Development

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## Goal 10: Housing

An adequate housing supply is a fundamental building block of a healthy community. Likewise, provision of housing for a community is one of the primary elements in a comprehensive plan for cities in Oregon. Housing takes many forms, and should be built to serve people at a variety of incomes levels. A housing supply that meets community needs is one that offers people a range of different places to live, different community densities to choose from, and does not overburden the financial resources of any group living there.



Goal 10 planning, at a local level, asks that cities inventory their "buildable lands", this refers to land inside an urban growth boundary that is suitable and available for residential use. This is determined, in large part, by local zoning codes. At a state level, both the [administrative rules linked below](#) and [Oregon Revised Statutes Chapter 215](#)

# Finding Common Ground at the Intersection of Fair Housing and Affordable Housing, Cautionary Tales, and Our Way Forward Together

Housing Land Advocates Annual Conference

March 1, 2019

*Allan Lazo, Executive Director*

*Fair Housing Council of Oregon*



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## Closing the Divide Between Fair Housing and Affordable Housing

*The Regional Affordable & Fair Housing Roundtable pulled off something that has often been elusive—building enough trust between fair housing advocates and place-based community developers to lead to their signing on to a joint agenda.*

Miriam Axel-Lute · February 20, 2019



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# Closing the Divide: Creating Equitable, Inclusive, and Affordable Communities

2019 | By **Enterprise Community Partners**

Regional Affordable and Fair Housing Roundtable

## SUMMARY

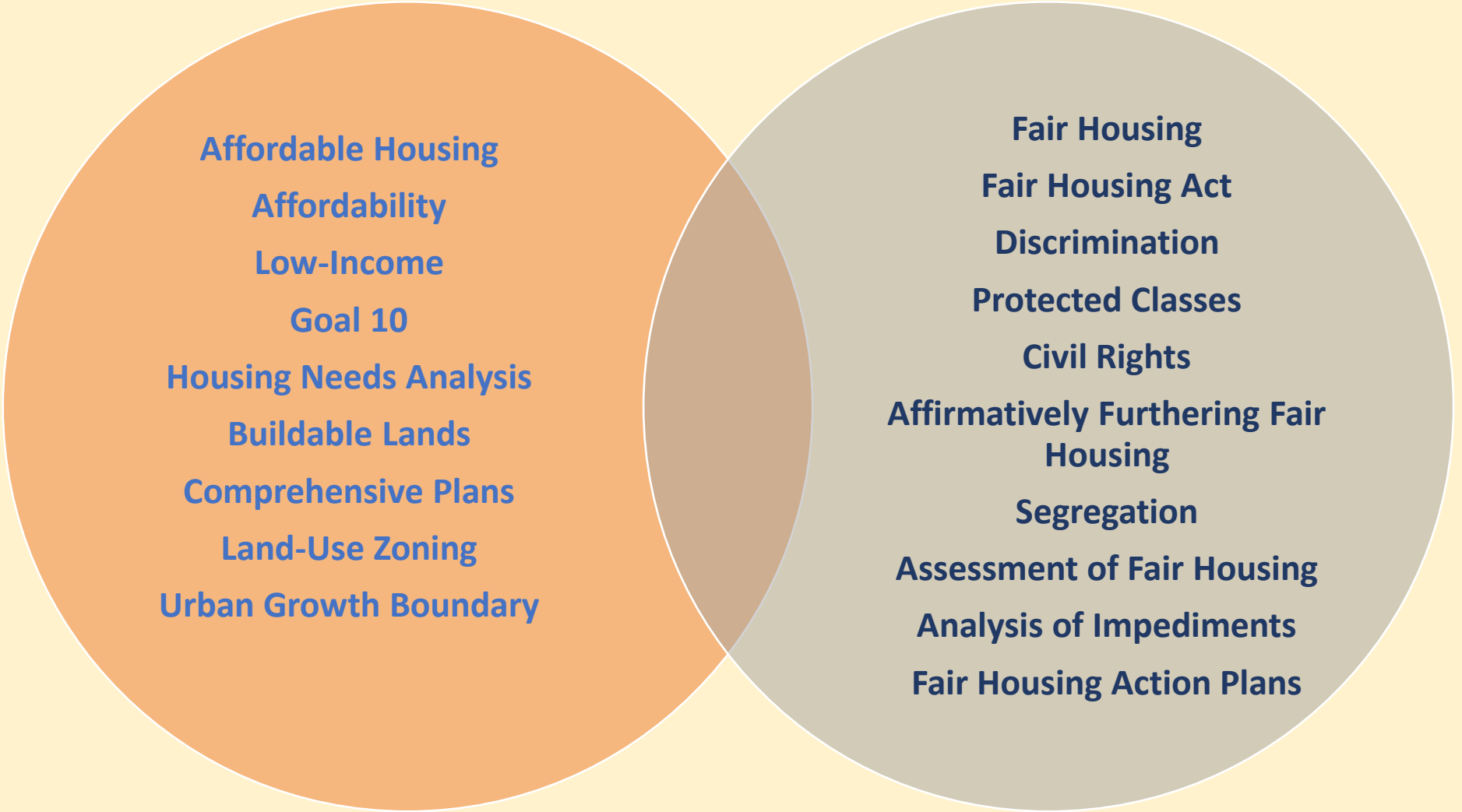
A shared policy agenda developed by the Regional Affordable & Fair Housing Roundtable.

## DESCRIPTION

In October 2017, Enterprise in partnership with the Roundtable, a dynamic working group comprised of nonprofit organizations. Over a year long process of Roundtable developed Closing the Divide: Creating equitable, inclusive, and affordable communities, highlighting several recommendations to address the region.

OPEN RESOURCE





**Affordable Housing**  
**Affordability**  
**Low-Income**  
**Goal 10**  
**Housing Needs Analysis**  
**Buildable Lands**  
**Comprehensive Plans**  
**Land-Use Zoning**  
**Urban Growth Boundary**

**Fair Housing**  
**Fair Housing Act**  
**Discrimination**  
**Protected Classes**  
**Civil Rights**  
**Affirmatively Furthering Fair Housing**  
**Segregation**  
**Assessment of Fair Housing**  
**Analysis of Impediments**  
**Fair Housing Action Plans**





# Building a Relationship Between AFFH & Goal 10

## Affirmatively Furthering Fair Housing

The obligation to affirmatively further fair housing requires recipients of HUD funds to **take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity** based on protected characteristics.

## Goal 10: Housing

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall **encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**



# What is Affirmatively Furthering Fair Housing?



U.S. Department of  
Housing and Urban Development

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## **AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)**

The Fair Housing Act requires HUD and its recipients of federal financial assistance to do more than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.

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## WHAT IS AFFH?

Title VIII of the Civil Rights Act of 1968, known as the [Fair Housing Act](#), requires HUD and recipients of federal funds from HUD to affirmatively further the policies and purposes of the Fair Housing Act, also known as “affirmatively further fair housing” or “AFFH.” The obligation to affirmatively further fair housing requires recipients of HUD funds to take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, which are:

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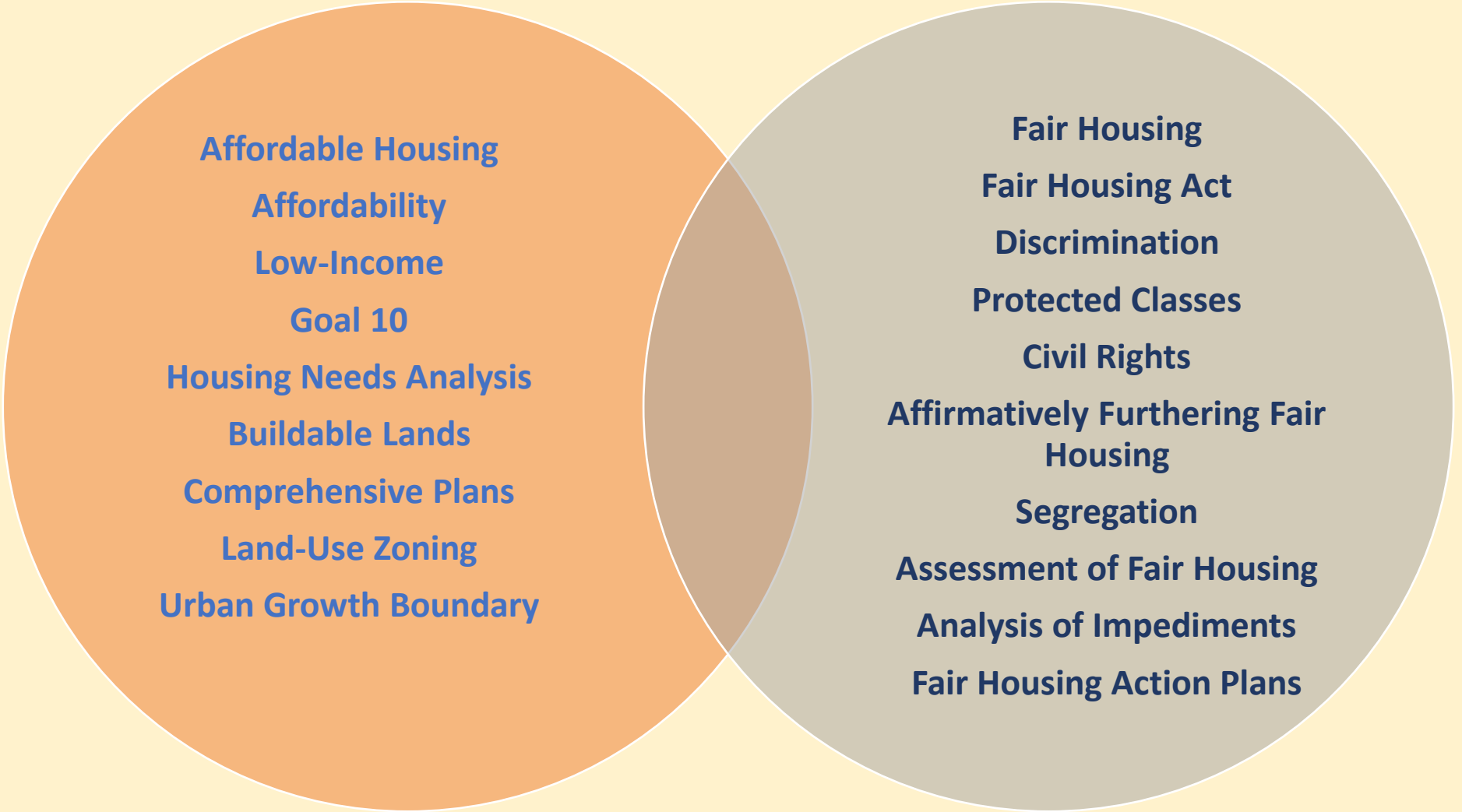


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## **AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)**

Generally, in administering programs and activities relating to housing and community development, the federal government, HUD, and its recipients must:

- Determine who lacks access to opportunity and address any inequity among protected class groups
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**Affordable Housing**  
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**Fair & Equitable  
Housing Outcomes**

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**Open, Inclusive  
Communities**



**Fair & Equitable  
Housing Outcomes**

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**Open, Inclusive  
Communities**

# Goal 10 Housing Planning Framework



**DLCD**

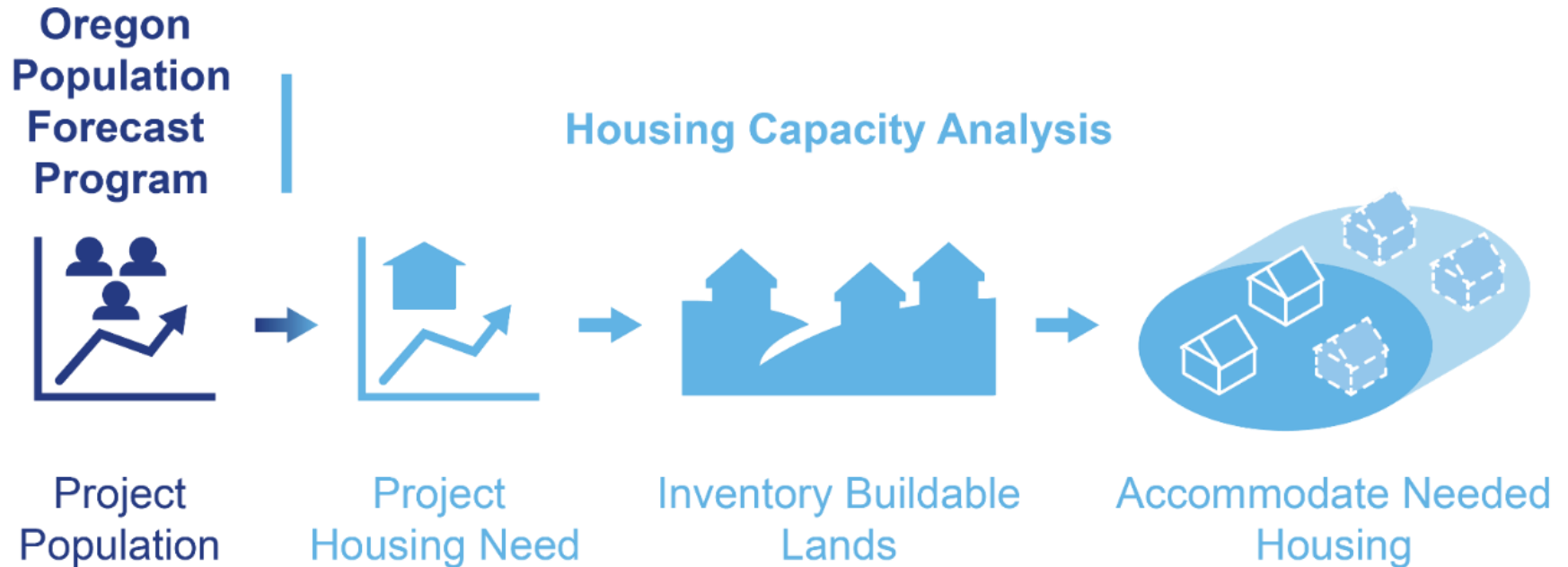


March 3, 2023

Mari Valencia Aguilar, Housing Planner

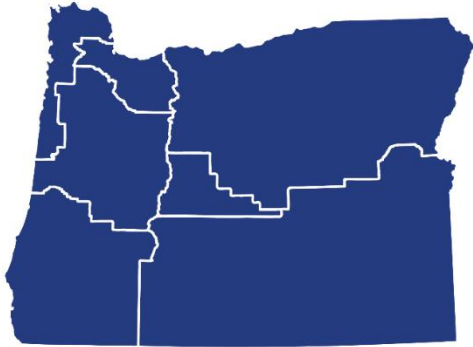
Sean Edging, Housing Planner

# \*OLD\* Goal 10 Framework



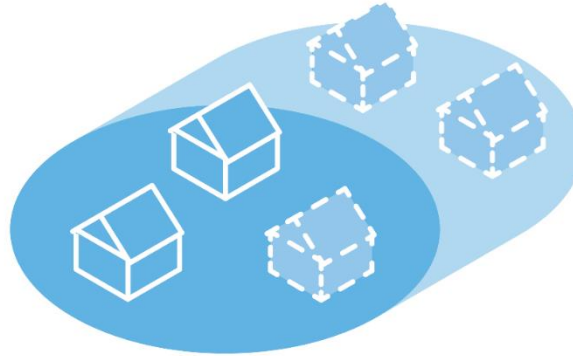


**Pilot a statewide housing analysis**



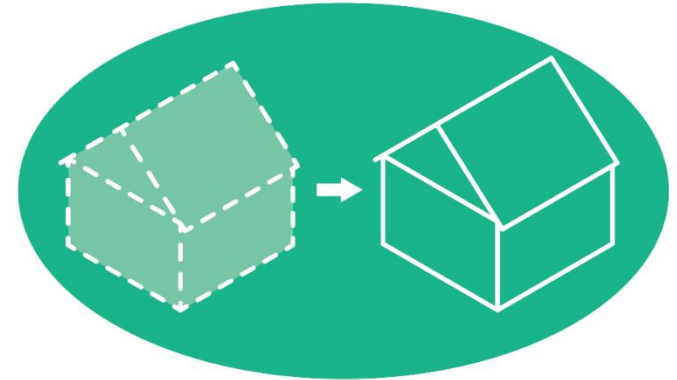
**Regional Housing Needs Analysis (RHNA)**

**Plan to accommodate needed housing on a regular schedule**



**Housing Needs/Capacity Analysis (HNA)**

**Promote the development of needed housing**

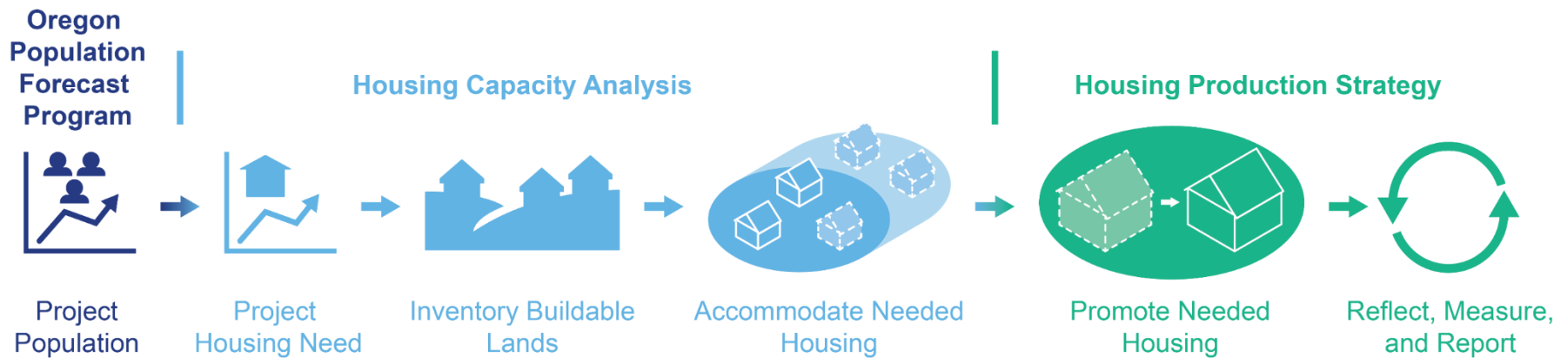


**Housing Production Strategy (HPS)**

# House Bill 2003 (2019 Session)

# Goal 10 – Housing Planning

*“To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”*



# Housing Capacity Analysis



*Is there enough land zoned to sufficient capacity, to accommodate twenty years of projected growth?*

- Housing needs projection
- Buildable lands inventory
- If a deficiency is identified:*
- Measures to accommodate needed housing
  - 'Efficiency measures'
  - UGB amendment

# Housing Production Strategy



*What tools, actions, or policies will a city implement to promote housing production, affordability, and choice?*

- Contextualized housing need
- Engagement
- Tools, actions, & policies to address need
- Fair & equitable housing outcomes
- DLCDC review & reporting

# Housing Production Strategy – Not Just Zoning

Category A		Zoning and Code Changes
Category B		Reduce Regulatory Impediments
Category C		Financial Incentives
Category D		Financial Resources
Category E		Tax Exemption and Abatement
Category F		Land, Acquisition, Lease, and Partnerships
Category Z		Custom Options

# Housing Production Strategy Guidance for Cities

- List of HPS tools, actions, and policies

<b>Category B: Reduce Regulatory Impediments</b>					
These Strategies address known impediments to providing needed housing. These include but are not limited to process, permitting, and infrastructure impediments.					
#	Strategy	Description	Affordability Target	Tenure Target	Source (if available)
B1	Remove or Reduce Minimum Parking Requirements	Removing parking requirements for residential uses provides the opportunity to reduce the amount of lot area used for pavement and provides more space for housing and open space. This strategy offers greater flexibility to site housing and reduces costs associated with providing parking. Allow developers to respond to market demands and transit access without having the burden of parking minimums. Consider removing parking requirements near transit or for affordable housing.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard
B2	Remove Development Code Impediments for Conversions	Streamlining the conversion of larger single-family homes into multi-unit dwellings (e.g. duplex or triplex). This should be aligned with reduced off-street parking requirements, so that conversion doesn't trigger the need to add additional driveways (or isn't halted by inability to add additional driveways).	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Tigard
B3	Expedite Permitting for Needed Housing Types	Expedited permitting will help to reduce costs of development of Needed Housing as identified by the City. Consider projects with direct or indirect funding from local government as essential and projects with long term affordability covenants through tax abatement or inclusionary requirements as high priority and/or only expedite housing according to the jurisdictions identified needed housing types. Local governments might also consider assigning a designating staff to shepherd projects through the construction process in order to expedite that part of the process.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	City of Portland (direct funding only)
B4	Expedite Lot Division for Affordable Housing	Expedite lot divisions and subdivisions for affordable housing projects	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	-
B5	Reduce Regulatory	Remove barriers such as minimum street frontage, driveway requirements, etc., that impact minimum lot size/density during lot division. Preferably allow by-right lot division up to max number of units allowed.	Publicly-Subsidized (< 30% AMI) Affordable (30-80% AMI) Workforce (80-120% AMI) Market Rate (> 120% AMI)	For Rent For Sale	-

[https://www.oregon.gov/lcd/UP/Documents/660-008-0050\\_HPS\\_List\\_Tools\\_Actions\\_Policies.pdf](https://www.oregon.gov/lcd/UP/Documents/660-008-0050_HPS_List_Tools_Actions_Policies.pdf)

# Fair and Equitable Housing Outcomes



Location and Transportation



Fair Housing



Housing Choice



Housing for People  
Experiencing Homelessness



Affordable Rental and  
Homeownership



Housing Stability and  
Displacement

1. “How is the city **striving to meet** GHG reduction targets...”
2. “How is the city **affirmatively furthering fair housing...**”
3. “How the city is **facilitating access** to housing choice...”
4. “How the city is **advocating for and enabling** housing options for residents experiencing homelessness
5. “How the city is **supporting and creating opportunities...**”
6. “How the city is **increasing housing stability** for residents and **mitigating the impacts of gentrification...**”

# New AFFH Module Coming

- Partnership with:
  - Dr. Andrée Tremoulet, PhD,  
Commonworks Consulting
  - Allan Lazo, Executive  
Director, FHCO
- The work continues!





# Oregon Housing Needs Analysis

# Legislative Direction

## HB 2003 (2019 Session) – Pilot Methodology

*OHCS “shall develop a methodology for calculating... A regional housing needs analysis” | DLCD to develop an evaluation report*

## HB 5006 (2021 Session) – OHNA Implementation

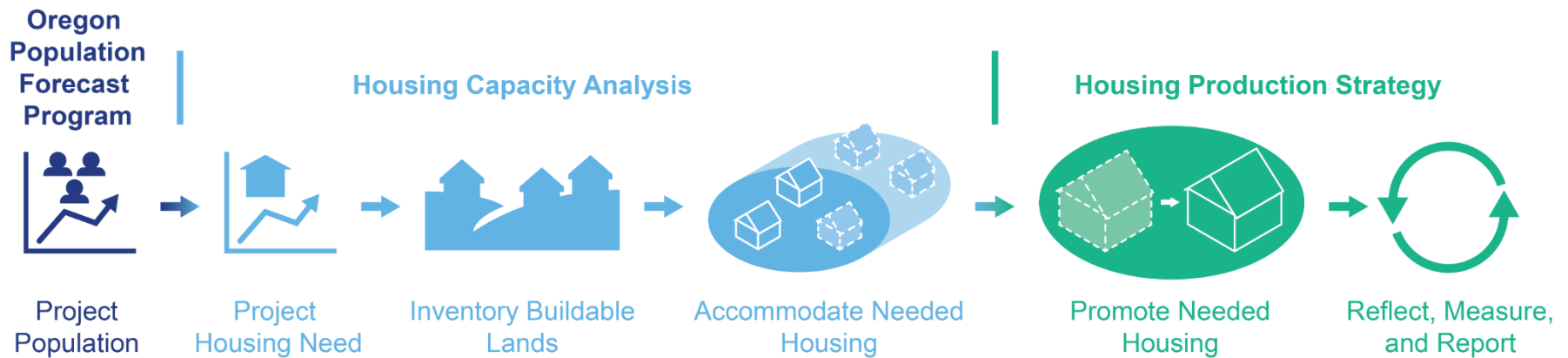
*OHCS and DLCD “to study and make legislative recommendations on the incorporation of a regional housing needs analysis into state and local planning programs” by December 31, 2022*

## HB 5202 (2022 Session) – Prepare land for housing production

*DLCD “to support work on regional housing needs and land supply issues”*

# Goal 10 – Housing Planning

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# Planning for Underproduction

## FOUR COMPONENTS OF NEED

## UNIT INCOME DISTRIBUTION

## TOTAL UNITS STATEWIDE

**1**  
PROJECTED  
NEED



Units needed to accommodate future population growth over 20 years

**2**  
UNDERPRODUCTION



Units that have not been produced to date in the region, but are needed to accommodate current population  
(often referred to as housing shortage)

**3**  
UNITS LOST TO  
2ND & VACATION  
HOMES



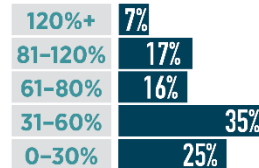
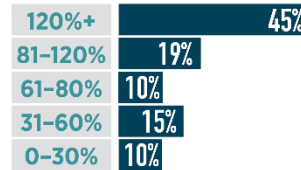
Units needed to replace units lost to second and vacation homes

**4**  
HOUSING FOR  
THE HOMELESS



Units needed to house those who are currently experiencing homelessness

DISTRIBUTION OF UNITS BY PERCENTAGE OF MFI  
(Data from Willamette Valley Region)



426,163  
(77%)

65,819 (12%)

33,535 (6%)

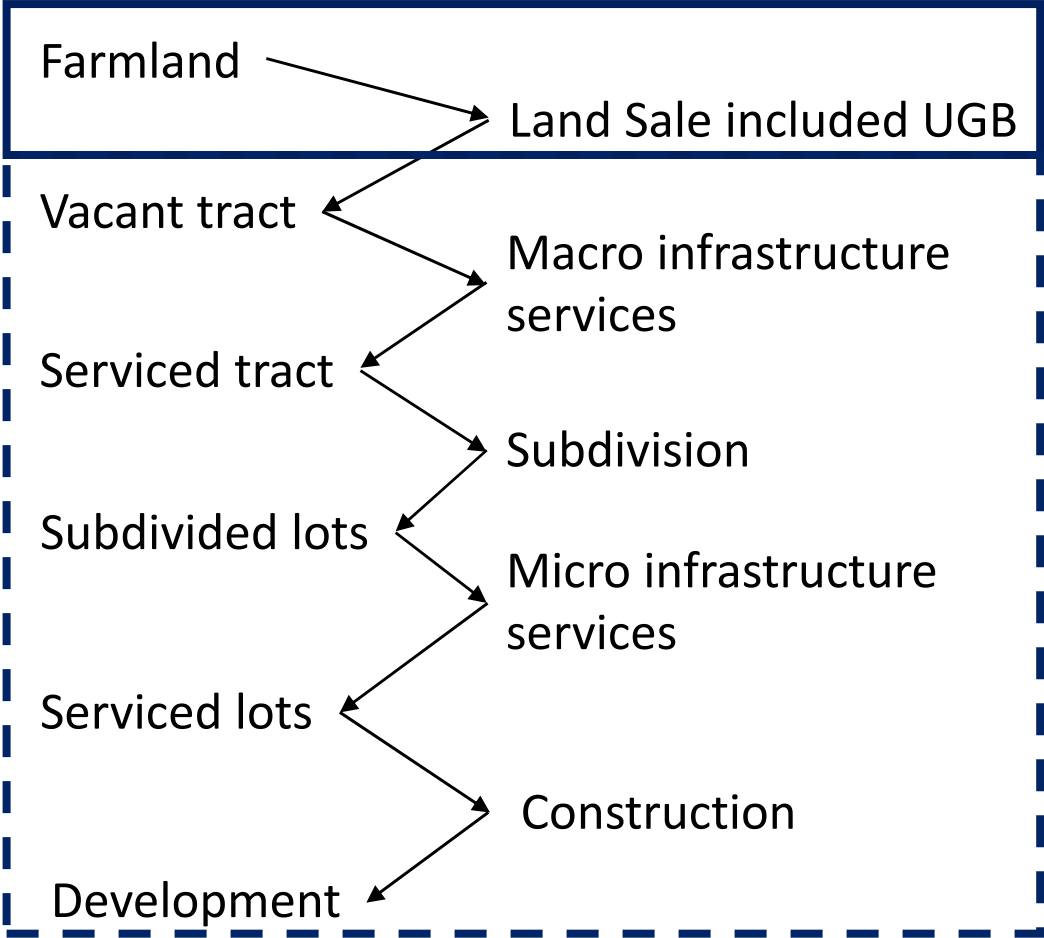
29,174 (5%)

554,691 TOTAL UNITS

# Historic Goal 10 Implementation Focus

States

Transition Events



**Historic Focus** – Ensure sufficient ‘land capacity’ with minimal focus on production and outcomes.

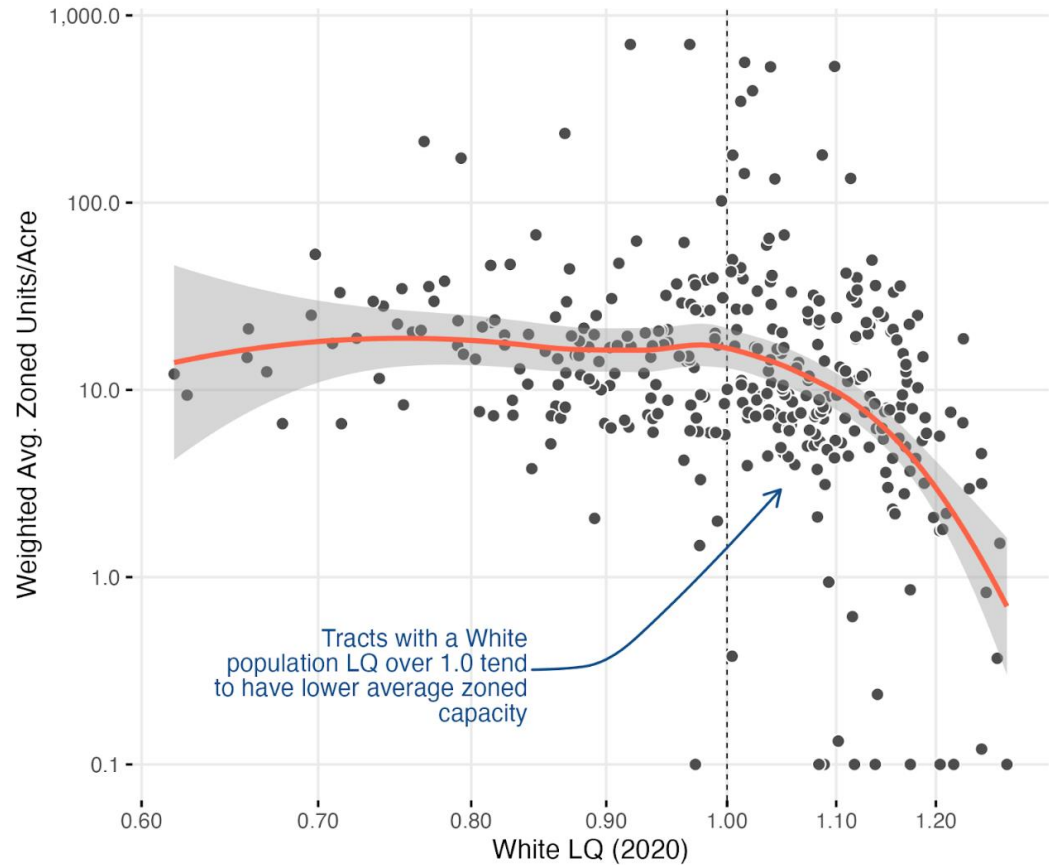
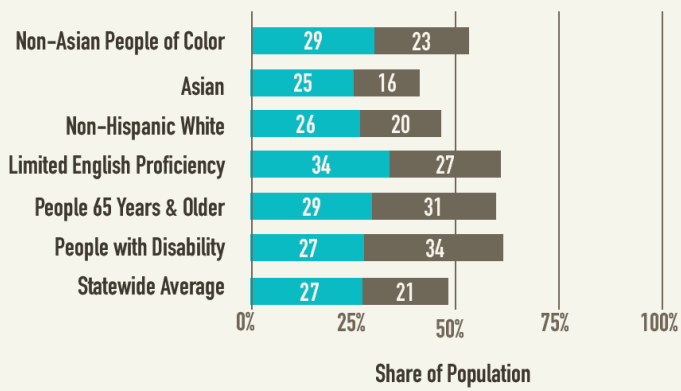
Disconnect between local Goal 10 planning and housing production, affordability and choice

**Outcome** – Decades of under-investment and under-emphasis on housing policy

# Reinforcing Inequitable Outcomes

Current system **reinforces** rather than **affirmatively addresses** disparities and patterns of exclusion

**Exhibit 1.** Rent Burdened and Severely Rent Burdened, Selected Demographic Characteristics, Oregon, 2018



# OHNA Policy Recommendations

## Recommendation 1: Plan for what's needed



1.1) Plan for more housing, especially affordable housing



1.2) Set targets, track progress and outcomes



1.3) Refocus local action on production



1.4) Unlock land, where it's needed

## Recommendation 2: Build what's needed, where it's needed



2.1) Fund housing the market would not produce on its own



2.2) Make “housing choice for all” a state policy goal

## Recommendation 3: Commit to working together with urgency



3.1) Coordinate state agencies on housing production



3.2) Organize continuing policy work to support production

# House Bill 2001 (-11 Amendment)

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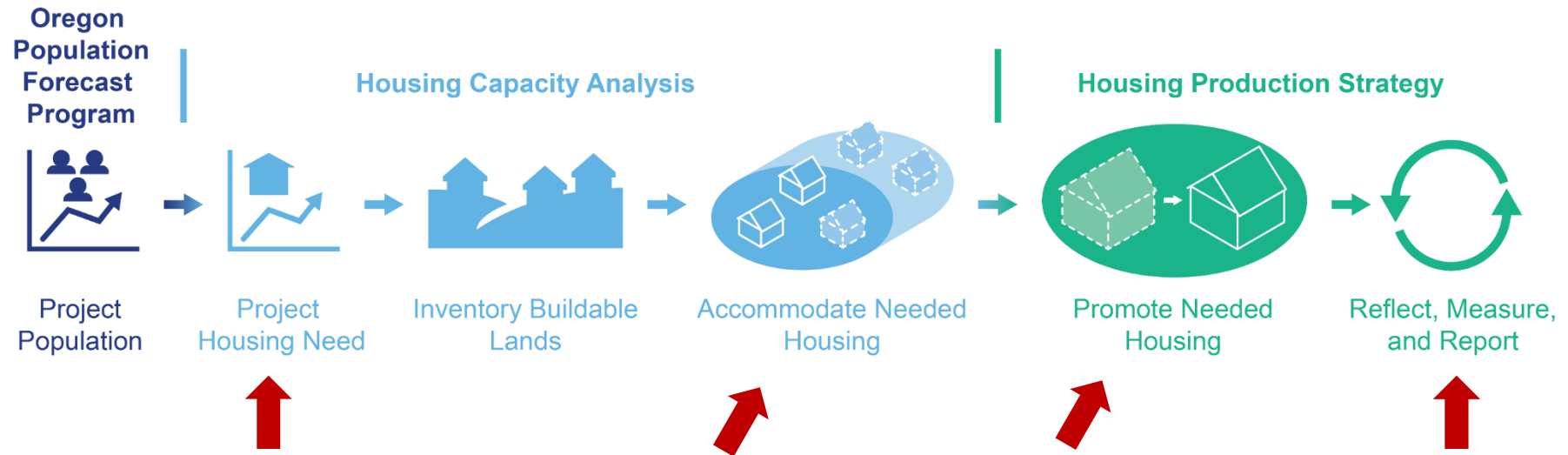


3.2) Organize continuing policy work to support production

\*Funding & governance are on-going legislative and gubernatorial priorities



# OHNA – Changes to Goal 10 Implementation



**Recommendation 1.1**  
OHNA Methodology replaces localized needs projections

**Recommendation 1.4**  
Facilitate local policies and development readiness to address need & support production

**Recommendation 1.3**  
Emphasize Housing Production Strategies

**Recommendation 1.2**  
Establish Housing Production Targets & track outcomes

# Housing Accountability

Amends the “Housing Accountability” statute (ORS 197.293) to establish accountability framework for addressing underperformance and inaction

- “Housing Acceleration Program” – requires DLCD to evaluate and refer underperforming cities for a state-led audit
- Audit evaluates local and state barriers to production – used as the basis for future local actions:
  - Within vs. outside of control of cities policies and practices
- Requires assistance from other state entities

Outlines LCDC and DLCD enforcement authority upon failure to take timely action - enforcement order and development override authority



# The Work Continues...

YOU MAY BE ASKING, ISN'T THERE A SIMPLE WAY TO FIX THIS? CAN WE JUST...

## INCREASE HOME OWNERSHIP?

**YES!** We need to build more starter homes for first-time buyers. But we also need more rental units of all types, whether they are accessory dwelling units, duplexes, apartments or any other creative solution.

## SPEED UP PERMITTING?

**YES!** Local governments often need more capacity to serve a growing market, and the permitting process is often overly complicated. Streamlining permitting can help reduce costs, allowing for more housing production. But on its own, this won't produce the mix of housing we need in the places that need it most. We need more housing choices everywhere for everyone.

## USE TAX INCENTIVES TO REDUCE DEVELOPMENT COSTS?

**YES!** It is an efficient use of public funds to leverage the market to build more housing. But tax abatements already exist and we wouldn't be in such a crisis if they worked on their own. There are some types of deeply affordable housing that the market will never build.

## PROVIDE MORE LAND?

**YES!** Some communities do need additional land for housing, but land by itself isn't enough. It needs to be development-ready, either with new infrastructure in expansion areas or by allowing for infill in existing neighborhoods.

WE NEED MORE HOUSING CHOICES FOR EVERYONE, EVERYWHERE

## BUILD ENOUGH AFFORDABLE HOUSING FOR EVERYONE WHO NEEDS IT?

**YES!** We must provide subsidized housing to those who need it now. But in the long term, it won't be enough if the overall housing shortage keeps growing, leaving those lower income income brackets competing over the same limited supply. Both government and private developers need to ramp up to meet our needs.

**THERE IS NO SILVER BULLET. WE NEED ALL OF THESE SOLUTIONS AND MORE TO CLOSE THE HOUSING GAP. THAT'S WHY IT'S IMPORTANT THAT WE ADVANCE A PACKAGE OF WORK DEVELOPED WITH HOUSING LEADERS AND COMMUNITY ENGAGEMENT OVER THE PAST YEAR.**

OHNA

The Oregon Housing Needs Analysis (OHNA) proposes fundamental changes to our system that will remove barriers to building more homes over the long term by:

- ✓ Regularly reporting on available housing in each community for existing and future residents, including those who have been historically excluded
- ✓ Requiring every community to make progress on providing its fair share of housing choices
- ✓ Ensuring that cities reduce key barriers to housing development, like zoning, inadequate infrastructure, and permitting delays
- ✓ Measuring progress in production, affordability, and choice and holding ourselves accountable when we don't follow through
- ✓ Expanding and coordinating the state's role in supporting local housing production
- ✓ Working together on developable locations for needed housing, while also protecting Oregon's landscapes and working lands for a diverse economy



# Discussion