Goal 1 and Housing Production

Moderator: Angel Falconer

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Jonathan Harker Oregon APA Anna Hoesly Storyline Community

22340

Diana Cooper Brookings CORE Response

2024 HLA Annual Conference

Goal 1 and Housing Production

Is It Time to Ensure Equitable Participation and Outcomes In Oregon Statewide Land Use Planning?

Jonathan Harker AICP, Retired City Planner and OAPA Member

Agenda

- State Planning Goal 1 Background
 - Planning Goals, Guidelines and Rules
 - What is Goal 1?
 - What are Goal 1's shortcomings?
- What can be done?
- OAPA's Goal 1 Update Project
- Relationship of State Plan Goal, Local Planning & Legislation
- History of Past Goal 1 Legislative and Rulemaking Efforts
- Legislative Concepts
- Contact Information

Goals

State planning goals express the state's policies on land use and related topics. There are **19** goals. Of the 19 goals the first 14 were adopted in **1974**, the 15th in 1975 and the rest in 1976.

The goals, **adopted** by the state's Land Conservation and Development Commission (**LCDC**), have **legal authority**.

Most goals are accompanied by guidelines. which are suggestions about how a goal may be applied. Guidelines are **not** mandatory.

The goals are achieved through local comprehensive planning. **State law required** each city and county to adopt a comprehensive plan along with implementing ordinances needed implement the plan.

Those plans were required to be **consistent** with the goals and to be acknowledged LCDC.

Over time **LCDC** has amended some the goals. Local jurisdictions are required to update their comprehensive plans and implementing ordinances to be consistent with any new goal amendments.

Administrative Rules

The State's policies, such as the Planning Goals, are generally implemented through administrative rules.

Oregon law defines "rule" as "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of any agency".

LCDC has **statutory authority** to adopt and amend administrative rules for the goals and has adopted administrative rules for **most but not all** of the goals.

As with goals local jurisdictions are r**equired** to update comprehensive plans and implementing ordinances to be consistent with new or amended rules.

Adopting and amending goals and rules are often done **in response to legislative direction** but also may be done in response to an **executive order**.

Goal 1 — Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Six **principles** that local government are to incorporate into their local public involvement processes:

- Widespread citizen involvement
- Effective **two-way** communication with citizens
- Citizen influence **opportunity** to be involved in **all** phases
- **Understandabl**e technical information
- Feedback mechanisms for citizens to receive a response from policy-makers
- Adequate financial support for the citizen involvement program

Requires establishment of a **committee for citizen involvement (CCI)** The CCI is an independent body but may be the **governing body** or the **planning commission** if approved by LCDC.

Goal 1 History

Adopted 1974, Effective 1975

No substantive goal amendments

[a 1988 amendment changed the name of "citizen advisory committee" to "committee for citizen involvement]

No administrative rules

No updating of the non-mandatory guidelines that were included when the goal was adopted

Not much of a factor in most planning & land use regulations — other statutes deal with notice of applications, hearings and decisions; local government procedures; and appellant rights but don't directly implement the goal

Goal 1 Shortcomings*

With no update of 48-year-old goal policies coupled with no administrative rules, Goal 1 has failed to keep up with inclusive engagement practices; the interaction of land use planning decisions with racial justice, environmental justice and climate justice; and new technologies.

With no goal amendments or adoption of administrative rules, local citizen involvement plans acknowledge generally in the 1980's, remain consistent with the goal. Shortcomings include:

- **Use of exclusive language**. The use of the term "citizen" fails to acknowledge that anyone living in Oregon is a member of the community and can be impacted by land use planning decisions.
- **Lack of implementation standards**. The general language of the goal's principles, intended allow flexibility, leads to ambiguity and has resulted in inconsistency across jurisdictions. For example, what constitutes "adequate" financial resources? Without administrative rules there are no standards for either DLCD or local residents to determine if a local plan is complying with Goal 1

Does not address advances in techniques to overcome barriers to public participation and in communication technology. The 1974 non-mandatory guidelines reflect engagement and technologies of those times. It does not address barriers such as time constraints, language barriers, intimidating public participation processes, fear of retaliation, geographic barriers, mistrust between communities and government and the gaps in access to internet and other technologies. Nor does it address current communication technologies that go beyond the techniques of mailings, radio, television and in-person meetings identified in the guidelines

*1000 Friends_Public Participation (Re)visions (2022)

Goal 1 Shortcomings

Does not address diversity, equity, and inclusion

Diversity means honoring and including people of different backgrounds, identities, and experiences collectively and as individuals. It emphasizes the need for sharing power and increasing representation of communities that are systemically underrepresented and under-resourced. These differences are strengths that maximize the state's competitive advantage through innovation, effectiveness, and adaptability.

Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Inclusion is a state of belonging when persons of different backgrounds, experiences, and identities are valued, integrated, and welcomed equitably as decision-makers, collaborators, and colleagues. Ultimately, inclusion is the environment that organizations create to allow these differences to thrive.

Goal 1 Shortcomings

No targeted Outreach Requirement Historical and current institutional engagement practices leave many communities underrepresented in the different phases of land use planning such as workshops and town halls, advisory committee representation, and public hearings. This can be due to lack of understanding where those communities are and lack of engaging in additional and appropriate outreach activities.

Historically and currently underserved communities: Black and African American people; Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii Native); People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity populations); Immigrants, including undocumented immigrants and refugees; People with limited English proficiency; People with disabilities; People experiencing homelessness; Lowincome and low-wealth community members; Low- and moderate-income renters and homeowners; Single parents; Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community members; and Youth and seniors. (OAR 660-012-0125)

Goal 1 Shortcomings

Fails to address Racial Justice, Environmental Justice and Climate Justice. It is important to recognize the past and present role that land use planning has played in creating and perpetuating practices that result in inequitable outcomes for underserved population. (APA 2019 Planning for Equity Policy Guide)

"It is important to know about those historical laws and policies and how they shape current socio-political and economic conditions for people of color in Oregon. It helps to understand why Oregon is the way it is today". Johnny Lake, PHD, <u>Addressing Institutional,</u> <u>Systemic and Structural Racism</u>, OAPA 2023 Conference

Goal 1 Shortcomings and Impacts on Housing*

The Rules — Equity in Substantive Zoning Regulations

- Zoning Districts
- Lot and Building Form and Design Standards
- Property Use Regulations
- Site Development Standards

The People — Equity in Zoning Procedures

- Equity in Advisory and Decision-Making Boards
- Writing and Changing the Zoning Rules
- Enforcing the Zoning Rules

The Map — Equity in Zoning Maps

- Drawing and Changing the Area-wide Zoning Maps
- Making Land Available for Needed Types of Development
- Removing Disparities in Neighborhood Health Risk
- Removing Disparities in Access to Key Services and Facilities
- Removing Historic Segregation through Mapping

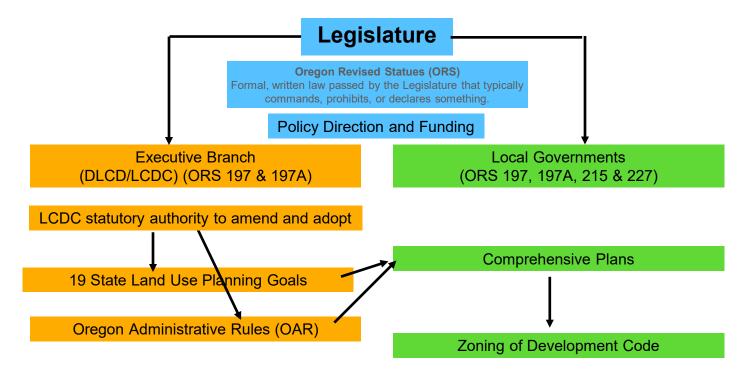
*Equity in Zoning Policy Guide APA 2022

OAPA State Plan Goal 1 (Citizen Participation) Update Project (Board Approval 9/8/2023 as part of LPAC Work Plan).

Description: Promote **State legislation directing LCDC** to **update Goal 1** by **amendment** and **rule-making** to modernize Goal 1 addressing equity, diversity, and inclusion and racial, environmental and climate justice in the local land use planning public engagement process. The legislation will provide **funding for DLCD** to implement the bill as well as direction to **assist local government implementation** once the amendment and rule-making process is complete. The target for legislation is the **2025 Regular Session**.

Why?: The 1974 Goal 1, never updated by amendment or rule-making, does not provide a direction for land use planning engagement that meets the needs of all Oregonians and addresses the issues of today and the future. There is no mention of equitable, diverse and inclusive participation. There are no provisions for addressing historical and institutional inequities resulting from land use planning decisions and the impacts associated with racial justice, environmental justice and climate justice. There are no requirements to use equitable engagement tools nor to use the modern communication techniques of today.

Relationship of State & Local Land Use Programs



Build on Past Legislation:

2021 Regular Session: HB 2488-A

2023 Session: HB 3217

Build on Recent Rule-making:

Climate Friendly & Equitable Communities (CEFC)

A-Engrossed House Bill 2488

Ordered by the House April 15 Including House Amendments dated April 15

Sponsored by Representatives POWER, HELM, Senators GOLDEN, DEMBROW; Representatives ALONSO LEON, DEXTER, HOLVEY, HUDSON, MEEK, NERON, NOSSE, PHAM, SALINAS, SCHOUTEN, WILDE, Senators FREDERICK, PROZANSKI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires that statewide land use planning goal relating to citizen involvement address participation and engagement for disadvantaged groups.

Requires Land Conservation and Development Commission to amend goal by June 30, 2023, consistent with requirement. Establishes timelines for local governments to implement amended goal.

Appropriates moneys from General Fund to commission for goal amendment and implementation.

Declares emergency, effective on passage.

House Bill 3217

Sponsored by Representative TRAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that statewide land use planning goal relating to citizen involvement incorporate environmental justice practices.

Requires Land Conservation and Development Commission to amend goal by June 30, 2025, consistent with requirement. Establishes timelines for compliance with amended goal.

A BILL FOR AN ACT

- 2 Relating to environmental justice in land use planning.
- **3 Be It Enacted by the People of the State of Oregon:**

4 <u>SECTION 1.</u> Sections 2 to 4 of this 2023 Act are added to and made a part of ORS chapter

5 **197.**

1

6 <u>SECTION 2.</u> (1) As used in this section, "environmental justice practice" means a prac-7 tice designed to ensure the equal protection from environmental and health risks, and the 8 fair treatment and meaningful involvement in decision-making, of all people regardless of 9 race. color. national origin. immigration status. income or other identities with respect to

Climate Friendly & Equitable Communities (CEFC) Rules Advisory Committee Roster

Gov: Cities, Counties, Transit, Metro, LOC, AOC; **Dev**: HBA, Affordable Housing, Trucking Association, Oregon Realtors, Asian Real Estate, Multi-family; **Plan**: 1000 Friends, OAPA

- NAACP Eugene/Springfield
- AARP Oregon
- Oregon School Board Members Color Caucus
- Northwest Portland Area Indian Health Board
- Under 21, Student, Portland State University
- Unite Oregon, Intercultural and Environmental Justice
- Disability Consultant Disability Advocacy
- National Safe Routes to School Partnership
- OPAL Environmental Justice Oregon
- Single Parent Community Member
- Homelessness Research and Action Collaborative
- Allyship in Action and Bend Bikes Social Justice Advocacy
- Corvallis Sustainability Coalition Environmental Advocacy
- Verde Environmental and Social Justice Advocacy
- Native American Youth and Family Center
- Asian Pacific American Network of Oregon
- U. of Oregon and Portland State University Research/Academic/Land Use

Climate Friendly & Equitable Communities (CEFC) Transportation Planning 660-012-0000

0005(15) "**Equitable outcomes**" means outcomes that burden underserved populations less than, and benefits underserved populations as much or more as, the city or county population as a whole. Examples of equitable outcomes include:

(a) **Increased stability** of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments; (b) More accessible, safe, affordable and equitable transportation options with better connectivity to destinations people want to reach; (c) Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural opportunities, and social spaces; (d) Increased safety for people in public spaces, transportation, and community development; (e) Equitable access to parks, nature, open spaces, and public spaces; (f) Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food; (g) **Recognizing and remedying** impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; (h) **Fairly-distributed benefits** to residents and local governments across cities and counties within metropolitan areas; and (i) Increased opportunities for people with disabilities to be actively engaged in communitybased decision-making processes, with supports as needed.

Climate Friendly & Equitable Communities (CEFC) Transportation Planning 660-012-0000

0125 **Underserved Populations** Cities and counties shall prioritize community-led engagement and decision-making, with specific attention to the underserved populations ... deserve prioritized attention regarding transportation and land use planning due to historic and current marginalization ...

0130 **Decision-Making With Underserved Populations**: Cities and counties shall, as a part of an involvement program ... center the voices of underserved populations in processes at all levels of decision-making ...

135 **Equity Analysis** ... An equity analysis is intended to determine benefits and burdens on underserved populations ...

0120 **Transportation System Planning Engagement** ... Public engagement and decision making shall follow the practices ... to place an increased emphasis on centering the voices of underserved populations ...

0315(4)(c) **Designation of Climate Friendly Area** ... A community engagement plan ... consistent [with the rule] ...

Legislative Concept. Is an idea for a law that is presented by a citizen or group to a legislator who decides to sponsor a potential bill. Initial step in the legislative process.

Policy Ideas for an LC:

- •Explicitly elevate the voices of communities of color and other traditionally underrepresented or excluded groups or community leaders and representatives of such groups, and ensure they are proactively engaged and have meaningful and inclusive opportunities to participate in all land use planning and decision making.
- •Incorporate practices to engage and involve all members of the impacted communities on climate justice, environmental justice, and equity in land use and planning decisions; involving and collaborating with those communities in the development of communication; messages and products that resonate with the intended communities.
- •**Require equitable** and fair notice to **tribal governments** and communities. Ensure consultation and mutual concurrence occur when land use decisions impact tribal cultural resources and land owned or managed by a tribal government and all impacted communities and provide consultation in a safe environment and mutual concurrence.

Policy Ideas for an LC (continued):

•Strengthen proactive community engagement efforts and initiatives to foster trust and build partnerships.

• Incorporate modern technologies and mediums to enhance equitable, reliable and sustained access and information delivery via culturally specific media outlets and culturally and linguistically responsive formats to reach all communities. Ensure people with disabilities have access to information in appropriate formats that at a minimum, comply with the Americans with Disabilities Act, and work to improve communication between local government and all members of the public, including outreach to disadvantaged groups.

- •**Rename** the statewide land use planning goal relating to citizen involvement to reflect, to the greatest extent possible, the broadest and most inclusive public engagement and participation in land use planning and decision-making process by all members of the community, including disadvantaged groups.
- Incorporate environmental justice practices in land use planning and decision- making, with special emphasis on planning or decision-making that involves the siting of facilities that require a permit issued by the Department of Environmental Quality for the operation of the facility.

For more information about OAPA's Goal 1 Update Project Please Contact:

Jonathan Harker, AICP, jonathanharker@comcast.net

How the stories of *[all]* our neighbors can shape who we become

Anna Hoesly Storyline Community, *Executive Director* Leaven Land and Housing Coalition, *Organizer*

PAUSE (REFLECT + EVALUATE)

+ We make meaning of our movement.

Grounding, Reflection, Evaluation, Celebration

+ We leverage our stories.

- + We put our bodies into the world
- as we desire it to be.
- + We make the invisible visible.

ENCOUNTER (LISTEN)

+ We listen to the stories at the ground level
+ We engage our neighbors in relationship
+ We get curious about shared anxieties and assets among our people

+ We are drawn out of ourselves and into something bigger

One to Ones, small groups or house meetings

UNVEIL (RESEARCH/DISCERN)

+ We collect these stories together.+ We reveal patterns of shared pressure and shared power.

+ We make a focused plan to initiate change.

Research meetings, power analysis, issue cut

WELCOME TO Our Housing Story

A conversation project bringing together public statistics, neighbor stories and you. Come walk the housing continuum with us and engage the stories of our neighborhood along the way.











PROBLEM 2: COST

We have an unsustainable burden on our households and cities.



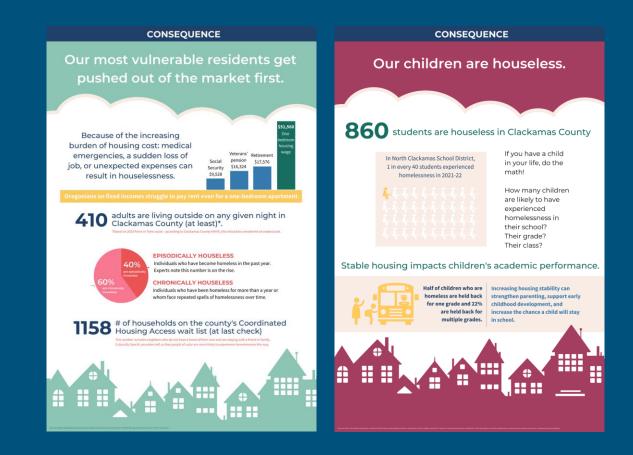
Rent burdened cities are large cities (10,000+) that have over 25% of households that are severely rent-burdened*. "Oak Grove is not included in this status because it is not an incorporated city.

Y	HAPPY VALLEY 35.8 %	GLADSTONE 25.5%	LAKE OSWEGO 28.5%	MILWAUKIE 23.6%	OREGON CITY
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Because of the urgency of this status, the State of Oregon now requires rent-burdened cities to hold public meetings and act to implement plans for affordable housing.









AMY'S STORY

Amy was homeless once. At 16, Amy was emancipated. Her parents signed off on her becoming her own dependent. She was working a reliable job and was able to take care of herself, except for one thing; she couldn't find an apartment manager or landlord who would rent to her even though she could afford to pay her own rent. No one knew about or had experience with renting to an emancipated 16 year old and so rejected her attempts at applying for a place to live. Amy took to sleeping in her car. Eventually, through family contacts, Amy was able to find a landlord willing to rent to her at 16. Amy points out that it is entirely because of her community resources and friends that she was able to become who she is today: someone in stable housing with a spouse and children, and a community of support who surrounds her and her family. She is a leader in our community and a neighbor we have come to know and love. Amy is clear that her story has turned out the way it has largely because she had and has access to things that she counts as enormously beneficial: an able-body; an able-mind; enough emotional regulation and coping skills to get her by: color of skin that didn't invoke questions about my citizenship or trustworthiness; gender that can often be extended more compassion; and she didn't identify as LGBTQIA. Were it not for these life circumstances and the people that surrounded her whose resources she had access to, Amy knows her story would have turned out differently.



"I know my story could have turned out differently."



DAWN'S STORY

Dawn is a single mom who is a native of Clackamas County. Her two daughters are now 20 and 16. The oldest is in college, hoping to become a veterinarian. The youngest is in high school in the North Clackamas School District. Dawn used to work in finance at a large software company. She had a stable job and a marketrate apartment in Yamhill County, but still had to work a second job on the evenings and weekends to help pay for medical bills and make up for the lack of child support from her ex-husband. In 2016, Dawn suffered a grand mal seizure and was hospitalized. Four months later, Dawn found out that her seizure had been caused by a severe auto-immune disorder. Already strapped for cash from her divorce. Dawn went on disability, relying on the help of friends and family and began trying to juggle medical care in her new reality. She and her younger daughter were homeless for 15 months while they tried to find housing close to her medical care at OHSU. Many apartment complexes wouldn't rent to her once they found out about her disability status.Now, Dawn spends just over 50% of her monthly fixed income on rent in Oak Grove, paying \$1215 a month for a twobedroom apartment, not including utilities. This was the cheapest she could find. Her disability income is \$62 over the threshold for gualifying for food stamps; a program Dawn notes doesn't ask you about your income-to-housing ratio. Her health has improved some, but she may still need another surgery and treatment so staying close to medical care is important. Were it not for her health and wanting her youngest daughter to have a stable home for the remainder of her high school career, Dawn would probably move out of Clackamas County. She just can't afford to live here anymore.



"How do people that are worse off then me survive? I'm barely hanging on." How the stories of *[all]* our neighbors can shape who we become

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META-PROBLEM: SUPPLY

We have more households than houses.

Shortfall of housing supply built between 2000-2016

For every 100 new households formed in Clackamas County between 2000-2016, there were only 78 units of housing built.

76% Shortfall of housing supply for low income families

For every 100 families with extremely low incomes, there are only 24 affordable units available in Clackamas County.



PROBLEM 2: COST

We have an unsustainable burden on our households and cities.

What percent of your income do you spend on housing?



Rent burdened cities are large cities (10,000+) that have over 25% of households that are severely rent-burdened*. *Oak Grove is not included in this status because it is not an incorporated city.



If you live in one of these two cities, your city is right on the edge.-

Because of the urgency of this status, the State of Oregon now requires rent-burdened cities to hold public meetings and act to implement plans for affordable housing.



PROBLEM 3: COST vs INCOME

Rent is rising faster than income.



In Milwaukie, rent increased a remarkable 78% between 2000 and 2018.

Clackamas County has the HIGHEST market rent out of all 36 counties in Oregon.

Hours per week at minimum wage needed to afford a one-bedroom apartment









PROBLEM 3: COST vs INCOME

Cost of homes are rising too.

Cost of homes has nearly tripled since 2000, whereas income has only about doubled.



Median home price in 2023 (Clackamas County)





TEACHER

can afford

LABORER RENTER

can afford can afford

1 in 3 Milwaukie homeowners are moderately mortgage-burdened*, which means their mortgage is difficult to afford. *Moderately mortgage-burdened means they are paying more than 30% of their income on mortgage)



CONSEQUENCE

Our most vulnerable residents get pushed out of the market first.

Because of the increasing burden of housing cost: medical emergencies, a sudden loss of job, or unexpected expenses can result in houselessness.

Social ecurity 9,528	Veterans' pension \$16,324	Retirement \$17,576	\$51,560 One bedroom housing wage

adults are living outside on any given night in Clackamas County (at least)*.

Based on 2023 Point in Time count - according to Clackamas County HHHS, this should be considered an undercount

40%

EPISODICALLY HOUSELESS

Individuals who have become homeless in the past year. Experts note this number is on the rise.

CHRONICALLY HOUSELESS

Individuals who have been homeless for more than a year or whom face repeated spells of homelessness over time.

1158 # of households on the county's Coordinated Housing Access wait list (at last check)

ludes neighbors who do not have a home of their own and are staving with a friend or family Culturally Specific providers tell us that people of color are more likely to



CONSEQUENCE

Our children are houseless.



In North Clackamas School District, 1 in every 40 students experienced homelessness in 2021-22



If you have a child in your life, do the math!

How many children are likely to have experienced homelessness in their school? Their grade? Their class?

Stable housing impacts children's academic performance.





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Amy is a local neighbor in Milwaukie... you might recognize her rom Milwaukie Chit Chat on Facebook.

"I know my story could have turned out differently."



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Come find the Zillow bostings binder by the hut and check out the current apartment listings in Dawn's neighborhood.

"How do people that are worse off then me survive? I'm barely hanging on."

Housing Land Advocates 2024 Annual Conference

Diana Cooper CHW, PSS-CRM *Executive Director of Brookings CORE Response*

Who Am I and Where Am I From?













Goal 1: The Theory vs. The Reality

JOHN ROSS FERRARA / TUESDAY, OCT. 26, 2021 @ 12:30 P.M. / COMMUNITY, LOCAL GOVERNMENT

Brookings City Council Unanimously Votes to Limit Churches to Feeding the Hungry Two Days a Week In Attempt to Skirt Neighborhood's Homeless Problem

JESSICA CEJNAR ANDREWS / TUESDAY, APRIL 18, 2023 @ 10:16 A.M.

Brookings Serves Abatement Notice to St. Timothy's, Stating Public Safety Problems Remain

JESSICA CEJNAR ANDREWS / WEDNESDAY, SEPT. 20, 2023 @ 5:03 P.M.

Brookings City Council To Review Planning Commission Decision Concerning St. Timothy's Next Month

JOHN ROSS FERRARA / MONDAY, JAN. 31, 2022 (2) 2:45 P.M. / COMMUNITY, LOCAL GOVERNMENT, OREGON

St. Timothy's Episcopal Church Files Federal Suit Against the City of Brookings in Response to Ordinance Limiting Meal Services for the Hungry

JESSICA CEINAR ANDREWS / WEDNESDAY, AUG. 2, 2023 (a) 11:56 A.M. / COMMUNITY, LOCAL GOVERNMENT, OREGON

Brookings Planning Commission Denies St. Timothy's Appeal With One Member Calling the Church's Legal Aid Clinic A Business

Justice Department sides with Episcopal church in suit against southern Oregon city over free meal limits

Updated: Nov. 23, 2023, 6:33 a.m. | Published: Nov. 23, 2023, 6:30 a.m.

Lack of Equitable Opportunity for Involvement

- Who is at the table and how do they get there?
- People build a culture within systems and that culture

directs how our laws are made and who they benefit.

• Who isn't at the table and why?

What Can We All Do?

- Advocates coordinate and get involved
- Community members listen to meetings, run for office
- Legislators and lawmakers pass laws that increase

participation, "nothing about me without me"