



CITY OF BEND

# **ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING**

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Economic Development

Affordable Housing  
May 2019

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# SECTION I. INTRODUCTION

## EXECUTIVE SUMMARY

In the past 30 years, the City of Bend has established itself as a desired destination for recreation and increasingly as a destination to live. According to Portland State University’s Population Research Center, from 2017 to 2018, “Bend had the second biggest population gain among Oregon cities, adding 2,740 residents (3.2 percent) to reach a population of 89,505.”<sup>1</sup>

Bend has been a leader in the development of affordable housing over the last decade, enacting a wide variety of policies and code tools to ensure residents have access to safe and affordable homes, with the goal of creating “a sense of community.”<sup>2</sup> Working towards providing affordable housing for residents has been a priority for Bend for many years. With the success of the program, it is appropriate to maintain a focus on fair housing impediments with the goal of seeking equity in housing investments.

An Analysis of Impediments to Fair Housing Choice (AI) is required by the United States Department of Housing and Urban Development (HUD) of all state and local governments that directly receive housing and community development funds from the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), or Housing Opportunities for Persons with AIDS (HOPWA). The City of Bend receives federal funding under the CDBG program and therefore is required to complete an AI. The City appreciates this requirement and opportunity, as the community is committed to equity and is interested in taking impactful steps towards eliminating racial and ethnic segregation, illegal physical and

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<sup>1</sup> (Jurjevich) Press Release, Portland State University’s Population Research Center, PSU’s Population Research Center Releases Preliminary Oregon Population Estimates (November 16, 2018) ([https://www.pdx.edu/prc/www.pdx.edu/prc/files/Press\\_Release\\_2018\\_Prelim\\_Estimates.pdf](https://www.pdx.edu/prc/www.pdx.edu/prc/files/Press_Release_2018_Prelim_Estimates.pdf))

<sup>2</sup> City of Bend Comprehensive Plan, Chapter 5, “Goals.”

other barriers to persons with disabilities, and other discriminatory practices that have the potential of occurring throughout the City.

To assess the City's success towards this commitment and to meet its federal obligation, the City regularly completes and updates its AI. The AI is a review of barriers to fair housing opportunities in both the public and private sectors throughout the City of Bend. The goal of the City in conducting the AI is not only to identify and provide solutions to barriers and impediments to fair housing, but also to provide a structure for an on-going dialogue, relationships, and greater housing choice throughout the community. Open communication and strong relationships are necessary to ensure a continuous exchange of ideas, concerns, analysis, and evaluation. Ultimately, sustained fair housing practices and opportunities will only be realized when a fair housing commitment reverberates throughout all segments of the City of Bend.

According to HUD, impediments to fair housing choice are defined as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice
- Any actions, omissions, or decisions that have this effect

Since the last Analysis of Impediments was conducted, the City has invested many resources toward addressing the identified impediments to fair housing choice. Some of those actions include:

- Funding the acquisition, creation, and rehabilitation of over 600 units of housing that are now part of Bend's affordable housing stock with the goal of ensuring deed restricted housing is available in every neighborhood in Bend,
- Working with landowners on a voluntary inclusionary zoning program for Urban Growth Boundary (UGB) expansion areas,
- Securing a state pilot which allows for an Urban Growth Boundary expansion with the goal of providing affordable and mid-market housing, and
- Funding fair housing education and outreach and other resources in Bend.

## ***METHODOLOGY AND PUBLIC ENGAGEMENT***

The community participation process for completion of this Analysis of Impediments included two public open houses, two separate surveys given over the course of a year, and consultations with 5 community groups and individuals representing 15 agencies. In addition, the draft Analysis of Impediments was presented to Bend's Affordable Housing Advisory Committee and the City Council liaisons during a public meeting. Paper surveys were left with two agencies, the Latino Community Association and Legal Aid Services of Oregon. Those surveys were available in English and Spanish. Extensive media engagement and meetings with two community groups focused on disability services helped the response for the first Fair Housing survey reach over 500 Bend residents, as well as responses from over 250 residents of Deschutes County (outside of Bend).

The Impediments and Recommendations are identified in Section IV and V of this report.

## ***BASIS OF ANALYSIS OF IMPEDIMENTS***

As an entitlement community for Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), the City of Bend must analyze impediments to fair housing with goals toward rectifying exclusionary practices that exist. The City of Bend receives CDBG funds and exercises discretion on how such funds are spent. Under the Housing and Community Development Act of 1974, receipt of such funding requires Bend to "affirmatively advance fair housing" pursuant to the Fair Housing Act of 1968.<sup>3</sup>

The Fair Housing Act prohibitions outlined in §3604(a) make it illegal "(T)o refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin."<sup>4</sup> Over time, protections of the

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<sup>3</sup> (Housing and Community Development Act of 1974, 12 U.S.C. Section 1706e)

<sup>4</sup> Id FHA

Fair Housing Act expanded. Amendments to the Act in 1988 incorporated provisions that prohibited discrimination on the basis of disability in §3604(f)(1) and provided that reasonable accommodations could be created “in rules, policies, practices, or services when such accommodations may be necessary to afford such a person equal opportunity to use and enjoy a dwelling.” The amendments also included provisions for reasonable modifications to premises and required disability accessibility standards for future multi-family developments.

These fair housing protections advance the purpose of the Housing and Community Development Act of 1974.<sup>5</sup> The “primary objective” of the Act and “of the community development program of each grantee is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.”<sup>6</sup> Consequently, an analysis of impediments to fair housing choice (AI) must assess if any discriminatory practices are present within the City of Bend.

Each year the City of Bend certifies that it will affirmatively advance fair housing. Although this obligation is not defined within statute, HUD requires recipients of CDBG funds to “(1) conduct an analysis to identify impediments to fair housing choice within the jurisdiction, (2) take appropriate actions to overcome the effects of any impediments identified through the analysis, and (3) maintain records reflecting the analysis and actions in this regard.”<sup>7</sup> The decision in United States ex rel Anti-Discrimination Center of Metro New York, Inc. v. Westchester County<sup>8</sup> emphasized the significance of a jurisdiction’s certification.

Anti-Discrimination Center found that the “certification was not a mere boilerplate formality, but rather was a substantive requirement, rooted in the history and purpose of

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<sup>5</sup> (Housing and Community Development Act of 1974, 12 U.S.C. Section 1706e)

<sup>6</sup> Id HCD

<sup>7</sup> (U.S. and Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York), p. 551

<sup>8</sup> Id

the fair housing laws and regulations, requiring the County to conduct an AI, take appropriate actions in response, and to document its analysis and actions.”<sup>9</sup> The U.S. District Court of Southern District of New York emphasized that Westchester County’s AI did not provide a sufficient analysis because it used income as a proxy for a race. The Court pointed out that “providing more affordable housing for a low income racial minority will improve its housing stock but may do little to change any pattern of discrimination or segregation. Addressing that pattern would at a minimum necessitate an analysis of where the additional housing is placed.”<sup>10</sup>

While income is certainly a factor in housing choice, a thorough AI requires consideration of multiple factors relevant to the basis of choosing a housing type and location. Possible factors include the following: (1) food access, (2) health care, (3) transportation, (4) debt (5) employment, (6) education, (7) resources, and (8) community identity.

## ***PROTECTED CLASSES***

A thorough AI requires an analysis of protected classes. The protected classes under the Fair Housing Act include (1) race, (2) color, (3) religion, (4) gender, (5) familial status, (6) national origin, and (7) disability.<sup>11</sup> Oregon law expands fair housing protections to (1) sexual orientation (including gender identity), (2) marital status, (3) survivors of domestic violence, and (4) source of income for a person.<sup>12</sup> Bend includes fair housing protections for persons over 18 under Bend City Code §5.25.015.

### *History of Segregation in Bend, Oregon*

Bend has pursued efforts to integrate the expanding racially, ethnically, and socioeconomically diverse population. In 2010, the City Code adopted Chapter 5.25 on Equal Rights, which prohibits discrimination in employment, places of public

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<sup>9</sup> Id. p. 569

<sup>10</sup> Id. p. 565

<sup>11</sup> (Fair Housing Act, 42 U.S.C. Section 3604 )

<sup>12</sup> (ORS 659.145(2) and 659A.421(2))

accommodation and housing. Specifically addressing housing discrimination, the code reads:

It is an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, marital status, familial status, domestic partnership, national origin, age, mental or physical disability, sexual orientation or gender identity by committing against any individual any of the acts made unlawful under ORS 659A.145 or 659A.421.<sup>13</sup>

Although the City of Bend adopted code language that prohibits discrimination, there is a history to overcome remaining inequities. Despite Oregon's constitutional ban of slavery, the State's Constitution also banned African-Americans from residing in Oregon until amended in 1926.<sup>14</sup> Removing the residential ban did not improve opportunities for minorities because Oregon laws prohibited African-Americans, Chinese and Japanese from owning real estate.<sup>15</sup>

Oregon schools had similar exclusionary laws. An Oregon law explicitly segregated Mexican students unless of Spanish descent or fair-skinned.<sup>16</sup>

In addition to Oregon statutes that codified the discriminatory practices, the Bend Bulletin reported on local incidents. Bend's Mayor from 1921-1922, E.D. Gilson, was listed in the Ku Klux Klan directory as a representative for the organization.<sup>17</sup> On September 1923, the Klan paraded through the main streets of Bend.<sup>18</sup> Two years later the Bend Bulletin reported that the Bend chapter of the Klan dissolved, but reports of segregation continued.<sup>19</sup>

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<sup>13</sup> Id above

<sup>14</sup> (Oregon)

<sup>15</sup> Id

<sup>16</sup> (Rector)

<sup>17</sup> (Hanson)

<sup>18</sup> (Fiery Cross Seen on Butte Summit)

<sup>19</sup> (Many of Membership Inactive After Split in Order's Ranks)

In July of 1943, Bend's City Council required separate quarters for African-American soldiers stationed for training during World War II.<sup>20</sup> Contrary to USO regulations that prohibited discrimination against race, creed, or color, African-American soldiers resided and socialized in a location apart from the other soldiers in training.<sup>21</sup> As greater numbers of African Americans migrated to Oregon for work in the shipyards, similar segregation policies were implemented throughout Oregon during World War II.

Oregon finally ratified the 15<sup>th</sup> Amendment of the Constitution in 1959, and removed the last remaining discriminatory language from the Oregon Constitution in 2000.<sup>22</sup> Because of the lengthy and all too recent exclusionary history within Oregon and the City of Bend, the minority population is small. The laws and segregationist practices that restrained minorities from relocating to Bend, owning land in Bend, attending Bend's public school with their white neighbors, or integrating in Bend's community gatherings, also constrained minorities' ability to accumulate wealth. As an additional consequence, those that benefited from the discriminatory language and practices for centuries prior remained in positions of power, as business leaders, elected officials, political appointments, and school administrators.

While Bend's minority population is small, data estimates indicate that the minority population is growing within the City.

## ***FAIR HOUSING DISTINCTION FROM AFFORDABLE HOUSING***

Because of economic disparities, affirmatively furthering fair housing requires more than mere equal opportunity and affordable housing. Affirmatively furthering fair housing incorporates social mobility for low to moderate-income households, including

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<sup>20</sup> (Mobile USO Units to Serve Troops on Maneuver Asked)

<sup>21</sup> Id. Article above

<sup>22</sup> (Oregon) 15<sup>th</sup> amendment: Prohibiting the federal government from denying a citizen the right to vote because of that citizen's "race, color, or previous condition of servitude."

increased access to wealth accumulation, opportunities for health services, and inclusive learning environments.

While affordable housing is important to promote fair housing, it does not create fair housing. The *Anti-Discrimination Center* case illustrated that developing affordable housing in consistently the same areas increased housing in segregated neighborhoods, but it does not allow housing choice where greater opportunities exist in alternative neighborhoods.<sup>23</sup> Affirmatively furthering fair housing means affordable housing exists in all neighborhoods, increasing options for people to live where they would like to live. Developing affordable housing in areas where access to opportunity is low certainly improves the quality of living in the community. Alternatively, where housing is generally more expensive because access to opportunity is high, developing affordable housing increases diversity of the neighborhood and improves opportunities for low to moderate-income households. Policies that bolster affordable housing in all areas of a neighborhood or all neighborhoods of a community break down housing market barriers to further fair housing.

## **SECTION II: A SNAPSHOT OF BEND**

### ***BEND DEMOGRAPHICS***

Historically, Bend has been predominantly white. However, Bend has begun to diversify in the last 20 years as the economy has continued to grow and diversify.

#### **Population Growth**

Located in the center of the State of Oregon at the base of the Cascade Mountain Range, Bend is the largest city in the rapidly growing Central Oregon Region.

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<sup>23</sup> (Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York.), p. 565

Bend, a mid-sized town with a population of just over 20,000 in 1990, steadily increased to an estimated population of 89,505 for 2018.<sup>24</sup> The U.S. Census Bureau measures Bend’s population within Deschutes County, which forms the boundaries of the Bend-Redmond Metropolitan Statistical Area.

TABLE 1: CENTRAL OREGON CENSUS AND POPULATION ESTIMATES

State and Bend-Redmond MSA Cities	Population Estimates							
	1950 <sup>25</sup>	1960 <sup>26</sup>	1970 <sup>27</sup>	1980 <sup>28</sup>	1990 <sup>29</sup>	2000 <sup>30</sup>	2010 <sup>31</sup>	2018 <sup>32</sup>
OREGON	1,521,341	1,768,687	2,091,533	2,633,105	2,842,321	3,421,436	3,831,074	4,195,300
Bend	11,409	11,936	13,710	17,263	20,447	50,029	76,639	89,505
La Pine	N/A	N/A	N/A	N/A	N/A	N/A	1,653	1,840
Redmond	2,956	3,340	3,721	6,452	7,165	13,481	26,215	29,190
Sisters	N/A	602	516	696	679	959	2,038	2,725

## Race and Ethnicity

Estimates from the 2017 American Community Survey (ACS) indicate that the Bend racial make-up is largely white, as seen in Table 2, below.<sup>33</sup> Gradual increases in the racial minority population within Bend have coincided with significant increases in the multi-racial population.<sup>34</sup> Access to affordable housing in multiple areas and neighborhoods within Bend may provide an increased opportunity for fair housing choice, a tenant of the requirement to affirmatively further fair housing.

<sup>24</sup> (P. S. Center)

<sup>25</sup> (Census)

<sup>26</sup> (U.S. Department of Commerce)

<sup>27</sup> Id above

<sup>28</sup> Id above

<sup>29</sup> (Bureau)

<sup>30</sup> Id above

<sup>31</sup> Id above

<sup>32</sup> (P. S. Center)

<sup>33</sup> (U. C. Bureau, Hispanic or Latino Origin By Race)

<sup>34</sup> Id above

Estimates characterize Bend's ethnic diversity to be slightly larger than its racial diversity, with 6,943 residents who identify as Hispanic or Latino.<sup>35</sup> HUD considers ethnicity separately from race. Table 2 illustrates ACS estimates for Bend's 2017 composition compared to the data collected years prior. Estimates indicate most race populations in Bend increased from 1950 to 2017. American Indian and Alaska Native is the only race that has been decreasing in Bend since 2010.

**TABLE 2: 1950 - 2000 U.S. CENSUS GENERAL POPULATION AND ACS HISPANIC OR LATINO ORIGIN BY RACE**

Not Hispanic or Latino	White	Percent White	Black or African American	Percent Black	American Indian and Alaska Native	Percent American Indian and Alaska Native	Asian	Percent Asian	Two or More Races	Percent Two or More Races
1950 <sup>36</sup>	11,385	99.9%	11	0.01%	N/A	N/A	N/A	N/A	N/A	N/A
1960 <sup>37</sup>	11,863	99.4%	12	0.1%	38	0.31%	11	0.09%	N/A	N/A
1970 <sup>38</sup>	13,599	99.03%	10	0.07	N/A	N/A	N/A	N/A	N/A	N/A
1980 <sup>39</sup>	16,925	98.12%	17	0.09%	136	0.78%	81	0.46%	89	0.51%
1990 <sup>40</sup>	19,959	97.60%	39	0.19%	174	0.85%	133	0.65%	144	0.70%
2000 <sup>41</sup>	58,776	96.30%	156	0.25%	482	0.79%	584	0.95%	1033	1.69%
2010 <sup>42</sup>	65,419	95.27%	334	0.49%	548	0.80	1051	1.53%	1314	1.95%
2017 <sup>43</sup>	75,021	94.78%	552	0.69%	242	0.31%	1545	1.95%	1793	2.27*

<sup>35</sup> Id above

<sup>36</sup> (U. B. Census, 1950 Oregon Census of Population: Table 34 General Characteristics)

<sup>37</sup> (U. C. Bureau, Oregon General Population Characteristics: Table 21 Characteristics of Population)

<sup>38</sup> (U. Census, Oregon General Population Characteristics: Table 29 Household Relationship and Type of Family by Race)

<sup>39</sup> (U. Census, Oregon General Population Characteristics: Table 15 Persons by Race)

<sup>40</sup> (U. Census, Oregon General Population Characteristics: Table 6 Race and Hispanic Origin)

<sup>41</sup> (U. C. Bureau, Oregon Summary Population and Housing Characteristics: Table 2 Race and Hispanic or Latino)

<sup>42</sup> (U. C. Bureau, Hispanic or Latino Origin By Race)

<sup>43</sup> Id above

Hispanic or Latino	White	Percent White	Black	Percent Black	American Indian or Native Alaskan	Percent American Indian or Native Alaskan	Asian	Percent Asian	Two or More Races	Percent Two or More Races
1990 <sup>44</sup>	317	65%	4	0.82%	14	2.89%	10	2.06%	140	28.87%
2000 <sup>45</sup>	N/A		N/A		N/A		N/A		N/A	
2010 <sup>46</sup>	3,807	84.04%	33	0.73%	26	0.57%	0	0	664	14.66%
2017 <sup>47</sup>	5,964	85.90%	34	0.49%	52	0.75%	55	0.79%	838	12.10%

\*Numbers are rounded and may not add up to 100%

A review of census tract population and demographics can provide insight on possible concentrations of racial or ethnic groups. The census tract population estimates will differ from City of Bend population estimates, because the census tracts include population numbers outside of city limits. Those census tracts with population estimates outside of Bend include 11, 13, 14, 19.02, 20, and 21. It may be necessary to look at block group data to target actions that address racial minority population concentrations or ethnic minority population concentrations. A map of the census tracts with the City of Bend boundary is below in Figure 1. Table 3 illustrates the ACS estimates for racial composition of census tracts.

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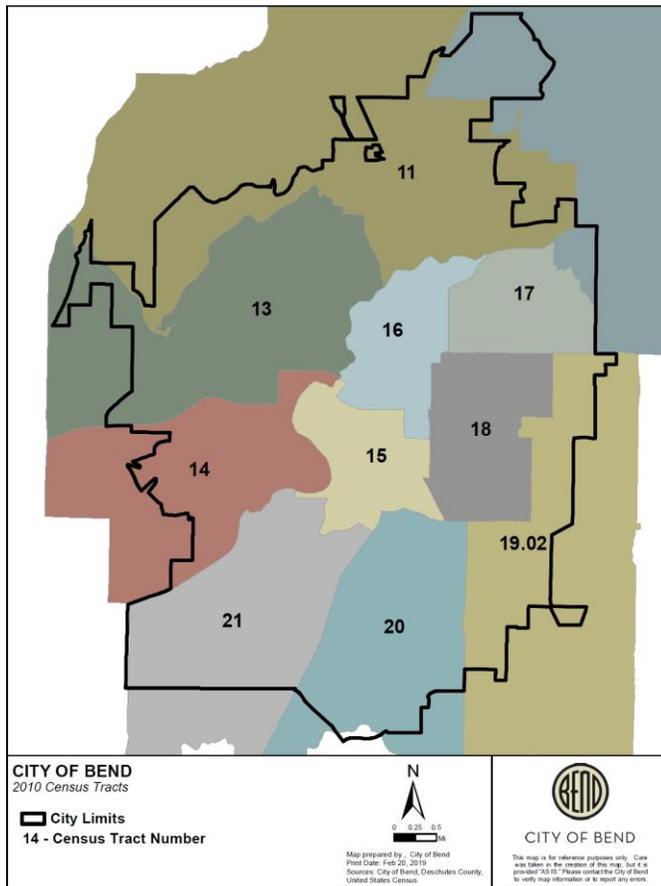
<sup>44</sup> (U. Census, Oregon General Population Characteristics: Table 6 Race and Hispanic Origin)

<sup>45</sup> (U. C. Bureau, Oregon Summary Population and Housing Characteristics: Table 2 Race and Hispanic or Latino)

<sup>46</sup> (U. C. Bureau, Hispanic or Latino Origin By Race)

<sup>47</sup> Id above

Figure 1: Census Tracts in Bend, Oregon<sup>48</sup>



Racial concentrations may exist where the population estimate is 50 percent greater than the proportion of population of the census tract. In other words, if a total of 100 individuals within the accumulated census tracts are estimated to be from a particular race and that is 10 percent of the total population within the City, a concentration of that particular race may exist where the proportion within the census tract is greater than 1.5 multiplied by 10 percent or any census tracts with a race population greater than 15 percent.

According to ACS estimates, the largest racial sub-populations in Bend are (1) Asian, (2) Black or African American, and (3) American Indian and Alaskan. Those

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<sup>48</sup> (U. C. Bureau)

estimates also include a larger population of persons from two or more races. Possible concentrations of these sub-populations exist in the following census tracts:

- Black or African American population estimates in census tracts 16, 17, and 18, where the population is 50 percent greater than the proportion of population of the City (one and a half times 0.6 percent);
- American Indian and Alaskan Native population estimates in census tracts 11, 15, and 19.02 - where the population is 50 percent greater than the proportion of population of the City (one and a half times 0.3 percent);
- Asian population estimates in census tract 13 and 19.02- where the population is 50 percent greater than the proportion of population of the City (one and a half times 1.7 percent); and
- Two or more races in census tracts 14 and 16 -where the population is 50 percent greater than the proportion of population of the City (one and a half times 8 percent).

Census tract 16 has the greatest number of possible racial concentrations. The cells with a red hue in Table 3 below are the identified census tracts with potential concentrations.

**TABLE 3: 2017 AMERICAN COMMUNITY SURVEY OF CENSUS TRACTS - RACIAL COMPOSITIONS<sup>49</sup>**

Census Tract	Total Population	Black or African American		American Indian and Alaskan		Asian		Some Other Race		Two or More Races	
		Total	%	Total	%	Total	%	Total	%	Total	%
11	11,355	38	0.3%	69	0.6%	282	2.5%	181	1.6%	272	2.4%
13	12,901	55	0.4%	0	0%	367	2.8%	68	0.5%	326	2.5%
14	6,218	28	0.5%	30	0.5%	151	2.4%	22	0.4%	286	4.6%
15	6,069	6	0.1%	38	0.6%	79	1.3%	55	0.9%	61	1%
16	6,273	69	1.1%	1	0%	111	1.8%	326	5.2%	286	4.6%
17	8,819	135	1.5%	0	0%	167	1.9%	109	1.2%	321	3.6%
18	8,706	192	2.2%	46	0.5%	92	1.1%	125	1.4%	144	1.7%
19.02	9,960	29	0.3%	80	0.8%	318	3.2%	71	0.7%	278	2.8%
20	7,620	0	0%	35	0.5%	0	0%	43	0.6%	255	3.3%
21	12,175	34	0.3%	27	0.2%	15	0.1%	26	0.2%	456	3.7%
Total	90,096	586	0.6%	326	0.3%	1582	1.7%	1026	1.1%	2685	2.9%

Because possible racial concentrations exist in each census tract and those concentrations are small percentages of the total population, an aggregate review of racial minorities for each census tract provides a different perspective. Racial minority population concentrations may exist where the minority population is 50 percent greater than the proportion of population of the City (one and a half times 6.8 percent). The red hue in Table 4 below calls attention to a possible concentration based on racial minority population estimates in census tract 16. Areas within Bend with significantly lower racial

<sup>49</sup> (U. C. Bureau, ACS Demographic and Housing Estimates)

minority populations include census tract 15 with an estimated racial minority population of 239, census tract 20 with an estimated racial minority population of 333, and census tract 14 with an estimated racial minority population of 517.

Bend has made strides in increasing racial diversity in the majority of its census tracts. While potential concentrations of racial minorities may exist, the overall increase in minority populations in most tracts demonstrates the growing diversity within Bend. Possible concerns about racial concentrations are difficult to establish due to low numbers overall. Most racial categories differ only by 0.5 - 0.75 percent, and are ultimately focused on a difference of between 30 – 300 individuals per tract, or 500 individuals combined throughout the City.

**TABLE 4: 2017 AMERICAN COMMUNITY SURVEY OF CENSUS TRACTS - AGGREGATE RACIAL COMPOSITIONS**

Census Tract	11	13	14	15	16	17	18	19.02	20	21	Total
Racial Minority Population	842	816	517	239	793	732	599	776	333	558	6205
%	7.4%	6.3%	8.3%	3.9%	12.6%	8.3%	6.8%	7.7%	4.3%	4.5%	6.8%

The Department of Housing and Urban Development (HUD) is the federal agency with oversight over fair housing. HUD defines “Hispanic and Latino” populations as an ethnicity, not a race. The estimated percentages of Hispanic or Latino population are below in Table 5. Possible ethnic concentrations may exist in tract 16, illustrated with the red hue in Table 5. This is an area where the estimated Hispanic or Latino population is 50 percent greater than the proportion of the population throughout the City (one and a half times 8 percent).

**TABLE 5: 2017 AMERICAN COMMUNITY SURVEY OF CENSUS TRACTS - ETHNIC COMPOSITIONS<sup>50</sup>**

Census Tract	11	13	14	15	16	17	18	19.02	20	21	Total
Hispanic or Latino	410	910	224	720	1,546	954	1,098	1,109	430	559	7960
%	3.6%	7.1%	3.6%	11.9%	24.6%	10.8%	12.6%	11.1%	5.6%	4.6%	8%

## Disability

Estimates indicate that 10 percent of Bend’s population have a physical or developmental disability including hearing impairment, vision impairment, cognition impairment, ambulatory impairment, self-care impairment, or independent living impairment. The Fair Housing Council of Oregon, who monitors fair housing claims, has listed “disability” as the most frequent protected class to file a complaint in the past 5 years. Census tract estimates indicate that persons with these physical or developmental disabilities live throughout Bend. The largest grouping of disabled is in tract 18.

**TABLE 6: 2017 AMERICAN COMMUNITY SURVEY OF CENSUS TRACTS - DISABILITY**

Census Tract	11	13	14	15	16	17	18	19.02	20	21	Total
Disabled	1202	722	416	748	878	971	1229	1065	776	1711	9718
%	10%	5.5%	6.6%	12%	13%	11%	14%	10%	10%	14%	10%

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<sup>50</sup> (U. C. Bureau, Selected Social Characteristics in the United States)

## Poverty

While poverty is not considered a fair housing protected class, it has direct link to many of the protected classes. Poverty level estimates did not decrease in each census tract in correlation with the overall poverty decreases for the City of Bend between 2012 and 2017.<sup>51</sup> The census tracts tabled below experienced estimated poverty population increases, including tracts 13, 14, 16, 19.02 and 20.<sup>52</sup> The poverty population estimates of census tract 16 doubled in 5 years and lead amongst the census tracts, with an estimated 1,379 individuals living below poverty level.<sup>53</sup> The greatest estimated poverty population decrease occurred in census tract 18. The census tracts with the lowest poverty populations were tract 14 with an estimated 540 in poverty and tract 15 with an estimated 667 in poverty.<sup>54</sup>

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<sup>51</sup> (Poverty Status in the Past 12 Months)

<sup>52</sup> Id

<sup>53</sup> Id

<sup>54</sup> Id

**TABLE 7: 2012 COMPARED TO 2017 AMERICAN COMMUNITY SURVEY OF CENSUS TRACTS - POVERTY**

	Total Poverty Population 2008-12	Racial Minority Poverty Population 2008-12	Hispanic or Latino Poverty Population 2008-12	Total Poverty Population 2013-17	Racial Minority Poverty Population 2013-17	Hispanic or Latino Poverty Population 2013-17
11	905	44	135	881	343	69
13	830	100	90	867	157	26
14	252	0	0	540	67	43
15	1,004	25	240	667	0	49
16	621	75	28	1,379	108	653
17	1,747	39	727	1,356	39	206
18	1,497	260	51	690	127	33
19.02	710	125	81	767	81	114
20	343	90	0	1,168	64	273
21	1,519	13	597	1,362	26	27
Total	9,428	771	1,949	9,677	1,012	1,493

## Employment

The City of Bend experienced a recession beginning in 2007 and related job losses continued until 2009. The depth and extent of the recession in Bend led to disproportionately high unemployment compared to the rest of the country, leading the federal government to name Oregon as a “hardest hit” state in 2010. Although Bend’s employment has been rapidly increasing since the recession, the census data still reflects the downturn. Since 2011, Bend’s employment has grown each year. However, employment returned to census tracts at an uneven rate.

The Central Oregon economy, which is highly dependent upon the hospitality industry, has been very susceptible to any variations in the Housing Market. The fluctuations in the housing market have a direct impact on the job market. The employment rate had sizable increases in the Bend-Redmond MSA since 2011, with the unemployment rate in late 2018 below 5 percent.<sup>55</sup> It is anticipated that there will be continued economic gains in Bend. Industry estimates from the ACS show employment in the Bend-Redmond MSA was concentrated in four major industries: Education & Health Services, Retail Trade, Accommodations and Food Service, and Professional Services.

Today, there are two main needs for the workforce. Bend's diversifying economy is creating a demand for a more educated workforce (which in the short term requires relocation), while Bend additionally has acute needs in the trades which are driving up the cost of construction, among other services.

The Regional Economist, Damon Runberg in 2018, reported the region is expected to add nearly 15,000 jobs by 2027, a growth rate of 15 percent. Central Oregon along with the Portland Metro area (+13 percent), are the only regions expected to grow faster than the statewide pace of 12 percent.

Arguably, the most significant issue facing Bend's businesses today is the need for infrastructure to make existing, unserved, lands available for building. The infrastructure challenge affects both businesses that need a space in which to locate, as well as employees who need a home. The lack of financing/ funding for infrastructure hinders Bend's ability to create housing that is affordable, as well as the ability to recruit well-paying businesses and skilled employees. In 2016, Bend's Urban Growth Boundary expansion was approved by the State. This expansion will bring more than 2000 acres in to the City, but will cost about \$400 million to service with water, sewer, and roads.

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<sup>55</sup> (Labor)

With unemployment under five percent, jobs are largely available for those that can afford to live here. Many businesses are frustrated that they cannot hire the skilled employees needed from outside of Bend because it is too expensive to move here. Bend has a higher-than-average population with graduate degrees. Many with professional degrees move to Bend for the amenities but retain their employment with companies based in larger communities such as Seattle, the San Francisco bay area, or Portland. The challenge reported as greatest by employers is currently in trades and skilled/ semi-skilled labor, such as construction and manufacturing, due to the housing shortage. While housing costs are substantially lower than West Coast metro areas, the wages in Bend largely do not support the current housing costs. While demand has been pushing wages up since 2015, wages are still not escalating at the same rate as housing prices.

**TABLE 8: 2017 ACS – EMPLOYMENT STATUS**

	Labor Force Participation Estimate	Employment/Population Estimate	Unemployment Rate Estimate
Census Tract 11	61.9%	57.6%	7%
Census Tract 13	70.3%	66.7%	5.2%
Census Tract 14	58.8%	54.5%	7.2%
Census Tract 15	72.2%	68.5%	5.2%
Census Tract 16	70%	67.1%	4.2%
Census Tract 17	69.1%	64.3%	6.9%
Census Tract 18	62.8%	59.6%	5.1%
Census Tract 19.02	62.3%	61.3%	1.5%
Census Tract 20	67.1%	64.1%	4.5%
Census Tract 21	68.3%	66.7%	2.4%

## Housing

With such a low supply, combined with a high demand, home costs are escalating and are expected to continue increasing for the immediate future. Even during the economic downturn, Bend's population increased by 1.5 percent per year, while development of housing, most particularly multi-family housing, came to a virtual standstill for a period of three to five years. During that period, the largest construction lender in Bend was the City of Bend using the Affordable Housing Fund. But the units Bend could finance could not keep pace with the population increase. Bend has continually been in the top 5 cities in the nation for growth, contributing to rapidly increasing housing costs.

The availability of housing units does not meet the needs of the population at this time, and it is doubtful that it will do so in the immediate future. Bend's rent rose 26.3 percent since 2010 and current home prices are rising by 10 to 20 percent per year.<sup>56</sup> These increases are pushing both affordable rentals and affordable home ownership opportunities to unsustainable levels.

An increased housing supply will be difficult to attain with the dearth of land available for development due to significant infrastructure needs. Bend was successful in having an Urban Growth Boundary expansion approved in 2016, but the cost of servicing that land with water, sewer, and roads is upwards of \$400 million.

Bend will need a concerted effort to investigate existing buildable land, as well as creative efforts to utilize what is available. Additionally, continued focus from local government is needed to increase densities and provide incentives in opportunity areas to allow for development of more housing, both market rate and affordable.

It is also important to note that since 2014, developers built 1,140 multifamily units, which was substantially fewer than what was needed to keep up with additional households added. During that time, few housing types were created, including

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<sup>56</sup> (U. C. Bureau, American Fact Finder)

townhomes, duplexes and triplexes, etc. Lack of housing options has contributed to greater housing cost burdens for Bend residents.

The City of Bend recognizes the need for greater housing options, and where these housing types are located will influence housing choice for residents. According to ACS data, Census tract 18 has the largest amount of rental occupied units at 2,348. Census tracts 15 and 16 have more rental occupied units than owner occupied units. Census tract 13 has the most owner occupied units at 3,341. Increases in affordable housing rental opportunities where there are more owner occupied units and greater home ownership opportunities where there are more rental occupied units will provide a better balance and increases in housing choice for those neighborhoods.

**TABLE 9: 2017 ACS – HOUSING TENURE**

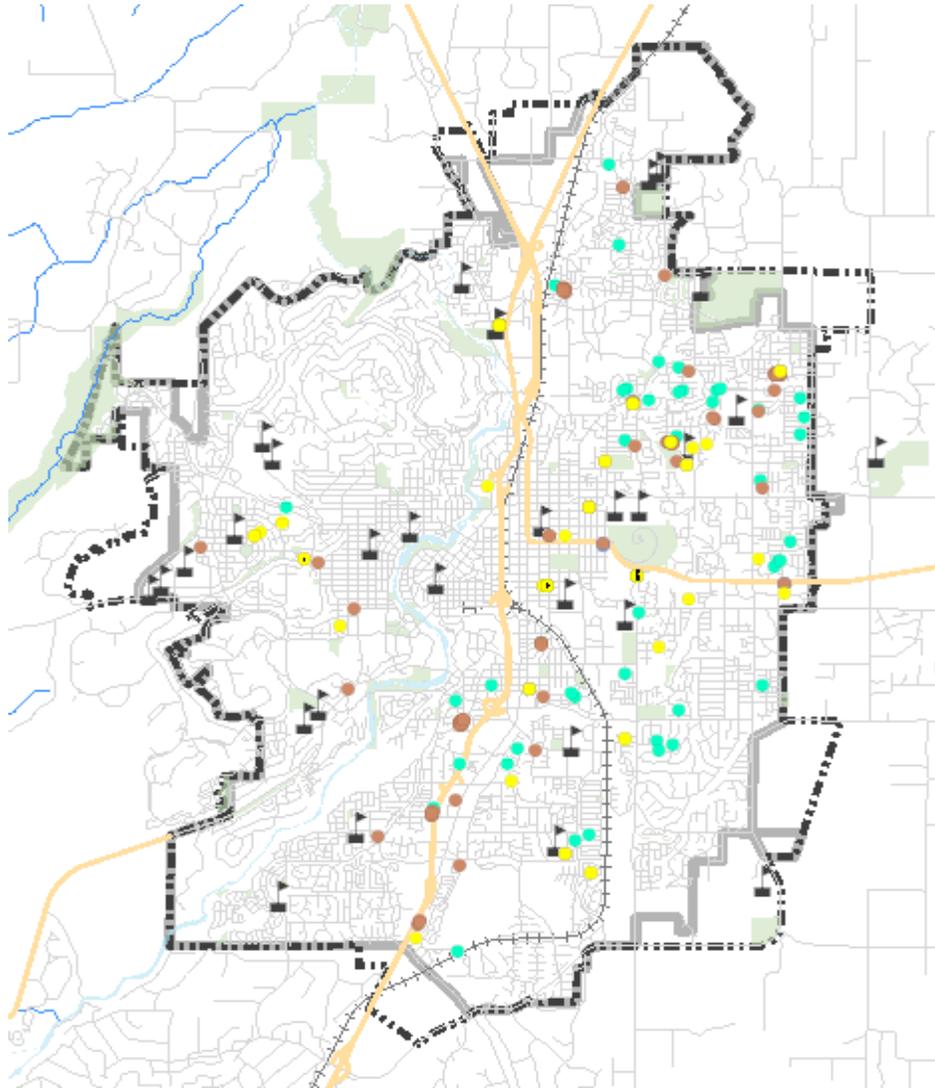
Census Tracts	11	13	14	15	16	17	18	19.02	20	21
Owner Occupied Units	3,118	3,341	1,655	1,020	758	1,904	1,590	2,477	2,112	3,454
Renter Occupied Units	1,053	1,772	866	1,721	1,982	1,492	2,348	1,531	841	1,162

## Maps

Mapping Services are accessible from the City of Bend’s website. The Affordable Housing Program provides a visual map of the areas where the City of Bend has invested resources from CDBG, Bend’s Affordable Housing Fund, and other resources for community development. Figure 2 below is available on Bend’s website:

<https://maps.ci.bend.or.us/bendmaps.htm>.

**FIGURE 2: MAP OF AFFORDABLE HOUSING INVESTMENT IN BEND**



## ***SEGREGATION MEASUREMENTS***

### **Dissimilarity Index**

Affirmatively Furthering Fair Housing Data illustrates the dissimilarity trends of Bend at low levels according to HUD standards, but rising according to current estimates. The dissimilarity index, Table 6 below, measures racial and ethnic integration on a scale between 0 and 100; 0 indicating complete integration amongst racial and ethnic populations and 100 indicating complete segregation. HUD standards provide 40

as low segregation, 40-54 as moderate segregation, and above 54 as high segregation. Bend had a trend of integration until the recession. However, since the recession, there have been small measures of increased segregation. This measurement indicates other factors that could be limiting housing choice options in Bend, or could be a reflection of the national trend that certain racial groups were disproportionately impacted by the foreclosure crisis.<sup>57</sup> Overall, Bend scores well in measures of integration. However, a lack of data on reasons for integration or segregation points to Bend’s need for better housing data.

**TABLE 10: RACIAL/ETHNIC DISSIMILARITY TRENDS<sup>58</sup>**

Racial/Ethnic Dissimilarity Index	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	8.5	13.33	14.66	22.37
Black/White	27.91	16.53	12.35	23.75
Hispanic/White	8.08	19.94	19.68	27.01
Asian or Pacific Islander/White	14.26	9.47	5.22	15.93

### **Forecasted Ethnic Composition – Middle School Attendance Areas**

According to a study for the National Bureau of Economic Research, "racial convergence in school quality and educational attainment... played a significant role in accounting for the reduction in the black-white adult health gap. While no single explanation likely accounts for this rapid convergence, this work shows that school desegregation was a primary contributor, explaining a sizable share of the narrowing of the racial education, and economic and health status gaps among the cohorts

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<sup>57</sup> (Carlos Garriga)

<sup>58</sup> (HUD)

examined.”<sup>59</sup> As a result of this and other research, on October 1, 2014, the Department of Education’s Office for Civil Rights issued a Dear Colleague Letter to school districts that serves as a guide towards equitable integration of schools.

Bend-La Pine Schools experience similar income and racial disparities within the classrooms, and these disparities can perpetuate uneven testing outcomes.<sup>60</sup> The Oregon Department of Education collected information from Bend-La Pine Schools for the 2017-2018 school year.<sup>61</sup> Because the middle school attendance areas within the City of Bend closely align with the census tract boundaries, the data provides recent information and illustrates a window for a minority population forecast of the City of Bend. The middle schools in Bend serve grades 6 – 8.

Because the Oregon Department of Education data does not differentiate races with Hispanic or Latino ethnicity, Figure 3 below only illustrates the percentages of Hispanic or Latino populations at the middle schools. Although attendance of racial minorities at the schools is equally important to monitor, the illustration below only includes ethnic minorities.

- Census tract 11 is included within the Sky View Middle School’s Attendance Area and 11 percent of students identified Hispanic or Latino. The Hispanic population at Sky View Middle School continued to grow in the 2017-2018 school year;
- Pacific Crest Middle School’s Attendance Area outlined in Figure 3 below illustrates that the area includes census tract 13 and portions of census tracts 14 and 11. The Hispanic population at Pacific Crest Middle School has decreased since the opening year in 2015-2016;
- Cascade Middle School’s Attendance Area includes census tract 21 and portion of census tract 14 and 15, as shown in Figure 3 below. Of the students enrolled

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<sup>59</sup> (Johnson)

<sup>60</sup> (Broadcasting)

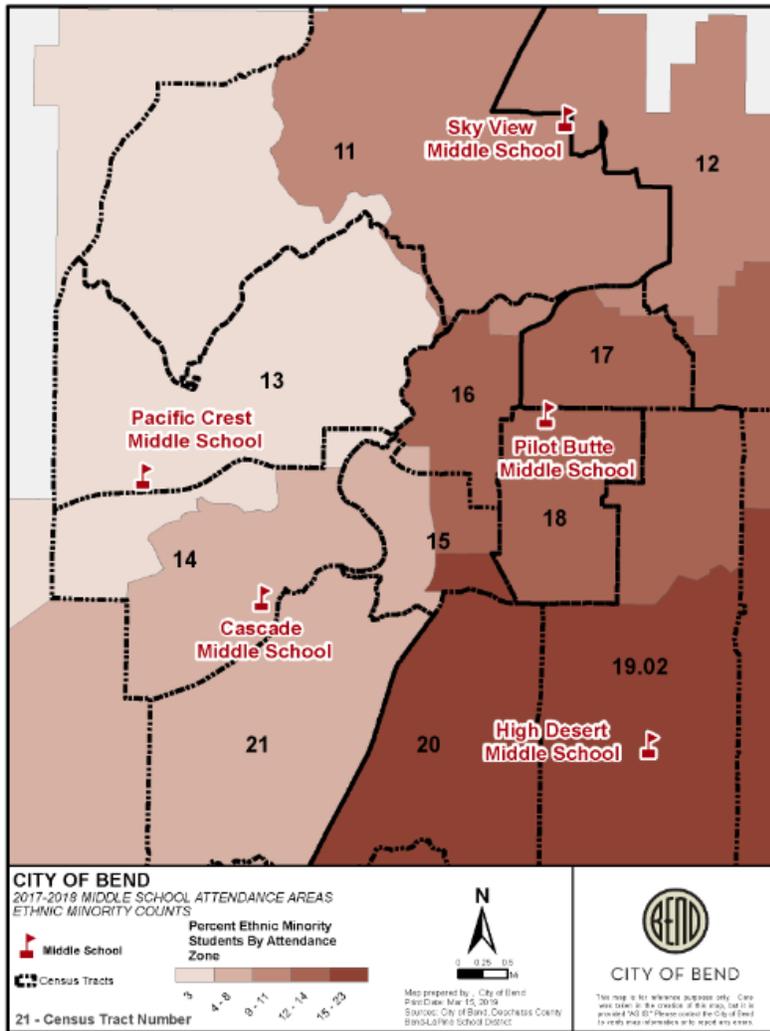
<sup>61</sup> (O. D. Education)

during the 2017-2018 school year, 8 percent identified Hispanic or Latino. Hispanic populations at Cascade Middle School declined in the 2017-2018 school year compared to the 2009-2010 school year;

- Census tract 20, a portion of tract 19.02, and a portion of tract 15 are included in the High Desert Middle School Attendance Area illustrated in Figure 3 below. Of the students enrolled during the 2017-2018 school year, 23 percent identified Hispanic or Latino of any race. Hispanic populations at High Desert Middle School increased since the 2009-2010 school year;
- Pilot Butte Middle School's Attendance Area, outlined in Figure 3 below, includes census tracts 16, 17, 18, and a portion of tract 15. Of the students enrolled during the 2017-2018 school year, 14 percent identified Hispanic or Latino. Hispanic populations at Pilot Butte Middle School decreased compared to the 2009-2010 school year.

The middle school ethnic demographics indicate greater portions of Hispanic populations for census tracts 19.02 and 20. However, those demographic increases also indicate expanding disparities with larger portions of ethnic populations in tracts 16, 17, 18, 19.02, and 20 compared to census tracts 13 and 14. If middle school ethnic populations indicate the possibility of where households remain, that would create an undesirable trend of increased segregation for the City of Bend. Greater housing choice options for ethnic minority populations in census tracts 13 and 14 may be necessary to further fair housing.

FIGURE 3: MIDDLE SCHOOL ETHNIC COUNTS<sup>62</sup>



## Access to Opportunity

The demographic research from Opportunity Insights includes maps of neighborhood data, which provide information about social mobility opportunities based on where a household resides in the community.<sup>63</sup> Extensive data-based research determined that children have higher upward mobility possibilities when cities where they reside demonstrate “less segregation by income and race, lower levels of income

<sup>62</sup> (O. D. Education)

<sup>63</sup> (Opportunity Insights)

inequality, better schools, lower rates of violent crime, and a larger share of two-parent households.”<sup>64</sup>

## **Income Inequality**

An Opportunity Atlas created through Opportunity Insights maps the median household income data from the American Community Survey with the most recent data available from 2016.<sup>65</sup> The mapped median household income data from 1990, Figure 4, compared to median household income estimates from 2016, Figure 5, indicate increasing median household income inequality in Bend. Red colors represent lower income, while blue represents higher income.

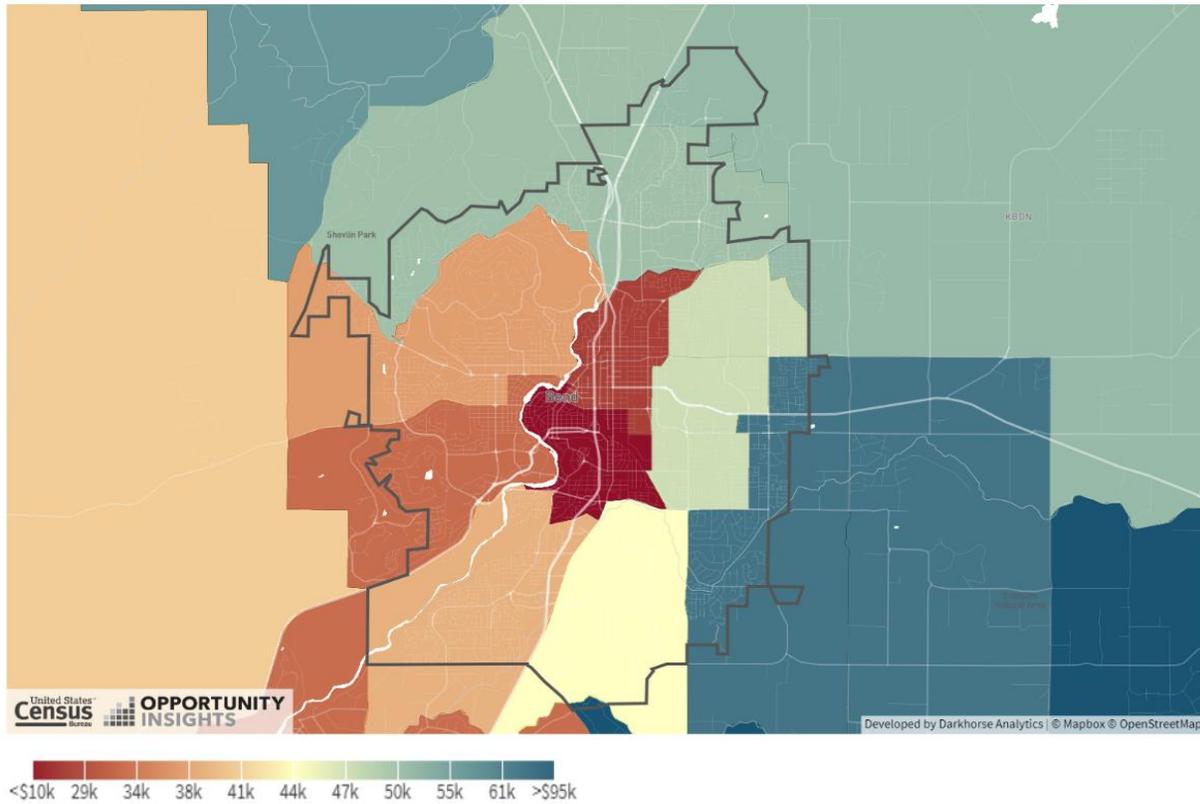
Bend residents’ median household income in 1990, illustrated in Figure 4, portrays a difference amongst incomes in an amount less than \$25,000. The census tracts with the lowest median household incomes in 1990 included tracts 16 and 15. The census tract with the highest median household incomes in 1990 was tract 11. The median household income for census tracts 17 and 18 have remained flat the next 30 years. This trend indicates growing income polarization.

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<sup>64</sup> (Hendren)

<sup>65</sup> (Insights)

**FIGURE 4: MEDIAN HOUSEHOLD INCOME OF BEND RESIDENTS IN 1990<sup>66</sup>**

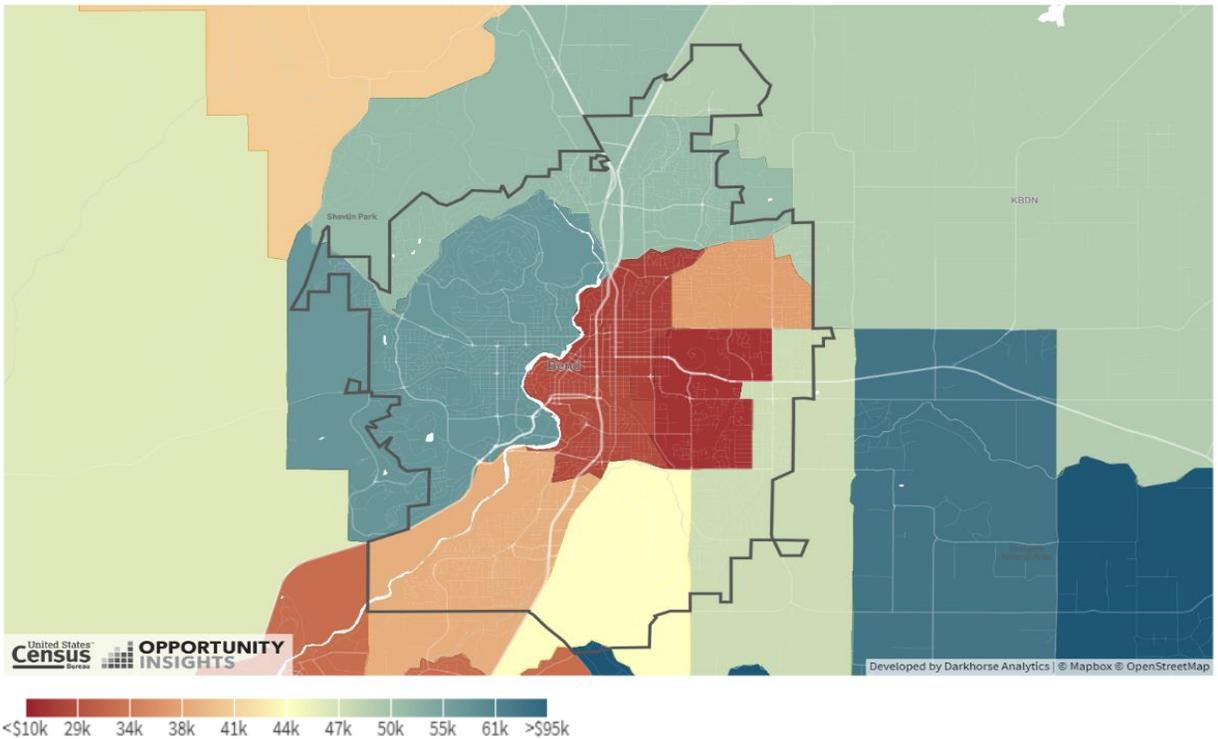


Median household income estimates from 2016, illustrated in Figure 5, portray a difference amongst incomes of approximately \$60,000. These disparities are particularly stark between census tracts 13 and 14 when compared with census tracts 15, 16, and 18.

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<sup>66</sup> (Insights)

**FIGURE 5: MEDIAN HOUSEHOLD INCOME OF BEND RESIDENTS IN 2016<sup>67</sup>**



## **Incarceration Rate**

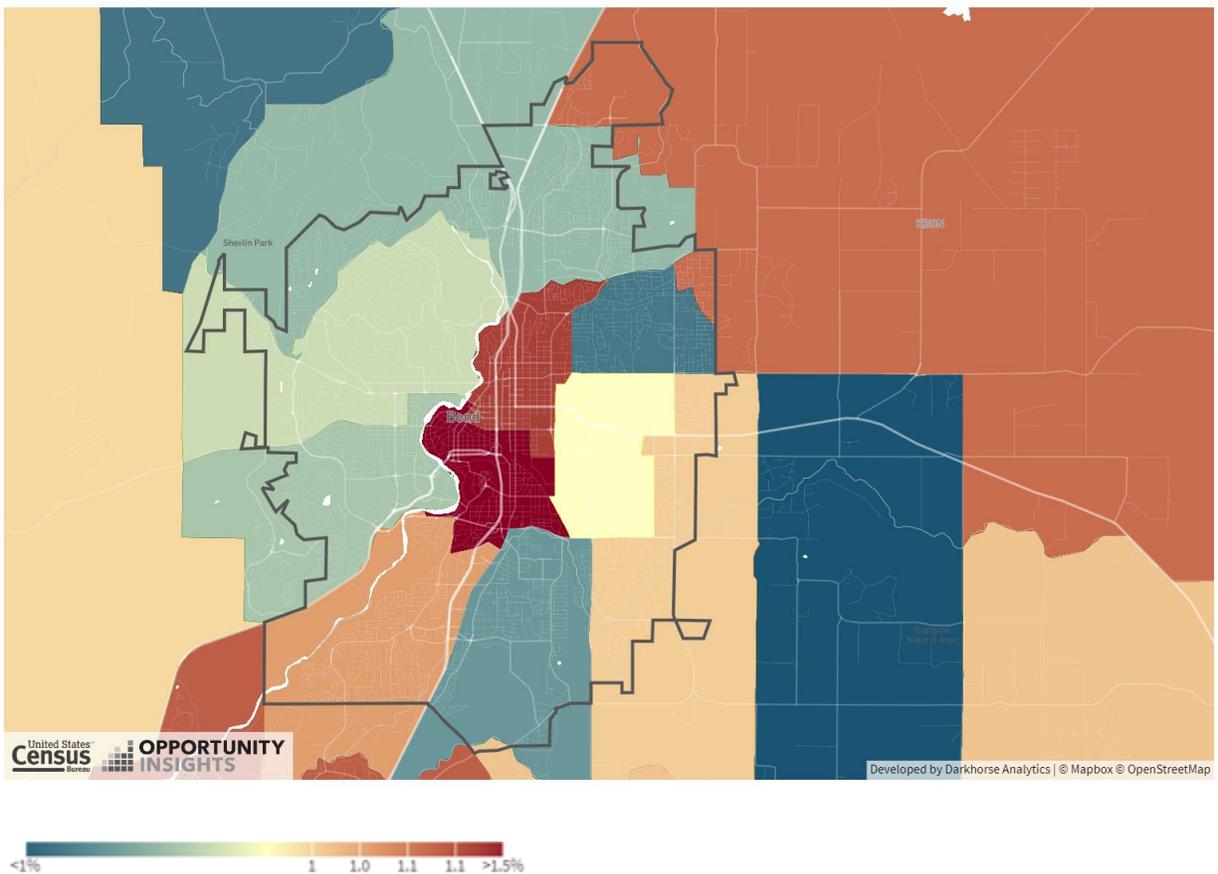
The Opportunity Atlas maps an incarceration rate derived from 2010 census data for children that grew up in Bend and were in prison or jail on April 1, 2010 (Figure 6). Cities with lower rates of violent crime have greater opportunities.<sup>68</sup> Neighborhoods with low incarceration rates are an indicator of greater opportunity. The census tracts in 2010 with the largest percentage of incarcerated residents that grew up in Bend were tracts 15 and 16.

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<sup>67</sup> (Insights)

<sup>68</sup> (Hendren)

**FIGURE 6: INCARCERATION RATE OF CHILDREN RAISED IN BEND<sup>69</sup>**



## Married Households

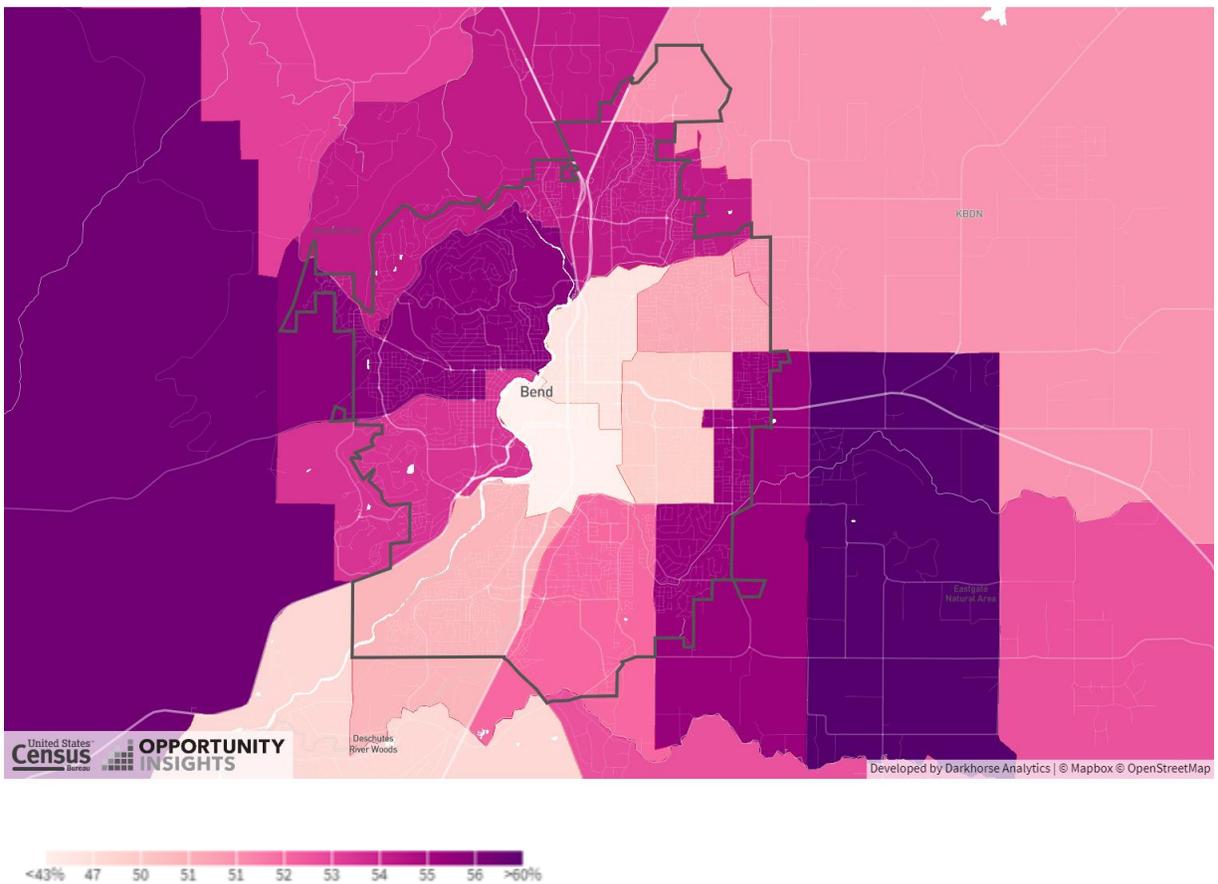
Additional data mapped on the Opportunity Atlas portrays the percentage of married residents. Marriage has a link to economic viability and opportunity.<sup>70</sup> Figure 7, below, provides the percentages of children that grew up in Bend (now in their mid-30s) and that were married in 2015. Census tracts 15 and 16 had the lowest percentage of residents that grew up in Bend (now in their mid-30s) and that were married in 2015.

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<sup>69</sup> (Insights)

<sup>70</sup> Isabelle V. Sawhill, "How Marriage Affects Economic Opportunity," Brookings, 2014

**FIGURE 7 - BEND RESIDENTS RAISED IN BEND AND MARRIED IN 2015<sup>71</sup>**



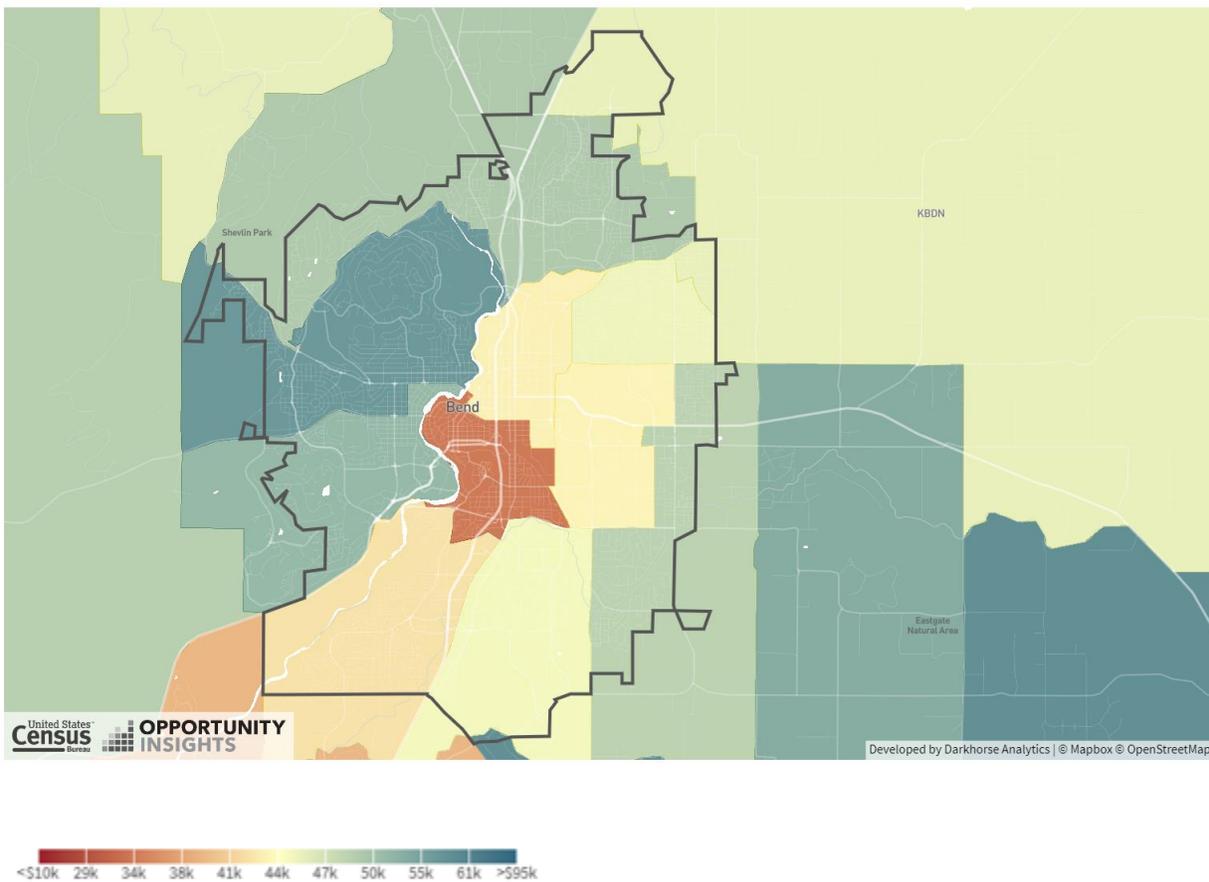
## **Income Opportunity**

Finally, the Opportunity Atlas, illustrated in Figure 8, provides the average annual household income from 2014-2015 for children that grew up in Bend (now in their mid-30s). Children that grew up in census tracts 11, 13, and 14 have higher average annual household incomes than children that grew up in the remaining census tracts.

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<sup>71</sup> (Insights)

**FIGURE 8: ANNUAL INCOME FROM CHILDREN RAISED IN BEND FOR 2014 - 2015<sup>72</sup>**



These opportunity measurements provide another insight into segregation trends within Bend. The fast growth of areas within Bend that developed after 1990 may be the greatest contributor to income disparities illustrated above. It is also important to examine the characteristics of the census tracts where there is low opportunity.

Tract 16 is predominantly full of businesses, with few multi-family units and some single-family units. This tract is zoned commercial, mixed use, high-density residential, and standard-density residential. Two public housing complexes are within Census Tract 16, Greenwood Manor and Quimby Street Apartments. The location of two public housing complexes with high density housing creates an environment where

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<sup>72</sup> (Insights)

households in poverty and minority populations may enter Bend's high cost housing market. These are areas where community development investments such as improved infrastructure and amenities could be targeted with fair housing outreach and education.

### **Fair Housing Online Survey**

An online survey was made available to Bend residents regarding fair housing in January and February of 2018.<sup>73</sup> Over 500 Bend residents participated in the survey. Of the survey participants, 52 percent indicated they would change their living situation if they could afford to do so. A portion of the participants, totaling 134 individuals, believed they had experienced housing discrimination in the past 5 years. Of those that reported experiencing housing discrimination, 78 individuals disclosed they were in a protected class. Source of income was the most reported form of discrimination, with 31 participants. Other protected classes identified discrimination based on age, sex, gender, sexual orientation, family status, race, ethnicity, and national origin. Almost half of the participants that reported experiencing discrimination did not take any action to address it. Comments from the survey revealed a limited knowledge of fair housing protections.

## **SECTION III: CURRENT FAIR HOUSING LEGAL STATUS**

### ***DISCRIMINATION SUITS BY DOJ OR PRIVATE PLAINTIFFS***

In addition to community feedback, demographic trends, and surveys, it is important to monitor the fair housing claims raised in courts and with administrative agencies. Deschutes County Circuit Court saw a handful of tenancy termination cases where fair housing defenses were raised.

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<sup>73</sup> Fair Housing Survey – Appendix

- Multiple tenants requested reasonable accommodations regarding physical or mental disabilities;
- One tenant raised fair housing concerns that the termination was based on her family status and race; and
- Multiple tenants defended terminations under Oregon’s fair housing protections for domestic violence survivors after experiencing domestic violence.<sup>74</sup>

These cases illustrate a greater need to educate landlords regarding the application of fair housing laws, so that tenants are not displaced because of a protected status.

In 2004, the City of Bend was sued for failure to comply with federal disability law. That suit led to the creation of an accessibility manager position on staff at City of Bend as well as an accessibility advisory committee. The City of Bend continues work addressed in settlement agreements with the U.S. Department of Justice and Disability Rights Oregon. The settlement agreements included various accessibility issues including inaccessible toilet rooms, non-compliant drinking fountains, an inaccessible elevator, lack of maintenance of accessible routes, an inaccessible counter in the Community Development Department, non-compliant sidewalks, curb ramps, parking lots, and routes of travel, in addition to inaccessible features in a planned (now constructed) police station. Upon completion of the Settlement Agreement terms with Disability Rights Oregon in 2011, the plaintiffs dismissed their Americans with Disabilities Act claims and Section 504 of the Rehabilitation Act claims against the City of Bend. The U.S. Department of Justice found the City completed the terms of its Settlement Agreement in 2014, but the City continues efforts to maintain access required under the law. The discrimination suits might have been addressed proactively

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<sup>74</sup> ORS 90.499

with greater fair housing education in the community. Both Public and Private Sector fair housing education could have addressed circumstances before litigation.

## **SECTION IV: IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

### ***PUBLIC SECTOR***

#### **Comprehensive Plan**

The City of Bend's Comprehensive Plan is the guide for designating land uses that shape the City's future. "Chapter 5: Housing" of the Comprehensive Plan reads:

The citizens and elected officials of Bend wish to:

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Recognize the importance of transportation linkages (streets, bikeways, sidewalks, and paths) in connecting neighborhoods and building and maintaining a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.
- Zone adequate land in specific designations to allow for production of needed housing units.

The City of Bend updated the Comprehensive Plan in 2016 with an extension of the Urban Growth Boundary. The extension was made possible in large part due to the results of the Housing Needs Analysis conducted.<sup>75</sup>

## **Employment-Housing-Transportation Linkage**

Although not a direct barrier to housing, the ability to access fair and equitable transportation has the potential to impact access to food/ groceries, employment, medical care, and many other necessities. Housing in areas that do not have equitable transportation access is not a viable option for vulnerable populations and may have a discriminatory effect.

The transportation system in Bend provides comprehensive facilities serving the Bend urban area. The system links the community to outside areas and it provides a variety of options for users within the City. The transportation system was developed to provide carrying capacity for automobiles, trucks, bicycles, pedestrians, and public transportation.

As detailed below, automobiles provide a majority of the transportation from work to residences within Bend. Approximately 3 out of every 4 workers commute alone in a personal vehicle. Other modes of transportation include a RIDE assist, aka Bend Dial-a-Ride service, a fixed bus system, walking, and biking.

Cascades East Transit provides public transportation on many of Bend's main roadways. Cascades East Transit is operated by the Central Oregon Intergovernmental Council (COIC), an independent entity operating under intergovernmental agreements throughout the Central Oregon region. The Bend Dial-a-Ride system, also operated by COIC, offers shared rides for disabled and low-income seniors that are not near fixed routes. There are nine fixed-routes within the City of Bend. However, fixed routes are lacking in HUD identified low-moderate income areas along Wilson Ave., Murphy Road,

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<sup>75</sup> Housing Needs Analysis

and SE Ferguson Rd. Inaccessible public transportation can hinder one’s ability to gain and retain employment, pursue educational opportunities, and engage with the community in different neighborhoods.

**TABLE 11: 2017 ACS – MEANS OF TRANSPORTATION TO WORK**

	Estimate
Workers 16 years and over	43,227
Car, truck, or van	81.7%
Drove alone	74.2%
Carpooled	7.6%
No vehicle available	1.4%
Public transportation	0.4%
Walked	3.6%
Bicycle	2.8%
Taxicab, motorcycle, or other means	1.1%
Worked at home	10.5%
Work and reside in Bend	85.2%
Mean travel time to work (minutes)	15.3

### **Epic Properties and Housing Choice Voucher Selection Process**

Housing Works serves as the Public Housing Agency (PHA) for the City of Bend. It operates 12 complexes within Bend through Epic Property Management. Housing Works also administers the Housing Choice Voucher Program and a Project Based Voucher Program. Epic Property Management selects tenants for each complex from their wait list that is typically full, but reopened when contact information is dated or the number of potential applicants decreases substantially. Housing Works keeps a

separate wait list for the Project Based Voucher Program. Housing Works opens their Housing Choice Voucher list each year. The process randomly places applicants on a priority list. As vouchers become available throughout the year, Housing Works pulls applicants from the list and offers the household a Housing Choice Voucher. If a voucher does not become available to an applicant through the year, then the household must reapply the following year.<sup>76</sup> In early 2019, over 2000 individuals were on the wait list after the list opened for two weeks. Although being prioritized on the list is a step towards longer term rental support, some of the largest challenges may present after that selection. Due to the incredibly short housing supply, many potential voucher recipients are unable to find housing that meets HUD's requirements, due to high price and the demand for each unit that becomes available. Over 400 Housing Choice Voucher recipients will be looking for housing this year throughout Central Oregon.

There are no fees or criteria necessary to apply for an Epic unit or a Housing Choice Voucher. Once selected from a wait list, then the potential tenant is required to pay an application fee and meet any tenant screening criteria.

## **Sale of Subsidized Housing with Displacement**

Pilot Butte Townhouses at 444 NE Quimby Ave., and St. James Square at 1835 and 1837 NE Purcell Blvd., were complexes that did not renew Section 8 Based housing subsidies for low-income households. When the properties, owned by Taylor Real Estate and Management, converted to market rate apartments, Legal Aid Services of Oregon and Housing Works assisted tenants in finding alternative housing or maintaining their tenancy with a Housing Choice Voucher.

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<sup>76</sup> (Associates)

## **Policy Changes Promoting Fair Housing Choice**

City of Bend has actively pursued policies that reduce barriers to building and maintaining affordable units of all types. Several comprehensive audits of Bend's development code have happened, most notably in 2015 by several committees and in preparation for the 2016 Urban Growth Boundary expansion. Continued evaluation of the development code and proposals to increase supply have been prioritized by Bend City Council and the Affordable Housing Advisory Committee.

Qualifying low-income rental housing developments are eligible to receive exemption from City property taxes for a 20-year period. With agreement from other taxing jurisdictions, developments receiving exemption from City property taxes may also be eligible to receive exemption from their entire property tax bill for the 20-year exemption period.

Manufactured home parks provide an affordable housing type for residents of Bend. Soaring land prices created a problem of Mobile Home Park closures for re-development. The City, through a collaborative effort, adopted an ordinance that ensured accommodations for tenants of parks closing for re-development, while simultaneously allowing property owners to utilize their property as desired.

- Park owners are allowed to close their mobile home park, and in exchange the owner must assist the tenants in the park to move the units to a new park or pay the owner of the unit the fair market value of the unit.
- Another option for park owners provides an overlay zone that allows the park owner to increase the density of the park property. In exchange for the higher density zoning, a certain number of newly created units are required to be made affordable and available to the former tenants of the park whose units cannot be moved. In addition, ten percent of the affordable units are required to be available to families earning no more than 30 percent of the Area Median Income.

The City streamlines building and permitting processes for affordable housing development. Bend's expedited review and permitting process allows any residential or mixed use development that receives local, state, or federal affordable housing funding to have their development receive a written decision by the Planning Department within two weeks from the receipt of a complete application. For developments that may require more complex planning development actions, a decision will be written or the first public hearing will be held within six weeks of the date of submittal of a complete application. Building plan and permit review will begin within three business days from the date of complete submittal and completed within ten business days from the date of complete submittal. Once any deficiencies have been addressed, review will be completed and permits will be issued within one business day of review approvals by all departments.

In December of 2017, the City of Bend adopted a policy exempting all affordable housing developments from system development charges. The exemption requires any housing developed be deed restricted for affordability. This policy reduces the cost to build affordable housing in Bend.

The City also sells City-owned land for development as affordable housing. The City has sold over 10 acres of land through Bend's surplus process. Properties are sold for the cost the City paid, plus the cost of titling.

Development code changes encourage affordable housing. Housing developments that are providing up to fifty-percent of their units as affordable are allowed to increase density to 1.5 of the base density for that zone. It has a decreasing scale of 1.4 for forty percent affordable, 1.3 for thirty percent affordable, etc.

Bend has implemented a fee, currently at one-third of one percent of the building permit valuation for all building permits, for the purpose of developing affordable housing. From 2007-2018, the fee has generated approximately \$500,000 annually. Post-recession, the fund has averaged \$1 million annually, including loan repayments. This funding has and will continue to be used for development of affordable housing

targeted to families at or below one hundred percent of the Area Median Income. The fund utilizes the priorities established in the City of Bend Consolidated Plan.

Developer incentive programs have proven to be popular with the building community – including for-profit, non-profit and faith-based developers of affordable housing. Over 1000 units have been built or preserved in Bend’s housing stock with these incentives and available affordable housing funds. By enacting the above noted rules, regulations, and programs, the City has made a commitment to insure that a supply of housing is available at all income levels, particularly for those most vulnerable. A number of the developments that have been funded over the years not only provide affordable housing, but also provide service and education, ensuring that buyers and renters are well informed and able to identify discriminatory practices.

There are many opportunities for fair housing education within CDBG funded programs and developments. Home buyers through Bend Area Habitat for Humanity all receive fair housing education. Homeownership education, foreclosure education, and renters’ education programs from NeighborImpact provide fair housing information within the curriculum. When Housing Choice Voucher recipients and residents of developments managed by Epic Property Management are at risk of losing their tenancy, they receive a referral to a case manager from Thrive Central Oregon that has received fair housing training. Tenants at Azimuth 315, constructed by privately owned Pacific Crest Affordable Housing, also receive a referral to Thrive Central Oregon when their tenancy is at risk.

## ***PRIVATE SECTOR***

### **Lending Policies and Practices**

Under the Home Mortgage Disclosure Act (HMDA), financial institutions report data regarding their lending transactions and the clients and properties involved in the transactions. The table below provides the numbers of home loans generated and denied in each census tract in 2017. The greatest proportion of loans were denied in

Census Tract 18, where estimates indicate a larger population of persons with disabilities and poverty populations are declining. Household income increases in Census Tract 18 may not be enough for home ownership due to rapidly escalating home prices.

Lending policies and practices may be a barrier to fixed income households, but rising home prices are a significant barrier. The availability of housing units does not meet the needs of the population at this time, and it is doubtful that it will do so in the immediate future. Bend's current home prices are rising by 10 to 20 percent per year.<sup>77</sup> These increases are pushing home ownership opportunities out of reach for many residents.

Housing prices have increased 50 percent since 2015,<sup>78</sup> and show no signs of slowing down in the immediate future. In addition, the availability of affordable options for home purchase are extremely limited. Thus, homeownership for low and moderate-income households has also become more difficult. The dramatic increase in home prices coincides with the increased land costs. In Bend's zip code 97701, the price per acre of land value increased 293 percent in the past 5 years.<sup>79</sup> Additionally, housing reached a median price for single family units of \$450,000 in January of 2019.<sup>80</sup>

The areas of Bend that were offered home loans in greater numbers are neighborhoods where housing development occurred in 2017. Numerous home loans originated in census tracts 11, 13, 19.02, 20, and 21. This data, in combination with the tight housing market, indicates that home ownership opportunities within census tracts 15, 16, 17, and 18 were fewer.

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<sup>77</sup> (U. C. Bureau, American Fact Finder)

<sup>78</sup> Larson, "The Price of Residential Land for Counties, ZIP Codes, and Census Tracts in the United States," FHFA 2019

<sup>79</sup> (Agency)

<sup>80</sup> (Montagner)

**TABLE 12: 2017 HMDA LOANS ORIGINATED AND DENIED**

Census Tract	Home Purchase Loans Originated	Home Purchase Loans Denied
11	321	31
13	314	22
14	152	0
15	112	12
16	91	3
17	199	9
18	130	35
19.02	254	49
20	306	43
21	303	27

## ***PUBLIC & PRIVATE SECTOR***

### **Fair Housing Enforcement**

When demand for housing is so great, vulnerable populations are less likely to assert their housing rights because of their precarious housing circumstances. Formal complaints related to housing discrimination in the State of Oregon can be filed through multiple avenues including HUD’s Office of Fair Housing and Equal opportunity (FHEO), the Housing and Civil Enforcement Section of the United States Department of Justice, Oregon Bureau of Labor and Industries (BOLI), Fair Housing Council of Oregon (FHCO), and private legal action. The Central Oregon Regional Office of Legal Aid Services of Oregon (LASO) represents persons at or below federal poverty level in private fair housing claims.

Bend residents made 15 phone calls in 2018, 25 phone calls in 2017, and 17 phone calls in 2016 to Fair Housing Council of Oregon regarding potential claims. The phone callers in 2018 identified discrimination based on the following:

- 11 callers believed they had experienced discrimination based on a physical or mental disability,
- 2 callers believed they had experienced discrimination based on race,
- 1 caller believed he/she had experienced discrimination based on national origin, and
- 2 callers believed they had experienced discrimination based on source of income in addition to other protected classes listed above.

Most of the callers that contacted Fair Housing Council of Oregon in 2018 were mailed information, and five of the callers were referred to BOLI, HUD, LASO, or private counsel.

## **Informational Programs**

Fair Housing Council of Oregon (FHCO) promotes equal access to housing by providing education, outreach, technical assistance, and enforcement opportunities relating to fair housing. FHCO's mission is to provide educational and outreach services explaining fair housing laws, as well as enforcement and investigations following complaints they receive. FHCO provides brochures explaining fair housing laws. FHCO exists to provide guidance and direction to individuals who have or are experiencing impediments in their housing choice.

Fair Housing Council of Oregon provided educational presentations in Bend in 2018 and 2016. The most recent presentations included City of Bend's Planning Commission and Affordable Housing Advisory Committee.

## **Accessibility**

After settling claims brought forth by the Department of Justice's Civil Rights Division and Disability Rights Oregon, the City of Bend continues accessibility efforts.

The City of Bend created an ADA Transition Plan that is updated bi-annually.<sup>81</sup> The City of Bend's accessibility manager is also available for consultation with any developments that receive affordable housing resources from the City.

## **Supply of homes that are affordable**

Perhaps the largest impediment to fair housing is a significant lack of affordable homes for low-income and moderate-income residents. When supply is limited, renters are often fearful of reporting possible fair housing violations due to the difficulty in obtaining alternate rentals. Additionally, with an abundance of applicants, determining whether an applicant was rejected due to a protected class status versus for a legitimate reason, such as list prioritization, can be nearly impossible.

Bend has a lack of affordable rentals for families and for individuals. Since 2014, a total of 1,140 multi-family units were built in Bend. Combine this inadequate creation of housing options with a population that has increased 18% since 2010, and the result is a cost burdened housing market.

These factors are all affected by the lack of buildable land that is ready for housing development. Despite expansion of the City's Urban Growth Boundary (UGB), the expansion of street, water, and waste services to develop those expansion areas will take significant investment. The expansion areas, plus upzoning and redevelopment of the urban core, are expected to provide the City's needed housing and employment lands through 2028. The City will need additional revenue opportunities to provide the necessary infrastructure and get these lands ready for development.

According to the Bend 2030 Landscape Report, Bend has underbuilt by 1,600 units from 2009 to 2015, and is projected to be underbuilt by 200 units until 2022. Consequently, City Council Goals for 2019-2021 include permitting 3,000 units by June 30, 2021, with a target of 390 single family attached units, 1170 single family units, and 1440 multi-family units. While homes are currently unaffordable for a family at 120

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<sup>81</sup> ADA Transition Plan

percent AMI, the prices continue to increase, in part due to declining home sales. The lack of affordable rental housing is significant in Bend. There are not enough affordable rental units, and those that are available are off the market almost immediately, typically within 1 day.

## **SECTION V: CONCLUSIONS AND RECOMMENDATIONS**

Bend's economic opportunity continues to attract a diverse population to Bend. The City of Bend is committed to monitoring racial, ethnic, and socioeconomic compositions. Bend will continue to implement inclusive actions to prevent concentrations of housing for minorities and concentrations of poverty. Specific actions should address the possible Hispanic and Latino and poverty concentrations in census tract 16.

Ending inequities demands leadership from the City of Bend. A clearly stated City goal to achieve racial, ethnic and socioeconomic integration throughout City policies, including the Comprehensive Plan and Council Goals and Objectives would demonstrate a commitment.

Acknowledging that public schools impact the development of inclusive communities, the City of Bend should work closely with Bend-La Pine Schools toward attendance boundaries that integrate students. The racial, ethnic, and socioeconomic makeup of middle school students may reflect the direction of neighborhood development for Bend that would create a trend toward racial and ethnic segregation. A comprehensive agreement between the City of Bend and Bend-La Pine Schools is essential to achieve an integrated community.

While not identified in any one section above, lack of real-time data prohibits the formation of educated fair housing policy. Ready and accessible data would greatly benefit (1) identifying affordable housing development barriers, (2) identifying

opportunity disparities, and (3) addressing specific populations' needs. Testing of sale and rental properties to discern whether housing discriminatory practices are occurring is problematic with the limited inventory of housing available for both sale and rent in the community. Moreover, minorities' lack of equity, because of historical discrimination, prohibits lending resources availability.

Until housing development in Bend overcomes the shortfall that has continued since 2009, attainment of affordable housing for low to moderate-income households and low to moderate-income minority households will take significant investment. With merely 1,140 multi-family units constructed since 2014, low- to moderate-income minority households do not have an avenue to enter Bend's community.

Bend last completed a Housing Needs Analysis (HNA) in 2016 and, as a result, adopted more affordable housing policies. While affordable and needed housing inventory increased because of these efforts, it is important that the underserved populations identified in that HNA receive affirmative marketing for the affordable housing as it becomes available. It is equally important that affordable housing developments in areas with small minority populations affirmatively market to minority populations to increase the housing choice opportunity for minorities.

These actions only affect change when citizens report incidents of housing discrimination. In January and February of 2018, Bend conducted an online fair housing survey. Many surveyed indicated they had not taken any action on incidents that could have been discriminatory. The City of Bend needs to strengthen community awareness of housing discrimination protections under the Fair Housing Act. Partnerships with organizations that address fair housing violations should continue, including regular communications with Fair Housing Council of Oregon (FHCO), Central Oregon Regional Office of Legal Aid Services of Oregon (LASO), Bureau of Labor and Industries (BOLI), HUD's Office of Fair Housing and Equal Opportunity (FHEO), and the Housing and Civil Enforcement Section of the United States Department of Justice. Bend should work with these partners to provide community trainings, city staff trainings, and elected officials

trainings. Information on where to report housing discrimination violations could also be included on the city's website to make information more accessible.

Additionally, the City should build upon Bend's City Code, Chapter 5.25 on Equal Rights with (1) clear goals that achieve racial, ethnic and socioeconomic integration, (2) a comprehensive agreement with Bend-La Pine Schools toward attendance boundaries that integrate students, (3) affirmative marketing of affordable housing funded by the City of Bend, (4) regular fair housing trainings, (5) ready and accessible data, and (6) an increase to the supply of affordable housing.

## ***IMPEDIMENTS AND RECOMMENDATIONS***

*Impediment 1: Policy Language.* The City does not include affirmatively furthering fair housing language within City plans and policies. The City of Bend's current Codes and Comprehensive Plan do not include direction to achieve racial, ethnic and socioeconomic integration in housing. However, the Bend City Council adopted a goal of committing to diversity, equity, and inclusion within the City, a notable start.

*Recommended Action 1: Improve Policy Language.* Consider policy language changes within all governing documents of the City's processes. The current City Council goals incorporate a strategy to embed a commitment to diversity, equity, and inclusion within the City of Bend. In the long term, Bend should adopt equitable and inclusive language within (1) the Consolidated Plan, (2) the Comprehensive Plan, and (3) City Council Goals. At a minimum, this language should acknowledge the need for affirmatively furthering fair housing and the City's ability to influence fair housing choice through partners for all Bend residents.

*Impediment 2: School boundaries.* Current school boundaries that follow census tract boundaries with possible concentrations of Hispanic and Latino households could exacerbate segregation. Bend-La Pine Schools' student composition may have divisive effects within the community.

*Recommended Action 2: Boundary Policy Development with Bend LaPine Schools.*

Bend should establish a collaboration with Bend-La Pine Schools when creating attendance areas and should encourage Bend-La-Pine Schools to follow the U.S. Department of Education's Office for Civil Rights Dear Colleague Letter of October 1, 2014, to prevent further possible segregation.

*Impediment 3: Possible ethnic and poverty concentrations.* Possible ethnic concentrations in Census Tract 16 along with poverty concentrations may be the nature of the zoning and the greater housing options within the tract. While Bend has made strides in diversifying overall, the City should promote an ideal balance between census tracts.

*Recommended Action 3.1: Ensure Opportunity Zone Residents Benefit from New Investment.* The recent designation of Opportunity Zones for Census Tract 16 could certainly increase resources for the area. Opportunity Zone development should include carefully structured intensified efforts for community engagement to ensure that all residents of the Opportunity Zone benefit from the investment.

*Recommended Action 3.2: Impose Program Requirements Linked to City Funding.* Require funding recipients to have an affirmatively furthering fair housing policy that strives for affordable housing options in areas of greater opportunity and/or provides access to services in areas of lower opportunities. Services in areas of lower opportunities could be (1) economic development, such as food access; (2) social stability and mobility, such as mental health services; or (3) infrastructure development, such as sidewalks or sewer connections.

*Recommended Action 3.3: Programs for Affordable Housing in Census Tracts 13, 14, 21.* Bend should prioritize resources for more affordable housing in Census Tracts 13, 14, and 21. More housing options in these regions could allow for greater diversity.

*Recommended Action 3.4: Incentives for Move to Opportunity Models.* Developments and programs funded through the City of Bend's Affordable Housing division should be encouraged to consider a Move to Opportunity model. Evidence based research from

the Equality of Opportunity Project demonstrates such policies are the best practice for upward mobility.<sup>82</sup>

*Impediment 4: Limited community awareness of fair housing protections and resources.* Bend's fair housing survey indicates that residents of Bend do not report housing discrimination violations. Moreover, 60 survey participants indicated they were unsure if they experienced housing discrimination.

*Recommended Action 4: Community Education.* The City of Bend could do more to educate the community on fair housing protections and how to adhere to them. The City of Bend should coordinate with Community Alliance of Tenants, Fair Housing Council of Oregon, and Legal Aid Services of Oregon to provide ongoing community forums for training and discussions.

*Impediment 5: Lack of ready and accessible data.* When Bend's housing market is so limited, addressing racial, ethnic, and socioeconomic disparities may not be feasible through testing or typical fair housing enforcement tools. Data can provide information for targeted affirmative fair housing action.

*Recommended Action 5: Fair Housing Data Collection.* The City of Bend has a goal for more accurate collection of data. Bend's City Council has also recently requested additional staff effort to collect housing data. It is recommended that fair housing data collection be considered.

*Impediment 6: Lack of supply.* Lack of housing supply has an effect on residents' ability to find and secure housing, displacement of existing residents, and a resident's likelihood of reporting possible violations. Because only 1,140 multifamily units have been developed in Bend since 2014, low to moderate-income minority households do not have a route to access housing in Bend.

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<sup>82</sup> (Hendren)

*Recommended action 6: Rental Housing Development.* City of Bend should continue to focus on rental development and acquisition of rental housing that is both deed restricted affordable as well as home ownership resources for low to moderate-income households, ideally in opportunity-rich areas.

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