



**CITY OF BEND  
2024 ANALYSIS OF IMPEDIMENTS  
TO FAIR HOUSING**



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## **SECTION I. EXECUTIVE SUMMARY**



## **WHO CONDUCTED**

The Analysis of Impediments to Fair Housing (AI) was conducted by Racheal Baker, Affordable Housing Manager, and Mellissa Kamanya, Affordable Housing Coordinator.

## **PARTICIPANTS**

Community participation occurred over six months and included eight public events, a Fair Housing Online Survey available in English and Spanish, two open houses at affordable apartment communities, and consultations with thirteen community and/or government agencies. Media engagement and presence in public events helped the Fair Housing Online Survey reach approximately 350 persons, and one-on-one interviews totaled approximately 300 persons.

City staff presented a draft AI to Bend's Affordable Housing Advisory Committee, City of Bend's Accessibility Advisory Committee, the Human Rights and Equity Committee (HREC), and Bend City Council liaisons during four public meetings.

## **METHODOLOGY USED**

Quantitative research involved the creation and conduction of surveys, a housing choice survey for persons with disabilities, compilation of databases, analysis of prior studies to identify statistical trends or patterns, and review of published periodicals and studies.

Qualitative research involved the conduction of focus groups, one-on-one interviews, collection of personal accounts and experiences, and review of public comment submissions and testimonies.

Research is cited as appropriate in the Appendix.

## **CONCLUSIONS**

Based on data and public input gathered and reviewed in this analysis, five fair housing impediments have been identified. This analysis evaluates criteria by census tract to identify areas of possible concentration and areas with opportunity for social mobility. Recommendations to address the impediments are summarized below. The full report explains the impediments and associated recommendations in extensive detail.

<p>IMPEDIMENT #1:</p>	<p><b>Portions of Bend have concentrations of poverty and other factors that limit social and economic mobility of community members.</b></p> <ul style="list-style-type: none"> <li>• Prioritize services and community investment in areas with concentrations identified.</li> <li>• Evaluate City projects for impacts on protected classes and potential displacement.</li> <li>• Balance tracts by increasing housing supply in areas outside of concentrations.</li> <li>• Create support systems for low-income families moving into high social mobility areas.</li> <li>• Explore property tax incentives that may ease processes and costs in housing production.</li> </ul>
<p>IMPEDIMENT #2:</p>	<p><b>Bend-specific fair housing data is limited and inaccessible.</b></p> <ul style="list-style-type: none"> <li>• Create workflows and systems to collect and analyze data.</li> <li>• Develop platforms to communicate data with the public.</li> <li>• Enhance community partnerships and establish protocol for data collection and sharing.</li> </ul>
<p>IMPEDIMENT #3:</p>	<p><b>Limited housing and infrastructure create barriers for persons with disabilities.</b></p> <ul style="list-style-type: none"> <li>• Increase the number of fully accessible dwelling units in Bend.</li> <li>• When exploring resources available to cities that incentivize housing production, consider establishing a competitive funding program where developers could apply to offset additional costs for building fully accessible dwelling units.</li> <li>• Identify areas with infrastructure that limit walkability/rollability for persons with disabilities.</li> </ul>
<p>IMPEDIMENT #4:</p>	<p><b>Additional fair housing enforcement and education is needed.</b></p> <ul style="list-style-type: none"> <li>• Increase developer accountability for property management’s fair housing compliance.</li> <li>• Plan to share fair housing data, trends, and community input with developers.</li> <li>• Engage with community on fair housing trainings.</li> <li>• Collaborate to provide training on how to request reasonable accommodations.</li> <li>• Evaluate and improve policy language.</li> <li>• Consider policies regarding the identification and handling of restrictive covenants.</li> </ul>
<p>IMPEDIMENT #5:</p>	<p><b>Racial disparities exist in lending and funding practices and policies.</b></p> <ul style="list-style-type: none"> <li>• Create systems to analyze and publish Bend lending data.</li> <li>• Evaluate downpayment assistance fund options for protected classes.</li> <li>• Partner with local organizations to increase financial literacy and lending readiness.</li> </ul>



## SECTION II. FAIR HOUSING BACKGROUND AND HISTORY

## **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 (“City”) must analyze impediments to fair housing and create goals aimed 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>1</sup>

The Fair Housing Act prohibitions outlined in §3604(a) make it illegal “To 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>2</sup> Over time, protections of the 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>3</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>4</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>5</sup> The decision in United States ex rel Anti-Discrimination Center of Metro New York, Inc. v. Westchester County<sup>6</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 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>7</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>8</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>9</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>10</sup> Bend includes fair housing protections for persons over 18 under Bend City Code §5.25.015.



## **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 increased gains in 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 social mobility exist in alternative neighborhoods.<sup>11</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 social mobility is low certainly improves the quality of living in the community. Alternatively, where housing is generally more expensive because access to social mobility 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.

## **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 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>12</sup>

Despite Oregon's constitutional ban of slavery, the State's Constitution also banned African-Americans from residing in Oregon until amended in 1926.<sup>13</sup> Removing the residential ban did not improve opportunities for racial and ethnic minority households because Oregon laws prohibited African-Americans, Chinese, and Japanese from owning real estate.<sup>14</sup> In the 1930s this practice became widespread when real estate and public sectors in many areas around the nation developed color-coded maps to identify "risky" areas for housing investment and mortgage lending<sup>15</sup>. In these 'redlined' areas Black and households of color were denied homeownership and other wealth-building opportunities through lending and restrictive covenants. Redlining was a common practice in the Northeast and Midwest, but no evidence of its occurrence has been found in Central Oregon. Figure 1 is a restrictive covenant that was established in 1911 for Bend's Wiestoria subdivision, prohibiting Japanese or Chinese households from occupying the property unless under terms of employment until the year 2000.

**FIGURE 1: RESTRICTIVE COVENANT FROM BEND'S WIESTORIA SUBDIVISION (PART 1)<sup>16</sup>**

DURING THE PERIOD COMMENCING ON THE DATE OF THIS CONVEYANCE AND ENDING ON THE FIRST DAY OF MAY 2000, NO INTOXICATING LIQUOR SHALL BE MANUFACTURED OR SOLD OR OTHER WISE DISPOSED OF AS A BEVERAGE IN ANY PLACE OF PUBLIC RESORT ON THE PREMISES HEREINBEFORE DESCRIBED AND HEREBY CONVEYED, NOR SHALL SAID PREMISES AT ANY TIME DURING SAID PERIOD BE OCCUPIED OR USED AS OR FOR A BAWDY HOUSE, SALOON OR OTHER PLACE OF BUSINESS GENERALLY CLASSSED AS OBNOXIOUS OR DETRIMENTAL TO THE VALUE OF THIS PROPERTY NOR BE IN ANY MANNER FORM OR WAY USED OR OCCUPIED BY CHINESE OR JAPANESE EXCEPT THAT CHINESE OR JAPANESE MAY BE EMPLOYED BY RESIDENTS THEREON AS SERVANTS, NOR SHALL ANY BUILDING WHICH MAY BE CONSTRUCTED ON SAID PREMISE BE WITHIN 20 FEET OF THE LOT LINE ALONG THE STEET EXCEPT FOR BUSINESS PURPOSES IN SAID WIESTORIA NOR SHALL ANY RESIDENCE WHICH MAY BE CONSTRUCTED ON SAID PREMISES COST LESS THAN FIVE HUNDRED DOLLARS.

Figure 2 explains the consequences of disregarding the restrictive covenant – the property is given back to the former owner.

FIGURE 2: RESTRICTIVE COVENANT FROM BEND'S WIESTORIA SUBDIVISION (PART 2)<sup>17</sup>

AND IN THE EVENT THAT THE CONDITIONS AFORESAID (ALL OF WHICH ARE INCLUDED FOR THE BENEFIT SOLELY OF THE GRANTORS) OR ANY ONE OR MORE OF THEM, SHALL BE BROKEN BY SAID BYRON G. STEEVENS HIS HEIRS, SUCCESSORS, ASSIGNS OR LEGAL REPRESENTATIVES, OR BY ANY SUCH PERSON OR PERSONS HOLDING THE SAID PREMISES FOR, BY, THROUGH OR UNDER THEM, OR IF THE SAID PREMISES SHALL WITHIN THE SAID PERIOD BE OCCUPIED OR USED FOR ANY OF THE PURPOSES OR BY ANY PERSONS OF THE RACES PROHIBITED AS AFORESAID, THE, AND IN EITHER OR ANY SUCH CASE, THIS CONVEYANCE SHALL REVERT TO THE GRANTORS, THEIR SUCCESSORS AND ASSIGNS, FREED FROM ALL RIGHT, TITLE OR CLAIM ARISING UNDER OR BY REASON OF THIS CONVEYANCE. PROVIDED, HOWEVER, THAT IN THE EVENT OF ANY FORFEITURE AS HEREINBEFORE PROVIDED FOR, AND IF THERE SHALL AT THE TIME THEREOF BE ANY MORTGAGE OR LIEN UPON SAID PREMISES, THEN THE HOLDER OF SUCH MORTGAGE OR LIEN, OR HIS SUCCESSOR, SHALL HAVE THE OPTION TO TAKE SAID PREMISES AND TO HOLD THE SAME ON THE SAME TERMS AND CONDITIONS, AND SUBJECT TO FORFEITURE IN HIS, HER, ITS OR THEIR HANDS FOR LIKE CAUSED AND ON THE SAME CONDITIONS AS HEREINBEFORE PROVIDED AS AGAINST THE GRANTEE HEREIN

Oregon schools had similar exclusionary laws. An Oregon law explicitly segregated Mexican students unless of Spanish descent or fair-skinned.<sup>18</sup>

In addition to Oregon statutes and private covenants that explicitly prohibited property ownership by people of certain backgrounds or races, the Bend Bulletin reported on local incidents of discrimination and intimidation from the early 20<sup>th</sup> century. Bend's Mayor from 1921-1922, E.D. Gilson, was listed in the Ku Klux Klan directory as a representative for the organization.<sup>19</sup> On September 1923, the Klan paraded through the main streets of Bend.<sup>20</sup> Two years later the Bend Bulletin reported that the Bend chapter of the Klan dissolved, but reports of segregation continued.<sup>21</sup>





In July of 1943, Bend's City Council required separate quarters for African-American soldiers stationed for training during World War II.<sup>22</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>23</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>24</sup> Because of the lengthy and all too recent exclusionary history within Oregon and the City of Bend, the racial and ethnic minority population is small. The laws and segregationist practices that restrained racial and ethnic minorities from relocating to Bend, owning land in Bend, attending Bend's public school with their neighbors, or integrating in Bend's community gatherings also constrained racial and ethnic 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.

Under *Shelley v. Kraemer*,<sup>25</sup> the US Supreme Court ruled in 1948 that courts could not enforce racially restrictive covenants based on the Equal Protection Clause of the Fourteenth Amendment. Not until the passage of the Fair Housing Act of 1968 were racial restrictive covenants prohibited. This means that those who own residential property built before 1968 could still find language that includes the illegal and discriminatory history of exclusion in housing. As a result of the *Shelley v. Kraemer*<sup>26</sup> decision and the Fair Housing Act and since 1968, persons that experienced discrimination in a housing transaction could seek available remedies from property owners, real estate agents, property managers, and lending institutions through a legal action.

Because racially restrictive covenants may remain in deeds and CC&Rs, some states, including Oregon, have adopted laws to help homeowners remove those covenants from their deeds. ORS 93.270 and .274 (from the 2018 and 2023 legislative sessions)

are intended to make it easier for property owners to remove racist provisions from the title of their property through state circuit courts. The law says that a person conveying title to real property cannot include a provision that restricts the use of the real property by reason of race, color, religion, sex, sexual orientation, general identity, national origin or disability. It contains a streamlined process for removing discriminatory provisions from existing recorded instruments by property owners.



## **SECTION III. BEND DATA**



# 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. Bend, a mid-sized town with a population of just over 20,000 in 1990, steadily increased to an estimated population of 106,275 for 2023.<sup>27</sup> The U.S. Census Bureau measures Bend’s population within Deschutes County, which forms the boundaries of the Bend-Redmond Metropolitan Statistical Area.

# RACE AND ETHNICITY

**TABLE 1: CENTRAL OREGON CENSUS AND POPULATION ESTIMATES**

State and Bend-Redmond MSA Cities	Population Estimates								
	1950 <sup>28</sup>	1960 <sup>29</sup>	1970 <sup>30</sup>	1980 <sup>31</sup>	1990 <sup>32</sup>	2000 <sup>33</sup>	2010 <sup>34</sup>	2018 <sup>35</sup>	2023 <sup>36</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	4,294,515
Bend	11,409	11,936	13,710	17,263	20,447	50,029	76,639	89,505	106,275
La Pine	N/A	N/A	N/A	N/A	N/A	N/A	1,653	1,840	3,126
Redmond	2,956	3,340	3,721	6,452	7,165	13,481	26,215	29,190	38,208
Sisters	N/A	602	516	696	679	959	2,038	2,725	3,823

Due to historic land use and exclusionary laws, Bend is still predominately White. However, Bend has slowly diversified in the last 25 years due to inward migration as well as an economy that continues to grow and diversify. Prior to 1990, Bend’s employment base was relatively limited to two logging mills.

HUD considers ethnicity separately from race, and estimates characterize Bend’s ethnic diversity to be slightly greater than its racial diversity. In 2022, 8,919 community members identified as Hispanic or Latino, whereas 6,935 community members identified as Black or African American, American Indian and Alaska Native, Asian, or of two or more races.<sup>37</sup> Table 2 illustrates Bend’s 2022 composition compared to the data collected years prior, showing most racial populations in Bend have increased from 1950 to 2022. The most significant change in racial demographic is an increase in persons identifying as two or more races. This addresses the decline in most races

reported as ‘race – alone’ since 2010 and is in direct alignment with national data from the same time periods. Considering that 2000’s Census was the first opportunity for respondents to choose more than one race category, this is likely due to respondent familiarity with category options, a generally diversifying population, or some combination of both.

**TABLE 2\*: GENERAL POPULATION AND 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>38</sup>	11,385	99.9%	11	0.01%	N/A	N/A	N/A	N/A	N/A	N/A
1960 <sup>39</sup>	11,863	99.4%	12	0.1%	38	0.31%	11	0.09%	N/A	N/A
1970 <sup>40</sup>	13,599	99.03%	10	0.07	N/A	N/A	N/A	N/A	N/A	N/A
1980 <sup>41</sup>	16,925	98.12%	17	0.09%	136	0.78%	81	0.46%	89	0.51%
1990 <sup>42</sup>	19,959	97.60%	39	0.19%	174	0.85%	133	0.65%	144	0.70%
2000 <sup>43</sup>	58,776	96.30%	156	0.25%	482	0.79%	584	0.95%	1,033	1.69%
2010 <sup>44</sup>	65,419	95.27%	334	0.49%	548	0.80%	1,051	1.53%	1,314	1.95%
2017 <sup>45</sup>	75,021	94.78%	552	0.69%	242	0.31%	1,545	1.95%	1,793	2.27%
2022 <sup>46</sup>	90,523	91.63%	427	0.47%	292	0.32%	1,349	1.49%	4,867	5.38%

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

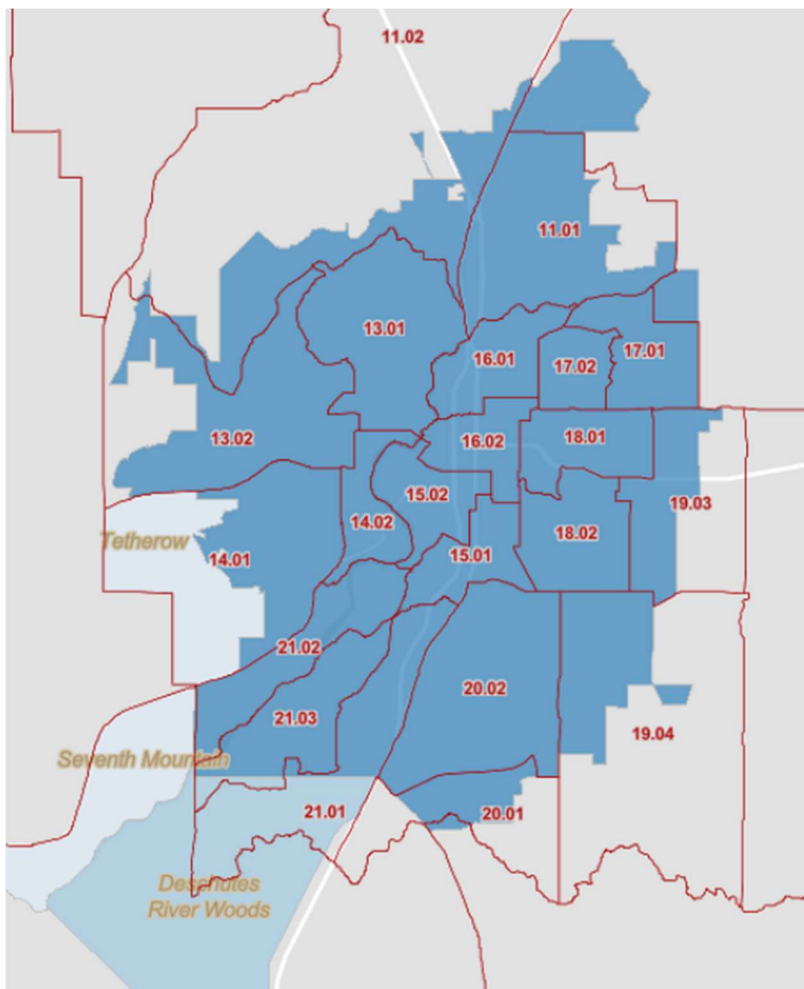
**TABLE 3 : HISPANIC OR LATINO ORIGIN BY RACE**

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>47</sup>	317	65%	4	0.82%	14	2.89%	10	2.06%	140	28.87%
2000 <sup>48</sup>	N/A		N/A		N/A		N/A		N/A	
2010 <sup>49</sup>	3,807	84.04%	33	0.73%	26	0.57%	0	0	664	14.66%
2017 <sup>50</sup>	5,964	85.90%	34	0.49%	52	0.75%	55	0.79%	838	12.10%
2022 <sup>51</sup>	4,852	54.40%	81	0.91%	164	1.84%	46	0.52%	2,208	24.76%

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 including portions outside of Bend include 1, 11, 12, 13, 14, 19, 20, and 21. A map of the census tracts with the City of Bend boundary is in Figure 3. The analysis combines census tracts with decimals and refers to them in whole numbers. The small areas of Bend that extend into census tracts 1 and 12 are not included in the analysis.

**FIGURE 3: CENSUS TRACTS IN BEND, OREGON<sup>52</sup>**

According to 2017-2022 ACS estimates, the largest racial minority populations in Bend are (1) two or more races (2) Asian, (3) Black or African American, and (4) American



Indian and Alaskan. Racial concentrations in a census tract may exist when the percentage of a specific racial or ethnic group in one census tract is 1.5 times or more than the percentage of the group in Bend as a whole.

- **Two or more races** appear to have population concentration in census tract 21.
- **Asian** populations appear to have population concentrations in census tracts 13 and 14.



- **Black** populations appear to have population concentrations in census tracts 16, 17, and 18.
- **American Indian and Alaskan Native** populations appear to have population concentrations in census tracts 11, 15, 19, and 21.

**TABLE 4: 2022 CENSUS TRACTS - RACIAL COMPOSITIONS<sup>53</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	12,225	28	0.2%	83	0.7%	321	2.6%	172	1.4%	354	2.9%
13	13,308	60	0.4%	33	0.2%	396	3.0%	61	0.5%	440	3.3%
14	6,377	31	0.5%	0	0.0%	202	3.2%	29	0.4%	195	3.1%
15	6,020	28	0.5%	40	0.7%	68	1.1%	71	1.2%	172	2.9%
16	6,238	62	1.0%	0	0.0%	160	2.6%	155	2.5%	280	4.5%
17	8,823	144	1.6%	0	0.0%	115	1.3%	157	1.8%	314	3.6%
18	9,120	126	1.4%	45	0.5%	72	0.8%	130	1.4%	120	1.3%
19	10,321	59	0.6%	71	0.7%	192	1.9%	122	1.2%	325	3.1%
20	8,262	28	0.3%	16	0.2%	149	1.8%	64	0.8%	197	2.4%
21	12,429	35	0.3%	93	0.7%	53	0.4%	25	0.2%	610	4.9%
Total	93,123	601	0.6%	381	0.4%	1728	1.9%	986	1.1%	3007	3.2%

Because possible racial concentrations exist in nearly every census tract and those concentrations represent small percentages of the total population, an aggregate review of racial minorities for each census tract is needed to provide a different perspective. Racial minority population concentrations may exist in a census tract when the racial minority population is 50 percent greater than the proportion of population of the City

(one and a half times 7.2 percent, or 10.8 percent). Using this calculation, no census tracts were identified with racial population concentrations, whereas in the 2019 Analysis of Impediments to Fair Housing, census tract 16 was identified as having racial concentrations.

**TABLE 5: 2022 CENSUS TRACTS - AGGREGATE RACIAL COMPOSITIONS<sup>54</sup>**

Census Tract	11	13	14	15	16	17	18	19	20	21	Total
Racial Minority Population	958	990	457	379	657	730	493	769	454	816	6703
%	7.8%	7.4%	7.2%	6.3%	10.5%	8.3%	5.4%	7.5%	5.5%	6.6%	7.2%

The data in Tables 4 and 5 reflect a recent snapshot of time in Bend. Alone, they do not reflect changes in the community since 2019’s AI identified census tract 16 as having racial concentrations. Table 6 shows the changes in each census tract since 2017. As a whole, all of Bend’s racial populations have increased between 2017 and 2022. The only exception is a decline in ‘some other race’, which is likely due to familiarization and utilization of ‘two or more races’ for self-identification since it became an option in 2000. A negative change in population for a racial group is not necessarily a bad thing; it can be due to movement into another census tract over time, a move out of the area, or a change in family size. Similarly, an increase in population for a racial group does not necessarily mean concentrations are forming. Small populations can increase by one or two families and show large percentages of change when numbers are as small as they are in some of the census tracts.

Census tract 16 shows a decline in population in nearly all racial groups, and a decline in overall population. Considering adjacent census tracts show increases in offsetting amounts, and that racial populations have increased in Bend as a whole, census tract 16 is no longer considered to have racial concentration, likely because of a diversifying community.

**TABLE 6: PERCENT CHANGE IN CENSUS TRACT RACIAL COMPOSITIONS, 2017 - 2022**

<b>Census Tract</b>	<b>White</b>	<b>Black or African American</b>	<b>American Indian and Alaskan</b>	<b>Asian</b>	<b>Some Other Race</b>	<b>Two or More Races</b>	<b>Total Change</b>
<b>11</b>	7%	-26%	20%	14%	-5%	30%	<b>7.7%</b>
<b>13</b>	2%	9%	100%	8%	-10%	35%	<b>3.2%</b>
<b>14</b>	4%	11%	-100%	34%	32%	-32%	<b>2.6%</b>
<b>15</b>	-3%	367%	5%	-14%	29%	182%	<b>-0.8%</b>
<b>16</b>	2%	-10%	-100%	44%	-52%	-2%	<b>-0.6%</b>
<b>17</b>	0.1%	7%	100%	-31%	44%	-2%	<b>0.0%</b>
<b>18</b>	6%	-34%	-2%	-22%	4%	-17%	<b>4.8%</b>
<b>19</b>	4%	103%	-11%	-40%	72%	17%	<b>3.6%</b>
<b>20</b>	7%	100%	-54%	100%	49%	-23%	<b>8.4%</b>
<b>21</b>	0%	3%	244%	253%	-4%	34%	<b>2.1%</b>
<b>Total Change</b>	<b>3%</b>	<b>3%</b>	<b>17%</b>	<b>9%</b>	<b>-4%</b>	<b>12%</b>	<b>3%</b>

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 in Table 7. A potential concentration in a census tract exists when the estimated Hispanic or Latino population is 50 percent or more than the proportion of the population throughout the City, which is one and a half times 9.0 percent, or 13.5 percent.

In the 2019 AI, possible ethnic concentrations existed in tract 16, but now this tract has the lowest Hispanic or Latino population of all tracts in Bend. The most recent data



shows Census Tract 20 with possible concentrations of Hispanic or Latino community members.

**TABLE 7: 2022 CENSUS TRACTS – ETHNICITY COMPOSITIONS<sup>55</sup>**

Census Tract	11	13	14	15	16	17	18	19	20	21	Total
Hispanic or Latino	9,999	898	280	637	166	1,094	1,333	750	1,865	862	8,919
%	7.4 %	6.5%	4.0%	10.2%	2.5%	12.3%	13.4%	7.0%	17.3%	6.1%	9.0%

Data in Table 7 reflects a single snapshot of time in Bend. Alone, it does not reflect changes in the community since 2019’s AI identified census tract 16 as having Hispanic or Latino concentrations. Table 8 shows the percent change in census tract data from 2017-2022. The Hispanic and Latino population grew in every census tract between 2017 and 2022.

**TABLE 8: PERCENT CHANGE IN ETHNICITY COMPOSITIONS, 2017 - 2022<sup>56</sup>**

Census Tract	11	13	14	15	16	17	18	19	20	21	Total
Hispanic or Latino	19.2%	8.3%	4.3%	3.2%	3.9%	0.9%	14.0%	7.7%	40.7%	16.2%	2.3%

# PERSONS WITH DISABILITIES

Estimates indicate that 19.4 percent of Bend’s population are living with a physical or developmental disability, nearly doubling the 10.0 percent as reported in 2019’s AI. According to the Social Security Administration, more than 1-in-4 persons become disabled before reaching retirement age<sup>57</sup>. This may include impairments with hearing, vision, cognition, ambulation, self-care, or independent living. Census tract estimates indicate that persons with these physical or developmental disabilities live throughout Bend. Potential population concentrations occur where the estimated population of persons living with disabilities in any census tract is 50 percent or more than the proportion of the population throughout the City (one and a half times 19.4 percent, or 29.1 percent). Concentration of persons with disabilities are possible in census tracts 15 and 18. While 2019’s AI did not identify any census tracts with concentrations of persons with disabilities, it did identify census tract 18 with the largest estimated number of persons with a disability.

**TABLE 9: 2018-2022 CENSUS TRACTS – PERSONS WITH DISABILITIES<sup>58</sup>**

Census Tract	11	13	14	15	16	17	18	19	20	21	Total
Disabled	2,279	1,436	1,532	1,874	1,276	1,962	3,536	1,396	1,375	3,003	19,669
%	16.4%	10.4%	21.7%	30.3%	19.6%	22%	36%	13%	12.7%	21.3%	19.4%

To understand why these concentrations exist, the areas were evaluated in greater detail. Table 10 shows that census tract 18 has a disproportionate number of community members aged 18 to 24 years and aged 85 and over in comparison to Bend as a whole. This makes sense, as within the boundaries of census tract 18 are many multifamily complexes, multiple retirement communities, nursing homes, memory care facilities, affordable apartments, and medical facilities.

**TABLE 10: 2022 CENSUS TRACTS - AGE CHARACTERISTICS<sup>59</sup>**

Age	Percent of Population			Percent of Population	
	Bend	Tract 18	difference	Tract 15	difference
5 to 14 years	11.8%	7.9%	-3.9%	10.9%	-0.9%
15 to 17 years	3.9%	4.4%	0.5%	3.4%	-0.5%
18 to 24 years	7.4%	13.5%	6.1%	8.3%	0.9%
25 to 44 years	29.8%	28.3%	-1.5%	37.9%	8.1%
45 to 59 years	18.9%	13%	-5.9%	16.5%	-2.4%
60 to 64 years	6.03%	6%	-.03%	7.2%	1.2%
65 to 74 years	10.4%	9%	-1.4%	6.4%	-4%
75 to 84 years	4.9%	4.9%	0%	5%	-0.1%
85 years and over	1.9%	5.9%	4%	0%	-1.9%

Table 11 shows that community members of census tract 18 appear to live in their homes longer than households in other tracts evaluated. When aging populations choose to grow older at home and not in nursing homes or residential facilities, this is known as “Aging in Place<sup>60</sup>.” Many start to develop new disabilities that impact hearing, seeing, mobility, wellness, and memory loss<sup>61</sup>. Considering the population in this tract, the prevalence of nursing homes and residential facilities, proximity to healthcare, and a population that is “Aging in Place,” it is likely that the concentration of persons with disabilities in census tract 18 will continue.



**TABLE 11: 2022 CENSUS TRACTS – HOUSING CHARACTERISTICS<sup>62</sup>**

	Percent of Households				
	Bend	Tract 13	Tract 15	Tract 17	Tract 18
Moved in 2021 or later	7.3%	7.1%	11.2%	12.6%	8.6%
Moved in 2018 to 2020	26%	26.2%	24.1%	20%	33.4%
Moved in 2010 to 2017	44.6%	42.9%	50.7%	41.9%	40.1%
Moved in 2000 to 2009	13.83%	16%	8%	13.7%	11.2%
Moved in 1990 to 1999	5.6%	6.5%	3.7%	10%	3.3%
Moved in 1989 or earlier	2.7%	1.2%	2.2%	1.7%	3.5%

Table 12 shows the percent change in the population of persons with disabilities in each census tract since the 2019 AI. The population of persons with disabilities grew 93 percent in Bend, most significantly in census tracts 13, 14, and 18.

**TABLE 12: PERCENT CHANGE IN DISABILITY COMPOSITIONS, 2019 -2022**

Census Tract	11	13	14	15	16	17	18	19	20	21	Total
% Change	20%	104%	138%	100%	49%	84%	123%	44%	65%	98%	93%

Census tract 13 continues to have the lowest percentage of persons with disabilities. There is one affordable property for seniors in census tract 13, offering 53 independent living spaces. Independent living communities are a great option for older adults who are in generally good health, but personal care services, such as help with bathing or dressing, are typically not offered by independent living facilities<sup>63</sup>. As community members age and develop a need for greater support, they will have to either receive services through third-party providers or move into assisted living facilities, most of which are located in tract 18.

A handful of community members with physical or visual impairments identified census tracts 13 and 14 as difficult at various public meetings and in the Fair Housing Online Survey. Community members reported that these geographical locations have steep hills, roundabouts have confusing and varying design and no audio cues, and public transportation is limited, all making the area difficult to journey for community members without a personal vehicle and relying on sidewalks or public transportation. Persons with disabilities also reported a general feeling of unwelcomeness in these neighborhoods of town and safety concerns with regards to mobility.

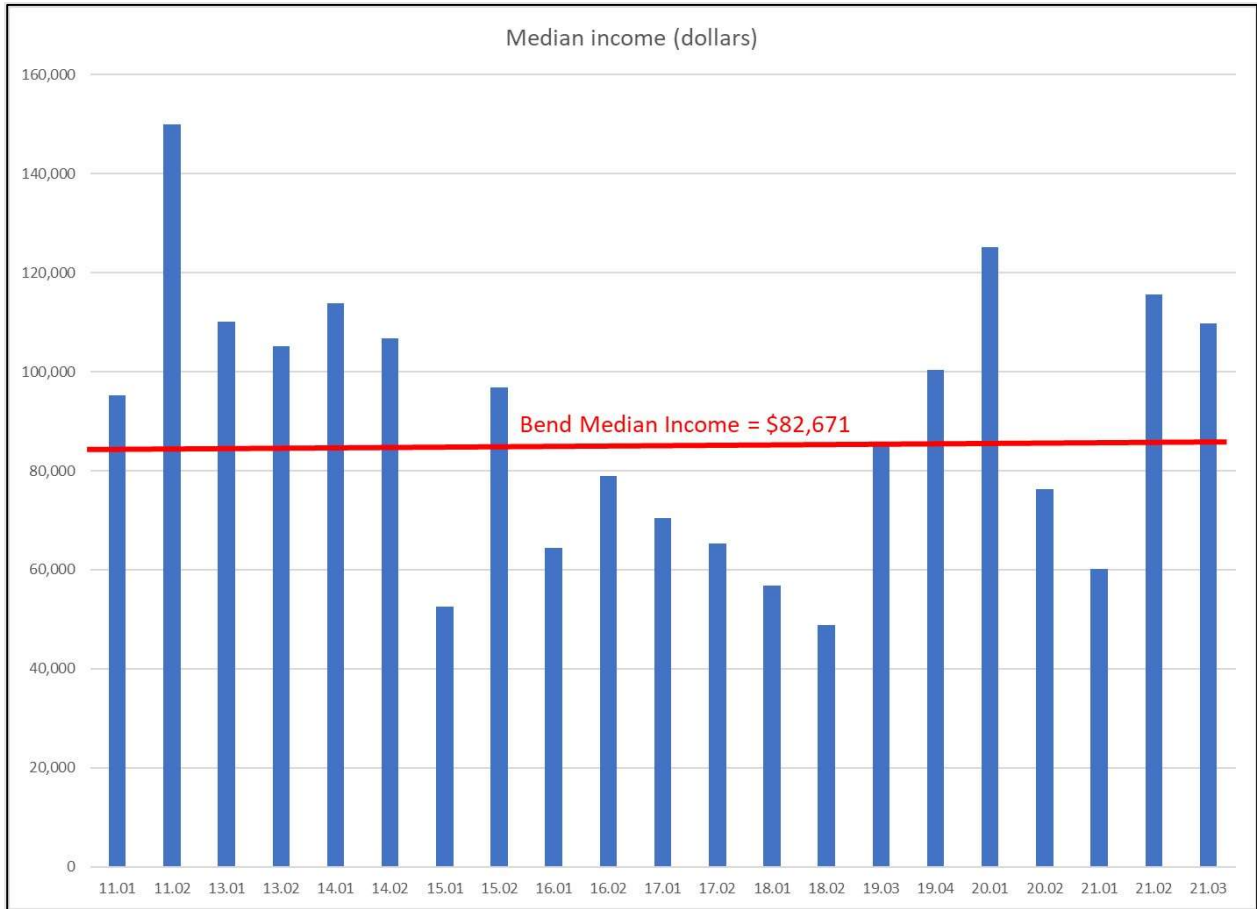
## **INCOME**

A household's income and wealth influences housing choice. The greater amount of income and wealth available, the more disposable income will remain for the household after housing expenses of a mortgage or rent payment. Some households may have wealth that allows to purchase a home without a mortgage payment. When a household is asset limited and income constrained, their housing opportunities will be controlled by what they can afford.

If there is not enough housing affordability, then households may choose to double up or spend more on housing and sacrifice other needs such as health care, heating their home, or food. Households living with a housing cost burden risk maintaining housing because housing costs can rise beyond their income increases.

In 2024, Bend's median household income is \$95,200 for a household of four. The census tracts where households live below the median are 16, 17, and 18. The census tracts where households live above the median are 11, 13, 14, and 19. The census tracts where there are areas both below the median and above the median are 15, 20, and 21.

**TABLE 13: INCOME BY CENSUS TRACT 2017-2022**



## POVERTY

While poverty is not considered to be a fair housing protected class, it impacts many of the protected classes. Table 14 shows the most recent poverty statistics by census tract. Potential population concentrations occur where the estimated population of people living below the poverty level in any census tract is 50 percent or



more than the proportion of the population throughout the city (one and a half times 9.6 percent, or 14.4 percent). Concentration of people living below the poverty level is possible in census tract 18.

**TABLE 14: CURRENT AND CHANGE IN POVERTY COMPOSITIONS, 2018 - 2022<sup>64</sup>**

Census Tract	Total Population	Total Below Poverty Level	Percentage of Population Below Poverty Level	Change in Poverty Since 2019 AI
11	13,281	796	6.0%	-10%
13	13,877	1,254	9.0%	45%
14	7,060	426	6.0%	-21%
15	6,199	674	10.9%	1%
16	6,502	733	11.3%	-47%
17	8,857	952	10.7%	-30%
18	9,698	1,891	19.5%	174%
19	10,728	956	8.9%	25%
20	10,788	1,203	11.2%	3%
21	14,115	650	4.6%	-52%
** Total	99,005	9,535	9.6%	-1%

In Bend, poverty levels did not change significantly as a whole since the 2019 AI, but individual census tracts experienced varying amounts of increase or decrease over time. Earlier portions of this review identified census tract 20 as having potential Hispanic or Latino population concentration and census tracts 15 and 18 with potential concentrations of persons with disabilities. Therefore, these three census tracts that are the only ones discussed in greater detail for poverty prevalence and potential impact.

- Hispanic or Latino persons and poverty. Census tract 20 was identified with concentrations of ethnicity, but not with poverty. However, since the last AI, census tract 20 had an increase of Hispanic or Latino populations by 40.7 percent and an increase in poverty of 3 percent. Specialized support such as



social services and transportation may be needed to prevent concentrations from forming or growing.

- Persons with Disabilities and Poverty. Census tract 18 was identified with concentrations of persons with disabilities and concentrations of poverty, and poverty in this tract increased 174 percent since the last AI. While data suggests an increasing population of persons with disabilities in census tract 15, it was not identified with concentrations of poverty and its poverty level only increased by 1 percent since the last AI. Available data does not report disability and poverty, but it can be inferred that there is overlap of the increase of the population of persons with disabilities and the increases in poverty. The National Disability Institute explains that disability causes poverty because people with disabilities may be excluded from the workforce, have limited educational opportunities or face institutional barriers that restrict their earnings<sup>65</sup>. It will be important to monitor this census tract for impacts and disparities.

## EMPLOYMENT

Bend has seen increased economic diversification throughout its economy since transitioning away from the timber industry in the early 1990s. Sector employment growth in leisure and hospitality, construction, and professional services have each exceeded the local rate of growth in population over the past thirty years. The area has also experienced significant growth in new sectors, notably tech. These changes have resulted in an economy that is less prone to broad-based disruption; however, the proportion of the workforce employed in relatively low-wage industries susceptible to variations in the housing market continues to exceed that of the nation. This vulnerability was evidenced by the Bend Metropolitan Statistical Area unemployment rate peaking at 16.6% in April, 2020 due to the onset of the COVID-19 pandemic, the highest in rate in Oregon.

Increased population growth and enhanced remote work led to a quick rebound from pandemic era unemployment spikes. By February 2022 the Bend MSA had recovered all pandemic related job losses and has experienced an enduring labor shortage since.

Demand for new workers is expected to continue. In their 2021-2024 Workforce Innovation and Opportunity Act Local Plan, East Cascades Works (the Local Workforce Investment Board) states that the region is projected to have an additional 206,225 replacement job openings over the next 10 years, with a significant proportion of those jobs located in Bend. The report continues, noting that there is likely to be a notable labor shortage across the East Cascades over the next 10 years regardless of where we are in the business cycle.

Before the pandemic, Bend was already experiencing a labor shortage with difficult-to-fill vacancies. Employers seeking qualified candidates in mid- to upper-level career were unsuccessful. This is not likely due to a shortage of qualified candidates from within Bend. In fact, East Cascades Works reports that 35 percent of the local workforce has a bachelor's degree or higher, whereas just 33 percent of jobs require this level of education. It is more likely that candidates from outside the area declined job offers as they were unable to afford/secure housing. According to the Bend Chamber of Commerce, 81 percent of more than 200 businesses surveyed reported that the sky-high cost of housing in Bend has made it difficult to hire workers. In addition, highly qualified "baby boomers" are aging out of the workforce, creating even more vacancies in highly experienced and knowledgeable positions.

According to 2018-2022 ACS Estimates<sup>66</sup>, the top four labor markets in Bend are:

- Educational and Health Care Services, representing nearly one quarter of Bend's workers.
- Professional, Scientific, and Management Services, representing 13 percent of workers.
- Retail Trade, representing 13 percent of workers.
- Arts, Entertainment, and Accommodations, representing 12 percent of workers.

In general, the number of workers has increased by 8 percent in the last five years, which is lower than expected in an area experiencing dramatic population growth. At the same time, the number of available jobs has decreased by 30 percent, highlighting a tight labor market with economic impacts on the area. The statistics referenced in Table

15 include pre-pandemic years and do not completely reflect the job market changes incurred from COVID-19.

**TABLE 15: 2018-2022 CENSUS TRACTS – ECONOMIC STATUS<sup>67</sup>**

	Labor Force Participation Rate	Employment / Population Ratio	Unemployment Rate
White alone	67.8%	65.1%	3.9%
Black or African American alone	86.6%	78.4%	9.5%
American Indian and Alaska Native alone	64.5%	64.5%	0.0%
Asian alone	72.6%	72.1%	0.6%
Native Hawaiian and Other Pacific Islander alone	100.0%	100.0%	0.0%
Some other race alone	73.3%	72.0%	1.8%
Two or more races	68.1%	65.3%	2.6%
Hispanic or Latino origin (of any race)	69.3%	66.6%	3.9%
With any Disability	58.4%	52.6%	9.9%
Bend (Total)	68.1%	65.5%	3.8%

## HOUSING PROFILE

The City of Bend has numerous housing needs. Combine this with a proportion of the workforce employed in relatively low-wage industries, and Bend has significant challenges to meet the demand for housing to serve low-to-moderate wage earners. The lack of buildable land for development has increased land prices, which in

turn is also pricing many low and moderate-income individuals out of the homeownership market.

According to the February 2024 Beacon Report<sup>68</sup>, the market continues to be competitive with low inventories. It is projected that while housing prices have moderated somewhat in recent months, they will not decrease significantly in the foreseeable future. In addition to the barriers of a high prices and limited housing supply, higher mortgage rates raise mortgage payments, limiting what homebuyers can afford. Without an available and affordable home to purchase, they must choose between residing in unaffordable rentals, doubling up, or leaving the area altogether.

Bend has a lack of affordable and available rentals for families and for individuals. Wait lists for new or unsubsidized affordable housing can be as short as 3 months, but subsidized affordable housing wait lists average 2-3 years. In addition, if one is able find an apartment to rent, average Bend wages do not support the market rate cost of rent. Oregon Housing and Community Services reports that an average renter in Bend must work sixty-four hours per week at minimum wage to afford a 2-bedroom apartment<sup>69</sup>. In fact, since 2010, rent has increased by 90 percent, while wages have only increased by 56 percent<sup>70 71</sup>. Up For Growth's 2022 Housing Underproduction report shows that in the United States, Bend's MSA is ranked #9 for inadequate production of housing, with a shortage of over 6,000 total <sup>72</sup> Pair the shortage with a slower growth in wages and a population that has increased 31 percent since 2010, and the result is a stressed and cost burdened housing market.





Frequently, community engagements with City staff focused on the need for more “fully accessible” housing. When the remainder of this document references “fully accessible”, that will mean a dwelling unit “when designed, constructed, altered or adapted can be approached, entered, and used by individuals with a physical handicaps,” and if a unit is modified “for use by a specific qualified individual ... the unit ... meets the requirements of applicable standards that address the particular disability or impairment of such person.”<sup>73</sup>

The City of Bend recognizes the need for greater housing options, and where these housing types are located will influence housing choice for community members. It is important to increase rental housing choice where there is more owner-occupied units and increase home ownership opportunities where there are more rental occupied units. This will provide a better balance and increases in housing choice for those neighborhoods.

Table 16 shows census tracts in red (15, 16, and 18) with more renter-occupied units than owner-occupied units. These tracts are also where this AI identified ethnic minority concentrations (tract 16) and concentrations of persons with disabilities (tracts 15 and 18). Adding homeownership opportunities in these tracts is difficult, as undeveloped land in this part of Bend is scarce and expensive. Likewise, tracts in blue (11, 13, 14, 17, 20, 21) have more owner-occupied units than renter-occupied units. There is undeveloped land in some of these tracts, and the development of rental units will balance the housing portfolio.

**TABLE 16: 2022 CENSUS TRACTS – HOUSING TENURE<sup>74</sup>**

Census Tracts	11	13	14	15	16	17	18	19	20	21
Owner Occupied Units	3,998	4,440	2,174	1,248	1,171	2,271	1,470	2,851	3,063	3,883
Renter Occupied Units	700	1,476	1,049	1,850	1,869	1,703	2,781	1,610	1,266	1,637

## **FAIR HOUSING ONLINE SURVEY**

An online survey was made available to Bend community members regarding fair housing in September and October 2023. 348 individuals participated in the survey.

Several highlights from the survey include:

- 30 percent indicated they would change their living situation if they could afford to do so.
- 11 percent believed they had experienced housing discrimination in the past 5 years.
- The top two concerns reported were source of income discrimination (7 percent of responses), and disability discrimination (5 percent of responses).
- Other protected classes identified discrimination based on age, sex, gender, sexual orientation, family status, race, ethnicity, and national origin.
- 75 percent of the participants that reported experiencing discrimination did not take any action to address it.
- 48 percent of participants reporting housing discrimination in an apartment complex.
- Comments from the survey revealed a limited knowledge of fair housing protections but an overwhelming 99 percent of survey participants reported a fear of retaliation from their landlord or property management company and a belief that reporting discrimination wouldn't make a difference.

## **COMMUNITY ENGAGEMENT AND INPUT**

Discussing housing and discrimination can be difficult and requires tremendous courage to share painful and personal experiences. Many community members expressed that they are afraid to report or share their experiences because they don't want to be evicted or retaliated against. In a six-month period, the City received fair housing input through various formats, including surveys and interviews. The following National, Oregon, and Bend protected classes engaged in this work with City staff:

- Race
- Color
- National origin
- Religion
- Disability
- Sex (includes pregnancy)
- Sexual orientation
- Gender identity
- Age
- Marital status



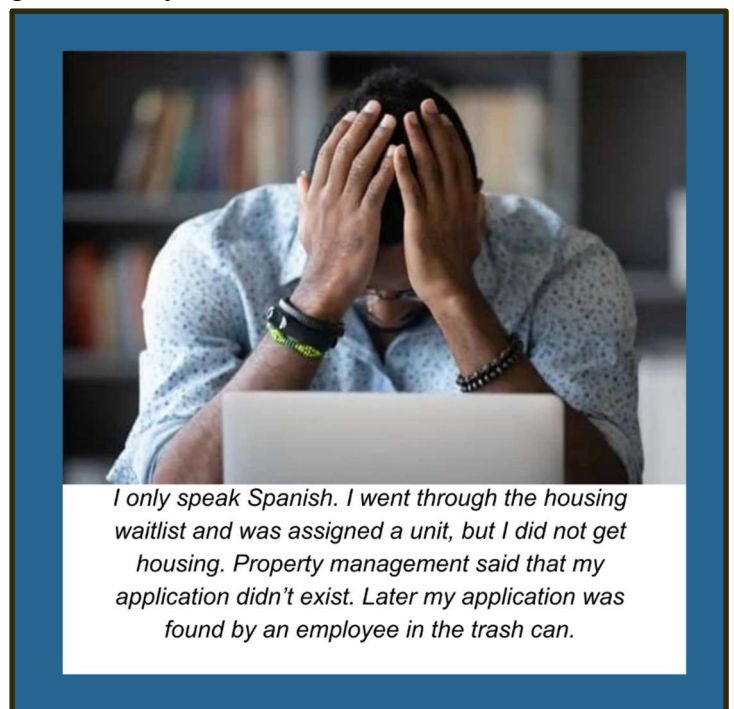
In review of all community input and feedback received, three fair housing concerns were most reported and are discussed here. Any personal identifying information has been removed, and some feedback has been summarized as quotes with photos.

### **1: Property Management companies.**

Most protected classes that City staff engaged with reported fair housing concerns regarding property management companies, in particular those that manage affordable housing. Property management companies engaged with during these outreach sessions all reported that they are extremely understaffed and have a high rate of employee turnover. Repairs are not happening in a timely basis, and most affordable apartment complexes no longer have property management and/or maintenance on site. Many complaints regarding property management were specific to unanswered phones and lack of returned messages.

- **Language Bias and Discrimination.**

Spanish-speaking tenants reported property management companies do not provide information or materials in Spanish, only in English. Tenants



who only read Spanish or have limited proficiency in reading English cannot read important updates and are ultimately penalized for missing important information with fines or evictions.

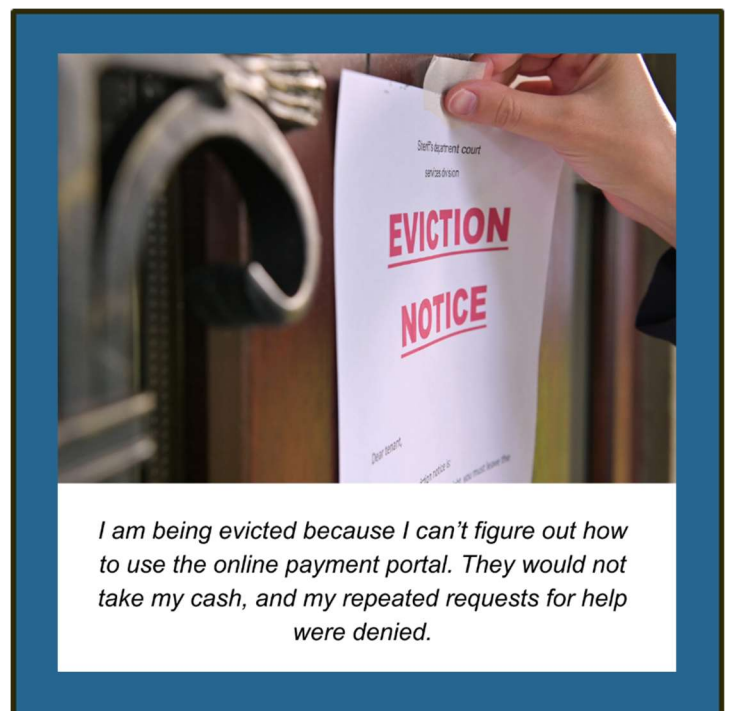
- **A general lack of property management awareness or enforcement of protection.** Domestic violence survivors and advocates reported that survivors are charged for the damage caused by the abuser, survivors are being evicted due to noise, damage, and police presence, bad references are given, thereby limiting where they can move to, survivors cannot break a lease or remove an abuser without charges or consequences.

- **Difficulties with Reasonable Accommodations Requests in the Private Sector.**

Persons with disabilities reported extreme difficulty in making and receiving reasonable accommodations to landlords or property managers. In some cases, community members in need of reasonable accommodations do not know the legal process to request reasonable accommodations. Some individuals that disclosed difficulties receiving reasonable accommodations described not understanding the legal requirements and received denials from property management companies without guidance or assistance to make a request correctly.

- **Inequitable income verification and rent payment requirements.**

Property management companies are now requiring tenants to make payments through an online portal, including housing vouchers. Many tenants reported inconsistent requests for income verification and confusing processes. A resident attempted to pay with cash and was



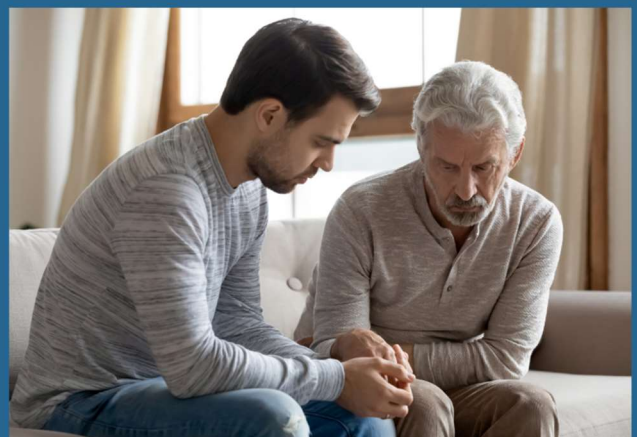


told they cannot make cash payments. This is creating barriers for clients who are not able to use online portals.

## **2: Accessibility.**

In addition to the complaints regarding property management companies and reasonable accommodations, frequent community engagements with City staff focused on the need for more fully accessible housing.

- **The need for more fully accessible housing.** A survey was sent to the City of Bend Accessibility Advisory Committee (COBAAC) and nonprofit organizations that serve persons with disabilities to inquire what types of housing is most needed. Renting or owning their home and the type of unit (house, condo, townhome) was less important than having a unit that is fully accessible.
- **Inconsistent features in fully accessible units.** Community members reported inconsistencies of fully accessible features in housing units, as well as poor marketing of accessibility features. Finding suitable places to live, in particular rental properties, is difficult. Properties do not specify whether they are fully accessible to wheelchair users or not. The time spent calling to check on accessibility status is significant. In addition, homeowners report a lack of financial means to modify their homes for accessibility.
- **Long wait lists for fully accessible units.**  
Tenants report having a difficult time finding available fully accessible rental units. Several reported waiting over one and a half years for an apartment to become available



*I am nearing retirement and take care of my child with disabilities. As rents rise, more and more of my income goes to housing and caring for my child. I have no retirement money set aside for myself.*

that is fully accessible. When a unit becomes available, it is not held or reserved for applicants with disabilities.

### **3: Substandard Living Conditions.**

Many community members reported that they are willing to tolerate substandard conditions because they have nowhere else to go.

- **Trash is not being picked up at a dumpster at an affordable apartment complex.** The area is overfilled, garbage is left everywhere. Tenants cannot throw their trash away and when property management is contacted, there is no response.
- **Ineffective HVAC.** Many tenants at an affordable apartment complex reported concerns about the air conditioning - HVAC system. Dust blows into their apartments, and units cannot be turned off completely. Blowing cold air in the winter, utility costs end up being over \$200/month. Some tenants with health concerns purchase air purifiers with health insurance claims. When property management was asked about the HVAC system, community members were told that the wrong units were installed but there is no plan communicated to correct the mistake.
- **Safety Concerns.** Tenants at several affordable apartments report dark areas of the property without lighting or security cameras, animal hoarding / abuse on the property, violence and drug use in parking lots. Maintenance generally no longer has an on-site office or drop box for repair



*My apartment has such limited access that my health aide can't help me in the bathroom and shower. I tried to make a request for accommodations but property management does not return my calls. I have lived here more than 3 months like this.*

requests. All requests must be submitted digitally, which some community members have difficulty using.



## **SECTION IV. EVALUATION OF BEND'S 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.

Landlords in Deschutes County filed 485 tenancy termination cases in 2023 according to Portland State University's Eviction Profile for Deschutes County.<sup>75</sup> Most of landlords filed eviction actions in 2023 based on nonpayment of rent. Of the eviction actions filed in 2023, 50 percent of the landlords had representation and only 7 percent of the tenants had legal representation. Only 28 percent of the evictions filed in 2023 resulted in a judgment of eviction. Only 7 percent of the eviction cases filed went to trial in 2023. Without additional court case monitoring, it is difficult to assess if any tenants raised fair housing defenses in these eviction actions. Two of the most common protected classes impacted in Bend, as reported by Legal Aid Services of Oregon, were households with limited English proficiency (LEP) and households with a person or persons experiencing a disability. Legal Aid Services of Oregon also described receiving reports of tenants experiencing sexual harassment from agents of property owners, but those tenants were unwilling to pursue fair housing claims and risk losing housing in Central Oregon.

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

## **REASONS FOR ANY TRENDS OR PATTERNS**

The 2023 Fair Housing Trends Report (Trends Report) from the National Fair Housing Alliance (NFHA) stated the number of fair housing complaints documented in 2022 exhibited "the highest number of complaints ever reported in a single year."<sup>76</sup>

Nationwide, complainants asserted discrimination based on disability greater than any other protected classes. In 2022, community members of Bend reported fair housing discrimination in higher numbers than years' past. The Bend complainants also alleged discrimination based on disability greater than any other protected classes. According to the Trends Report, "discrimination against persons with disabilities is easier to detect,

as it most often occurs as an overt denial of a request for reasonable accommodation or modification to the housing unit.”<sup>77</sup> It is possible the documented disability discrimination complaints in Bend can be attributable to the same overt denials of reasonable accommodations and modifications to housing units.

Housing discrimination does not often occur so overtly. One tool fair housing enforcement organizations utilize is a test to determine if a property owner or agent denied an applicant housing based on a protected status. Two testers will seek the available housing – one with a protected status and one without. If the property owner or agent denies the tester with a protected status the housing opportunity and offers it to the tester without the protected status, then the fair housing enforcement organization can pursue a resolution for the complainant with the results of the test as evidence of the discriminatory action. When housing is not attainable because of exorbitant cost or availability, then testing does not work because any housing unit once available to the complainant is typically offered to someone else and the opening for a test is not available to the fair housing enforcement organization.

Up For Growth’s 2022 Housing Underproduction report explained “the housing shortage and the affordability crisis it has created threaten to exacerbate inequity further.”<sup>78</sup> Policies to spur housing production may be necessary in conjunction with fair housing enforcement. When a community promotes “development of housing that only the better-off can afford, these local policies effectively exclude the poor and people of color from the places that erect those policy fences.”<sup>79</sup>

## **DISCUSSION OF OTHER FAIR HOUSING CONCERNS OR PROBLEMS**

As mentioned previously, Oregon laws prohibited African Americans, Chinese and Japanese people from owning real estate through the use of restrictive covenants in trust deeds or other recorded documents. This language still exists on the trust deeds today, even though it is unenforceable due to the Fair Housing Act of 1968. Recently, more than a dozen states have passed laws that renounce these restrictive covenants, and, in some states, new laws allow the language to be removed, including in Oregon<sup>80</sup>.

In Bend, local resident Riccardo Waites with the Good Deeds Program not only identified the presence of the restrictive covenants in the Wiestoria subdivision, but he also created resources to help people identify restrictive covenants and remove them<sup>81</sup>. In 2018, HB4134 was passed which streamlined the process and eliminated court fees to remove racial exclusions from deeds. However, the process still required the help of an attorney and was not considered simple. House Bill 3294 went before the Oregon State Legislature in 2023, requiring county clerks to replace recorded instruments with court-ordered versions that redact discriminatory language<sup>82</sup>. The bill went into effect January 1, 2024. The Oregon Judicial Department also released forms to make it easier for homeowners to access the process outlined by the law. The City does not have authority to remove or request the Court to remove language from property records; only the property owner can ask the Court to do so. The City could consider researching if any city owned properties had racially restrictive covenant language and remove it.



## **SECTION V. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

# SEGREGATION MEASUREMENTS

## Dissimilarity Index

The dissimilarity index uses decennial census data to measure 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 general integration until 2020, when small measures of increased segregation in all races and ethnicities are seen. COVID-19 was already impacting communities at the time the 2020 Census was completed. Studies in October 2020 revealed that Black and Hispanic populations were more vulnerable to housing-related hardships during the pandemic than White populations<sup>83</sup>. It is possible that as COVID-19 created economic hardship and extensive social isolation, households took in family members or friends on a temporary basis, thereby inflating dissimilarity indexes for the 2020 Census. Considering that the pattern change occurred at the same time as the global COVID-19 pandemic, and that census tract analyses show a trend away from priority population concentrations, the trend seen in the chart will likely dissolve with additional census data inputted in the future.

**TABLE 17: RACIAL/ETHNIC DISSIMILARITY TRENDS<sup>84</sup>**

Racial/Ethnic Dissimilarity Index	1990 Census	2000 Census	2010 Census	2020 Census
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



## ENROLLMENT, RACIAL AND ETHNIC COMPOSITION – MIDDLE AND HIGH 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 examined."<sup>85</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, racial, and ethnic disparities within the classrooms, and these disparities can perpetuate uneven testing results, graduation rates, and even behavioral health outcomes.<sup>86 87 88 89 90</sup> This is important to evaluate, as the 2019 AI identified the need for greater housing choice options for populations that identified with an ethnicity or as a racial minority in census tracts 13 and 14<sup>91</sup>. In 2023, a City-funded development broke ground, and when complete, it will provide 99 units of affordable home rental and ownership<sup>92</sup>. Both developers involved with the project intend to engage with and market their housing opportunities to historically and statistically identified populations that have experienced unfavorable treatment in housing transactions, thereby potentially diversifying neighborhoods and schools.<sup>93 94</sup>

Using data to evaluate existing conditions in adjacent schools is important to identify areas where additional support, education, or resources will be needed for families to integrate and thrive in these areas.

The Oregon Department of Education collects information from Bend-La Pine Schools every school year.<sup>95</sup> Enrollment numbers, racial and ethnicity populations from the 2017 – 2022 school years were evaluated for middle and high schools within city limits.

**TABLE 18: SCHOOL ENROLLMENT AND RACIAL AND ETHNIC DIVERSITY CHANGES 2017-2022<sup>96</sup>**

School	Enrollment Change	Racial and Ethnic Diversity Change
District-wide	-6%	5% more
Cascade MS	-8%	3% more
High Desert MS	-15%	5% more
Pacific Crest MS	-19%	5% more
Pilot Butte MS	4%	5% more
Sky View MS	-13%	4% more
Bend HS	-25%	4% more
Mt View HS	-16%	unchanged
Summit HS	-8%	3% less
Bend estimates	3%	6% more

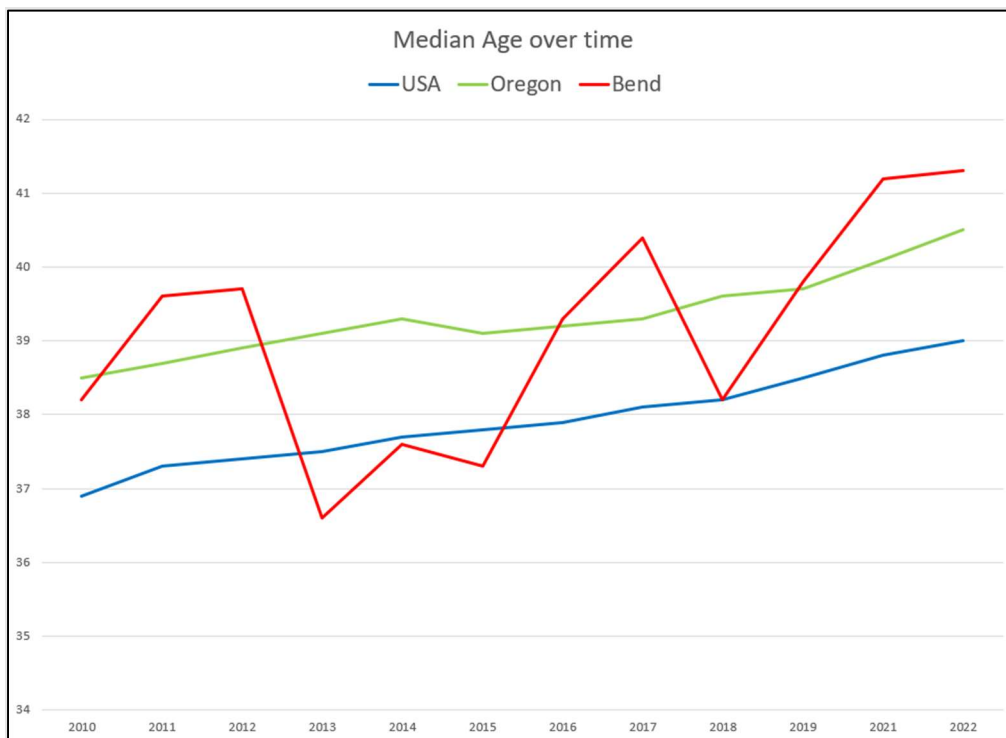
The COVID-19 pandemic significantly impacted school attendance and population demographics from 2020-2022. Schools closed in March 2020, and education pivoted to in-home, online learning. Students were welcomed into the classrooms again in early 2021, but only part-time and with small cohorts of students. Return to class full-time in fall of 2021 was a difficult transition for many, and as a result, some families chose to remain homeschooling or participate in online platforms, request boundary exceptions to attend non-neighborhood schools, or families moved out of the school district entirely. Where Bend-La Pine Schools enrollment as a district had been

steadily increasing by 200-300 students annually, 2020 was the first year that a decline in enrollment was seen. All five (5) Middle Schools evaluated declined in enrollment by at least 100 students in each school between the 2019 and 2020 school year. The three (3) High Schools evaluated all declined in enrollment, but the opening of Caldera High

School in 2021 may account for some of the decline as students transferred to the new school<sup>97</sup>. While all schools have seen some gains in enrollment, as of the end of the 2022 school year, enrollment numbers were still below pre-pandemic levels.

During the pandemic, Bend's housing costs continued to rise and break records, but at the same time, housing insecurity and homelessness grew significantly as unemployment rates skyrocketed. A logical explanation for the school enrollment decline (and lack of complete rebound) is that Bend became too expensive and people left the area for cheaper living. However, this is not what the data suggests. Between 2017 and 2022, American Community Survey estimates that Bend's population grew by 3 percent, it did not decline as school enrollment did. During the pandemic, Bend attracted wealthy retirees and educated high-income earners who were able to work remotely with 'new' virtual technology. This influx is reflected in the changes of median age in Bend, which rose to an all-time high of 41.3 years in 2022. This is higher than the average for Oregon (40.5 years) and the United States (39 years).

**FIGURE 4: BEND MEDIAN AGE, 2010 -2022<sup>98</sup>**



A rising median age relates to fewer young persons in a community, including young adults and children. As wealthy older populations moved to Bend, they competed in a tight housing market that had been underbuilt for years, and lower income earners were ultimately pushed out of the housing market. Many families left the area, some doubled up in housing units with friends and family, and others exited the housing market and entered into houselessness. This shift in community member' age and socioeconomic profile may account for some of the student enrollment decline in the school district.

The Bend LaPine School District also reports race and ethnicity figures with each year's report.<sup>99</sup> The schools reviewed had an increase in racial and ethnic diversity between 3 – 5 percent between 2017 and 2022, which is similar to the American Community Survey estimates that Bend's racial and ethnic diversity has grown by 6 percent during this time. There is an exception, Summit High School, which had a decline in racial and ethnic diversity of 3 percent. According to the Bend La-Pine School District Administration, much of the decrease in racial and ethnic diversity at Summit may be a result of school attendance area boundary changes determined by a committee of district staff and community members, done to accommodate the opening of Caldera High School. The committee determined attendance areas based on geographic proximity and transportation to each site. Through the school boundary process, the committee and school district realigned areas of greater racial and ethnic diversity where households formerly attended Summit to the school attendance area for Caldera High School.

As racial diversity continues to grow in Bend, so too grows the urgency and call to acknowledge and address incidents of hate, bias, and violence within the community as well as in local public schools<sup>100 101 102 103</sup>. In 2022, parents of Black students struggling to protect their kids from racial harassment at school resorted to pulling their children from Bend schools<sup>104</sup>. Homeschooling rose 200 percent during the pandemic<sup>105</sup> and, at the same time, there was a rise in local private school enrollment by as much as 48%<sup>106</sup>. There were 273 incidents of physical altercation between students in the 2022-23 school year, an apparent all-time high for the district and the third year in a row of

increased incidents<sup>107</sup>. In 2022, the Bend La-Pine School District began reporting, tracking, and developing response systems for monitoring and addressing bias and disciplinary incidents with an ultimate goal of preventing such incidents from occurring in the future.<sup>108</sup> School administration indicates that some of these increases in reports are due to an increase of awareness and trust in the reporting tool over time, and anticipates reports of incidents will rise accordingly while it becomes widely used.<sup>109</sup>

The City-funded project which will develop affordable housing in census tract 14 is currently zoned for Summit High School, In the long term, this could result in an increase in racial and ethnic diversity in Summit High School's enrollment. In the meantime, racially and ethnically diverse families moving into these affordable housing developments may need additional support, resources, and preparation to successfully integrate into public schools with relatively low racial and ethnic diversity.

Communication and partnerships between developers, service providers, and school administration and staff will be key to aid transitions and support social, educational, and behavioral health success.

## **ACCESS TO SOCIAL MOBILITY FACTORS**

Extensive data-based research determined that children have higher upward mobility possibilities when neighborhoods where they live demonstrate “less segregation by income and race, lower levels of income inequality, better schools, lower rates of violent crime, and a larger share of two-parent households.”<sup>110</sup>

### **Access to Social Mobility Factor #1: Income Segregation**

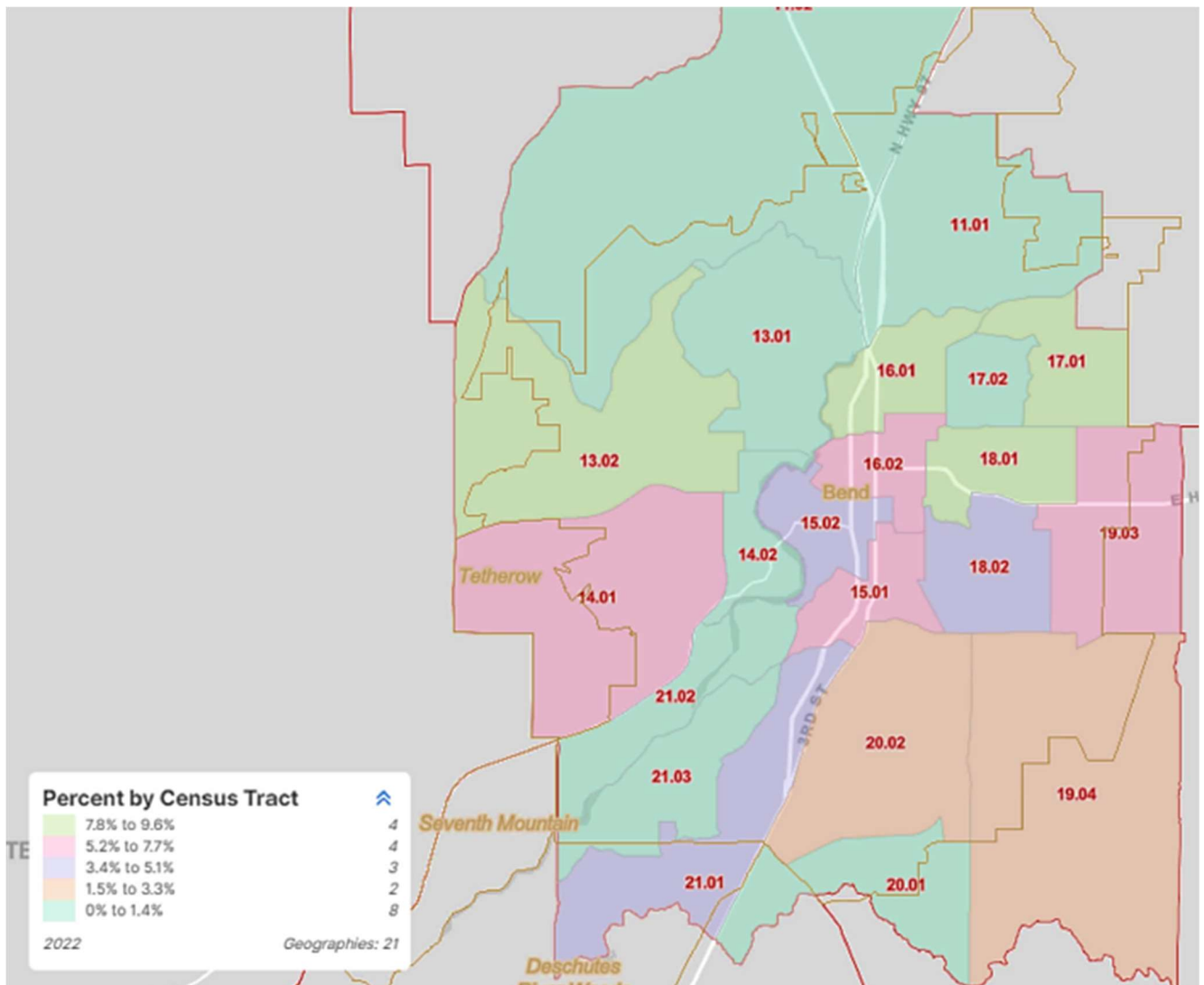
Income is a direct measure of mobility as a measure of economic success. Household income has been shown to affect high school graduation, completed years of schooling, and educational attainment, but not test scores. Income also affects the behavioral and mental health outcomes of children and youth<sup>111</sup>.

The census tracts where households earn less income are tracts 16, 17, and 18. Figure 5 demonstrates the areas where there are greater percentages of households making \$10,000 or less in portions of tracts 13, 14, 16, 17, 18, and 19. Figure 6 demonstrates

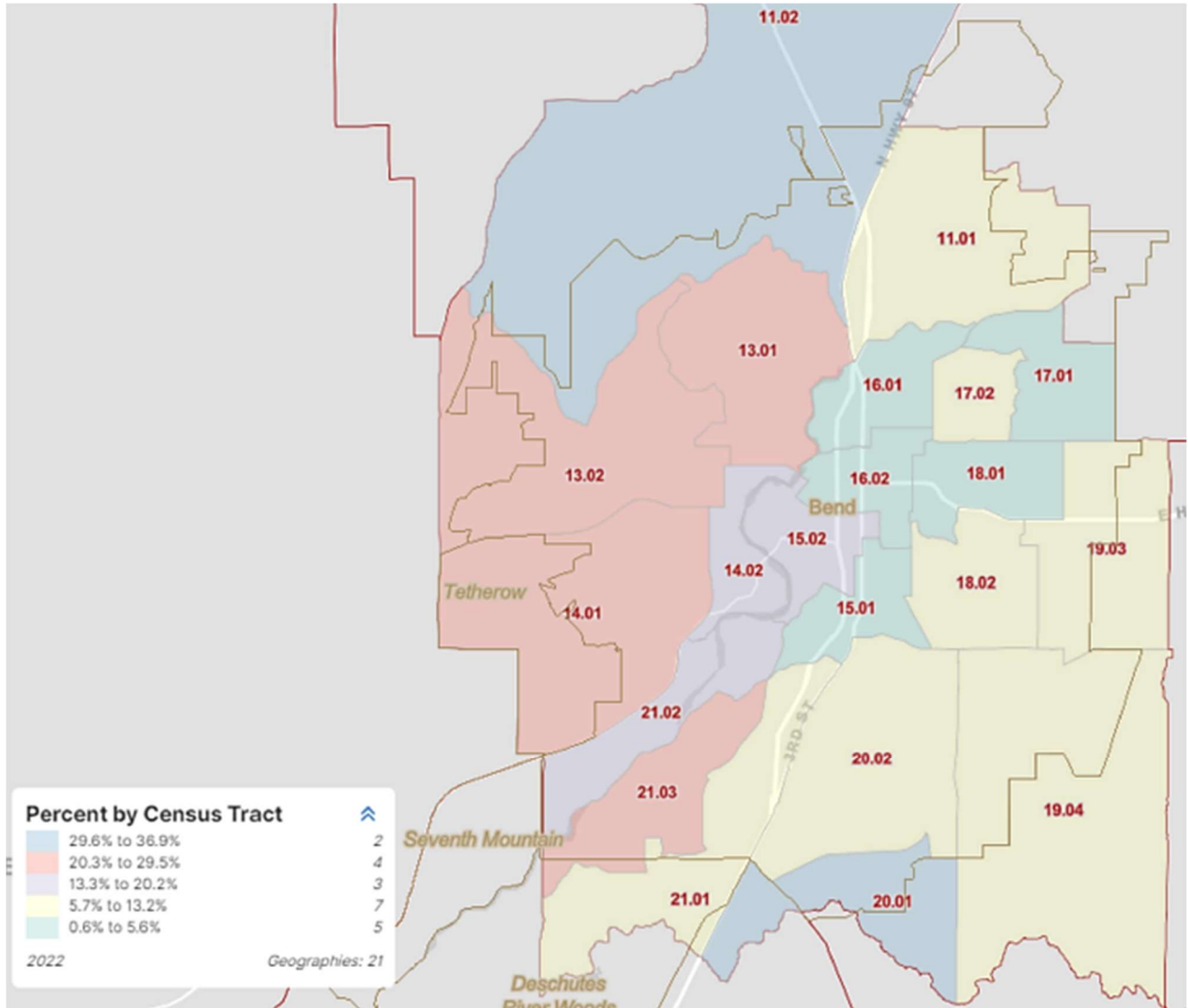


the areas where there are greater percentages of households making \$200,000 or more in portions of tracts 11, 13, 14, 20, and 21. More social mobility is likely in census tracts where there is a greater mix of households with a mix of high-, moderate- and low-income households. Table 13 and Figures 5 and 6, identified census tracts 15, 20, and 21 as areas with various household incomes and those households may benefit from the socioeconomic diversity in these locations.

**FIGURE 5: HOUSEHOLDS WITH INCOME LESS THAN \$10,000**



**FIGURE 6: HOUSEHOLDS WITH INCOME \$200,000 OR MORE**



## **Access to Social Mobility Factor #2: Quality of Schools**

Education is critical to economic and social mobility. High-quality schools boost academic achievement and college enrollment. Typically, the quality of schools is measured by comparing test scores across schools, evaluating school economic and racial diversity, attendance, and graduation rates<sup>112</sup>. Racial diversity in schools has already been evaluated in this assessment. However, available test scores, graduation rates, and attendance data since 2020 are not reliable measurements of school quality, as COVID-19 impacted, and continues to impact, participation in testing, attendance rates, and grade standards.

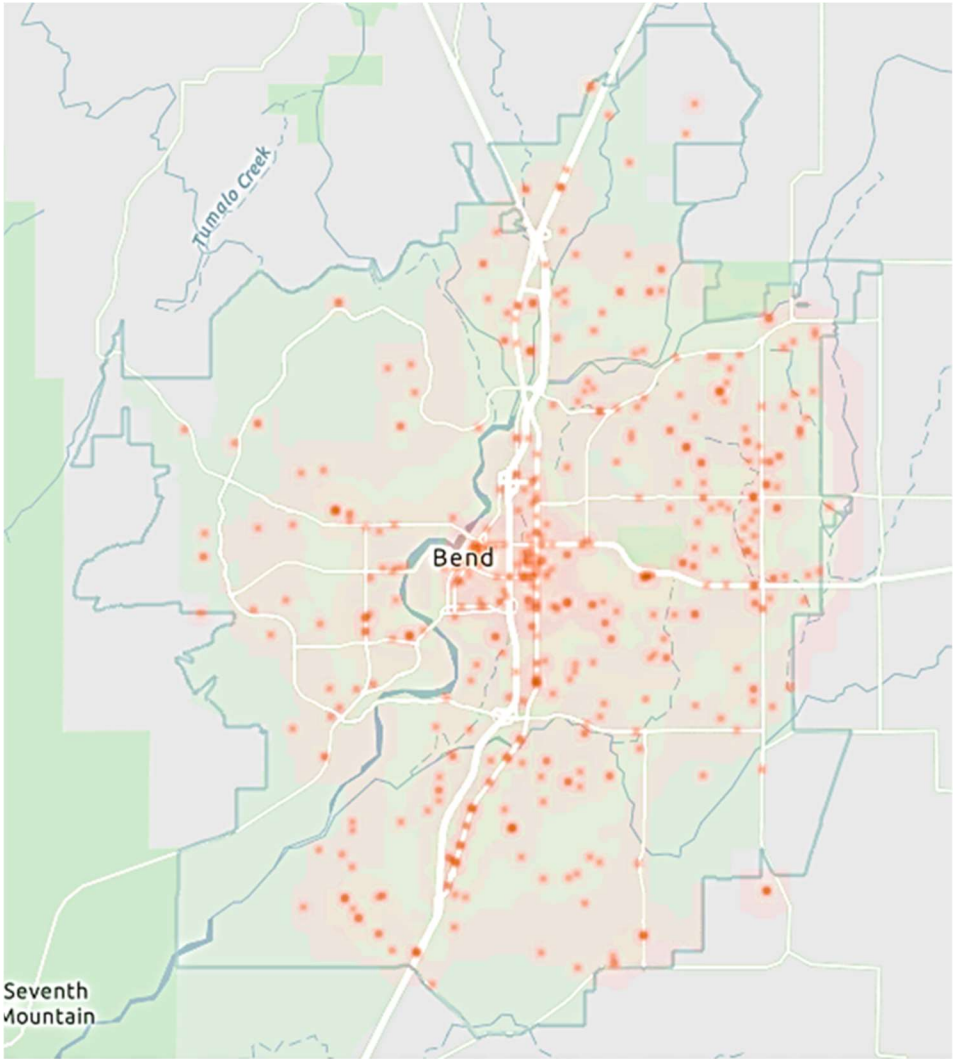
Similarly, a common measure of school-specific economic diversity is the percentage of students qualifying for the Free and Reduced Lunch program. This is no longer an appropriate measure, as during COVID-19, a waiver from the United States Department of Agriculture (USDA) allowed all schools to provide free lunch to all students, regardless of income or qualification. This expired June 30, 2022, but in 2024, a change in the USDA's Community Eligibility Provision (CEP) guidelines expanded free lunches to 12 Bend-LaPine schools regardless of income or qualification, bringing the total to 22 participating schools within the district<sup>113</sup>. While a wonderful benefit to students and families, this means that the metric is no longer the best indicator of economic diversity within a school and alternative data is needed.

## **Access to Social Mobility Factor #3: Lower Rates of Violent Crime**

Exposure to violent crime damages the health and development of victims, family members, and entire communities. When violent crime is concentrated in particular neighborhoods, low-income people and racial and ethnic minorities can be disproportionately affected<sup>114</sup>. The City of Bend organizes and analyzes police data in several ways and makes the data available to the public in the form of dashboards, maps, and data tables. Aspects of this data can help determine if concentrations of crime exist, and if they do, where they are.

Figure 7 shows only calls for police service for violence-related issues. There are concentrations of violent-related calls for service in census tracts 15 and 16. These census tracts include large amounts of commercial and industrial properties. Public investment and housing development in these census tracts can improve upon a complete community for the businesses in these census tracts and improve safety for the households living there.

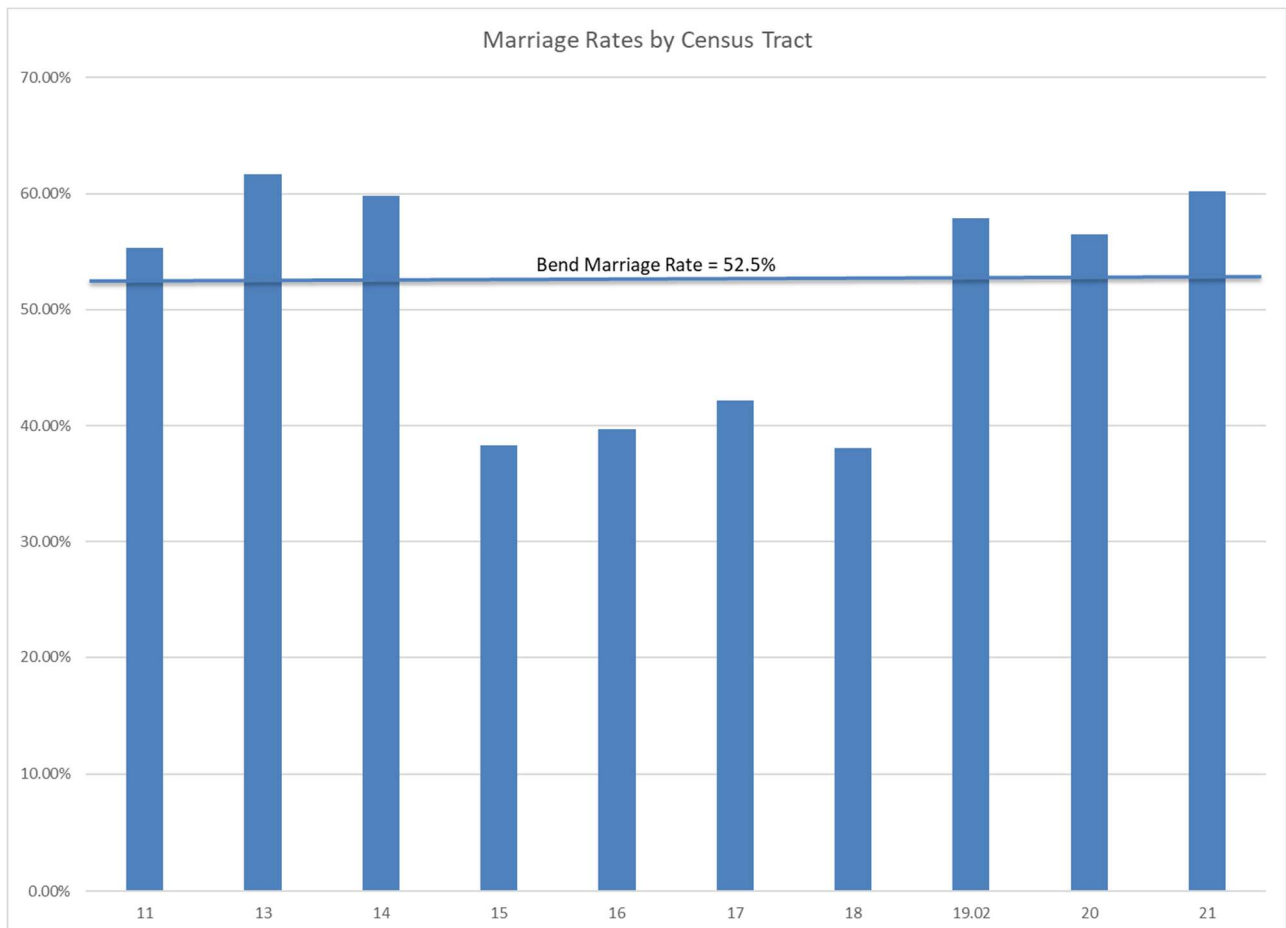
**FIGURE 7: VIOLENT CRIME-RELATED CALLS FOR SERVICE IN THE LAST 12 MONTHS**



## Access to Social Mobility Factor #4: Larger Numbers of Two-Earner Households

Social mobility between generations tends to be higher when children live with their continuously married parents, and lower in households of divorce or single parenthood<sup>115</sup>. In general, single parents have lower incomes and higher poverty rates than married couples. Two incomes, even if they are low, make more of a financial impact on a family than just one income. Certainly, not all married families create socially or economically healthy environments for children, and many single parents are doing an excellent job in raising happy and stable children. However, research suggests that, on average, children that grow up in two-parent homes have more resources and do better in school. Figure 8 shows that marriage rates in census tracts 15, 16, 17, and 18 are below the City of Bend's overall marriage rate.

**FIGURE 8 - 2019 CENSUS TRACTS – MARRIAGE RATES<sup>116</sup>**





## SYNOPSIS OF CONCENTRATIONS AND SOCIAL MOBILITY FACTORS IN CENSUS TRACTS

In this assessment, seven criteria have been evaluated by census tract to identify areas of possible concentration and areas of social mobility. There are potential intersections in concentrations and social mobility factors, and any criteria can impact another. For example, a single income household can also be a low-income household. Additionally, a person with disabilities may also be a low-income household, as they may not be able to work or rely on Social Security benefits alone.

Census tracts identified with more than one concentration or areas of less social mobility (tracts 15, 16, 17, and 18) should receive greater focus and public investment to further socioeconomic advancement for its community members. It is also important to look at census tracts with no concentrations identified (tracts 11, 13, 14, 19, 21) and prioritize increased housing options there for households to live in areas of greater social mobility.

**TABLE 19 – SUMMARY OF CONCENTRATIONS AND SOCIAL MOBILITY FACTORS**

Concentration of Social Mobility Factor	Census Tract									
	11	13	14	15	16	17	18	19	20	21
Race										
Ethnicity										
Persons with Disabilities										
Low Income Earnings										
Quality of Schools										
Violent Crime										
Single-income Households										
Total Concentrations of Factors Identified	0	0	0	3	3	2	3	0	1	0

There is, however, an important limitation to this. Adding affordable housing in a low-poverty, high-social mobility area, such as census tract 13, is a great way to give low-income families opportunities at excellent schools, employment, and enrichment opportunities. However, this alone is not enough to guarantee economic mobility and improved social outcomes. HUD's Moving to Opportunity (MTO) for Fair Housing Demonstration was a housing mobility demonstration that tested whether offering families living in high-poverty neighborhoods a housing option to move to low-poverty neighborhoods would improve their lives and the lives of their children<sup>117</sup>. The study showed that while community members felt safer and had better health outcomes, moving to lower-poverty neighborhoods did not necessarily equate to increased opportunities at higher quality schools or improvements in educational achievement. Without support and community acceptance, many families in the study moved back into the low-income neighborhoods they had left. Seattle and King County conducted a similar study in 2019 and found customized assistance in housing could reduce residential segregation and increase upward mobility<sup>118</sup>.

Both studies suggest that the most important element for economic mobility and improved outcomes is connection to continued mobility counseling, or social support, and not the housing alone. The support cannot be limited or finite (such as terminating upon entering the housing) and cannot only include the low-income families either. Schools, neighbors, adjacent businesses and recreational facilities must also be prepared and equipped for success with diversification of neighborhoods and populations. Developers of City-funded affordable housing should develop strategies for long-term support of their community members, particularly in low-poverty areas, and engage with schools and the neighborhood. Recommendations at the end of this analysis will provide suggestions on how the City of Bend can support these endeavors that are critical to the economic, physical, and mental health of its community members.

## PUBLIC SECTOR

### EMPLOYMENT-HOUSING-TRANSPORTATION LINKAGE

Although not a direct barrier to housing, the ability to utilize fair and equitable transportation has the potential to impact access to food/ groceries, education, employment, medical care, and many other necessities. Housing in areas that do not have equitable transportation connection to necessary services and amenities 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 route bus system, walking, and biking.

Cascades East Transit (CET) provides public transportation on many of Bend's main roadways as well as between adjacent cities (such as Redmond, Sisters, and LaPine). CET is operated by the Central Oregon Intergovernmental Council (COIC), an independent entity operating under intergovernmental agreements between

governments throughout the Central Oregon region. CET went fare-free during the pandemic on all fixed route and on-demand services, such as Dial-A-Ride<sup>119</sup>. Regular transit services continue to be free in 2024, with only recreational shuttles (such as to Mt. Bachelor) charging small fees. Dial-a-Ride offers shared rides for low-income seniors that are not near fixed routes. There are eleven fixed routes within the City of Bend, which represents two more fixed routes since the last AI was written. Expanded bus services are available in the SE and SW portions of town. 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 20: 2022 MEANS OF TRANSPORTATION TO WORK<sup>120</sup>**

	Estimate
Workers 16 years and over	51,959
Car, truck, or van	74.3%
Drove alone	66.1%
Carpooled	8.1%
Public transportation	0.2%
Walked	2.6%
Taxicab, motorcycle, bicycle, or other means	3.8%
Worked at home	19.0%
No vehicle available	1.3%
Mean travel time to work (minutes)	16.8

## EPIC PROPERTIES AND HOUSING CHOICE VOUCHER SELECTION PROCESS

Housing Works serves as the Public Housing Agency (PHA) within the City of Bend. It operates 14 properties within Bend through Epic Property Management. Housing Works also administers the Housing Choice Voucher (HCV) Program and a Project Based Voucher (PBV) Program. Housing Works administered Emergency Housing Vouchers



(EHV) under the American Rescue Plan Act until the funding ended, and during that time achieved one of the highest uptake rates in the nation. 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 (PBV) Program. Housing Works opens their Housing Choice Voucher (HCV) 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 HCV. If a voucher does not become available to an applicant through the year, then the household must reapply the following year.<sup>121</sup> In early 2024, Housing Works received 952 applications from Bend households for a HCV. According to Housing Choice Voucher Data Dashboard, of the HCV administered by Housing Works, 1,236 households entered into a rental agreement and 85 continue to look for housing. 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 in Bend



that meets HUD's requirements, due to high price and the demand for each unit that becomes available.

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

The City of Bend partners with Housing Works to enhance fair housing in the community. In 2023, Housing Works received City funding, a System Development Charge (SDC) exemption, and expedited review to develop 33 units of permanent supportive housing, a social services and community investment in census tract 15. Also in 2023, a Housing Works development in a high social mobility area received an SDC exemption and expedited review for 59 affordable housing units. City staff expect to work closely with Housing Works in sharing fair housing data, trends, and community feedback towards increasing accountability and fair housing compliance for the Epic properties rented to Bend's low- and moderate-income households.

## **SALE OF SUBSIDIZED HOUSING AND POSSIBLE DISPLACEMENT**

Currently in Bend there are 23 developments that have expiration dates for affordability, but only two of the developments will expire in the next ten years. These apartments are Cedarwest Apartments, expiring July 28, 2028, with 121 units; and Greenwood Manor, expiring March 31, 2026, with 40 units. At the end of the affordability period, property owners can choose to extend the affordability terms, rent units at market rates, or sell the property. Displacement may occur if affordability terms are not extended. City staff must stay aware of multi-family market conditions for opportunities to maintain this much needed affordable housing.

## **PROPERTY TAX POLICIES**

To assist developers of affordable housing, the City of Bend adopted a policy to provide property tax exemption for multi-family housing developments that are affordable to households earning up to sixty percent of Area Median Income. The exemptions are

provided for twenty years, after Council approval. Recently the City implemented additional property tax exemptions to foster and maintain affordable housing with Council approval: a tax exemption for non-profits providing affordable housing and a ten-year property tax exemption for multiple unit properties. One of the ways to qualify for this latter exemption is to offer ten percent of the units as affordable housing, among other program requirements.

While the City adopted these incentives to create more affordable housing, the programs require approval of each development from 51 percent of the City's Special Districts. Residential projects face uncertainty with a lack of or various criteria to follow from each Special District. This uncertainty constrains the willingness of housing developers to explore development in Bend because reducing costs with incentives are necessary for the units to be built.

## 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 revised the Comprehensive Plan multiple times in the past five years including updates to the Transportation System Plan, supplementing various policies from Bend's Development Code, adding policies on shelters and transitional housing,

adjusting policy to ensure an adequate supply of industrial land, inserting policy to support an inclusive economy, establishing a system of low-stress bikeways, eliminating parking minimums, modernizing the Water System Public Facility Plan, and incorporating numerous growth management policies. The City continues work towards a Housing Production Strategy pursuant to state legislation from 2019. The City completed a draft Housing Capacity Analysis in June of 2023, and will update the draft in 2027 with a Housing Production Strategy pursuant to Oregon’s Department of Land Conservation and Development schedule.<sup>122</sup>

## **POLICY CHANGES PROMOTING FAIR HOUSING CHOICE**



In November 2021, the City of Bend became the first large city in the State of Oregon to adopt by ordinance new development code standards for middle housing, defined as duplexes, triplexes, quadplexes, townhomes and cottage cluster developments in response to new state law requirements. The law, passed by the 2019 Oregon legislature as House Bill (HB) 2001, aims to provide more housing choices, especially of missing middle housing types, by requiring cities of 10,000 or more people to allow

duplexes in any residential zone that also allows single-family detached dwellings. In cities with a population greater than 25,000, the law requires that triplexes, quadplexes, townhouses, and cottage clusters also be allowed in all areas zoned for residential use that allow the development of detached single-family dwellings.

In response to the bill, the City formed the HB 2001 Stakeholder Advisory Group to draft development code amendments in order to implement the law and allow for a diversity of housing types to be built in Bend. The advisory group was comprised of members from Bend City Council, Planning Commission, Affordable Housing Advisory Committee, Neighborhood Leadership Alliance and local developers, architects, neighborhood association members, representatives from the Central Oregon Builders Association and two land-use and environmental watchdog organizations (Central Oregon Landwatch and 1,000 Friends of Oregon).

This group worked on a series of amendments to the City's Development Code for middle housing. Amendments to the development code included:

- No maximum densities for duplexes, triplexes, quadplexes, townhomes and cottage cluster developments
- Reduced lot sizes for duplexes, triplexes, quadplexes and townhomes
- Reduced parking requirements including no minimum parking for duplexes and triplexes
- Significantly reduced floor area ratios (FARs)
- Revised design standards
- Cottage cluster development standards

The City also worked with the HB 2001 Stakeholder Advisory Group on several other development code changes to help remove barriers to housing development of all types:

- Small Dwelling Unit Development: A land division where small lots or parcels are created for small dwelling units.

- Zero Lot Line Developments: Dwelling units are constructed with a zero-side setback.
- Micro-Unit Development: A building containing multiple micro-units and a shared kitchen(s), typically consisting of one room used for living and sleeping purposes, a food preparation area, and permanent provisions for sanitation.

In 2021 the City implemented HB 3450, which allows up to 40 cumulative acres of commercially zoned land within a quarter mile of transit to be developed with standalone residential uses (townhomes, duplexes, triplexes, or multi-unit residential). This is known as Urban Dwelling Sites and was a pilot developed for Bend.

Bend's plan for future growth is to slowly transform its residential housing mix from primarily single-family detached housing to a mix of housing types including middle housing products and multi-family housing. US Census and ACS (American Community Survey) data from 2010 – 2021 shows that Bend's single-family detached dwellings have consistently represented 69 percent of the city's residential properties. However, these recent policy changes have altered the landscape of housing in Bend. Since 2021, 4,457 residential units have either been completed or are currently under construction, and only 38 percent of these represent single-family detached dwellings. Multifamily dwellings and commercial properties with residential units comprise the other 62 percent. The policy intent of these changes are to increase housing choice, affordability, and maximize use of land within the City's urban growth boundary.

The City has also been working to address a lack of connectivity from affordable housing developments and low-income community members to public transportation, sidewalks, and bike lanes. This lack of connectivity limits connectivity between essential community services to these populations thus concentrating areas of poverty and racial/ethnic populations. A \$190 million Transportation General Obligation Bond Measure ("GO Bond"), adopted by voters in 2020, will provide street and sidewalk improvements, improve connectivity across major community barriers like a highway and railroad that bisect the city, and provide other improvements to the transportation system.



A community oversight committee appointed by Council, known as the Transportation Bond Oversight Committee, monitors, tracks and reports on project expenses, schedule, progress, and benchmarks for bond-funded developments. For project transparency, City staff created an equity mapping tool known as the GO Bond dashboard. It was created to update community members on the status and progress of GO Bond Projects. Updates to the dashboard are scheduled quarterly in January, April, July, and October.

Presently, with 15 percent of the project time elapsed, two Enhanced Pedestrian Crossing projects have been completed, and 15 out of 24 pending projects are underway.

## **PRIVATE SECTOR**

### **LENDING POLICIES AND PRACTICES**

According to the January 2024 Beacon Report, median home prices in Bend have approximately doubled since 2015. The dramatic increase in home prices coincides with the increased land costs. The Federal Housing Finance Agency reported that in Bend's 97702 zip code, land value per acre increased 257 percent from \$158,400 per acre in 2012, to \$564,900 per acre in 2019.

Mortgage rates in January 2022 were 3.2 percent but rose to over 6 percent by December 31, 2022. Median home sales in 2022 ranged from \$683,000 to a high of \$773,000, and they averaged just 12 days on the market. As interest rates rose, mortgage payments also rose, and purchasers found they had less buying power.



Under the Home Mortgage Disclosure Act (HMDA), financial institutions report data regarding their lending transactions and the clients and properties involved in the transactions. Table 21 provides the numbers of home loans generated and denied in each census tract in 2022. The greatest proportion of loans were denied in census tract 16, which has been identified with concentrations of ethnicity, crime, lack of home ownership opportunities, and single-income families.

**TABLE 21: 2022 HMDA LOANS ORIGINATED AND DENIED<sup>123</sup>**

Census Tract	Home Purchase Loans Originated	Home Purchase Loans Denied	Percent Denied
11	636	87	13.7%
13	689	109	15.8%
14	325	69	21.2%
15	167	32	19.2%
16	153	34	22.2%
17	369	48	13.0%
18	201	40	19.9%
19	433	75	17.3%
20	563	97	17.2%
21	524	78	14.9%

Determining who is being denied a mortgage is just as important as knowing where denials are occurring in Bend.

**TABLE 22: 2022 HMDA LOANS ORIGINATED AND DENIED<sup>124</sup>**

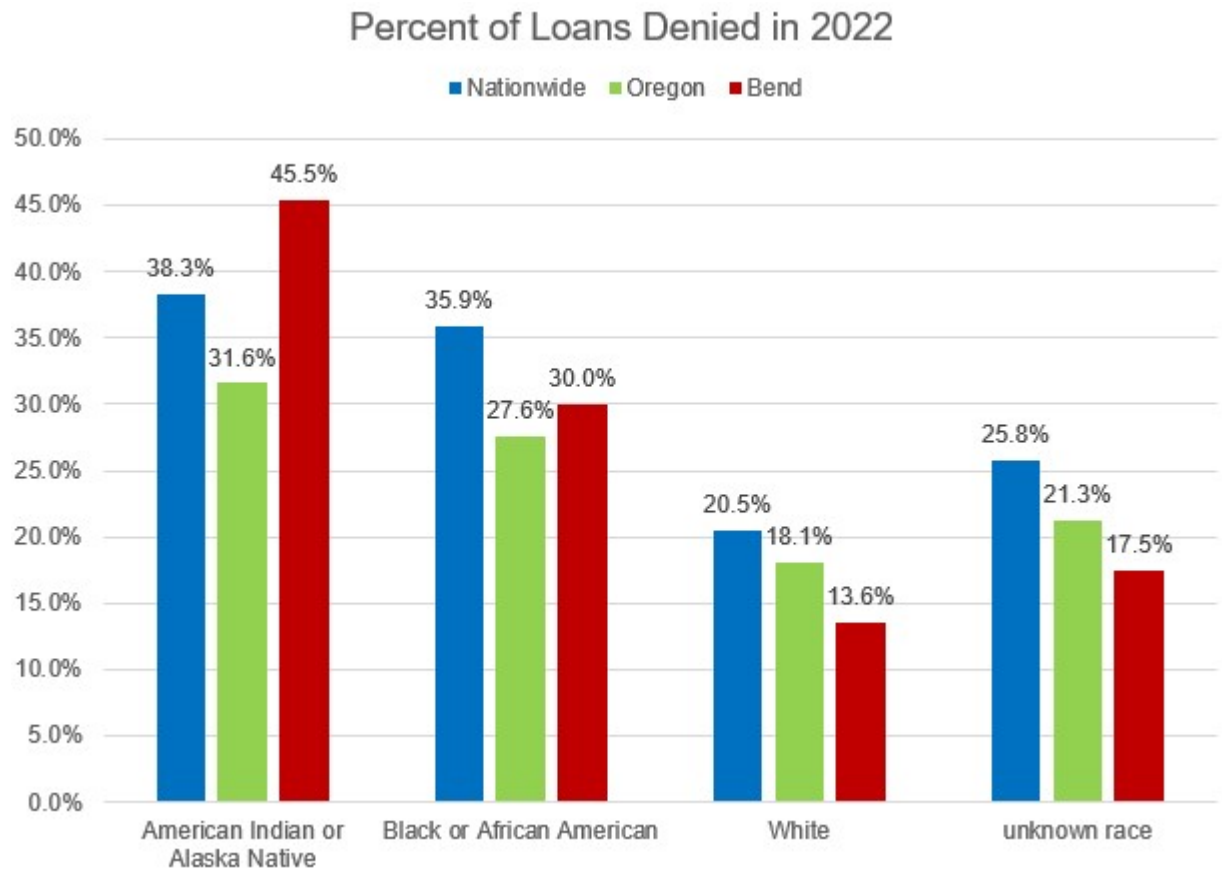
<b>Population</b>	<b>Denial Rate</b>
American Indian or Alaska Native	45.5%
Asian	15.6%
Black or African American	30.0%
Native Hawaiian or Other Pacific Islander	33.3%
Hispanic	20.8%
White	13.6%
Unknown Race	17.5%

There appears to be a disparity in the number of mortgage denials by race and ethnicity, with all demographics having a higher denial rate than the White population. Small racial and ethnic populations in a community can demonstrate disproportionate denial rates for households when applicant numbers are low, and there are many reasons an application may be declined. Lower racial and ethnic minority homeownership rates and the

racial wealth gap are byproducts of systemic racism, including the legacies of slavery, redlining, and other policies that targeted protected classes and have been discussed previously. In theory, homeownership rates should have increased steadily over time for all races and ethnicities after redlining was outlawed in the Fair Housing Act of 1968. Unfair lending practices, ability to acquire loans and equitable interest rates, lack of inherited wealth, and discriminatory practices continue to exclude racial and ethnic minority households from the housing market.

American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, and Black or African American populations have a denial rate at least 10 percentage points greater than White populations. The available data for Native Hawaiian or Other Pacific Islander is very small, and the data is not analyzed further to avoid the potential identification of individuals. The unknown race applicant group is included in analyses as it potentially shows lending when race is not able to be factored or considered. To determine if this is a Bend-specific disparity, its denial rates are compared to rates in the USA and Oregon.

FIGURE 9: PERCENT OF LOANS DENIED IN 2022<sup>125</sup>



In Bend, White and unknown race populations have a lower denial rate (or higher approval rate) than seen in Oregon and nationwide. American Indian or Alaska Native populations are declined more often in Bend than in Oregon or the nation as a whole. Bend's Black populations are declined more than in Oregon, but less than nationwide.

**TABLE 23: 2022 REASONS FOR DENIED LOANS BY RACE<sup>126</sup>**

Denial Reason	American Indian or Alaska Native	Black or African American	White	Unknown Race
DTI	40%	67%	38%	35%
Credit History	40%	33%	13%	13%
Incomplete Credit app	0%	33%	10%	17%
Other	20%	0%	13%	14%

Lenders look at many factors to determine whether or not to approve or deny a loan application. This includes, but is not limited to, income, credit history, and debt-to-income

ratio (DTI). There are many reasons a loan can be denied, but only the top four reasons reported are compared across populations. The main factor in denying mortgage loans appears to be DTI, with American Indian / Alaska Native and Black / African American populations being denied for this reason at a higher rate than White and unknown race applicants. In general, lenders prefer DTI to be lower than 36 percent, with 43 percent being the highest DTI borrower can have and still get qualified for a mortgage. The maximum DTI ratio will vary from lender to lender<sup>127</sup>.

**TABLE 24: 2022 LOAN CONDITIONS BY RACE<sup>128</sup>**

	American Indian or Alaska Native	Black or African American	White	Unknown Race
Avg interest	5.6%	5.0%	4.6%	4.6%
*Avg Loan	\$485,000	\$511,000	\$545,202	\$633,863
% DTI > 45	0%	0%	19.6%	16.9%
% DTI > 50	0%	0%	5.5%	3.7%
% DTI > 60	0%	0%	0.8%	0.9%

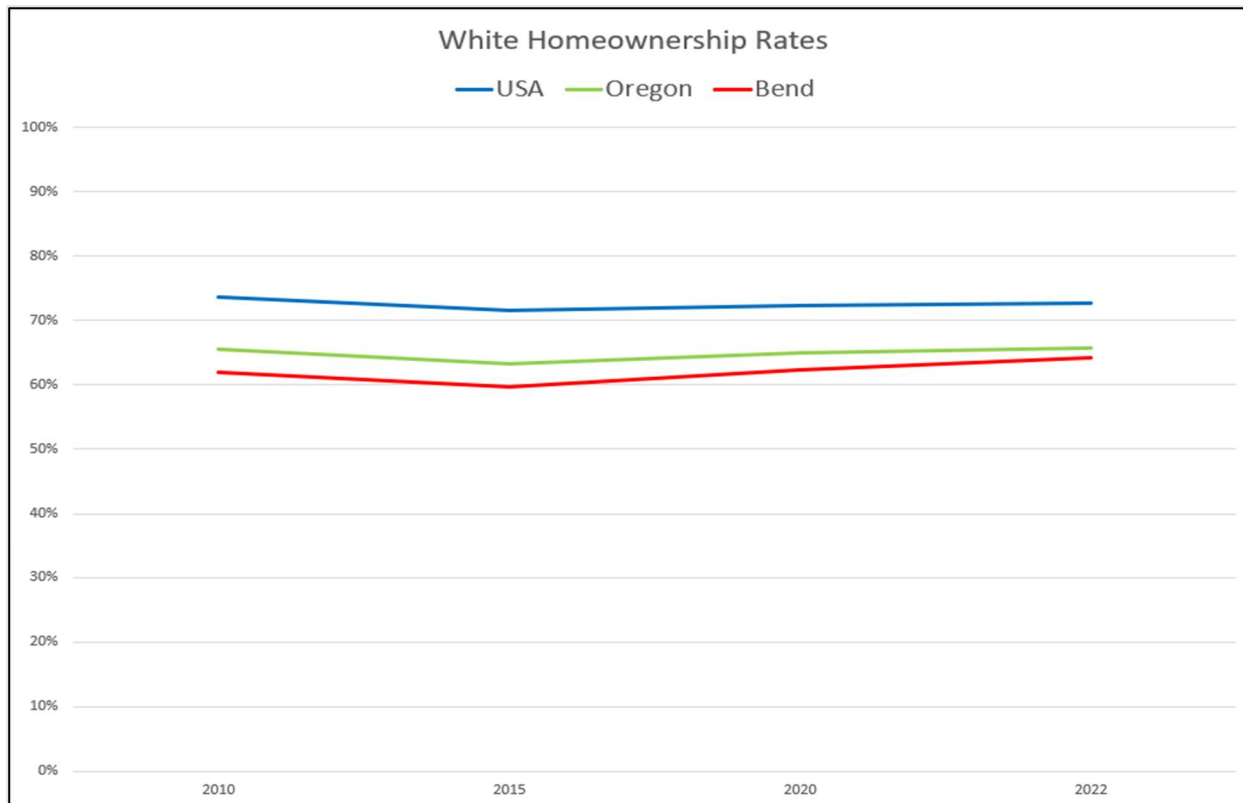
Despite the same risk, lenders deny loans for racial and ethnic minority populations with over 45 percent DTI, whereas some White and unknown race applicants are approved for loans



with DTI far greater than is considered acceptable by lender’s mortgage insurers. In addition, lenders serving Bend also offer White and unknown race applicants, on average, higher loan amounts and lower interest rates. Lenders give American Indian or Alaska Native populations, on average, loans with an interest rate 1 percent higher than White populations. One percent may not seem like a lot, but on a \$500,000 home, one additional percentage adds over \$300 to a monthly payment and over \$100,000 to the total cost of the loan over time<sup>129</sup>.

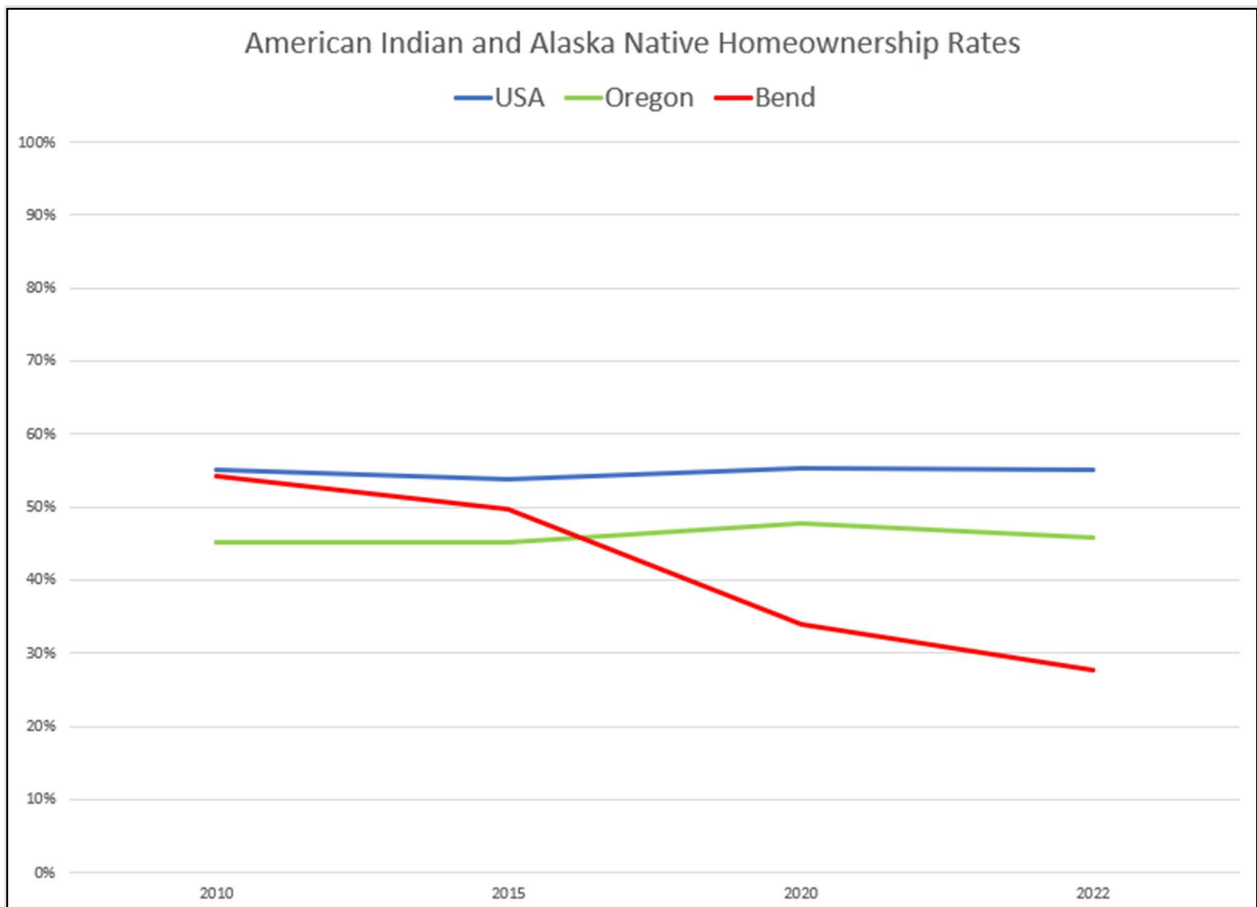
To evaluate the impact that lending inequity has on a community over time, this analysis examines Bend’s homeownership rates from 2010 to 2022. White homeownership rates in Bend are slightly lower than Oregon and the national rate. When homeownership rates follow the same general trendline, it is anticipated Bend’s homeownership rates for other races to be proportionally lower than the state and nation. However, this is not what data shows.

**FIGURE 10: WHITE HOMEOWNERSHIP RATES IN BEND<sup>130</sup>**



Bend’s Native American / Alaska Native populations homeownership rate has declined dramatically since 2010 and does not parallel trends for Native Americans and Alaska Natives in Oregon or the USA. Careful review of data shows that the number of Native Americans and Alaska Native households owning homes declined from 108 in 2010 to just 43 in 2022. The households are not moving into rental units – there were 91 renter households in 2010 and 113 in 2022. Declined homeownership rates and the relatively steady rental rates suggests an outflux of population. Lending inequities could be excluding this population from new homeownership.

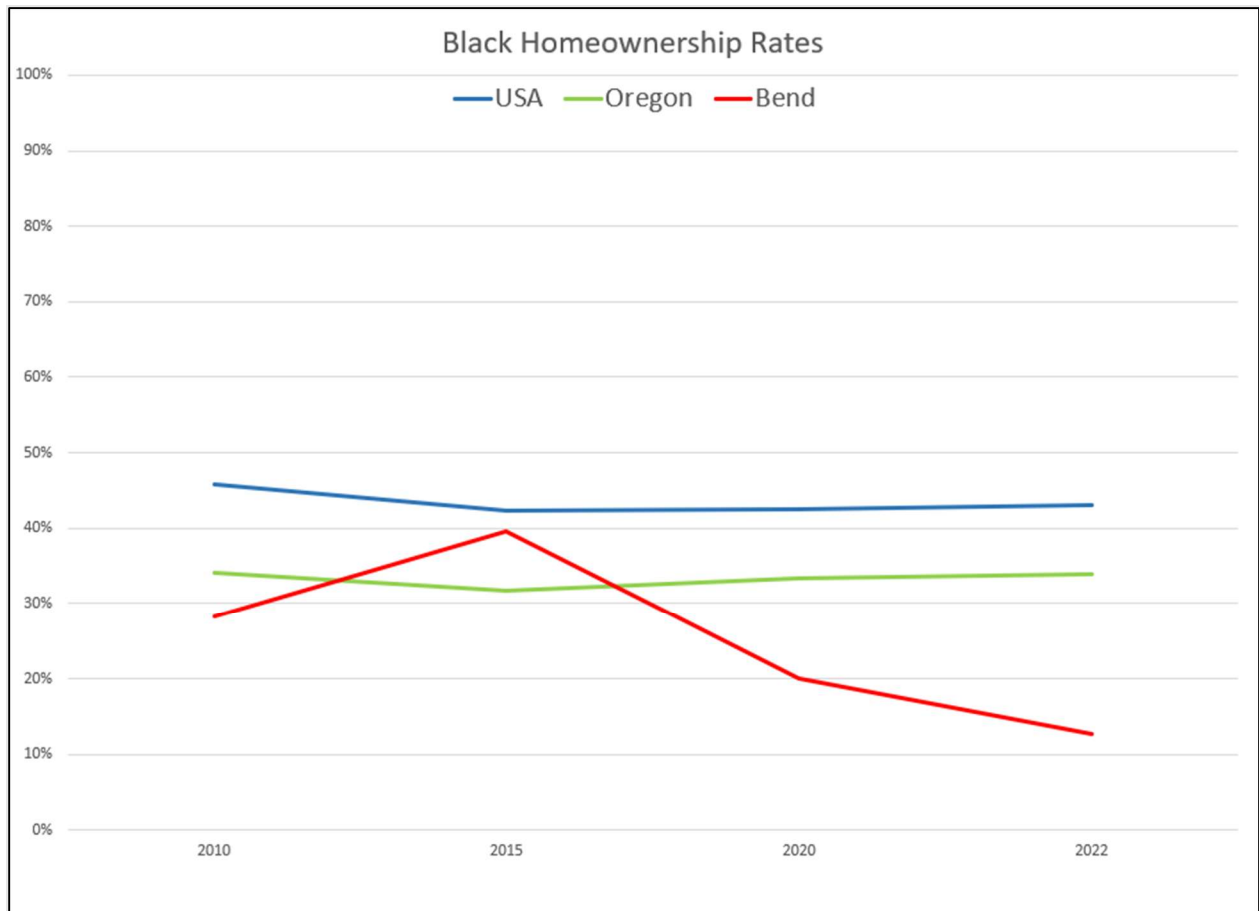
**FIGURE 11: AMERICAN INDIAN AND ALASKA NATIVE HOMEOWNERSHIP RATES IN BEND** <sup>131</sup>



Black homeownership rates declined to 13 percent, while at the same time, the Black population in Bend increased by three percent. Data shows that the number of Black households owning homes is low but relatively steady – 13 in 2010 to 22 in 2022. The

dramatic change is in the number of Black households moving into rental units – there were 33 renter households in 2010 and 152 in 2022. Lender inequities could be excluding this population from new homeownership.

**FIGURE 12: BLACK HOMEOWNERSHIP RATES IN BEND<sup>132</sup>**



In summary, White and unknown racial populations reside in most of the owner-occupied units in Bend and appear to have an advantage in lending. There may be an advantage to not identify race when applying for a loan. If an applicant identifies their race in the loan request process, then there could be a risk of a loan denial, a smaller loan offering, or a higher interest rate that relates to higher mortgage payments and less buying power.

## PUBLIC & PRIVATE SECTOR

### FAIR HOUSING ENFORCEMENT

Of the Fair Housing Online Survey participants that receive subsidy for their housing and reported experiencing discrimination - half indicated they feared retaliation and two-thirds recorded they believed it would not make a difference. 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.

Over the past five years, Bend community members contacted Fair Housing Council of Oregon on 111 occasions regarding potential claims. The community members identified discriminatory circumstances based on age, color, gender identity, familial status, mental disability, national origin, physical disability, race, religion, sex, sexual orientation, source of income, and status as a domestic violence survivor. FHCO referred 25 of Bend's community members to BOLI, FHEO, LASO, or private counsel to

pursue claims FHCO determined meritorious. FHCO offered the remaining community members of Bend, without circumstances for a referral, general information on fair housing or landlord-tenant law.

FHEO reported 10 fair housing complaints since 2019. 5 of the complaints occurred in the last year and there are ongoing investigations of 4 complaints. One of the complaints based on national origin settled successfully. 3 of the open complaints with ongoing investigations are based on disability protections, one of the open complaints with ongoing investigations is based on sex discrimination, and one of the open complaints with ongoing investigations is based on retaliation.

## **INFORMATIONAL PROGRAMS**

Fair Housing Council of Oregon (FHCO) promotes equal access to housing by providing education, outreach, technical assistance, and enforcement 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 or virtually to the Bend community each fall and spring the past five years. In 2023, FHCO began virtual meetings each quarter for the Central Oregon Region to address fair housing concerns with community services providers.

## **ACCESSIBILITY IN HOUSING**

City Community Engagement and Input detailed above reported issues Bend's community members experience, such as, lack of fully accessible housing units, poor marketing of accessible housing units, long wait lists for accessible housing units, inconsistent features in accessible housing units, and lack of financial means to modify housing units for accessibility. Additionally, the above Persons with Disabilities demographic section described community input that identified areas in Bend (census



tracts 13 and 14) difficult to navigate for pedestrians experiencing a disability because of steep hills, roundabout designs without audio cues, and limited public transportation. Walkways in neighborhoods that cannot be traveled by persons experiencing a disability and without a personal vehicle impact housing choices for those community members.

The City has done significant work to improve pedestrian safety in recent years, and more work is either in progress or planned. A City project to convert the last 11 traffic signal locations to accessible pedestrian signals (APS) will be completed in 2024. Roundabouts in Bend are common and have improved traffic safety with reduced speeds in intersections. Bend follows Public Right-of-Way Accessibility Guidelines (PROWAG)<sup>133</sup> and the most recent updates to those guidelines address some of the concerns reported. To update existing roundabouts with the latest PROWAG recommendations, the City's Transportation and Mobility Department currently pursues funding opportunities. The City offers roundabout maps printed in Braille when community members make requests. Finally, the City continues working towards a low stress walking and biking network that can offer more comfortable, connected, and convenient alternate routes to those that require crossing at roundabouts.

In 2023, City staff began discussions with housing developers and inquired what resources would be necessary to build more accessible housing units. Next steps may be to explore available public or non-profit funding opportunities to encourage housing developers to build more accessible housing units. For example, the City's Affordable Housing Advisory Committee included bonus points in its 2024 scoring criteria for funding applicants that offered accessible housing units in submitted development proposals.

The City of Bend regularly contributes available resources towards creating public rights-of-way pursuant to Title II of the Americans with Disabilities Act (ADA). The City also updates its ADA Transition Plan for Curb Ramps in Public Right-of-Way bi-annually. A Bend community member with a disability who has faced a physical or structural barrier in the City's public right-of-way (such as a sidewalk or curb ramp deficiency) that impedes or obstructs travel can bring forward a barrier removal request

to the City's Accessibility Department.<sup>134</sup> Because of the extensive costs of transportation infrastructure, the City may need to explore and pursue resource options to further address areas in Bend identified as difficult to navigate for expanding housing choice to those neighborhoods.

## **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 households. 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 lacks affordable rentals for its households. A 2020 Regional Housing Needs Assessment from Oregon Housing and Community Services determined Bend would need to develop 747 market rate homes, 498 market rate rentals, 953 affordable homeownership opportunities, 636 affordable rental homes, 449 supportive housing units, 408 transitional housing units, and 300 shelter beds to meet the city's housing needs.

In 2023, housing developers completed 1,374 residential units in Bend. Despite the development achievements of 2023, there is still a need for over 2,000 units. Combine this inadequate creation of housing options with a population that has increased 31 percent since 2010, and the result is a stressed and cost burdened housing market.

Through the UGB expansion in 2016, the City of Bend planned for expansion areas, plus upzoning and redevelopment of the urban core to supply needed housing and employment lands through 2028. However, a lack of buildable land that is served with infrastructure for residential development affects viability and feasibility of meeting the housing need. Despite the UGB expansion, the extension of street, water, and wastewater services to develop those areas will take significant investment. The City's development policies state that owners or developers of the expansion area lands must

demonstrate how they will serve the lands with infrastructure to support urban levels of development. High interest rates and lack of capital or government-supported loans or other funds for infrastructure increases the difficulty for private entities to provide the necessary infrastructure and get these lands ready for development.

Affordable Housing developers may pursue infrastructure resources through three City sources: the Affordable Housing Fund, Commercial and Industrial Construction Tax funding, and the Community Development Block Grant program. In 2023, Bend's City Council made half a million available through a Middle-Income Housing Pilot Program. City Council did not recommend funding an application for the middle-income housing funds, because the proposal could not secure an additional million needed for the infrastructure. Funding for infrastructure will take significant public and private partnership.

Up For Growth's 2022 Housing Underproduction report shows that in the United States, Bend's MSA is ranked #9 for inadequate production of housing, with a shortage of over 6,000 total units. Accordingly, City Council Goals for 2023-2024 aim to increase affordable and middle-income housing. The City will measure goals through the percent of total housing stock that is affordable to households at or below 80 percent AMI. In 2023, 10 percent of the residential units constructed were deed restricted affordable to households at or below 80 percent AMI.

Market rate homeownership in 2024 is unattainable for a family at 120 percent AMI, or \$114,250 for a family of four. Prices continue to increase, in part due to declining home sales. The lack of affordable rental housing is significant in Bend. Would-be homebuyers who cannot afford the Bend market enter the competitive and stressed rental market, thereby increasing demand even further. An insufficient number of affordable rental units have long wait lists, creating instability and unsustainability.





## SECTION VI. CONCLUSIONS AND RECOMMENDATIONS

## IMPEDIMENTS AND RECOMMENDATIONS

*Note that Impediments are not listed in order of importance or priority.*

### **Impediment #1: Portions of Bend have concentrations of poverty and other factors that limit social and economic mobility of its community members.**

Concentrations and social mobility factors exist in several census tracts with respect to ethnicity, persons with disabilities, low-income households, violent crime, and single-income households. Census tracts 15, 16, 17 and 18 have the most concentrations and social mobility factors, and for Bend community members living in these tracts, that means lower likelihoods of generational social, educational, professional, and economic growth. Prioritization of focused social services and community investment within census tracts 15, 16, 17, 18 will alleviate some of the issues. In addition, prioritization of housing production in all census tracts will create housing choice and opportunities to move into less concentrated census tracts.

- **Recommended Action 1.1: Prioritize social services and community investment in areas where concentrations are identified.** This may include new or improved infrastructure, increased connections to social services, or new housing development.
- **Recommended Action 1.2: Evaluate Citywide projects for impacts on protected classes and potential displacement.** Collaborate with City departments for projects occurring in census tracts 15, 16, 17, 18 to consider the impacts on community members representing protected classes and the potential for displacement.
- **Recommended Action 1.3: Balance tracts by increasing housing supply in areas outside of concentrations.** Prioritize increased housing choice and ensure housing choice is available in census tracts identified with greater levels of social mobility.



Positive and sustained socioeconomic advancement is not a result of simply developing affordable housing in high income, high social mobility areas. Social and community support is critical to a family's immediate and long-term success. A City-funded project which will develop 99 units of affordable housing is currently zoned for public schools identified with the lowest racial, ethnic, and economic diversity in the school district. Racially, ethnically, and economically diverse families moving into these affordable housing developments will need additional support, resources, and preparation to successfully integrate and thrive.

- **Recommended Action 1.4: Develop systems of support for low-income families moving into high social mobility areas.** Collaborate and facilitate conversations with developers, service providers, property management companies, and the Bend-LaPine School District to emphasize systemic support needed for families moving into high social mobility areas. These communications and partnerships are vital to aid transitions and support the social, educational, and behavioral health success of families in these developments.

Current City adopted property tax exemptions for addressing housing scarcity in the region require proposed developments to seek approval from each Special District. The state statutory scheme requires at least 51% of the Special Districts approve the exemption for implementation, and each Special District approaches the process differently. These processes limit housing developers from accurately analyzing the feasibility of the proposed project, thereby hindering much needed housing production.

- **Recommended Action 1.5: Explore property tax incentives that may ease processes and costs in housing production.**

## **Impediment #2: Bend-specific fair housing data is limited and inaccessible.**

Available Bend-specific data is outdated, inconsistent, incomplete, or too general to draw conclusions from. In addition, the City does not have robust data of its own to draw conclusions from, nor dedicated staff to collect, interpret, and publish it. This creates a frustrating dichotomy between what is being experienced, and thus critical to address, and what is available in data sets to interpret.

Data is currently collected and utilized in decision making, goal setting, and troubleshooting. While the data is being collected, it is not accessible or shared widely within the City or with the public.

- **Recommended Action 2.1: Create workflows and systems to collect and analyze data.**
- **Recommended Action 2.2: Develop platforms to communicate data with the public, such as dashboards, presentations, maps, and charts.**

Some of the data needed to identify and address impediments to fair housing is outside the scope of the City's work or influence but is currently being collected by local agencies and partners. City staff will focus on partnerships with social services agencies and other local groups to establish trust, communication, and information sharing.

- **Recommended Action 2.3: Enhance community partnerships and establish protocol for data collection and sharing.**

Recommendations related to data in Impediments #3, #4, and #5 are dependent upon the implementation of Recommended Actions 2.1, 2.2, and 2.3. Each data-related recommendation sets up metrics to track progress of the work and report progress to Staff, Bend City Council, and community members.

### **Impediment #3: Limited housing and infrastructure create barriers for persons with disabilities.**

Community input and surveys highlight the general lack of available fully accessible housing in Bend. Persons with disabilities wait a long time for a dwelling unit to become available, and often have no options but to rent a unit that is not built for persons with disabilities and does not have fully accessible features. People in these conditions are vulnerable to injury or cannot utilize all portions of their unit, such as toilets or showers. Requests for reasonable accommodation in these units are challenging for tenants to submit and reach approval, as they are often denied when the requests are not submitted according to legal requirements or guidelines. This is addressed in Impediment #4, Fair Housing Awareness and Enforcement.

- **Recommended Action 3.1: Increase the number of fully accessible units in Bend.** Establish and/or enhance communications with affordable and market-rate developers, focusing on fully accessible-related statistics, feedback from persons with disabilities, and market conditions. Create data systems and sets to identify and track the number of fully accessible units each year in Bend.

In 2023, The Affordable Housing Advisory Committee added bonus point scoring criteria to incentivize developer applicants to build more than the minimum number of required fully accessible units. As a result, five fully accessible homeownership units will be developed in the next 5 years. However, affordable homeownership developers report that building a fully accessible unit can add up to \$25,000 to development costs, making the project difficult to finance.

- **Recommended Action 3.2: When exploring resources available to cities that incentivize housing production, consider establishing a competitive funding program where developers could apply to offset additional costs for building fully accessible dwelling units.** Build data sets, updating at least annually, to monitor the additional costs needed to build a fully accessible unit.

While improvement projects have been completed and others are underway, portions of Bend have infrastructure limitations that hinder connectivity for persons with disabilities to retail, recreation, medical facilities, and housing choice. However, persons with disabilities report that because roundabouts are not universally designed and lack audio or sensory cues for safe entry and exit, they cannot walk through them or go on foot to areas of town where roundabouts are prevalent.

- **Recommended Action 3.3: Identify areas of Bend with infrastructure that limit use and walkability/rollability for persons with disabilities.** Continue partnerships with persons with disabilities, service providers, and City departments to assess portions of Bend that were reported in this assessment to be unwalkable/unrollable. Consider strategies for persons with disabilities to utilize roundabouts for connection to public transportation, retail, recreation, and medical facilities. Build maps and/or metrics to identify areas and monitor changes and improvements over time.

## **Impediment #4: Additional fair housing enforcement and education is needed.**

Nearly all protected classes engaged in this analysis reported fair housing concerns, many focused on property management companies and landlords. Most common concerns reported related to tenant safety, substandard living conditions, difficulties connecting with maintenance or property management staff, inconsistent policies with rent payments or income verifications, language barriers, and retaliation against protected classes. Developers of these properties select property management companies to engage with tenants and manage the sites, but in this assessment, it was neither clear how developers are informed of issues with property management companies nor what the developer's responsibilities and responses are when issues arise.

- **Recommended Action 4.1: Increase developer accountability for property management's fair housing compliance.** Consult with comparable cities for language in agreements that establish levels of responsibility and accountability for developers. Consult with City of Bend legal counsel and implement language in subrecipient / awardee agreements.
- **Recommended Action 4.2: Create systems to regularly share fair housing data, trends, and community feedback with developers.** Require annual developer participation in City-led training on fair housing, social mobility factors, and latest data and community feedback to make informed decisions.

Community feedback revealed many community members do not report housing discrimination or violations, oftentimes because they either do not know where to report it or they fear retaliation for making a report. In addition, engagement with community members revealed that many do not have general knowledge of what fair housing discrimination or violations are. They don't report because they don't even know their experience was discriminatory.

- **Recommended Action 4.3: Engage with the community on fair housing trainings.** This analysis identified lack of community awareness of fair housing



protections and how to adhere to them. Coordinate with Community Alliance of Tenants, Bureau of Labor and Industries (BOLI), the Fair Housing Council of Oregon (FHCO), and Legal Aid Services of Oregon to provide ongoing community forums for training and discussions.

As mentioned in Impediment # 3, requests for reasonable accommodation are challenging for persons with disabilities to submit and many requests are denied or untimely in completion. In community engagement and focus groups, community members reported that they are often denied reasonable accommodations when the requests are not submitted according to legal requirements or guidelines, and most did not know the manner to request accommodations according to these guidelines.

- **Recommended Action 4.4: Collaborate to provide training on how to request reasonable accommodations.** Partner with FHCO, Cornerstone Community Housing, COBAAC, and other appropriate agencies regarding how to request reasonable accommodations according to legal requirements. Establish communication with developers and property management companies on legal requirements. Evaluate developing a project with a property management company or Cornerstone Community Housing to track the number of accommodations submitted, status, reasons for rejections, and responses. Evaluate data over 12 months to identify trends and plan reasonable responses and actions.

The City does not consistently include affirmatively furthering fair housing language within City plans and policies. Bend's Municipal Code, Section 5.25.015, incorporates the federal and state fair housing protections for the protected classes described above within the Fair Housing Background and History of Section II. The Bend City Council adopted a goal of committing to diversity, equity, and inclusion.

- **Recommended Action 4.5: Evaluate and Improve Policy Language.** Work with Equity Department to evaluate language in City policies or documents. At a minimum, this language should acknowledge the need for affirmatively furthering fair housing through its City partnerships' abilities to influence fair housing choice for all Bend community members in addition to education and information. While the 2023-

2025 City Council goals incorporate a strategy to embed a commitment to diversity, equity, and inclusion within the City of Bend, it will be important to make sure the commitment is included in future council goals.

Racially restrictive covenants identified in the Wiestoria subdivision, while not legally enforceable, may be legally removed from record. It is not known if additional Bend neighborhood deeds recorded before the Fair Housing Act of 1968 also have racially restrictive covenants, and furthermore, if any City-owned properties or City-funded projects have these covenants.

- **Recommended Action 4.6: Consider policies regarding the identification and handling of restrictive covenant language on City-owned properties and City-funded projects.** Work with community leaders to gather data, share resources, and create maps of areas identified with restrictive covenants.

## **Impediment #5: Racial disparities exist in lending and funding practices and policies.**

Historic barriers to equitable lending have created a wealth gap between White and racial and ethnic minority populations. Bend is not excluded from this, and data shows that the gap in Bend is worse than national averages and is the worst it has been in at least 5 years. White and Unknown Racial populations reside in most of the owner-occupied units in Bend and appear to have a clear advantage in lending. Declining homeownership rates and lender data suggests that bias continues in housing. Whether this bias is unconscious or intentional, it needs to be evaluated and addressed.

- **Recommended Action 5.1: Create systems to analyze and publish Bend lending data.** Extend the depth of research and analysis of HDMA data to identify long term trends, lender-specific trends, and detect any additional disparities with protected classes. Housing staff to partner with the Equity Department and continue to analyze the available lending data from HDMA, create data sets or dashboards to display local data.
- **Recommended Action 5.2: Evaluate the possibility of establishing a downpayment assistance fund for protected classes.** This should involve collaboration with state and / or federal agencies have successfully implemented similar programs. Staff will need to initiate a legal analysis to assess how a revolving loan fund for protected classes will work within fair housing laws.

HDMA data shows that protected classes are denied loans more often than White or race-unknown persons. The most common reasons for denial are debt-to-income ratios, credit scores, or incomplete applications, but data also shows that many White applicants with these same reasons are not denied loans. Bias may be one reason these denials are occurring disproportionately, but the City does not have direct influence on the lending industry. Historic barriers in equitable lending, lack of financial education or modeling, and exclusion from participating in inherited wealth through housing may also be reasons these denials occur. To address this, prioritize programs

that promote financial literacy, credit building, and guidance in navigating loan applications.

- **Recommended Action 5.3: Partner with local organizations to increase financial literacy and lending readiness.** Through the CDBG program, support the work of local experts with capacity building grants. Nonprofits who apply and receive funding will work with protected classes to increase financial literacy, raise credit scores, and complete/successful loan applications. City staff to partner with agencies to create meaningful data collection to track impact and change. This can include changes in credit scores and debt-to-income ratios, number of applicants. Over time, successful programs could impact and improve lending outcomes for protected classes, which should be reflected in future HDMA data.





## SECTION VI: APPENDIX



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- <sup>1</sup> (Housing and Community Development Act of 1974, 12 U.S.C. Section 1706e)
- <sup>2</sup> Id FHA
- <sup>3</sup> (Housing and Community Development Act of 1974, 12 U.S.C. Section 1706e)
- <sup>4</sup> Id HCD
- <sup>5</sup> (U.S. and Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York), p. 551
- <sup>6</sup> Id
- <sup>7</sup> Id. p. 569
- <sup>8</sup> Id. p. 565
- <sup>9</sup> (Fair Housing Act, 42 U.S.C. Section 3604 )
- <sup>10</sup> (ORS 659.145(2) and 659A.421(2))
- <sup>11</sup> (Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York,), p. 565
- <sup>12</sup> Id above
- <sup>13</sup> (Oregon) ORS 659.145(2) and 659A.421(2)
- <sup>14</sup> Id
- <sup>15</sup> (Urban Institute) "The Ghosts of Housing Discrimination Reach Beyond Redlining". [Urban Institute](#), 15 March 2023
- <sup>16</sup> (Central Oregon Black Leaders Assembly) Good Deeds Program, [COBLA](#)
- <sup>17</sup> (Deschutes County Official Records)
- <sup>18</sup> (Rector, Elaine). *City of Portland*. 16 May 2010. [www.portlandoregon.gov/bps/article/412697](http://www.portlandoregon.gov/bps/article/412697),  
<https://www.portlandoregon.gov/bps/article/412697>
- <sup>19</sup> (Deschutes Historical Society) "Father Luke, the KKK, and the doctrine of Americanism in Bend". *The Homesteader*. Vol 43.5. Bend: May 2017. 1-8.
- <sup>20</sup> (Bend Bulletin) "Fiery Cross Seen on Butte Summit." 15 July 1923:
- <sup>21</sup> (Bend Bulletin) "Many of Membership Inactive After Split in Order's Ranks" 11 April 1925
- <sup>22</sup> (Bend Bulletin) "Mobile USO Units to Serve Troops on Maneuver Asked". 9 July 1943.
- <sup>23</sup> Id. Article above
- <sup>24</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."
- <sup>25</sup> (Shelley v. Kraemer, 334 U.S. 1) p. 20
- <sup>26</sup> Id above
- <sup>27</sup> (P. S. Center) "PSU's Population Research Center Releases Preliminary Oregon Population Estimates." Press Release. 2018. Web. 26 March 2019.  
<[https://www.pdx.edu/prc/sites/www.pdx.edu/prc/files/Press\\_Release\\_2018\\_Prelim\\_Estimates.pdf](https://www.pdx.edu/prc/sites/www.pdx.edu/prc/files/Press_Release_2018_Prelim_Estimates.pdf)>.
- <sup>28</sup> (U.S. Census)
- <sup>29</sup> (U.S. Department of Commerce) Oregon: 2010 - Population and Housing Unit Counts/2010 Census of Population and Housing. Washington D.C.: U.S. Department of Commerce, 2012.
- <sup>30</sup> Id above
- <sup>31</sup> Id above
- <sup>32</sup> (Bureau), U.S. Department of Commerce
- <sup>33</sup> Id above
- <sup>34</sup> Id above
- <sup>35</sup> (P. S. Center)
- <sup>36</sup> Id above
- <sup>37</sup> Id above
- <sup>38</sup> (U. B. Census, 1950 Oregon Census of Population: Table 34 General Characteristics)
- <sup>39</sup> (U. C. Bureau, Oregon General Population Characteristics: Table 21 Characteristics of Population)
- <sup>40</sup> (U. Census, Oregon General Population Characteristics: Table 29 Household Relationship and Type of Family by Race)
- <sup>41</sup> (U. Census, Oregon General Population Characteristics: Table 15 Persons by Race)
- <sup>42</sup> (U. Census, Oregon General Population Characteristics: Table 6 Race and Hispanic Origin)

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- <sup>43</sup> (U. C. Bureau, Oregon Summary Population and Housing Characteristics: Table 2 Race and Hispanic or Latino)
- <sup>44</sup> (U. C. Bureau, Hispanic or Latino Origin By Race), Table P9
- <sup>45</sup> Id above.
- <sup>46</sup> (U.C Bureau, Hispanic or Latino Origin), Table B03002)
- <sup>47</sup> (U. Census, Oregon General Population Characteristics: Table 6 Race and Hispanic Origin)
- <sup>48</sup> (U. C. Bureau, Oregon Summary Population and Housing Characteristics: Table 2 Race and Hispanic or Latino)
- <sup>49</sup> (U. C. Bureau, Hispanic or Latino Origin By Race)
- <sup>50</sup> Id above
- <sup>51</sup> Id above
- <sup>52</sup> (U. C. Bureau)
- <sup>53</sup> (U. C. Bureau, ACS Demographic and Housing Estimates)
- <sup>54</sup> (U.C. Bureau, Race) Table B02001
- <sup>55</sup> iii (U. C. Bureau, Hispanic or Latino Origin) Table B03003
- <sup>56</sup> (U. C. Bureau, Selected Social Characteristics in the United States)
- <sup>57</sup> (Social Security Administration) “Disability Facts”, [SSA](#)
- <sup>58</sup> (U.S. Census Bureau, Disability Characteristics) Table S1810
- <sup>59</sup> Id above.
- <sup>60</sup> (National Institute on Aging) “Aging in Place, Growing Older at Home”. [NIA](#).
- <sup>61</sup> (Legal Aid Society of Cleveland) “Are You an Older Adult Unaware of the ADA?” [LASCLEV](#)
- <sup>62</sup> (U.S. Census Bureau) Tenure by Year Householder Moved into Unit, Table B25038
- <sup>63</sup> (National Council on Aging Advisor) “What is Independent Living?” [NCOA](#), 7 September 2023
- <sup>64</sup> (U.S. Census Bureau, Poverty in the Last 12 months) Table S1701
- <sup>65</sup> (National Disability Institute) “Financial Inequality: Disability, Poverty, and Race in America”. Goodman, Morris, and Boston.
- <sup>66</sup> (U.S. Census Bureau, Industry by Class of Worker for the Civilian Employed Population 16 Years and Over) Table C24070
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