

RESOLUTION NO. 6323

A RESOLUTION ADOPTING ALBANY'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND FAIR HOUSING PLAN AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LET IT BE KNOWN TO ALL PERSONS of the City of Albany that discrimination or disparate treatment in the sale, rental, leasing, or financing of housing or land to be used for housing, or in the provision of brokerage services because of race, color, religion, sex, familial status, or national origin is prohibited by Title VIII of the 1968 Civil Rights Act as amended and Oregon law forbids discrimination based on marital status, sexual orientation, source of income, victims of domestic violence or sexual assault or stalking, or to residents that have won an eviction case brought by a former landlord.

WHEREAS, as a recipient of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, the City of Albany has the responsibility to affirmatively further fair housing and take measures to reduce fair housing discrimination within the city limits; and

WHEREAS, the City of Albany conducted an analysis to identify impediments to fair housing choice within the city and identified appropriate actions to overcome the effects of any impediments identified through the analysis; and

WHEREAS, the City of Albany Community Development Commission and staff sought public input on impediments to fair housing choice; and

WHEREAS, the Community Development Commission took public comments on the fair housing plan on April 14, 2014, and the City Council held a public hearing on April 23, 2014, and received comments in support of the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council adopts Albany's Analysis of Impediments to Fair Housing Choice and Fair Housing Plan, a copy of which is attached hereto as "Exhibit A".

DATED AND EFFECTIVE THIS 14th DAY OF May 2014.



Mayor

ATTEST:




City Clerk



CITY OF ALBANY

DRAFT ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND FAIR HOUSING PLAN

**CITY OF ALBANY, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT
MAY 14, 2014**

City of Albany

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

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City of Albany

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

SECTION I - EXECUTIVE SUMMARY

A. Introduction

The U.S. Department of Housing and Urban Development (HUD) requires recipients of federal funding to certify that they will affirmatively further fair housing. The City of Albany became a Community Development Block Grant Entitlement (CDBG) city in 2013 and began receiving CDBG funding in fiscal year 2013-2014.

The Analysis of Impediments to Fair Housing Choice (AI) is an associated document with the City of Albany's 2013-2017 Consolidated Plan and will serve as the basis for the City's fair housing efforts for the next five years. This is the City's first fair housing analysis and plan.

The purpose of the AI is to identify possible barriers to fair housing choice and assess conditions affecting fair housing choice such as availability of affordable and accessible housing and a review of possible discriminatory practices that may exist within the City of Albany. It serves as the basis for fair housing planning; provides information for policy makers, staff, housing providers and the public; and makes recommendations to further fair housing within the City. In order for the City of Albany to certify to the HUD that the city is affirmatively furthering fair housing, Albany is required to:

- 1) Conduct an Analysis of Impediment to Fair Housing Choice (AI);
- 2) Take appropriate action to overcome the effects of impediments identified through that analysis; and
- 3) Maintain records reflecting the analysis and actions.

Impediments to fair housing choice may include actions, omissions, or decisions taken because of, or which have the effect of restricting availability of housing choices for members of any of the federally protected classes (race, color, religion, sex, disability, familial status, and national origin) and Oregon protected classes (marital status, source of income and sexual orientation).

The City of Albany is committed to pursuing actions and policies that provide housing opportunities for all residents.

B. Conclusions

The analysis of public and private sector policies and practices identified the following areas of barriers or potential impediments to fair housing choice in Albany:

- 1) Lack of understanding of fair housing laws and resources available to address fair housing resources.
- 2) Albany's growing minority population presents linguistic and cultural barriers that make communication around fair housing and reporting fair housing issues more challenging.
- 3) Discriminatory practices related to housing are occurring in Albany; some have been reported and many have not due to fear of retaliation.
- 4) The availability of affordable housing was identified as a barrier for Albany's lowest income households.
- 5) Concentrations of low-income housing could be a barrier to housing choice.
- 6) Lead-based paint and an aging housing stock can create barriers to housing choice especially for families with children or elderly who do not want to expose their children to potential lead-based paint hazards.

The City has developed suggested actions to try to remove the identified barriers and improving fair housing choice within Albany over the next five years. These actions are detailed in Section V of this plan.

C. Methodology

The information contained in this *Analysis of Impediments to Fair Housing Choice* focuses on policies, procedures, and practices within the jurisdiction that affect the location, availability and accessibility of housing, the current residential patterns, and other conditions related to fair housing choice.

A number of data sources and organizations were relied upon during the completion of this analysis to provide information regarding fair housing complaints and concerns, affordable housing conditions, and demographic and income patterns and data in Albany. These sources and organizations include the following:

- 1990, 2000 and 2010 Census population estimates;
- 2005-2009 American Community Survey Four Year estimates;
- 2009-2011 American Community Survey Three Year Estimates;
- 2008-2012 Home Mortgage Disclosure Act (HMDA) public loan data;
- Department of Housing and Urban Development (HUD) – civil rights complaints and income data;
- Fair Housing Council of Oregon – Number of Albany complaints in 2013;
- Bureau of Labor and Industries (BOLI) – complaints regarding Oregon’s protected class laws;
- National Fair Housing Alliance for national trends in fair housing
- 2011-2015 Oregon Analysis of Impediments to Fair Housing Choice (dated July 30, 2010);
- City of Albany Development Code, Zoning Map and Comprehensive Plans

Community Input

The City was able to collect general information from attendees at fair housing trainings the City sponsored for residents (one in English and one in Spanish). The City also distributed a fair housing survey to Albany residents through a network of area social service providers, on the City of Albany’s website, and to various stakeholders working with protected classes and low-income people in Albany. The fair housing training attendees and surveys provided data on potential acts of discrimination, and potential impediments to fair housing.

D. Fair Housing Laws

Numerous acts, laws, and presidential executive orders have been enacted in order to create fair housing opportunities throughout the US. This legislation is summarized below. More detailed information is available from the US Department of Housing and Urban Development (HUD) website: <http://www.hud.gov/offices/fheo/FHLaws/index.ctm>.

1963 - Presidential Executive Order 11063: John F. Kennedy in 1963 began the legislation for fair housing by issuing presidential executive order 11063. The terms of the order stated that “discrimination in the sale, leasing, rental, or other disposition of properties and facilities” is prohibited if the properties or facilities are owned, operated, or funded by the government.

1964 - Civil Rights Act: The Civil Rights Act was introduced in 1964. According to Title VI of the act, “discrimination on the basis of race, color, or national origin” is prohibited in programs and activities receiving federal financial assistance.

1965 - Presidential Executive Order 11246: issued by Lyndon B. Johnson. According to this amended presidential order, discrimination based on race, color, religion, sex, or national origin was forbidden in federal employment.

1968 - Fair Housing Act (the Act): The federal Fair Housing Act of 1968, which is Title VIII of the Civil Rights Act, prohibits discrimination or other unfair actions against persons, which “otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, disability, or national origin.” The Act provides for a broad range of sanctions and remedies to cure existing and prevent future violations.

Oregon law forbids discrimination based on your marital status, sexual orientation, the source of your income, the fact that you are a victim of domestic violence, sexual assault or stalking, or the fact that you have won an eviction case brought by a former landlord.

The Act prohibits housing discrimination and disparate treatment – whether intentional or not, and actions or policies that may not seem to discriminate but that have a negative effect on fair housing choice or restricting housing choice, such as:

- Community resistance when minorities, persons with disabilities and/or low-income persons first move into white and/or moderate- to high-income areas.
- Community resistance to the siting of housing facilities for persons with disabilities because of the persons who will occupy the housing.
- Land use and zoning regulations.

State law also makes clear that housing discrimination is unlawful whether it is deliberate and intentional or has the effect of having a greater or 'disparate' impact on people who are in a protected group.

In the sale and rental of housing, it is illegal to take any of the following actions, omissions or decisions based on a protected class:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale or rental
- For profit, persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.

1968 - Architectural Barriers Act: In 1968 the Architectural Barriers Act was enacted to increase accessibility for handicapped individuals. The act "requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds [...] must be accessible to and useable by handicapped persons."

Additional protections for persons with disabilities: The landlord may not refuse to allow:

- Reasonable modifications to the dwelling or common use areas, at the tenant's expense and where the unit can be restored to the original condition, or
- Reasonable accommodations in rules, policies, practices or services, if necessary for the disabled person to use the property.

1973 - Rehabilitation Act: A provision of the federal Fair Housing Act, Section 504 of the act prohibits a “refusal to make accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford them [the handicapped person] equal opportunity to use and enjoy a dwelling [...] including public and common use areas.” This act reaches nearly all public activities that can adversely affect housing for handicapped people and is not limited to federally funded projects.

1974 – Housing and Community Development Act (HCDA): Section 109 of Title I of the HCDA was created in order to protect against discrimination when HUD funds are involved. That is, “programs and activities receiving financial assistance from HUD’s Community Development and Black Grant Program cannot discriminate based on race, color, national origin, sex, or religion.

1975 - Home Mortgage Disclosure Act (HMDA): The HMDA was passed by Congress in order to make loan information publicly available so the data can help determine how financial institutions are responding to the housing needs in their respective communities. HMDA also assists public officials in assessing fair lending practices. In mortgage lending: No one may take any of the following actions, omissions or decisions based on a protected class:

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

SECTION II. DEMOGRAPHICS, INCOME, AND HOUSING DATA

This section presents general demographic, economic and housing information. This data is used to examine the conditions that affect housing choice, impediments to housing choice, and the prevalence of persons protected under fair housing law, as well as the geographic distribution of these residents within the city. Population, race, familial status, disability, income and housing characteristics are examined in greater detail.

A. Population

Population is a critical indicator of current and future needs within Albany. Albany has added 17,000 new residents since 1990 for a 2011 population of 50,520. Albany grew faster than Oregon, Linn and Benton Counties in each decade from 1970 to 2011. Albany's population grew by 24% between 2000 and 2011 with an average annual growth rate of 2.1% between 2000 and 2011, up from 1.55% between 1980 and 1999.

Table 1. Regional Population Growth 1990-2011

	1990	2000	2011	Percent Change	
				1990-2000	2000-2011
Albany	33,523	40,852	50,520	21.9%	23.7%
Linn Co.	29,558	35,030	43,822	18.5%	25.1%
Benton Co.	3,965	4,980	6,698	25.6%	34.5%
Linn County	91,227	103,069	117,340	13.0%	13.8%
Benton County	70,811	78,153	85,995	10.4%	10.0%
Oregon	2,842,321	3,421,399	3,857,625	20.4%	12.7%

Sources: U.S. Census Bureau for 1990 and 2000, and Center for Population Research and Census, Portland State University for 2011

B. Age Distribution

Albany's population is continuing to age and is expected to see gradual improvements in life expectancy. Albany's median age was up to 34.9 in 2012, 32.7 in 2000, and 32.7 in 1990.

The aging baby boomers caused the population 55 to 64 to increase from 8% of the population in 2000 to 12% in 2010. Those 65 and older increased slightly between 2000 and 2010 from 12.7 to 13.2%. The percentage of the population over 55 is projected to grow over the next decade. The needs of those over 65, and especially those over 75, could have a significant impact on housing needs in Albany. The growing retired population will also have an impact on the economy, industry and services.

Table 2. Age Groups as a Percentage of Albany's Population

Age Ranges	2000		2010		2012	
	Count	%	Count	%	Count	%
0 to 14	9,012	22%	10,533	21%	11,053	22%
15 to 24	5,715	14%	6,858	14%	6,732	13%
25 to 34	5,914	14%	7,230	14%	7,385	15%
35 to 44	6,070	15%	6,521	13%	6,380	13%
45 to 54	5,583	14%	6,439	13%	6,531	13%
55 to 64	3,358	8%	5,988	12%	5,577	11%
65 to 74	2,298	6%	3,489	7%	3,667	7%
75 and older	2,902	7%	3,100	6%	2,914	6%
Total	40,852		50,158		50,239	
Median Age	32.7		34.6		34.9	

Source: U.S. Census Bureau and American Community Survey

C. Race and Ethnicity

An important component of a fair housing analysis is an examination of the concentration of racial and ethnic minorities within a jurisdiction to detect evidence of segregation. In most cases, housing prices are likely to have the biggest influence on where minorities choose to live. Sometimes it is a reflection of preferences to live in a particular area due to schools or proximity to amenities or family.

Housing needs and preferences are sometimes different. For example, household size has been higher for families of Hispanic/Latino origin, which may indicate more children or more than one generation living in a household. (The average Hispanic/Latino household size was 3.47 in 2000, compared with 2.49 for the entire Albany population.) According to a public survey of community development needs, several Hispanic/Latino residents requested rental housing without wall-to-wall carpet.

Albany’s population has become more racially and ethnically diverse since the 2000 Census. According to the 2010 Census, Albany’s non-Hispanic or Latino “white alone” population constitute 82.9% of the population, down from 89% in 2000. Albany’s Hispanic/Latino population has almost quadrupled since 1990 going from just under 3% of Albany’s population in 1990 to 11.4% in 2010. Albany has also experienced an increase in other ethnic populations and the number of persons of two or more races.

Table 3. Albany’s Racial and Ethnic Make-up in 2000 and 2010

	2000		2010	
Total population	40,852	100.0 %	50,158	100.0 %
Hispanic or Latino	2,489	6.1%	5,700	11.4%
Not Hispanic or Latino	38,363	93.9%	44,458	88.6%
White alone	36,361	89.0%	41,591	82.9%
Black or African American alone	217	0.5%	275	0.5%
American Indian and Alaska Native alone	500	1.2%	473	0.9%
Asian alone	465	1.1%	657	1.3%
Native Hawaiian & Other Pacific Islander alone	86	0.2%	88	0.2%
Some Other Race alone	1,084	2.7%	63	0.1%
Two or More Races	1,047	2.6%	1,311	2.6%

Source: U.S. Census Bureau, 2010.

Figures 1 & 2 show the location of Albany’s Hispanic/Latino and “Two or More Races” minority groups are located within the City. The City’s other minority residents are located throughout the city. Persons of Hispanic Origin account for more than 15% of the population in three of Albany’s census tracts. Two of the tracts qualify as low and moderate income (LMI) tracts by HUD because more than 50% of the households earn less than 80% of the area median income. Persons of Two or More Races, Not of Hispanic Origin are concentrated around the center of the city, also in two of Albany’s LMI census tracts.

Figure 1: Concentration of Persons of Hispanic Origin

Persons of Hispanic Origin

<1.69%

1.69-8.25%

8.25-12.9%

12.9-15.66%

>15.66%

Census Tracts



Low-Med Census Tracts

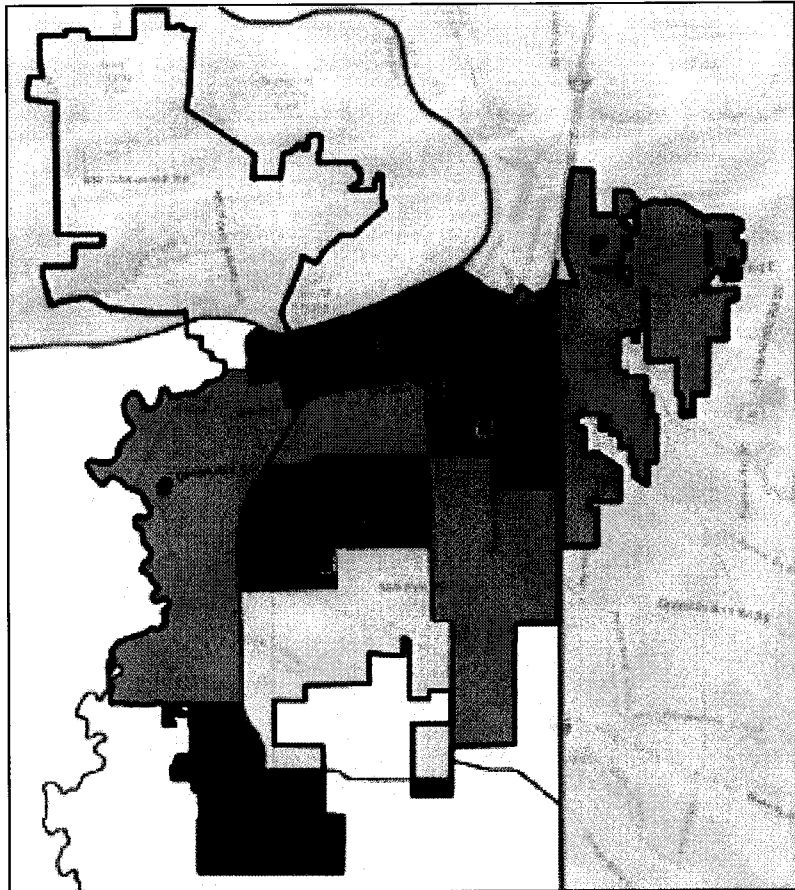


Figure 2: Concentration of Persons of Two or More Races (not Hispanic in Origin)

Two or more races (not Hispanic)

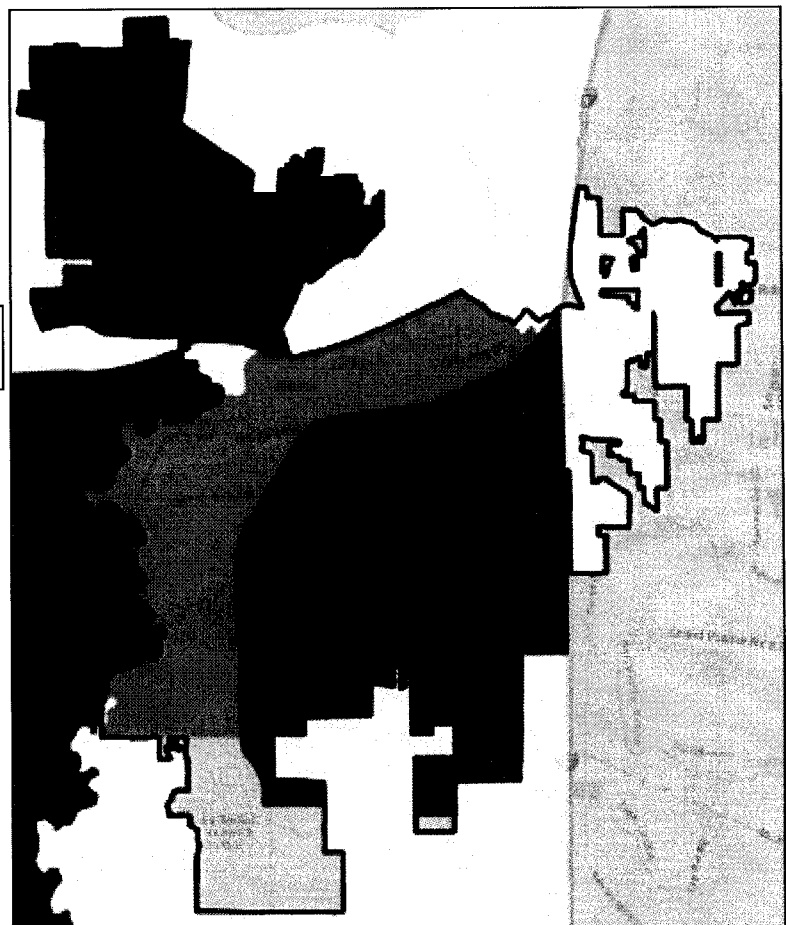
<0.31%

0.31-1.21%

1.21-1.27%

1.27-2.06%

>2.06%



D. Persons with Disabilities

The Census's definition of disability status is based on individual answers to several Census survey questions. According to the Census, individuals have a disability if any of the following three conditions are true: (1) they were 5 years old and over and had a response of "yes" to a sensory, physical, mental or self-care disability; (2) they were 16 years old and over and had a response of "yes" to going outside the home disability; or (3) they were 16 to 64 years old and had a response of "yes" to employment disability.

Many persons with disabilities require housing that has accessibility features, is near supportive services and public transit, and is affordable. Persons with disabilities are also at greater risk of experiencing housing discrimination, oftentimes due to a lack of knowledge about laws governing accommodations for the disabled. Persons with disabilities may also have greater challenges finding affordable and appropriate housing.

All three of the fair housing complaints in Albany processed by HUD were filed on the basis of disability. Ten of the 12 complaints filed in Albany with the Fair Housing Council of Oregon were based on disability status and most were due to failure to make reasonable accommodations.

According to the 2009-11 American Community Survey, a total of 8,351 of Albany's residents aged 5 and older live with disabilities. That number corresponds to 17.8% of the population over the age of 5, which is a little higher than the statewide percentage of the population with disabilities (16.5%). Of those with disabilities, 46.8% are sensory, 42.2% cognitive, 45.6% ambulatory/physical; 17% self-care, 27.5% with an independent living difficulty. (Note: individuals may identify more than one disability.)

Table 5. Albany Residents with a Disability, 2009-2011

Age	5 to 17	18 to 64	65 +	Total	%
Albany's Total Civilian Non-institutionalized Population by Age Group	9,439	31,075	6,360	46,874	100%
Population with a Disability	851	4,907	2,593	8,351	17.82%
With a hearing difficulty	113	1288	1234	2,635	31.6%
With a vision difficulty	87	798	381	1,266	15.2%
With a cognitive difficulty	691	2,224	611	3,526	42.2%
With an ambulatory difficulty	131	2163	1514	3,808	45.6%
With a self-care difficulty	152	750	503	1,405	16.8%
With an independent living difficulty		1460	834	2,294	27.5%

Source: U.S. Census Bureau, American Community Survey 2009-2011

In addition to physical and mental disabilities, many of Albany's homeless residents and households living in poverty struggle with unemployment and a variety of other issues such as addictions and criminal records.

E. Households and Household Composition

Albany had a total of 19,705 households in 2010 – with family households accounting for 65.4%. Almost half of all households include both a husband and wife, one-third of all households have children under 18 and almost one quarter of all households have a person 65 years or older. Single person households make up 26.7% of all households. Single households over 65 are 10%, with most of those being female.

Table 4. Households by Type, 2010

Total households	19,705	100%
Family households (families)	12,894	65.4%
With own children under 18 years	5,991	30.4%
Husband-wife family	9,428	47.8%
With own children under 18 years	3,849	19.5%
Male householder, no wife present	1,029	5.2%
With own children under 18 years	635	3.2%
Female householder, no husband present	2,437	12.4%
With own children under 18 years	1,507	7.6%
Nonfamily households	6,811	34.6%
Householder living alone	5,268	26.7%
Male	2,258	11.5%
65 years and over	517	2.6%
Female	3,010	15.3%
65 years and over	1,436	7.3%
Households with individuals under 18 years	6,645	33.7%
Households with individuals 65 years +	4,720	24.0%

Source: U.S. Census Bureau, 2010.

As of 2010, 2,142 households in Albany were single-parent families. This represents about 11% of all households in the City. Most of these single-parent households (1,507) were female-headed.

F. Economy and Income

Albany’s diverse economic landscape and educated workforce have much to offer businesses both small and large. The Albany area is the center of one of the most diversified non-metropolitan economies in Oregon. Manufacturing industries include specialty metals, finished building products, transportation-related services, and agricultural products including foodstuffs and their processing.

As with other communities throughout the state and nation, the trade and services sectors are becoming a more important part of the local economy as manufacturing jobs are lost. Linn County continued to lose jobs across most sectors in 2012 including manufacturing, government, private education and health, trade, transportation and utilities. In 2011, the Albany economy was led by the following sectors: education and health services; retail trade; manufacturing; arts, entertainment and accommodations.

Table 6. Household and Family Incomes, 2009-2011

	All Households	%	Families	Families %	Non-Family HHs	Non-Family HHs %
TOTALS	19,996		12,810		7,186	
Less than \$10,000	1,567	7.8%	721	5.6%	846	6.6%
\$10,000 to \$14,999	1,321	6.6%	751	5.9%	570	4.4%
\$15,000 to \$24,999	2,613	13.1%	1,457	11.4%	1,156	9.0%
\$25,000 to \$34,999	2,400	12.0%	992	7.7%	1,408	11.0%
\$35,000 to \$49,999	3,281	16.4%	1,904	14.9%	1,377	10.7%
\$50,000 to \$74,999	3,796	19.0%	2,701	21.1%	1,095	8.5%
\$75,000 to \$99,999	2,638	13.2%	2,119	16.5%	519	4.1%
\$100,000 to \$149,999	1,910	9.6%	1,760	13.7%	150	1.2%
\$150,000 to \$199,999	289	1.4%	224	1.7%	65	0.5%
\$200,000 or more	181	0.9%	181	1.4%	0	0.0%
Median Income (dollars)	\$45,426		\$54,008		\$28,478	

Source: U.S. Census Bureau, American Community Survey, 2009-2011 in 2011 Inflation Adjusted Dollars.

Table 6 shows Albany household and family incomes. According to the ACS data in Table 6, roughly 46% of Albany’s families had incomes less than \$50,000 in 2009-11. Despite increases in incomes since 2000, roughly 28% of Albany’s households earned less than \$25,000 in 2009-2011 and another 12% had earnings less than \$35,000. According to Table 6, more than half of Albany’s households earning less than \$25,000 annually were families. Albany’s median family income reported by HUD has decreased the last few years and was \$51,600 in 2014 for a family of four likely due to the slowed economy and higher unemployment rates.

According to the Census, Albany has a higher percentage of residents receiving public assistance when compared to the rest of Linn County and Oregon.

Table 7. Albany Households with Supplemental Incomes, 2009-2011

Total Households	19,996	100%	Mean Income
With Social Security Income	6,130	30.7%	\$16,355
With Supplemental Security Income	1,214	6.1%	\$8,093
With Retirement Income	3,931	19.7%	\$20,143
With Cash Public Assistance Income	1,010	5.1%	\$4,523
With Food Stamp/SNAP in past 12 mo.	3,992	20.0%	

Source: U.S. Census Bureau, American Community Survey 2009-2011

HUD has established definitions for moderate, low, very low, and extremely low-income households as percentages of the median family income (MFI) for an area as noted below. (The 2014 Linn County income equivalent for a family of 4 is provided in parentheses.)

- **Moderate-income** households whose incomes are between 81% and 95% of an area’s MFI (\$42,501 to \$49,020 for a family of four in Linn County in 2014);
- **Low-income** households are those earning less than 80% of the area’s MFI (\$42,500 for a family of four in 2014)
- **Very Low-income** households are those earning between less than 50% of the area’s MFI (\$26,550 for a family of four in Linn County in 2014),
- **Extremely low-income** households as those at or below 30% of an area’s MFI (\$15,950 for a family of four in Linn County in 2014).

Albany’s lowest income households are concentrated in the older areas of the City - in Tract 204 east of historic downtown, and in the center of the City south and east of state route 99E as seen in the following map figures.

Figure3- Concentration of Low Income Households (earning 50 < 80% of the median income)

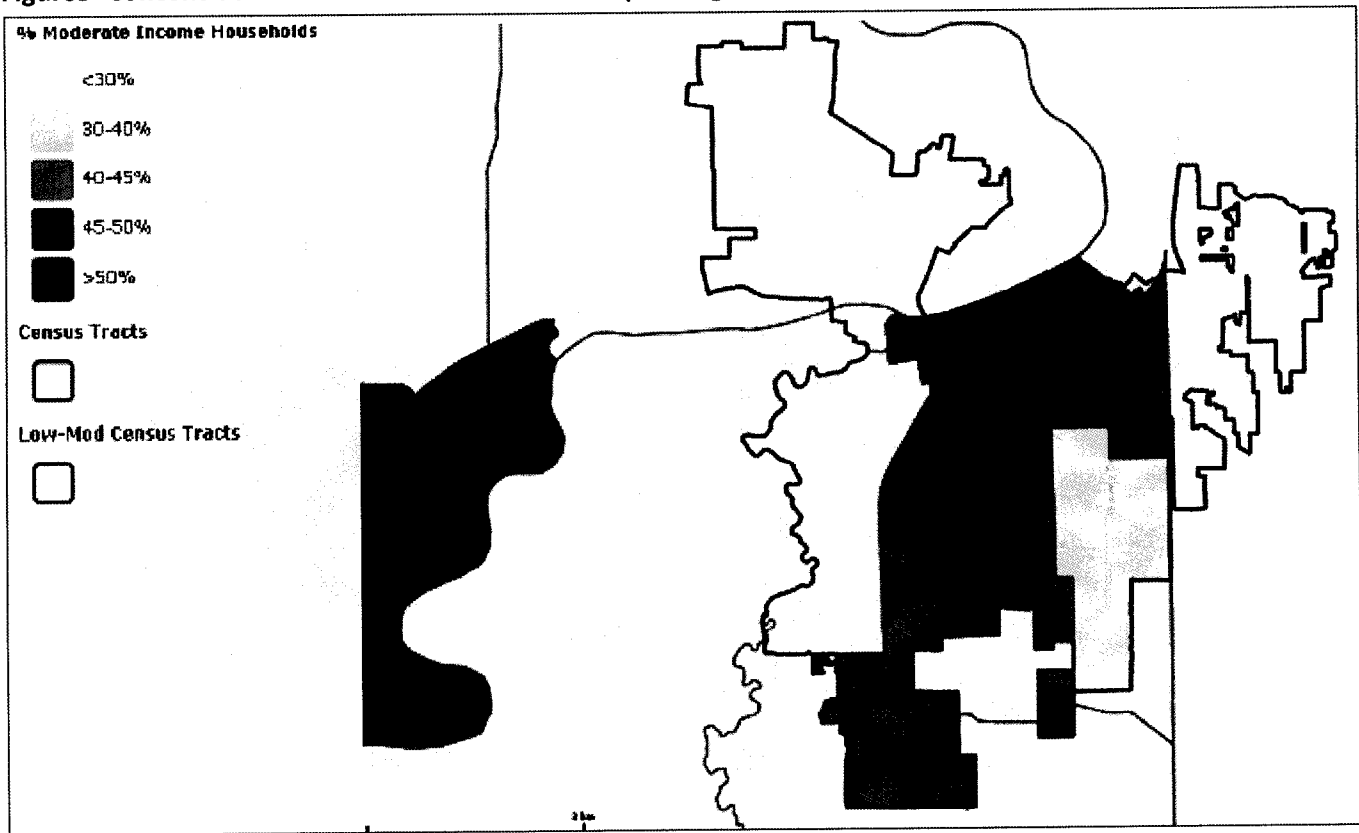


Figure 4 - Concentration of Albany's Very Low Income Households (Earning less than 50% of the median income)

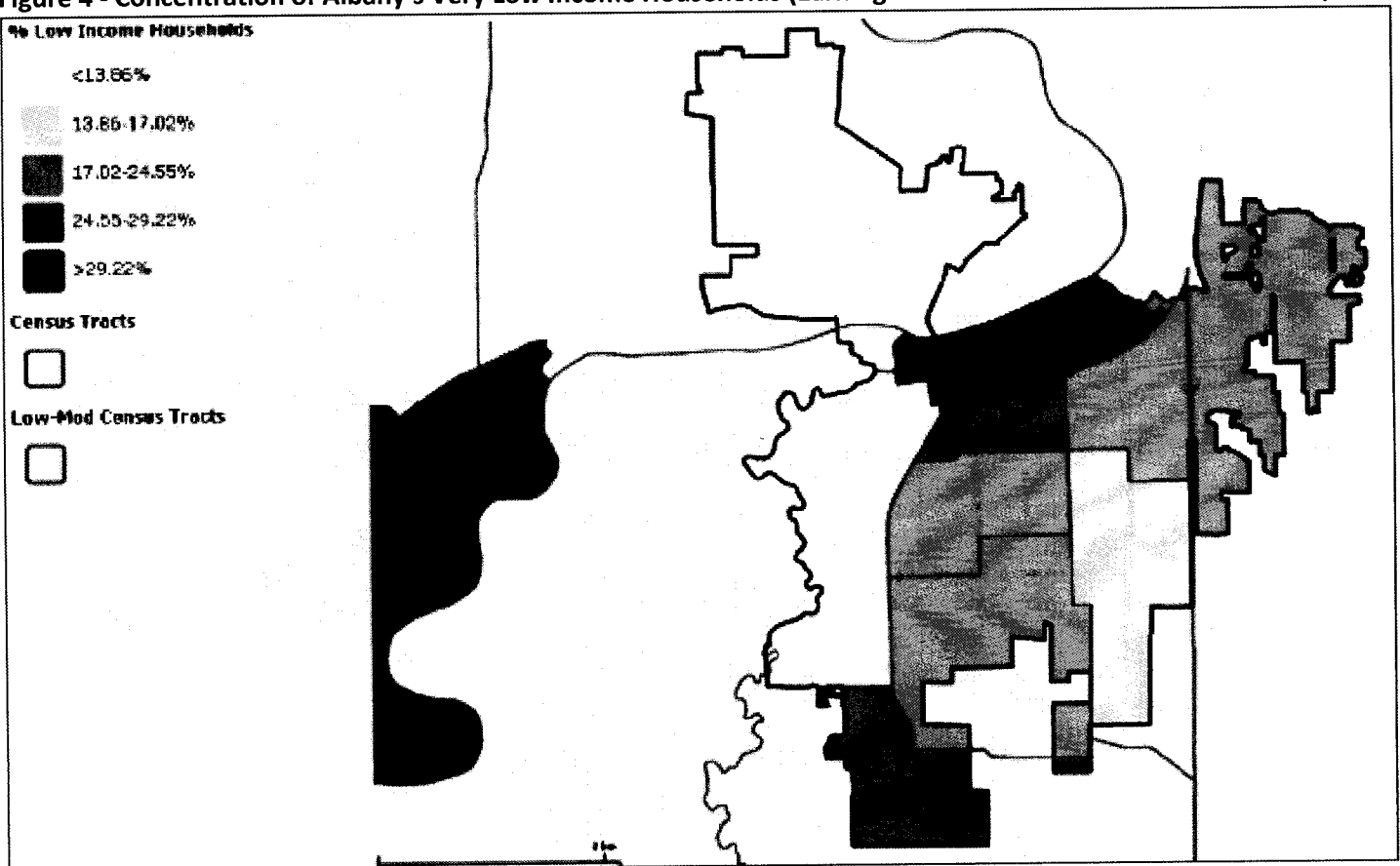
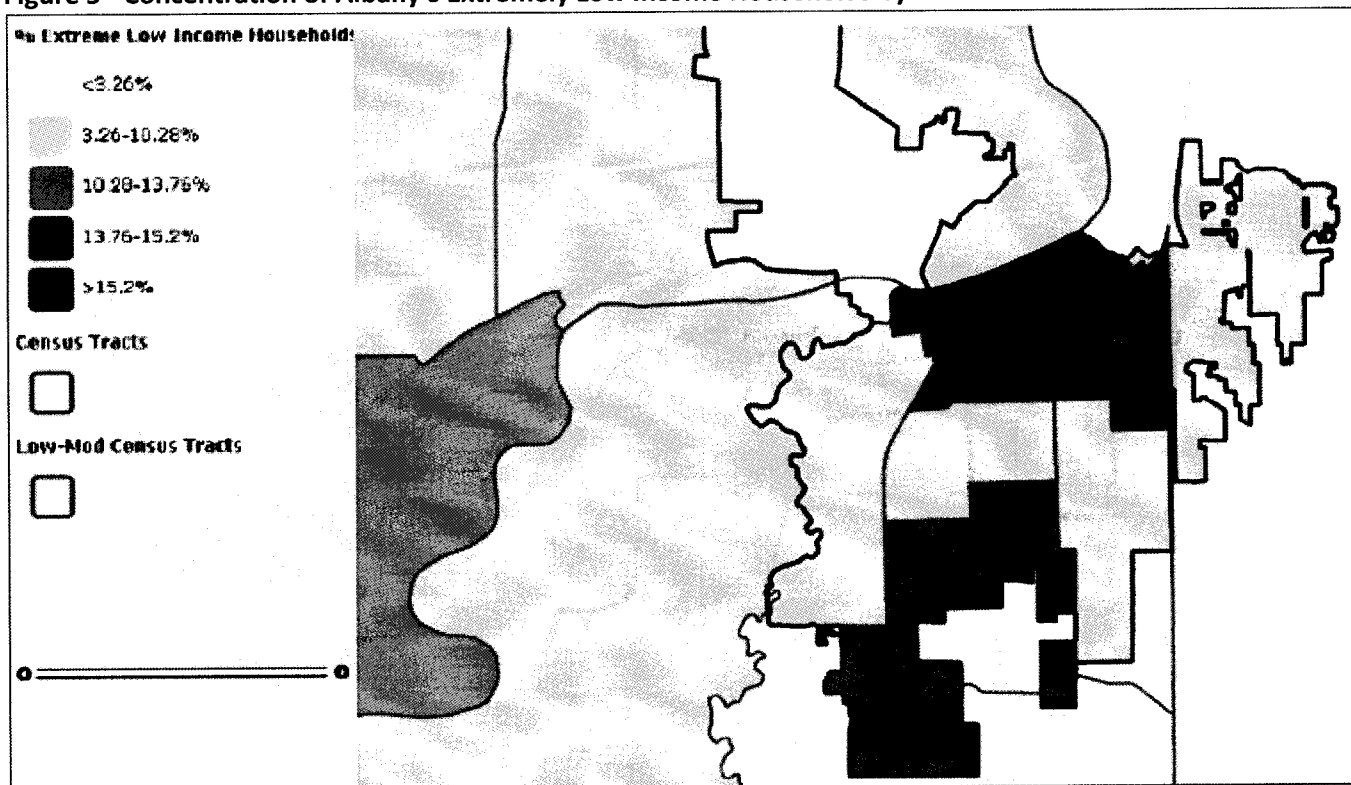


Figure 5 - Concentration of Albany's Extremely Low Income Households by Census Tract



G. Poverty

The US Census Bureau establishes poverty income limits annually to determine which households are living in poverty. These limits are based on the Consumer Price Index to reflect cost of living and are adjusted by family size and composition. Originally, the Social Security Administration created the poverty definition in 1964 for food programs.

According to *The 2008 Job Gap*, a study published by the Northwest Federation for Community Organizations, the federal poverty thresholds were based simply on food expenditures are outdated and do not fully reflect the true cost of living. Since the 1960's, the cost of housing, gasoline, utilities, health care and child care expenses have increased much faster than the cost of food. This study further indicates that many families with incomes above the federal poverty threshold still lack sufficient resources to meet their basic needs.

More than 20% of Albany's population was below the poverty level in the 2009-11 ACS. Of those below the poverty level, more than one third were under 18. The 2010 United States poverty level was \$10,830 for one person, \$14,570 for a two-person household, and \$22,050 for a four-person family. The federal poverty levels had not increased much by 2014, rising to \$11,670 for a 1-person household, \$15,730 for two, and \$23,850 for a four-person family or household.

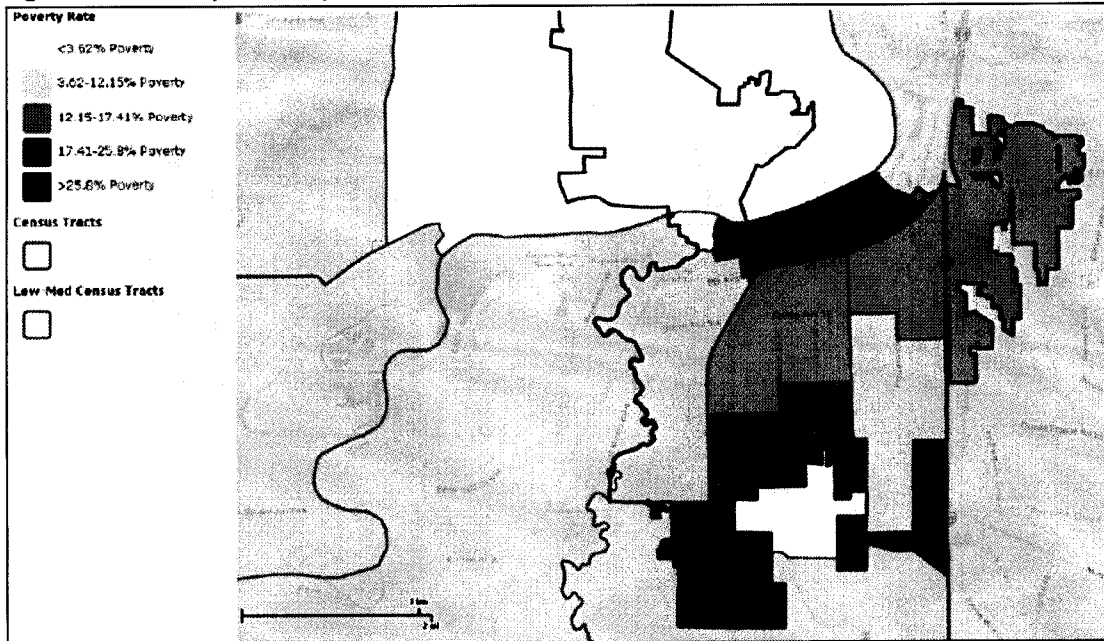
Table 8. Persons with Incomes Below the Poverty Level, 2009-11

Total Population for which poverty status is determined:	50,346	100%
Income below poverty level total population:	10,540	20.9%
Under 18 years	4,385	34.7%
18 to 64 years	5,654	18.0%
65 years and over	501	7.9%
SEX		
Male	4,676	19.8%
Female	5,864	22.0%
Employed	1,729	
Unemployed	902	

Source: U.S. Census Bureau, American Community Survey, 2009-2011.

The next map figure shows the concentration of poverty, by percentage of the population. Census Tract 204 has the highest poverty rate at over almost 40%.

Figure 6 – Poverty Rates by Census Tract



H. General Characteristics of the Housing Stock

According to the Census, Albany’s housing mix has not changed greatly over the last few decades. Table 9 provides data reported in the 2009-11 American Community Survey. Approximately 20% of Albany’s housing stock is apartments of 3 or more units; 12% is single-family attached and duplex units; and 67% is detached housing (including manufactured homes and RVs). Of note, the city staff estimates of multi-family units of 5 or more per property is approximately 3,900 apartment units. The discrepancy may be due to how the figures were reported by the Census (by building or by property, for example).

Half of Albany’s rental housing units are two-bedroom units, 27% are 3 or more bedroom units, while 84% of owner-occupied units of 3 or more bedrooms.

Albany’s home-ownership rate was 60% in 2010.

Table 9 – Residential Properties by Housing Type, 2009-11

Property Type	No. Units	%
1-unit detached structure	13,025	61%
1-unit, attached structure	1,133	5%
2 units	1,530	7%
3-4 units	1,713	8%
5-9 units	890	4%
10-19 units	674	3%
20 or more units	987	5%
Mobile Home, boat, RV, van, etc	1,286	6%
Totals	21,238	100%

Data Source: 2009-2011 ACS Data

I. Housing Affordability

Albany's housing stock provides a diverse mix of housing in different price ranges for owner-occupied and rental dwelling units. Albany's housing values and rents on average are generally much lower than those in Corvallis, Salem and Eugene, but are similar to Lebanon's. Due to much higher housing prices many residents that work in Corvallis or are students attending Oregon State University can't afford to live there so they live in Albany. Lebanon recently added a new medical campus that is also putting demands on Albany's housing stock.

Rents have gone up the last few years while incomes have decreased. The median contract rent increased from \$597 in the 2005-2009 ACS data to \$759 in the 2009-11 data. Looking at Table 10, the number of households paying less than \$500 for rent dropped from 2,112 in 2009 to 924 in 2011. The 2012 HUD calculated median income for Linn County was \$58,700. The 2013 Linn County median income was down to \$55,700 and down in 2014 to \$51,600. The cost of housing is greater than the ability for an average household's ability to purchase

While rents increased, home sales declined from an average high of \$218,279 in 2007 to \$170,488 in 2011 as reported by the Willamette Valley Multiple Listing Service (WVMLS). The WVMLS reported the 2012 average sales price of a single-family Albany home was \$159,435 in Linn County and \$244,420 in North Albany in Benton County where homes are larger and the price per square foot is higher.

Table 10—Cost of Rent and Mortgage Payments in 2011

Amount Paid	Rent #	Rent %	Housing w/ Mortgage #	Housing w/ Mortgage %
Less than \$299	338	4%	0	0%
\$300-499	586	7%	115	1.4%
\$500-749	3,022	37%	270	3.4%
\$750-999	2,688	33%	990	12.4%
\$1,000-1,499	1,256	15%	3,050	38.1%
\$1,500 or more	319	4%	2,176	27.2%
Total	8,209	100.0%	8,012	100.0%

Table 11 calculates affordable housing for income ranges in Albany up to \$50,000. Housing is considered affordable when housing costs, including utilities, do not exceed 30% of a household's gross income.

Table 11 - Albany Household Incomes (in 2011 inflation Adjusted \$)

			30% of Gross Monthly Income
Total households	19,996	100%	
Less than \$10,000	1,567	7.8%	\$250
\$10,000 to \$14,999	1,321	6.6%	\$250 - \$375
\$15,000 to \$24,999	2,613	13.1%	\$375 - \$625
\$25,000 to \$34,999	2,400	12.0%	\$625 - \$875
\$35,000 to \$49,999	3,281	16.4%	\$875 - \$1,250
Median household income	\$45,428		
Mean household income	\$53,315		

Data Source: 2005-2009 ACS

Housing cost burden is a substantial housing issue for a majority of Albany's very low- and extremely-low income households. The total number of households earning less than 80% of the area median income (AMI) and experiencing housing cost burden greater than 30 or 50% included 3,125 renter households and 1,045 owner households, which accounted for 38% of Albany's 18,164 households in 2005-09. These households include a mix of individuals, elderly, small and large households.

The data in Table 12 provides the number of Albany housing units that were affordable to extremely low, very low and

low-income households in Albany. Given the sluggish economy and flat wages coupled with increasing rents between 2009 and 2011, there are likely fewer housing units that are affordable to persons earning less than 50% of HAMFI in 2013.

Table 12 - Housing Affordability 2009-2011

# Units Affordable to Households earning	Renter	Owner
30% HAMFI	175	No Data
50% HAMFI	1,330	315
80% HAMFI	4,250	1,320
100% HAMFI	No Data	2,130
Total	5,755	3,765

Data Source: 2009-11 American Community Survey

J. Assisted and Subsidized Housing

The Albany Partnership for Housing and Community Development (APHCD), a local non-profit housing provider, currently owns 133 affordable units in Albany in four locations. APHCD's units served the following income ranges in 2013: 27 households earning less than 30% of the area median income (AMI), 45 households at 50% of the AMI, 41 households at 60% of the AMI, and 2 earning less than 80% of the AMI.

The Linn-Benton Housing Authority (LBHA or Housing Authority) distributes Housing and Urban Development (HUD) vouchers in Linn and Benton Counties and owns and manages low-income housing and, but owns no public housing units. Linn Benton Housing Authority's housing also serves Albany's very low-income households, providing most of Albany's affordable housing for seniors, elderly and disabled populations.

Section 8 Housing Choice Voucher Program. HUD's Section 8 Housing Choice Voucher Program provides rental subsidies to qualifying households who find rental housing in the private market. The Linn Benton Housing Authority (LBHA) operates the Housing Choice Voucher program. Families pay a portion of the rent and utilities, generally equal to 40% of their adjusted monthly income. LBHA pays the landlord the balance of the rents on behalf of the families. The Section 8 voucher program is the primary housing assistance for special needs populations, including those at-risk or formerly homeless and persons with disabilities. The program is popular because it offers families a wide range of choices about where to live and, it is the best program available to assist the very low-income households. The waiting list to participate in the program is long.

In 2013, 979 Albany households received Section 8 Housing Choice Vouchers and there were 1,158 Albany households on the waiting list. The current Section 8 waitlist is extensive and requires a 3 year wait or longer for a voucher.

In the LBHA service area, 38 percent of housing vouchers are being used by families with at least one disabled family member; 44% are going to families with children, and 10% of voucher holders are elderly.

Despite the number of existing affordable units and housing choice vouchers, the long housing choice voucher waiting list and the data in the tables above indicate there continues to be a large demand for affordable housing.

K. Housing Condition and Lead Based Paint

Albany's housing stock includes a large collection of units built before 1980, which are now more than 30 years old. Data collected for the Consolidated Plan indicate the number of substandard conditions – such as housing units experiencing overcrowding or lacking complete plumbing or kitchen facilities is relatively low. Combine the lack of income with the numerous housing units built before 1980, there are likely many housing units that are in need of rehabilitation, but the property owner can't afford to address maintenance issues or make necessary repairs or improvements, or can't afford to refinance or do not qualify to refinance. In addition, many of the homes may not have adequate insulation or energy efficient heating or appliances, adding to the monthly housing costs.

Since lead-based paint was banned from residential use in the U.S. in 1978, housing units built before 1980 are more likely to contain lead hazards. According to HUD, lead-based paint was used more extensively on housing units built before 1950 and paint had a higher concentration of lead. More than half of Albany’s housing units were constructed before 1980 and may contain lead hazards.

Table 13 – Housing Age, 2009-11

Year Unit Built	TOTAL	
	Number	%
2000 or later	4,212	20%
1980-1999	5,194	24%
1950-1979	8,534	40%
Before 1950	3,298	16%
Totals	21,238	100%

Data Source: 2009-11 ACS

Lead paint abatement can be costly and safe lead practices add costs to rehabilitation projects.

The goals of Albany’s housing rehabilitation loan program are to improve Albany’s housing stock and address lead paint hazards.

SECTION III. IDENTIFYING IMPEDIMENTS TO FAIR HOUSING CHOICE

This section identifies fair housing barriers in Albany. It includes an analysis of zoning and land use laws and policies; contains an analysis of lending activity; barriers identified by the community; and reports fair housing complaints data.

Impediments to fair housing are defined as:

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

Impediments to fair housing choice include actions that:

- Constitute violations, or potential violations, of the Fair Housing Act.
- Are counterproductive to fair housing choice, such as:
 - Community resistance when minorities, persons with disabilities and/or low-income persons first move into white and/or moderate- to high-income areas.
 - Community resistance to the siting of housing facilities for persons with disabilities because of the persons who will occupy the housing.
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

A. Public Sector

Housing Policies

The Albany Comprehensive Plan provides land use goals and policies related to housing and community development. The goals of Albany's housing policies are to:

- Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.
- Create a city of diverse neighborhoods where residents can find and afford the values they seek.

The following Plan policies are adopted in support of fair housing choice:

1. Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.
16. Encourage the development of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses.
17. Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.
18. Encourage providers of transitional housing units, shelters and single-room occupancy housing to locate near Village Centers, employment centers, and public transportation.
19. Comply with federal, state, and local fair housing laws and policies that affirm access to housing opportunities for all persons in Albany.

Zoning and Land Use Review

The Fair Housing Act does not pre-empt local land use and zoning laws. The City of Albany Development Code, Zoning Map, and Comprehensive Plan were reviewed for potential barriers to affordable housing or negative effects on fair housing choice. Over the years, the City has incorporated many affordable housing strategies into its land use regulations such as mixed use zones, flexibility in lot sizes in subdivisions, accessory apartments, and density bonuses for housing constructed for households earning less than the area median income. Consequently, there is no particular

policy with negative effects. When asked if survey respondents were aware of any zoning or land use laws that create barriers to fair housing choice or encourage segregation, all responses were “no.”

Residential Zoning. Albany has several residential zoning districts throughout the City. Two medium-density residential zoning districts allow for a variety of housing types and densities to promote affordable housing, mixed income housing and housing diversity. The RM Residential Medium Density zone allows detached single-family dwellings on 3,500 square foot lots, attached housing and multi-family units up to 25 units/acre. The RMA district allows attached housing up to 35 units an acre.

The RS-5 single-family district allows attached housing on individual lots and smaller lot housing to allow for reduced cost housing. The RS-10 and RS-6.5 zones only allow detached single-family, except duplexes are permitted on corner lots. Minimum lots sizes are larger, so housing prices in these districts are more expensive and there is a higher home-ownership rate.

Accessory dwelling units attached to a single-family home or in accessory buildings on the same property allow for intergenerational living and rents can help the primary homeowner. The City allows accessory dwelling units that are attached to or incorporated into a dwelling unit up to 750 SF or 50% of the size of the main dwelling unit in all zoning districts if one of the units is owner occupied. Detached accessory dwelling units are allowed in limited circumstances - in areas developed after 2007 or in a building constructed prior to Feb 1, 1998.

The Code allows *group homes* for five or fewer residents in all residential zoning districts and they are considered a single-family dwelling. The Code also allows for assisted living and group facilities as conditional uses. The definitions could be clarified to include all classes protected by the Fair Housing Act and in Oregon law.

The Code does not restrict housing opportunities for disabled residents.

Housing Diversity. Survey responses indicate that lack of diversity in housing in neighborhoods is a barrier to affordable housing. New development is not required to provide a mix of housing sizes or types, or meet a minimum density.

The City allows lot sizes in subdivisions to be up to 30% smaller if the average lot size meets the minimum. This is not required. *Planned developments* allow for flexibility in housing types in exchange for 40% set aside in common area or natural resource protection. *Clustered developments* reduce costs of extending public utilities and streets that could be passed on to the residents.

Mixed Use Zoning Districts. Albany has numerous mixed-use zoning districts that provide options for developing a variety of housing types that are often found to be more affordable due to size and use of the land including small-lot housing, attached housing and apartments.

Infill Development. New units on infill properties are required to provide a garage or carport if 50% or more of the houses within 150 feet have them. Garages can add cost to constructing a dwelling unit. This standard has added costs for houses constructed by Albany Area Habitat for Humanity, as they typically do not construct garages.

Developer Fees. Like other Oregon cities, the City of Albany has systems development charges for city utilities, transportation and for parks and recreation. The fees help offset the demand on these utilities or services created by new development. There is no policy to allow reduced fees for affordable housing development.

Affordable Housing Incentives. The City has a sliding scale density bonus between 5 and 15% for projects that provide a percentage of units affordable to households with income up to 1.2 times the median income for the counties. The incentives do not specifically address housing for very-low and extremely-low income households, those earning less than 50% of the area median income.

Available Land. The 2005 Albany Housing Needs Analysis concluded that there will be demand for more medium density housing and land in the next 20 years. Since the analysis some land was rezoned from single-family to medium density in

South Albany to help offset projected demand.

B. Home Mortgage Disclosure Act (HMDA) Data Analysis

This section contains an analysis of home loan data reported by lending institutions as required by the Home Mortgage Disclosure Act (HMDA). Concern about discriminatory lending practices in the 1970s led Congress to adopt the HMDA that requires financial institutions to collect and report HMDA data to determine whether potentially discriminatory lending patterns are present in a jurisdiction.

Lending institutions meeting specific criteria are required to report data each year regarding their loan transactions as well as information about the clients and properties involved in those transactions. This transaction data includes:

- Application and applicant data for loans;
- Loans approved and denied by purpose (e.g., home improvement, home purchases, refinancing, etc.);
- Loans approved and denied by type (e.g., conventional loans or government insured loans);
- Loans purchased or sold by the financial institution.

Information reported about applicants includes demographic information such as race, gender, marital status and income level. Data collected on the related property includes the location by Census tract, type of housing, value of housing, loan value, purpose, and loan type.

HMDA data can be used to determine disparities in loan originations and interest rates among borrowers of different races, ethnicities, genders, and location of the property they hope to own. The data can also be used to explain many of the reasons for any lending disparities (e.g., poor credit history). Despite expansions in the data reported, HMDA analyses remain limited because of the information that is *not* reported.

A review of the loan purpose from 2008 through 2012 in Table 14 finds that 68% were refinances, 28% were for home purchases, and 4% of loans were for home improvements. Over the five-year period, 67% of the loans were originated or purchased by the institution, 16% were denied, and 17% were either withdrawn, incomplete or were not accepted upon approval.

Table 14. Action Taken on Loan Applications by Loan Type 2008-2012

2008-2012 Type of Loan	Total No. of Applications		Loan Denied		Loan Originated		Loan purchased by the institution		Other: File closed, withdrawn, approved but not accepted	
Home Improvement	2,055	3.7%	747	36.4%	771	37.5%	175	8.5%	17.6%	361
Home Purchase	15,760	28.4%	1,549	9.8%	7,711	48.9%	4,364	27.7%	13.5%	2135
Refinancing	37,630	67.9%	6,646	17.7%	18,662	49.6%	5,472	14.5%	18.2%	6,849
Totals	55,443	100%	8,942	16.1%	27,144	49.0%	10,011	18.1%	16.9%	9,345

Source: Home Mortgage Disclosure Act (HMDA), 2008-2012.

Loan applications for home purchases had the highest origination rates, while home improvements had the highest denial rates. Approximately 36% of home improvement loans were denied, indicating some difficulty in accessing home equity for home improvement projects. Almost half of all home purchase loan applications were originated, and 28% were purchased by the bank.

Table 15 compares the most recent data available for the year 2012 with the last five years. The percent of loans originations increased in 2012 over the average of the last five years to almost 56%, with another 15% purchased by the institution.

Table 15. Action Taken on Loan Applications, Albany, 2012 and 2008-2012

Action Taken on Loan Applications	2012		2008-2012	
	No. of Applications	%	No. of Applications	%
Loan originated	1,994	55.6%	27,144	49.0%
Loan purchased by the institution	547	15.3%	10,011	18.1%
Application denied by financial institution	470	13.1%	8,942	16.1%
Application approved but not accepted	119	3.3%	2,463	4.4%
Application withdrawn by applicant	327	9.1%	5,331	9.6%
File closed for incompleteness	127	3.5%	1,551	2.8%
Totals	3,584	100%	55,442	100%

Source: Home Mortgage Disclosure Act (HMDA), 2008 - 2012.

Tables 16 indicate that the Hispanic or Latino applicants have denial rates of more than 6 basis points and applications for Non Hispanic or Latino applicants were 10 points higher than for Hispanic and Latino applicants. Table 17 indicates that American Indians or Alaska Native applicants have the highest denial rate by more than 10 percentage points with the next highest denial rates by Native Hawaiian or Other Pacific Islander applicants.

Table 16. Loan Action by Ethnicity, 2008-2012

Action by Ethnicity	Hispanic or Latino		Not Hispanic or Latino		Info not Provided	
	No. of Applications	%	No. of Applications	%	No. of Applications	%
Application denied	357	23.2%	7,311	16.5%	1,256	21.7%
Loan originated	663	43.1%	23,654	53.3%	2,634	45.6%
Loan purchased by the institution	197	12.8%	5,793	13.1%	486	8.4%
File closed for incompleteness	44	2.9%	1,205	2.7%	296	5.1%
Applic. withdrawn by applicant	189	12.3%	4,348	9.8%	784	13.6%
Applic. approved but not accepted	87	5.7%	2,049	4.6%	321	5.6%
TOTALS	1,537		44,360		5,777	

Source: Home Mortgage Disclosure Act (HMDA), 2008 - 2012.

Table 17. Loan Action by Race, 2008-2012

2008-2012 Applicant Race	Total No. of Applications	Loans Denied		Loans Originated		Loans purchased by the institution		Other: File closed, withdrawn, not accepted by appl.	
		No. of Applications	%	No. of Applications	%	No. of Applications	%	No. of Applications	%
American Indian or Alaska Native	387	119	30.7%	167	43.2%	43	11.1%	68	15.0%
Asian	1,163	168	14.4%	636	54.7%	138	11.9%	221	19.0%
Black or African American	147	25	17.0%	66	44.9%	25	17.0%	31	21.1%
Native Hawaiian or Other Pacific Islander	147	29	19.7%	75	51.0%	22	15.0%	21	14.3%
White	44,011	7,313	16.6%	23,391	53.1%	5,744	13.1%	7563	17.2%

Ethnicity Not Provided by Applicant	15,328	1,271	8.3%	2,621	17.1%	10,011	65.3%	1,425	9.3%
Not applicable	3,753	17	0.5%	188	5.0%	3,532	94.1%	16	0.4%
TOTALS	64,936	8,942		27,144		19,515		9,345	

Source: Home Mortgage Disclosure Act (HMDA), 2008 - 2012.

Table 18. Loan Activity by Income and Ethnicity, 2008-2012

Income/Ethnicity	Total No. of Applications	Originated	Purchased by lender	Denied	Other*
<\$50,000					
Hispanic or Latino	584	38.9%	13.0%	29.1%	19.0%
Not Hispanic or Latino	11,524	47.8%	15%	21.4%	16.8%
>\$50,000					
Hispanic or Latino	838	45.2%	12.9%	20.6%	21.2%
Not Hispanic or Latino	29,089	55.1%	12.1%	15.0%	17.7%

Source: Home Mortgage Disclosure Act (HMDA), 2008 - 2012.

Table 18 shows the ethnicity of applicants submitted by Hispanic or Latino and Non Hispanic Latino and breaks out by incomes less than \$50,000 and greater than \$50,000 from 2008 to 2012. The denial rates for is higher for lower income applicants than those earning more than \$50,000. The Hispanic or Latino applicants have a higher loan denial rate than the Non Hispanic or Latino applicants – 29.1% for applicants earning less than \$50,000 compared to 21.4%; and 20.6% for those earning more than \$50,000 compared to 15%.

Table 20 shows the reasons loan applications were denied over the last five years. Lack of collateral was most commonly cited as the reason for the denial, followed by debt-to-income ratio, and credit history was third.

Table19. Reasons Loans were Denied, 2008-2012

Reason	Number	%
Collateral	1,844	27.9%
Credit application incomplete	700	10.6%
Credit history	1,189	18.0%
Debt-to-income ratio	1,379	20.9%
Employment history	86	1.3%
Insufficient cash (down payment, closing costs)	132	2.0%
Mortgage insurance denied	10	0.2%
Other	1,025	15.5%
Unverifiable information	246	3.7%
Totals	6,611	100%

Source: Home Mortgage Disclosure Act (HMDA), 2008 - 2012.

Predatory Lending. The Community Reinvestment Act (CRA) was enacted by Congress in 1977 to encourage depository institutions to meet the credit needs of the communities in which they operate, including low and moderate income neighborhoods. The CRA requires four federal bank supervisory agencies to assess performance periodically. Performance is evaluated in terms of the institution (capacity, constraints and business strategies), the community (demographic and economic data, lending, investment, and service opportunities), and competitors and peers. Ratings assigned are: outstanding, satisfactory, needs to improve, and substantial noncompliance.

There was no information the Federal Financial Institutions Examination Council website that provides CRA data specific to banks operating in the City of Albany. Several large banks, like Wells Fargo, receive outstanding or satisfactory ratings.

C. FAIR HOUSING COMPLAINTS

National Trends

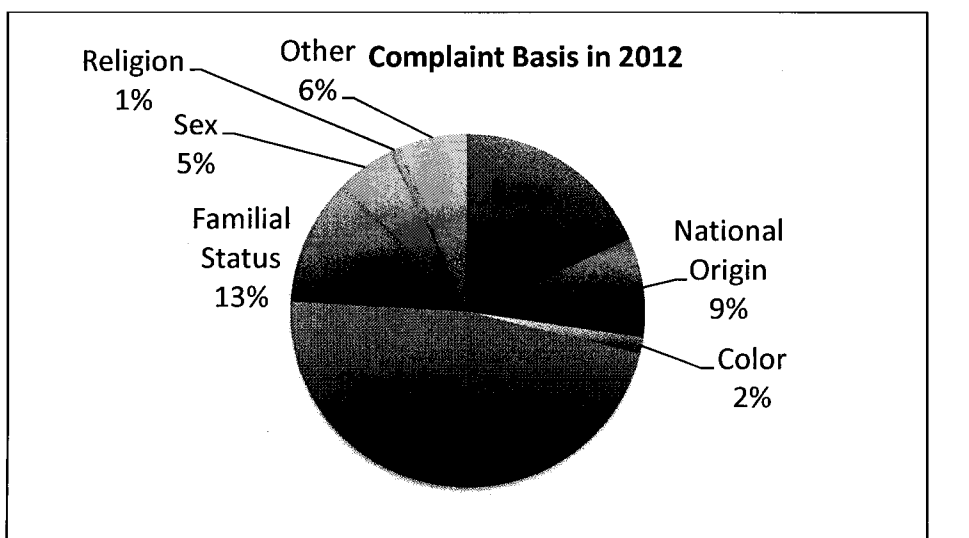
Each year the National Fair Housing Alliance (NFHA) collects data from both private, non-profit fair housing organizations and government entities to present a snapshot of fair housing enforcement in the United States. The *2013 Fair Housing Trends Report* provides housing discrimination data for 2012.

In 2012, private fair housing agencies saw an increase in complaints in all areas that data is collected except in the homeowner's insurance category. Private agencies investigated 69 percent of the year's complaints. Federal, state and local Fair Housing Assistance Program (FHAP) agencies accounted for the rest. HUD saw an increase in each transaction category, except in the rental category. HUD filed four times more "Secretary-initiated complaints" than in 2011. With budget cuts, FHAP agencies saw a decrease in complaints. The Department of Justice (DOJ) filed fewer cases in 2012; however, the cases it pursued were bold and far-reaching. DOJ's focus remained on fair lending and design and construction activities.

A total of 28,519 fair housing complaints were filed in 2012 nationally. Complaint data only reflect the reported incidences of housing discrimination. Many don't report housing discrimination since as many don't know where to go or whether anything will be done about it, or they fear consequences. According to the NFHA, a conservative estimate puts the number of fair housing violations at four million annually nationwide.

Reported Discrimination by Protected Class – Nationally

According to NFHA data, disability claims account for almost half of all fair housing complaints in 2012 against federally protected classes.



Source: 2013 Fair Housing Trends Report, published by the National Fair Housing Alliance

Agencies also receive complaints about discrimination against groups protected only by state and local laws. NFHA members reported receiving the following complaints from several classes of persons not protected by the federal Fair Housing Act:

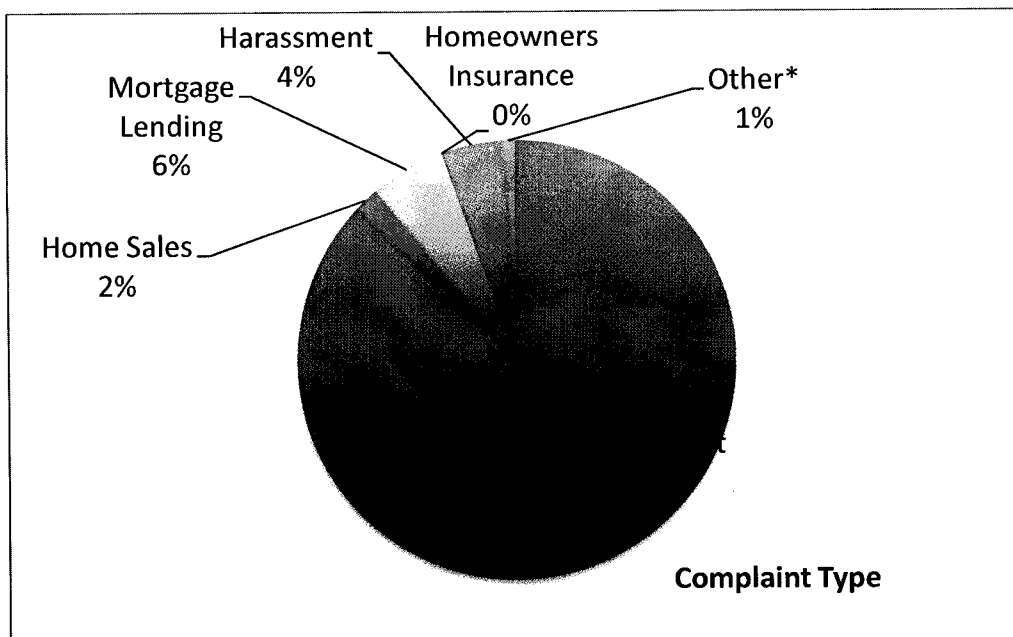
- 569 – Source of Income
- 222 – Age
- 175 – Sexual Orientation
- 135 – Marital Status
- 45 – Gender Identity or Expression

NFHA members also reported 122 complaints that involved discrimination based on criminal background, ancestry, lineage, military status, domestic violence, student status, lawful occupation, place of residence, family responsibility, or “arbitrary” status.

HUD has shown a willingness to investigate complaints of gender identity and sexual orientation discrimination if they fall under sexual discrimination. HUD also issued final regulation that makes it illegal to discriminate against LGBT people in any HUD-funded or Federal Housing Administration insured housing.

Complaints by Type, Nationwide

Most complaints reported are in related to rental market transactions. Mortgage lending and home sales are a distant second. The “other” category includes discrimination in other housing-related transactions including zoning-related activities, retaliation, homeowner associations, advertisements and homeless shelters.



Source: 2013 Fair Housing Trends Report, published by the National Fair Housing Alliance

Complaint Process

Albany residents who feel that they might have experienced a violation of the Fair Housing Act can contact one or more of the following organizations:

- The Department of Housing and Urban Development’s (HUD) Office of Fair Housing and Opportunity (FHEO);
- The Civil Rights Division of the Oregon Bureau of Labor and Industries (BOLI)
- Fair Housing Council of Oregon (FHCO); and
- Legal Aid.

HUD FHEO has the responsibility to enforce the Fair Housing Act. BOLI has separate jurisdiction over claims of discrimination covered under state law, but not covered under federal law.

The Fair Housing Council of Oregon is a private fair housing organization that receives HUD funding under the Fair Housing Initiatives Program (FHIP) to provide education at the local level to the housing industry and potential victims of housing discrimination. They also provide intake calls from Oregon residents related to fair housing. They process complaints and provide testing to substantiate claims of discrimination.

Valid complaints that are filed with HUD or BOLI may be investigated directly by HUD or BOLI or may be investigated and processed by the Fair Housing Council of Oregon (FHCO), which receives reimbursement from HUD under the Fair Housing Assistance Program (FHAP).

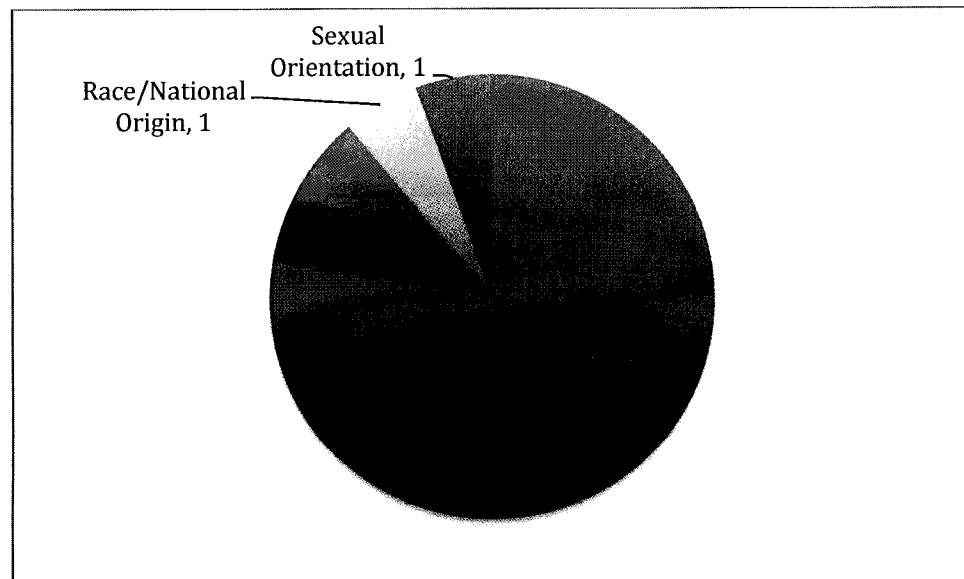
Albany Complaints

Between January 1, 2010 and December 31, 2012, HUD took in twelve legitimate fair-housing allegations from Albany. All but one complaint concerned rental property transactions. Disability was the basis of ten complaints regarding: rent terms and conditions, reasonable accommodations, and in one case, refusal to rent by the landlord. There was one complaint regarding refusal to rent due to sexual orientation; and the last was refusal to sell due to numerous eligible basis – familial status, national origin, source of income and age. Nine of these allegations were filed in 2012, so there may be an increase in violations.

BOLI received three cases from Albany in 2011 and 2012. The basis of all three cases was disability. One case was closed due to lack of substantial evidence and two were in presenter review upon receipt of the data. In 2012, BOLI also concluded a settlement of unlawful discrimination charges against an Albany apartment complex. BOLI's charges against the property owners alleged attempts to charge a non-refundable "deposit" for allowing a resident with a disability to keep a companion animal. The settlement agreement included a \$50,000 payment, policy revisions, annual training for the respondents' staff, and ongoing monitoring by the Civil Rights Division at BOLI. Respondents have to report every disability accommodation request received and how it is resolved for two years.

The Fair Housing Council of Oregon (FHCO) received two legitimate allegations in 2011 and 2012. Familial status was the basis of one call and disability – refusal to rent was the basis of the second allegation.

Local Complaint Basis



FHCO staff are able to mitigate the situation themselves in roughly 75% of the cases, and 25% are not. For the roughly 25% allegations that the FHCO does not resolve working with the landlord, approximately 65% of these are referred to BOLI or to HUD. The FHCO received 12 calls from Albany residents in 2012 requesting fair housing information, and 22 additional calls for general information or information related to landlord/tenant laws. In all cases, the callers were asking about rental transactions.

D. Community Input

Both a resident and agency/provider survey were developed in order to assist in identifying knowledge of fair housing laws, whether there is unreported discrimination, barriers to affordable housing, and suggestions for how to remove barriers. The City also collected this information from attendees of a fair housing training for tenants.

Understanding of Fair Housing Laws. Very few residents elected to answer the fair housing law scenarios. There may be a lack of knowledge or awareness of all types of protected classes in Oregon and there is only general, limited knowledge about fair housing laws.

Most survey respondents said they did not know who to contact if they experienced or saw discrimination. Latino families that attended the fair housing training did not know whom to contact regarding discrimination. They were also afraid of retaliation, eviction, and don't know or understand the process.

City staff is unaware of any previous fair housing law training for the public in Albany and is unsure how fair housing law information is distributed throughout the City.

Service Provider Information. All of the service providers that responded indicated they were very knowledgeable of fair housing laws. They serve Albany's low-income, elderly, homeless families, victims of domestic violence, person with mental illness or physical disabilities, youth, immigrants, and people with substance abuse issues.

Resident Survey: Is housing discrimination an issue in Albany? Residents feel that housing discrimination is an issue in Albany. None of the residents that completed the survey had experienced discrimination themselves, possibly because of their demographics (single, white, and healthy).

Discriminatory activities that are believed to be occurring in Albany include reported through surveys include:

- Refusal to make reasonable accommodations for tenants with disabilities,
- Discriminatory advertising,
- Providers placing certain tenants in the least desirable units,
- Real estate agents directing clients to rental or for sale housing only in certain neighborhoods, and
- Sellers refusing to show their homes to certain buyers.

Reasons discrimination not reported: Responses included a fear of retaliation, eviction, lack of knowledge about rights or the complaint process, and language and cultural barriers.

Basis for Discrimination. Providers believe that the most common reasons for housing discrimination in Albany are due to race/ethnicity, national origin, income, and religion. Interestingly, most complaints that have been filed were related to disabilities and failure to provide reasonable accommodation.

Provider answers generally indicate that it is "somewhat likely" for their clients to experience discrimination. However, many felt that more than half the incidents of discrimination are unreported. One provider has reported acts of discrimination to HUD. Providers were asked to indicate what percentage of the different populations they serve were the most likely to have experienced discrimination in the past. Responses included people with development or physical disabilities, low-income residents, victims of domestic violence, and immigrants.

Barriers to Fair Housing: The following barriers were identified or suggested through the surveys and discussion with residents, but were not investigated to determine the extent of the barrier:

- Economic barriers (education, employments and being low-income);
- Language and cultural barriers – in reporting allegations of discrimination, completing rental applications and other forms, lack of social security number, and communicating housing issues and concerns;
- Lack of knowledge among residents, tenants and real estate agents regarding fair housing;
- Concentration of low-income housing in certain areas;
- Concentration of group homes in certain areas of the City;
- Lack of diversity in housing in neighborhoods; and
- Lack of knowledge among real estate agents regarding fair housing.

Suggestions for potential changes in fair housing practices and/or to remove impediments to fair housing include: providing more knowledge and education about fair housing issues generally, holding public meetings, providing fair housing information at public facilities and on the City's Website, providing bilingual advertisements about events, radio announcements, and using cable television programming.

SECTION IV. FAIR HOUSING ACTIVITIES

A. Fair Housing Enforcement

Persons who believe they have been discriminated against under the provisions of the Federal Fair Housing act have the right to file an administrative complaint directly with the U.S. Department of Housing and Urban Development (HUD) and the Oregon Bureau of Labor and Industry (BOLI). Residents and others may also call the Fair Housing Council of Oregon (FHCO) to get more information about fair housing laws and to talk to staff to determine if an act of discrimination has occurred. The FHCO staff will first determine if an alleged violation has occurred. If so, they may conduct further investigation or field testing to verify whether or not discrimination has occurred. The FHCO will first work to resolve the case favorably. Cases that can't be resolved are referred to HUD or BOLI.

HUD has the primary authority for enforcing the Fair Housing Act. HUD investigates the complaints it receives and determines if there is a "reasonable cause" to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).

HUD further defines fair housing choice as "the ability of persons of similar incomes to have available to them the same housing choices regardless of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but operate to deny or adversely affect the provisions of housing to persons (in any particular protected class) may constitute such impediments."

Residents and landlords may also file complaints directly HUD online or through the toll-free Fair Housing line (<http://www.hud.gov/complaints/housediscrim.cfm> or 1-800-669-9777), while providers would be referred to either to HUD or the Office of Fair Housing and Equal Opportunity in Seattle, Washington to determine an appropriate referral.

When HUD receives a complaint, HUD will notify the person who filed the complaint and will normally notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD will try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached. HUD will then recommend that the Attorney General file suit. If, during the investigative, review, and legal process, HUD finds that discrimination has occurred, the case will be heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in Federal district court.

B. Fair Housing Actions

Since becoming an Entitlement City in 2013, the City of Albany has taken the following steps to raise awareness about fair issues and agencies.

- The City worked with the Fair Housing Council of Oregon to provide fair housing training for residents in English and in Spanish. The training helped provide a better understanding about resources available to Albany's Hispanic and Latino population.
- The City is working with agencies that advocate for tenant awareness and that advocate for diversity and equity in the region, such as the Benton Linn Health Equity Alliance and Familia Activas.
- The City of Albany's put links to fair housing resources on the City's Website with direct links to and descriptions about the FHCO, HUD, and BOLI.
- Fair housing posters and brochures in English and Spanish were distributed at agency meetings and located in City Hall and in the two libraries.

- The CDBG program manager has attended several fair housing trainings and events to provide a foundation of understanding of fair housing laws and resources.

C. Regional and Statewide Advocacy

Several agencies advocate for education and awareness about fair housing and reducing discrimination regionally and statewide.

The Fair Housing Council of Oregon (FHCO) is a nonprofit civil rights organization driven to eliminate illegal housing discrimination through enforcement and education across Oregon. They promote equal access to housing by providing education, outreach, technical assistance, and enforcement opportunities specifically related to federal, state, and local fair housing laws. The FHCO receives FHIP funding.

The Housing Alliance engages with agencies statewide to explore state legislative strategies and administrative actions that will increase housing choice, housing opportunity, and will affirmatively further fair housing. The Alliance also provides support to local jurisdictions and partners as they work to address their local needs.

The Oregon Rental Housing Association consists of 14 local chapter organizations throughout the state, including the Linn-Benton chapter. The association and local chapter are both dedicated to training and educating owners about changes in laws and providing monthly educational opportunities, including fair housing training. For example, the chapter has offered training about special accommodations and companion animals by the Fair Housing Council of Oregon. Oregon Rental Housing Association's membership caters to smaller rental owner/operators; most members have between one and ten units.

The Willamette Association of Realtors provides links to fair housing information and training on their website.

The Rental Housing Alliance of Oregon provides fair housing information, training and legislative updates as part of its regular education sessions and newsletters. The alliance has more than 1,800 members, most of whom are small business landlords throughout the state.

SECTION V. CONCLUSIONS AND FAIR HOUSING ACTION PLAN

A. Conclusions

Albany is a growing and changing community. In 2013, Albany's population had reached 50,720.

- Albany is becoming more racially and ethnically diverse. The non-white percent of Albany's population grew from 6% in 2000 to almost 12% in 2010. Albany's Hispanic or Latino population grew from 2,488 in 2000 to 5,700 in the 2010 Census accounting for 11.4% of Albany's population.
- Despite relatively affordable housing prices, affordable housing is an issue as the median family income is relatively low.
- The City has a large stock of housing built before 1980; much of the aging housing stock is concentrated into older areas of City and in areas with lower incomes.

B. Fair Housing Action Plan

The following impediments to fair housing choice were identified through this analysis. Suggested strategies and actions for the City to address over the next five years follow.

Impediment I: Lack of Understanding of Fair Housing Laws. Generally, there is a lack of knowledge about fair housing laws, rights and responsibilities among both consumers and providers. There is also a lack of understanding about the resources available to address fair housing issues and how to access these resources. Better education and outreach can help resolve disparate treatment of renters and homeowners on the basis of race, color, national origin, familial status, disability and persons with low incomes.

Suggested Actions:

1. The City will work with the Fair Housing Council of Oregon (FHCO) to deliver fair housing education events at least once a year tailored to the needs of the Albany residents and landlords. Training, workshops, events, and materials for residents will be offered in both English and Spanish.
2. The City will work to educate developers, property owners, landlords, realtors and home owner associations about fair housing laws and the ADA. The City will coordinate with the City of Corvallis and the FHCO to offer landlord/property owner training in the region annually.
3. The City will expand the fair housing information available to the public through brochures at city facilities and more information on the City's website.
4. The City will work to educate City leaders and elected official on Affirmatively Furthering Fair Housing requirements.
5. The City will seek guidance from the FHCO on how other communities are addressing similar issues of discrimination that may occur in Albany.

Impediment II: Overcoming Cultural and Linguistic Barriers. Language and cultural differences make communication around fair housing issues and addressing fair housing barriers more challenging.

Suggested Actions:

1. The City will work to build relationships with Albany's Latino and Hispanic community to enhance communication and delivery of resources in order to identify barriers to fair housing and work to eliminate acts of discrimination. The City will seek cultural leaders and volunteers to help promote awareness and education about fair housing laws.
2. The City will provide access to materials and education in Spanish and other languages as identified.

Impediment III: Discriminatory Practices in the Housing Market. HUD, FHCO and BOLI have pursued fair housing allegations in Albany. The primary basis was disability and the act was failure to make reasonable accommodations. Familial status, national origin, source of income, and sexual orientation were also the basis of complaints.

Suggested Actions:

1. Work with the Fair Housing Council of Oregon to facilitate fair housing testing and investigations in Albany as recommended.
2. Develop targeted fair housing training and programs for housing providers to achieve a better understanding of protected classes and fair housing responsibilities.
3. Identify and correct advertisements that indicate the potential for discrimination.
4. Encourage victims to report acts of discrimination or potential discrimination.

Impediment IV: Availability of Affordable Housing. Despite a large amount of housing that is relatively affordable regionally and for residents earning above the median income, lack of affordable housing for Albany's lowest income residents continues to be a problem.

Suggested Actions:

1. The City of Albany will review its land development policies and standards to ensure that they do not present obstacles to development of affordable or accessible housing, accessory units, and other forms of housing that are needed within the community.
 - Evaluate the infill development standards to ensure they are not creating barriers to affordable housing.
 - Review accessory dwelling unit standards and consider allowing units in detached buildings in more circumstances.
 - Evaluate other development and financial incentives. For example, developments restricted for households earning less than 50% of AMI could receive more generous incentives than those for households earning less than 80% of AMI.
2. The City will review its available land inventory and the zoning of vacant land and land with redevelopment potential.
3. The City will allocate Community Development Block Grant funding to economic development activities that support business development and job creation and to programs that provide job skills training.

Impediment V: Concentration of Affordable Housing Stock. The American Community Survey data show that there are higher concentrations of low-income and minority populations in older areas of the City, primarily in Census Tracts 204 and 208. These areas also have a higher percentage of older housing stock, likely making housing more affordable. Most social and civic services are located in these areas; so many group homes are concentrated in these areas. On a positive note, these areas are close to services and employment.

Suggested Actions:

1. Review land development standards to ensure there are no obstacles to infill development or redevelopment in Albany's older neighborhoods.
2. When feasible, layer public investments in these areas to improve the condition of public facilities and infrastructure in order to attract private investment and improvements.
3. The City will focus housing rehabilitation and weatherization funds in Albany's low-income neighborhoods to gradually improve the housing stock over time.

Impediment VI: Lead Paint and Housing Conditions. Albany has over 11,800 housing units constructed before 1980, and roughly 3,300 units constructed before 1950.

Suggested Actions:

1. The City will focus housing rehabilitation loan and grant money in Albany's lowest income Census Tracts.
2. Lead-based paint testing is a requirement of housing rehabilitation projects on buildings constructed before 1978. Contractors will be required to be licensed lead renovators and follow lead-safe practices. When required, lead paint stabilization or abatement will be done.