



February 13, 2023

HOUSE COMMITTEE ON  
HOUSING AND HOMELESSNESS  
Oregon State Capitol 900 Court Street NE  
Salem, Oregon 97301

Re: House Bill 2889 – February 16, 2023, Public Hearing

Chair Dexter and Committee Members:

Thank you for another opportunity to comment on HB 2889. Since 2004, Housing Land Advocates (HLA) has worked to ensure that Oregonians of all income levels can obtain adequate and affordable housing. We are a proponent of land use policies and planning choices that advance affordable, fair, and equitable housing outcomes, which is why we strongly support the direction that HB 2889 takes Oregon in addressing our state’s housing undersupply.

Our comments today address three topics:

1. The need to define Affirmatively Furthering Fair Housing in state law.
2. The need to strengthen disability-related components of HB 2889.
3. Technical feedback to clarify the bill’s intent and support implementation.

### **1. Defining Affirmatively Furthering Fair Housing**

The bill fails to define “Affirmatively Furthering Fair Housing” (AFFH). Instead, Section 28(2) refers to “compliance with fair housing.” We see this as a significant problem. Recent history has shown that federal interpretation of AFFH, because it is subject to the ideological perspective of the administration in power, is inconsistent and does not always serve to expand opportunity through housing choice regardless of one’s race, color, sex, religion, national origin, disability or familial status, or other protected status.

Addressing long-term fair housing issues embedded in land use and planning policy in Oregon, on the other hand, requires a consistent approach. By way of example, California adopted a definition of AFFH in 2018, through the passage of AB 686, which protects the requirement to AFFH in state law, regardless of future federal actions.

Oregon needs to define AFFH in a way that is not tethered to changes in federal administration and reinterpretation through amendments to federal regulations. We recommend using the language provided in Appendix B, Section E of the OHNA report, which is consistent with the 2015 federal definition and the 2023 definition proposed by the current administration. It reads as follows:

“‘Affirmatively Furthering Fair Housing’ is defined as taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity replacing segregated living patterns with truly integrated and balanced living

patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”

### **3. Strengthening Disability-Related Provisions**

At your February 7, 2023, public hearing, Matthew Serres of the Fair Housing Council of Oregon and Allen Hines of Community Vision provided substantive and thoughtful recommendations for improving the disability-related components of HB 2889, including proposed language for amendments. We have reviewed these comments and strongly support them, as they provide greater specificity and clearer direction regarding the importance of integrating physical accessibility into Oregon’s Housing Planning system.

### **4. Technical Feedback**

We offer this final thought on the bill thus far:

Section 24(8) states that no transportation or economic development rule or plan policy can overcome a housing plan consistent with the local housing strategy approved by the Department. While technically lawful, we are concerned that such a course leads to siloed thinking that the latest planning "good idea" is to be immune from the last good idea—the transportation planning rule and our economic development rules can and should be made consistent with our most recent housing policy.

Thank you for your consideration of our comments. We look forward to continuing to engage with you throughout the development of HB 2889.

Sincerely,

/s/ Jennifer Bragar

Jennifer Bragar  
President

cc: (all by e-mail)  
Allan Lazo and Matthew Seres, Fair Housing Council of Oregon  
Allen Hines, Community Vision  
Housing Land Advocates Board