

**Analysis of Impediments
To Fair Housing Choice
For
The City of Ashland**

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I. Executive Summary

The Analysis of Impediments to Fair Housing Choice (AI) is required by the US Department of Housing and Urban Development (HUD) of all state and local governments that receive housing and community development funds from the following programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)

As a requirement of participation in these federal programs, entitlement grantees submit a certification stating they affirmatively further fair housing, and that their grant will be conducted and administered in compliance with Title VIII of the Civil Rights Act of 1968, also referred to as the Fair Housing Act. The AI is part of the ongoing commitment to furthering fair housing. The purpose of the AI is to:

- Review the laws, rules, administrative policies, procedures, and practices of the jurisdiction.
- Assess how the laws, etc. affect the location, availability, and accessibility of housing.
- Assess public and private conditions affecting fair housing choice.

This analysis is undertaken in order to determine what types of impediments to fair housing choice may exist in the City of Ashland. Impediments may include actions, omissions, or decisions taken with the intent of, or 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), or the statewide protected classes (marital status, source of income and sexual orientation).

In addition to identification of impediments, each jurisdiction is required to develop approaches to addressing impediments that limit the ability of residents to rent or own housing regardless of their inclusion in a protected class. The methods for addressing the impediments become a Fair Housing Plan (FHP). The AI is as a logical foundation for developing a FHP. It provides essential information to policy makers, administrative staff, housing providers (to include lenders), housing advocates, and civil rights organizations and builds public support for fair housing efforts within the jurisdiction. It also assists in the identification of measurable results to determine success of the FHP.

HUD requires that the AI include:

- An analysis of demographic, income, housing and employment data
- An evaluation of the fair housing complaints filed in the jurisdiction
- A discussion of impediments, if any, in 1) the sale or rental of housing, 2) provision of brokerage services, 3) financing, 4) public policies, and 5) administrative policies for housing and community development activities that affect housing choice for minorities
- An assessment of current fair housing resources
- Conclusions and recommendations

The city of Ashland, as a recipient of CDBG funds is committed to the goal of affirmatively furthering fair housing practices, as well as encouraging others to do so. Funding for this study

was provided with CDBG funds. The city of Ashland contracted with the Fair Housing Council of Oregon (FHCO) to perform the work necessary to develop the AI addressing the issues related to both jurisdictions in regard to housing choice and the impediments which may exist.

The Fair Housing Council of Oregon is a private, non-profit agency with the mission of providing equal access to housing in Oregon and southwest Washington. The FHCO has been in operation since 1990. The mission of the agency is accomplished through education, outreach, enforcement, advocacy, and technical assistance activities.

Along with the representatives of the CDBG program, the FHCO coordinated the research, data gathering, and interpretation of the information reviewed with numerous key community organizations and citizens. A listing of those participating in developing this analysis is included in the appendix along with a listing of the data reviewed.

The AI identifies the impediments to fair housing choice in the City of Ashland and offers recommendations to address these impediments. Below is a summary of those impediments and recommendations:

Private Sector Impediments

Impediment I: Illegal discrimination in housing transactions

Recommendation: Establish a robust fair testing program to identify illegal acts of discrimination

Impediment II: Illegal steering of protected class members to or away from specific neighborhoods

Recommendation: Provide fair housing training for real estate professionals including landlords and property management companies

Impediment III: Lack of minority real estate professionals sends wrong message to racial/ethnic minorities

Recommendation: Increase recruitment of minority real estate professionals

Impediment IV: Lack of diverse models in real estate advertising

Recommendation: Assist in development of ads that use diverse models

Impediment V: Areas of Ashland have either disproportionately low or high racial/ethnic composition

Recommendation: Establish an affirmative marketing campaign designed to target members of protected classes to encourage them to seek housing anywhere in Ashland

Impediment VI: Minority concentration in certain areas can lead to illegal steering that perpetuates the concentration problem

Recommendation: Require housing providers to report on race/ethnicity, familial status, and disability, or establish a licensing requirement that requires reporting on these areas; also require reporting of real estate sales professionals

Impediment VII: Homeowner associations (HOA) are unfamiliar with fair housing laws

Recommendation: Provide fair housing training for HOA officers/managers

Impediment VIII: Disproportionate denial of minority loan applications

Recommendation: Financial education and counseling for all residents with targeted outreach to minorities

Public Sector Impediments

Impediment IX: Articulating Ashland's commitment to fair housing

Recommendation: Amend Ashland's fair housing ordinance to provide greater protection

Impediment X: Identify any lack of integration between city's planning and fair housing and affordable housing goals

Recommendation: Provide advanced fair housing training to Fair Housing Officer to support them in identifying systemic fair housing issues

Impediment XI: Affordable housing opportunities are declining

Recommendation: Explore using CDBG funds to convert apartments to low/limited equity cooperatives

Impediment XII: Citizens lack knowledge of how and where to file fair housing complaints

Recommendation: Train consumers and city employees on where to get fair housing assistance

Impediment XIII: Citizens lack knowledge of fair housing laws

Recommendation: Require distribution of fair housing informational flyer, and increase prominence of Ashland's Fair Housing webpage

Impediment XIV: Lack of resources to respond to fair housing complaints, provide fair housing training, and monitor systemic fair housing issues

Recommendation: Expand resources for Fair Housing Officer to assist with fair housing complaints, provide trainings, and offer input on systemic fair housing issues; alternatively seek to partner with other CDBG jurisdictions to establish a regional fair housing office that could respond to complaints, conduct trainings, and offer input on systemic fair housing issues

Impediment XV: Lack of accessible housing for people with disabilities

Recommendation: Increase awareness of permitting officials of accessibility requirements of fair housing law; grant permitting officials authority to refuse to approve building plans until accessibility issues are addressed; provide funding for low/limited income people with disabilities to pay for needed modifications to existing dwellings

II. Introduction

As a requirement of participation in the Community Development Block Grant (CDBG), HOME, ESG, and/or HOPWA programs, entitlement grantees are required to submit a certification stating they affirmatively further fair housing, and that their grant will be conducted and administered in compliance with Title VII of the Civil Rights Act of 1968, also referred to as the Fair Housing Act. As part of that ongoing commitment to furthering fair housing, entitlement jurisdictions are required to conduct an Analysis of Impediments to Fair Housing (AI).

The purpose of the AI is to:

- Review the laws, rules, administrative policies, procedures, and practices of the jurisdiction.
- Assess how the laws, etc. affect the location, availability, and accessibility of housing.
- Assess public and private conditions affecting fair housing choice.

This analysis is undertaken in order to determine what types of impediments to fair housing choice may exist in the city of Ashland. Impediments may include actions, omissions, or decisions taken with the intent of, or having the effect of, restricting availability of housing choices for members of any of the protected classes (federal protected classes: race, color, religion, sex, disability, familial status, national origin; additional statewide protected classes: marital status, source of income, sexual orientation).

The AI is as a logical foundation for developing a Fair Housing Plan (FHP), which becomes the guideline for addressing the impediments identified in the AI. It also provides essential information to policy makers, administrative staff, housing providers (to include lenders), housing advocates, and civil rights organizations and builds public support for fair housing efforts within the community. It assists in the determination of measurable results to determine success of the FHP.

The analysis presented in the AI is intended to complement analysis presented in companion documents including, but not exclusive to, a jurisdiction's Consolidated Annual Performance and Evaluation Report, Action Plans, Consolidated Plans, Rental and Housing Needs Analysis, Demographers' Reports, and similar documents. The AI is the only document with the singular purpose to analyze the effects that historical and current discrimination has had on the makeup of the community in order to guide the jurisdiction in developing a Fair Housing Plan.

The city of Ashland, as a recipient of CDBG and other federal funds is committed to the goal of affirmatively furthering fair housing practices, as well as encouraging others to do so. Funding for this study was provided with CDBG funds. The city of Ashland contracted with the Fair Housing Council of Oregon (FHCO) to perform the work necessary to develop the AI addressing the issues related to housing choice and the impediments which may exist.

The Fair Housing Council of Oregon is a private, non-profit agency with the mission of providing equal access to housing in Oregon and south west Washington. The FHCO has been in operation since 1990. The mission of the agency is accomplished through education, outreach, enforcement, advocacy, and technical assistance activities.

Along with the representatives of the CDBG program, the FHCO coordinated the research, data gathering, and interpretation of the information reviewed with numerous key community organizations and citizens. A listing of those participating in developing this analysis is included in the appendix.

Methodology

The process of developing the AI is not designed to restudy or reanalyze problems for which good information already exists, or to create new and costly surveys to provide additional data; but rather, to examine existing data from a fair housing perspective. This enables the jurisdiction to focus resources on planning and carrying out actions to address the problems identified. Additionally, once aware of potential impediments, the jurisdiction can formulate future data collection methods in a manner that incorporates equal opportunity measurements for any projects and/or policies related to housing, land use or provision of services related to housing.

This analysis included a review of all HUD reports, such as the 2005, 2006, and 2007 Consolidated Annual Performance and Evaluation Report (CAPER) for Ashland, Ashland's 2009 Action Plan, the 2005-2009 Consolidated Plan for the City of Ashland, and the 2000-2004 Consolidated Plan for the City of Ashland. These reports were examined to identify public and private funds utilized in affirmatively furthering fair housing.

Citizen input was reviewed to determine the general climate of the population and their elected representatives; which may create or perpetuate barriers or impediments to housing choice in Ashland. This input was achieved primarily through in-depth interviews with community members.

Demographic statistics related to population, income, employment, transportation, and housing characteristics were examined by census tract to identify patterns of settlement in the jurisdictions and mortgage lending activity in those locations. This material was gathered from US Census data, American Community Survey data¹, HUD reports, Home Mortgage Disclosure Act Data (as reported to regulatory authorities by the mortgage lending industry and found on the Federal Financial Institutions Examination Council-"FFIEC"-web site), the Bureau of Labor Statistics, as well as, local information provided by local organizations.

In person and telephone surveys were conducted with stakeholders and informed individuals (see listing in the Appendix) regarding barriers to fair housing choices; the overly severe impact of what appear to be neutral policies and procedures on certain groups of people who may be protected under fair housing laws; and access to education and enforcement of the rights and/or obligations of anyone connected to land use or housing transactions; and the climate of Ashland citizens.

¹ Throughout this document the data presented for 2007 was gathered from the 2005-2007 American Community Survey, while these numbers vary slightly from the official census population estimates, the data has the benefit of more extensive survey information gathered through random sampling questionnaires. More information on the American Community Survey and the data gathered can be obtained from the US Census website, census.gov.

Our goal was to represent a wide variety of the community, especially those from racial and ethnic minority groups, and/or individuals with disabilities, who may not have otherwise participated in the public process.

Fair housing complaint, testing, and litigation data from all legal, regulatory, and advocacy agencies with jurisdiction in the city of Ashland was gathered and evaluated to determine the types of housing transactions about which complaints have been lodged and the protected class bases of these complaints. This examination sought to identify patterns in formal discrimination complaints and findings to determine what, if any, specific types of impediments or barriers are have been established through the existing complaint process. This data is included in the Fair Housing section of this analysis.

Commitment to Fair Housing

The city of Ashland, as a requirement of participation in the CDBG and other federal funding programs, have submitted a certification stating they affirmatively further fair housing, and that their grant will be conducted and administered in compliance with Title VIII of the Civil Rights Act of 1968, also referred to as the Fair Housing Act.

As one element of evidence of this commitment, the city has funded the creation of this Analysis of Impediments to fair housing choice. Additionally, the city of Ashland has been a regular contributor to Fair Housing Month (April) activities for public education and outreach, in partnership with the Fair Housing Council of Oregon and has routinely distributed fair housing materials to constituents.

Background Data

Ashland is located in southern Jackson County, approximately 14 miles from the Oregon/California border. The city is located at the southeast end of the Bear Creek Valley, between the Siskiyou Mountains to the south and the Cascade Range to the northeast. Due to the topography of the area and the City's location on two major transportation routes, Ashland has developed in a lineal fashion, 4.4 miles long and 1.7 miles wide.

Prior to the arrival of settlers in mid-1800s, Shasta Indians lived in the valley along the creek approximately where Ashland is located. Early Hudson's Bay Company hunters and trappers, following the Siskiyou Trail, passed through the site in the 1820s. In the late 1840s, settlers (mostly American) following the Applegate Trail began passing through the area. By the early 1850s, the Donation Land Act brought many white settlers into the Rogue Valley and led to conflict with its native people. These often violent clashes continued until 1856.

After gold was discovered nearby in 1851, people began settling the area that is now Ashland. In 1853 a sawmill was established, and the area (called Ashland Mills) began to grow. Ultimately the city of Ashland was incorporated in 1874, and it continued to experience robust growth due in part thanks to the addition of a rail line in the 1880s. By 1900 it was the largest town in the Rogue River Valley.

Fortunes turned, though, in the late 1920s when the Southern Pacific Railroad Company found a more efficient route between California and Oregon which bypassed the Siskiyou and Ashland entirely. Several years later, though, the first Oregon Shakespeare Festival was held. Since then it has steadily grown into a major tourist draw for the city. Additionally, Interstate 5 opened and brought with it more tourists.

Today, Ashland is estimated to be the 24th largest city in Oregon, and the 14th largest outside of the Portland-Metro area². While it was once powered by the timber industry, it has (like many areas around the state and country) seen an increase in its service and retail sectors.

² The Portland-Metro area includes all part of Multnomah, Washington and Clackamas counties.

III. Demographic Data³

Population

Ashland is considered to be part of the housing, employment, and retail market for Jackson County and makes up 10.8% of the population of the Medford-Ashland Metropolitan Statistical Area (MSA).

Despite increasing its own population by 122% since 1960, Ashland's share of the population of Jackson County and the state of Oregon has marginally, but steadily, declined since the 1970's. Tables 1.1 and 1.2 illustrate this:

Table 1.1

Ashland City Population Trends (1960-2007)				
Year	Population	Increase	% Change	Average Annual % Change
1960	9119			
1970	12342	3223	35.3%	3.5%
1980	14943	2601	21.1%	2.1%
1990	16234	1291	8.6%	0.9%
2000	19522	3288	20.3%	2.0%
2007*	20219	697	3.6%	0.5%

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.2

Ashland and the Surrounding Area Population Growth Trends (1960-2007)						
Year	Ashland	Talent	Phoenix	Jackson County	Ashland as % of Jackson County Total	Ashland as % of Oregon Total
1960	9119	---	868	73962	12.3%	0.52%
1970	12342	---	1411	94533	13.1%	0.59%
1980	14943	15	2577	132456	11.3%	0.57%
1990	16234	3239	3274	146389	11.1%	0.57%
2000	19522	4060	5589	181269	10.8%	0.57%
2007	20219	---	---	196866	10.3%	0.53%
Total % Change	<i>121.7%</i>	<i>26966.7 %</i>	<i>543.9%</i>	<i>166.2%</i>		

³ Information contained in all tables was derived from census data unless otherwise stated. Percentages in all tables may not exactly total 100% due to rounding.

<i>Average % of Change Annually</i>	2.6%	1348.3%	13.6%	3.5%		
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Source: US Census Bureau (*American Community Survey 2005-2007)

Household Composition

Table 1.3 represents data on the composition of households in Ashland between 1990 and 2007. The percentage of family households with children under 18 has increased since 1990, but the rate of increase has not kept pace with the rate of increase in the total number of households during that same time. Overall, family households with children under 18 has increased 4.4% since 1990 while the number of total households has increased 33.4%. This also represents a 7.1% decrease in the proportion of families with children to the total number of households (28% of total in 1990 to 21.9% in 2007).

A cautionary note needs to be made about this data as it relates to homeless people. The National Coalition for the Homeless advises that due to the difficulty in counting homeless individuals, who may not be sheltering in institutional settings, numbers counted by census workers may not accurately reflect the true percentage of the homeless population.

Table 1.3

Persons in Households and Household Type for Ashland (1990-2007)			
Households	1990	2000	2007*
Persons in Households	15222	18294	19497
Persons in Groups Quarters	1008	1217	722
Institutionalized	87	197	---
Total Households	6853	8552	9147
Family Households	3885	4578	4590
Family Households with Children Under 18	1918	2222	2002

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.4 expands on the information in Table 1.3 and provides more detail on the changes in household composition since 1990. As referenced above, families with children comprised 21.9% of the total population of Ashland in 2007, and this represents a 4.4% increase from 1990. What is significant about the data is that female-headed households with children comprise almost 400% of the increase in households with children. This phenomenon was foreshadowed in 2000 when the increase in female-headed households with children represented 78.6% of the increase in households with children from 1990. Despite this massive increase, female headed households with children only represent 9.0% of the total number of households, a 1.8% increase over the proportion in 1990.

While the growth in families with children has not kept pace with the overall population growth of Ashland (and may even be declining), single person households have increased 61.3% since 1990, and comprised 38.9% of the total number of households in 2007, a 6.9% increase over its proportion of the total in 1990. Of the single person households, elderly single person households make up a substantial portion of this increase. Since 1990 elderly single person households increased 72.9%. In 2007 they represented 12.5% of the total number of households, which is a 2.5% increase over its proportion of households in 1990.

Table 1.4

Ashland and Jackson County Household Comparison Summary Data (1990-2007)						
Household Type	1990		2000		2007*	
	Ashland	% of Jackson County Total	Ashland	% of Jackson County Total	Ashland	% of Jackson County Total
Family Households with Children Under 18	1918	10%	2223	10%	2002	9%
Married Couple Households with Children Under 18	1275	9%	1286	8%	1139	8%
Female Head of Household with Children Under 18	496	14%	736	15%	820	14%
Non-Family Household	2968	17%	3974	17%	4557	16%
Single Person Household	2204	16%	2816	17%	3554	15%
Single Person Elderly (65 +) Household	663	11%	852	11%	1146	13%
Persons Living in Group Quarters	1008	29%	1217	33%	722	21%
Total Households	6853	12%	8552	12%	9147	11%
Total Population	16234	11%	19522	11%	20219	10%

Source: US Census Bureau (*American Community Survey 2005-2007)

Gender and Age Characteristics

The total population of the city of Ashland in 1990 was 16,234. In 2000 it had increased to 19,522, a 20.2% increase. In 2000 slightly more than 45% of the total population was male and slightly more than 54% was female. The total Ashland population for 1990 made up 11% of the Jackson County population.

Table 1.5 below shows population broken down by age range for the City of Ashland and Jackson County from 1990 to 2007.

The story of Ashland during this time tells the tale of a city population that is rapidly aging. In 1990 the population of the city aged 44 and younger comprised almost 70% of the city's population. By 2007 that number had decreased to 58%. This shift in population occurs during the same period of time that Ashland's overall population increase by almost 25%. Put another way, Ashland added almost 4000 people to its total population from 1990 to 2007. Of these 4000 newcomers only 11.6% (464) were age 44 or under.

All age ranges except one experienced an increase in the raw total from 1990 to 2007. However, as a percentage of the overall city population, the increases were mostly confined to the upper age ranges. The most notable increases occurred in middle-age to elderly age ranges. The 55-64 age range went from 7.1% of the city in 1990 to 13.4% of the city in 2007. Those aged 45-54 saw their proportion increase from 9.5% in 1990 to 12.5% in 2007 (though this includes a decrease from 16.6% in 2000). Finally, the 65+ age range increased from 13.8% in 1990 to 16.1% in 2007.

The picture is much different on the other end of the age range. People aged 25-44 saw the steepest decline. In 1990 this age range comprised almost a third (31.6%) of the overall population. In 2007 they were under a quarter (22.9%) of the population. This is also the only age range that saw its raw numbers decrease over that time period (5126 in 1990 to 4633 in 2007). School-age children saw the next largest decline. In 1990 children aged 5-17 were 16.5% of Ashland's population. By 2007 they only comprised 14.0%. Children under age 5 also fell from 4.9% in 1990 to 4.0% in 2007. Conversely the percentage of college-aged people (18-24) increased slightly during this time period from 16.5% in 1990 to 17.1% in 2007.

The aging of Ashland's population is also confirmed by looking at Ashland's population as a portion of Jackson County's population. The city of Ashland's percentage of Jackson County's total school age children (5-17 years old) decreased between 1990 and 2007 from 9.9% to 8.8%. Similarly the percentage of children under 5 years old decreased as a portion of the county's total from 8.1% to 7.4%. On the opposite end of the age range Ashland's proportion of the county's total 65 and older age group increased from 9.4% to 10.1%, and Ashland's portion of people 55-64 increased from 8.3% to 10.6%. Interestingly the city's share of the county's population of 25-44 and 45-54 people dropped 2.3% and 1.1% respectively. Meanwhile Ashland's proportion of the population aged 18-24 increased over 10%.

These numbers seem to confirm many assumptions about Ashland that it is a destination for middle-aged and elderly people. Although the actual number of children has increased during this time, it was not at the same rate as the older age ranges. These trends are also confirmed by the school demographer's report, which anticipates that trends of this nature will continue for

some time. It is worth noting that during this time Ashland has seen two elementary schools close down.

Table 1.5

Population Percentage Comparison by Age for Ashland and Jackson County (1990-2007)						
Age Group	1990		2000		2007*	
	Ashland	Jackson County	Ashland	Jackson County	Ashland	Jackson County
Under 5 Years	793	9758	802	10880	815	10979
5-17 Years	2679	26947	2874	33380	2831	32222
18-24 Years	2676	32723	3413	15730	3459	17646
25-44 Years	5126	43897	4552	46260	4633	49036
45-54 Years	1545	15942	3249	27954	2523	29288
55-64 Years	1146	13758	1736	18074	2705	25528
65 + Years	2233	23712	2896	28991	3253	32167
Total Population	<i>16234</i>	<i>146389</i>	<i>19522</i>	<i>181269</i>	<i>20219</i>	<i>196866</i>

Source: US Census Bureau (*American Community Survey 2005-2007)

Race Characteristics

The following four tables show the racial demographics from 1990 to 2007 for (a) Ashland, (b) Jackson County, and 1990 to 2000 for (c) Talent, and (d) Phoenix. All four sets of data show that each respective area has seen a decrease in the proportion of the white population since 1990, though both Ashland and Jackson County show an increase from 2000 to 2007.

Ashland saw an increase in every racial category except American Indian/Alaska Native⁴. The most significant increases can be seen in people of Hispanic origin, including non-whites of Hispanic origin. The Hispanic population increased over 120% since 1990. Despite this increase, the Hispanic population in Ashland lags that throughout the rest of the county. In Ashland Hispanics represent 4.3% of the population, but represent 8.4% of the county population. The Mexican-American Fund for Education and Legal Defense (MALDEF) and the U.S. Census Bureau Director, Ken Prewitt have advised organizations utilizing census data for calculating Hispanic populations that census numbers may be severely underrepresented, due to the likelihood that members of the Hispanic population may have avoided reporting census data, or may have underreported information, fearing retaliation against household members who may

⁴ The figures for 2007 show a dramatic decline in the number of Native Americans in Ashland. It must be noted that that American Community Survey has a significant margin of error that could explain this shift. However, it is recommended that the City of Ashland revisit this issue after the 2010 census is released, and if the census confirms this decline, the city should consider devising actions to research and address the reasons Native Americans are leaving the city.

not have legal status to reside in the United States, or simply due to limited English language proficiency interfering with accurate completion of census forms.

The Black or African American population in Ashland grew by 69% from 1990-2007, however, still represent only 0.7% of the entire population of the city. The Asian-Pacific Islander population grew 35% in the same time frame, but reflects only 2.3% of the city population. The American Indian/Alaskan Native population grew almost 31% from 1990 to 2000, and represented 1% of the city population. With the exception of Hispanics noted above, most of the other non-White groups are represented at the same proportion in Ashland as they are for all of Jackson County.

Table 1.6a

Population Distribution by Race for Ashland (1990-2007)						
Race	1990		2000		2007*	
	Population	% of Total	Population	% of Total	Population	% of Total
Total Population	16234		19522		20219	
White	15582	96.0%	17873	91.6%	18602	92.0%
African American/Black	81	0.5%	118	0.6%	137	0.7%
American Indian/Alaska Native	152	0.9%	199	1.0%	115	0.6%
Asian/Pacific Islander	339	2.1%	391	2.0%	458	2.3%
Other	80	0.5%	333	1.7%	46	0.2%
Hispanic Origin	382	2.4%	695	3.6%	873	4.3%
Non-White and Hispanic Origin	96	0.6%	388	2.0%	---	---
Two or More Races	---	---	608	3.1%	861	4.3%

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.6b

Population Distribution by Race for Jackson County (1990-2007)						
Race	1990		2000		2007*	
	Population	% of Total	Population	% of Total	Population	% of Total
Total Population	146389		181269		196866	
White	140188	95.8%	166125	91.6%	182462	92.7%
African American/Black	340	0.2%	724	0.4%	1284	0.7%
American Indian/Alaska Native	1863	1.3%	1980	1.1%	1958	1.0%

Asian/Pacific Islander	1429	1.0%	1953	1.1%	2859	1.5%
Other	2569	1.8%	5218	2.9%	2681	1.4%
Hispanic Origin	5949	4.1%	12126	6.7%	16459	8.4%
Non-White and Hispanic Origin	2718	1.9%	6796	3.7%	4556	2.3%
Two or More Races	---	---	5269	2.9%	5622	2.9%

Source: US Census Bureau (*American Community Survey 2005-2007)

Like Ashland and Jackson County, Talent and Phoenix experienced an increase in the population of non-Whites over the 10 years from 1990 to 2000. Unlike Ashland, though, both Talent and Phoenix have a higher proportion of Hispanics than the rest of Jackson County. In fact, although Talent and Phoenix represent 3.1% and 2.2%, respectively, of Jackson County's overall population, they represent 6.3% and 3.1% of the county's overall Hispanic population.

Table 1.6c

Population Distribution by Race for Talent (1990-2000)				
Race	1990		2000	
	Population	% of Total	Population	% of Total
Total Population	3274		5589	
White	3005	91.8%	4879	87.3%
African American/Black	8	0.2%	30	0.5%
American Indian/Alaska Native	33	1.0%	59	1.1%
Asian/Pacific Islander	12	0.3%	26	0.5%
Other	216	6.5%	442	7.9%
Hispanic Origin	259	7.9%	693	12.4%
Non-White and Hispanic Origin	217	6.6%	499	8.9%
Two or More Races	---	---	153	2.7%

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.6d

Population Distribution by Race for Phoenix (1990-2000)				
Race	1990		2000	
	Population	% of Total	Population	% of Total
Total Population	3239		4060	
White	3116	96.2%	3652	90.0%
African American/Black	8	0.2%	35	0.9%
American Indian/Alaska Native	39	1.2%	44	1.1%
Asian/Pacific Islander	28	0.9%	34	0.8%
Other	48	1.5%	183	4.5%
Hispanic Origin	136	4.2%	361	8.9%
Non-White and Hispanic Origin	50	1.5%	222	5.5%
Two or More Races	---	---	112	2.7%

Source: US Census Bureau (*American Community Survey 2005-2007)

One way of measuring racial and ethnic population concentrations is to examine census data by tract and identify those tracts which include high population numbers from specific groups. Some planning strategies consider census tracts in which the percentages of minority populations are 50% or greater than the percentage of that group found as a whole for the area analyzed, as suggestive of minority concentration. Table 1.7 is a listing of all Ashland census tracts.

Table 1.7

Minority Population Distribution Among Ashland Census Tract Block Groups (2000)		
Census Tract Block Group	Total Population	Minority Population
17.3	577	5%
18.1	1362	8%
18.2	1863	7%
18.3	2045	10%
18.4	1473	15%
19.1	2019	18%
19.2	1205	15%
20.1	746	11%

20.2	609	10%
20.3	720	10%
21.1	1852	7%
<i>21.2</i>	<i>886</i>	<i>5%</i>
21.3	655	7%
<i>22.1</i>	<i>799</i>	<i>5%</i>
<i>22.2</i>	<i>1010</i>	<i>6%</i>
<i>22.3</i>	<i>1067</i>	<i>6%</i>
22.4	1789	10%
24.2	1080	9%

Note: The overall population of Ashland has a minority population of 8.5%. Tracts with significant minority concentrations are indicated in **bold**, while tracts with a significant lack of minorities are indicated in *italics*.

Based on the 2000 census data, Ashland census tracts with greater than 12.5% minority population would be considered to reflect a minority concentration if the percentage of minority population + 50% standard were used as a method of analysis. The following census tracts have greater than 12.5% minority population:

- 18.4
- 19.1
- 19.2

Two of these census tracts include Southern Oregon State University.

The census tracts below show the borderline percentage of 10% and 11%.

- 20.1
- 20.2
- 20.3

Five out of 18 Ashland census tracts show less than 6% average minority concentration for the city.

Immigration Characteristics

Ashland has an overall foreign-born population of 4.2% or 819 persons as of 2000. One-third of the population moved to Ashland between 1990-2000 (270 persons), nearly half arriving from Mexico and Central America. A breakdown of the regions where new immigrants came from is shown below in Table 1.8.

Table 1.8

Immigrant Admissions to Ashland 1990 – 2000	
Country/Region of Origin	Number of Immigrants
Mexico	115
Other Central America	19
South America	8
North America	16
Europe	61
Asia	60

Source: US Census Bureau (*American Community Survey 2005-2007)

A linguistically isolated household is defined by the US Census Bureau as one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Table 1.9 shows the percentage of households that are linguistically isolated in Ashland, Talent, Phoenix and Jackson County. This information shows that Ashland has a smaller percentage of linguistically isolated households than the county as a whole, and significantly fewer than either Talent or Phoenix. This information is largely consistent with the racial/ethnic data, which showed that Ashland's percentage of Hispanics was smaller than Talent, Phoenix and the county's. Ashland does have a higher than expected percentage of Asian/Pacific Islanders, but does not have a higher percentage of linguistically isolated households. This may represent the fact that more English-speaking Asian/Pacific Islanders live in Ashland.

Table 1.9

Household Languages Other Than English and Linguistic Isolation for Ashland and the Surrounding Area including Jackson County (2000)								
Household Language	Ashland		Talent		Phoenix		Jackson County	
	Number of Households	% Isolated						
Total Households	8552		2293		1771		71575	
Spanish	442	12.0%	171	40.3%	160	30.6%	4265	16.5%
Other Indo-European	396	4.5%	61	0.0%	19	0.0%	1619	4.9%
Asian/Pacific Islander	100	13.0%	18	61.0%	17	41.0%	575	20.7%
Other	50	0.0%	0	0.0%	8	0.0%	210	7.6%

Source: US Census Bureau (*American Community Survey 2005-2007)

Disability (Among the Non-Institutionalized Population)

According to the 2000 Census, those persons in Ashland, who identify themselves or household members between the ages of 5-64 as having disabilities, total 8.7% of the city's population. An additional 36.3% of the population aged 65 and over is also indicated as having disabilities. These numbers are lower than the percentages for Jackson County. For people aged 5-64, 16% identify as having a disability. For those over the age of 65, 41% state they have a disability.

Income and Poverty

“Household income” and “family income” are two measurements of economic standards of the population of any area. Household income, as used in the census, indicates the cumulative income of all persons in the dwelling, regardless of their relationship to one another. Most HUD program requirements measure income by family unit. However, as more non-traditional families (members of a self-identified family who do not have ties by blood or marriage) apply for services and program participation, “family” has come to be more loosely interpreted by the program administrators.

The 2000 census measured income/earnings for the year 1999. Tables 1.10a and 1.10b reflect the Ashland census data on income and poverty.

Table 1.10a

Income Statistics for Ashland and Surrounding Area including Jackson County (1999)					
Place	Median Income		Per Capita Income	Median Earnings	
	Households	Families		Male	Female
Ashland	20915	49647	21292	17475	12072
Talent	21717	33333	16271	19342	14233
Phoenix	21738	38176	16828	23895	13234
Jackson County	21717	43675	19498	25032	14881

Source: US Census Bureau (*American Community Survey 2005-2007)

Approximately 19.6% of all people and 12.5% of all families in Ashland have incomes below the poverty level. Poverty is generally considered to mean having an income of less than 50% of the area MFI.

Table 1.10b

Income Below the Poverty Level % of the Population of Ashland and Jackson County for whom Poverty Status is Determined (1999)				
Place	All Ages	Under 18	65 and Older	Families
Ashland	19.6%	22.4%	8.1%	12.5%
Jackson County	12.5%	16.5%	6.7%	8.9%

Source: US Census Bureau (*American Community Survey 2005-2007)

Median Family Income (MFI) is considered to be the breakpoint at which one half of all of the families consisting of four people living in a particular jurisdiction earned more than the amount identified and one half of the families consisting of four people earned less. In 1999 in Ashland, the MFI was \$49,647. In 1999 in Jackson County, the MFI was \$43,675.

Most programs requiring income restrictions identify extremely low income, low income, moderate income and middle income to be the thresholds for qualification. Typically, this means:

- Very Low-income: earning not greater than 30% of MFI
- Low-income: earning between 31% and 50% of MFI
- Moderate-income: earning between 51% and 80% of MFI
- Middle income: earning between 81-95% of MFI

Table 1.11

Percent of Median Family Income for Ashland (1999 and 2007*)							
MFI		30%		50%		80%	
1999	2007	1999	2007	1999	2007	1999	2007
41200	52700	12350	15850	20600	26450	32950	42300

*Family of 4
Source: HUD

Median incomes by household, and by family measurements for Ashland, Talent and Phoenix and for Jackson County as a whole both in 1989 and 1999 are listed in Table 1.12a. The MFI in 1999 for Ashland is 12% higher than that of Jackson County. In 1989, the Ashland MFI was 9.5% *lower* than Jackson County's. Table 1.12a also identifies the percentage of increase in MFI by area during the ten-year time frame.

During the 10 years from 1989 to 1999, Ashland saw the MFI increase by two-thirds, dramatically outpacing the MFI increase of Talent, Phoenix and Jackson County. At the same time, the median household income decreased by 11.3% in Ashland, and 13.4% for all of Jackson County.

Table 1.12a

% Change in Median Household and Median Family Income from 1989 to 1999 Ashland and the Surrounding Area Including Jackson County						
Place	1989		1999		% Change	
	Household	Family	Household	Family	Household	Family
Ashland	23579	29800	20915	49647	-11.3%	66.6%
Talent	19205	24414	20527	33333	6.9%	36.5%
Phoenix	21573	27404	21738	38176	0.8%	39.3%

Jackson County	25069	32188	21717	43675	-13.4%	35.7%
----------------	-------	-------	-------	-------	--------	-------

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.12b shows that the Median Family Income for families with children under 18 was significantly lower than that of families without children in 2000 [data for 2007 is not included because it contained an extremely high margin of error; it is suggested that these numbers be looked at again after the 2010 Census numbers are released.] While this is a consistent trend throughout Jackson County and Oregon, the margin is much higher in Ashland. This may support the conclusion that younger families are being “priced out” of Ashland. However, the MFI for families with children under 18 in Ashland is significantly lower than the same statistic for the state of Oregon, while the overall MFI for Ashland is slightly higher than the state MFI, which may suggest that even families that can afford to live in Ashland are being discouraged from living there through illegal discrimination.

Table 1.12b

Median Family Income By Familial Status, 1999			
	Oregon	Jackson County	Ashland
Median Family Income	48,680	43,675	49,647
Median Family Income – Families with Children Under 18	46,530	40,414	40,685
Median Family Income – Families with No Children Present	50,465	46,979	55,764

Median Household Incomes, Median Family Incomes, and minority population by census tract is shown in table 1.13.

Two of the three tracts, identified above, as showing minority concentration also have the lowest MFI in the city. In fact the five tracts with the lowest MFI in the city are of the six tracts identified above as either having minority concentration, or having borderline concentration.

These results suggest a strong correlation between poverty and race/ethnicity. A potential complicating factor is the presence of Southern Oregon University in two of the tracts with minority concentration. However, one of these tracts (19.2) is not amongst the five lowest MFI for the city. A high concentration of university students will likely show a lower MFI because many students either do not work, or work only part-time. Additionally, the presence of the university may contribute to the concentration of minorities in those tracts. However, the city should re-examine these figures when the 2010 census is released to see if any changes have occurred.

Table 1.13

Median Household and Median Family Income by Minority Population for Ashland Census Tracts (1999)			
Census Tract Block Group	Median Household Income	Median Family Income	Minority Population
<i>17.3</i>	<i>27083</i>	<i>40227</i>	<i>5%</i>
18.1	43750	57756	8%
18.2	36602	53107	7%
18.3	38661	50000	10%
18.4	16890	21903	15%
19.1	18818	17083	18%
19.2	32917	49773	15%
20.1	30579	30682	11%
20.2	25938	30714	10%
20.3	25915	39135	10%
21.1	36154	59038	7%
<i>21.2</i>	<i>31607</i>	<i>52250</i>	<i>5%</i>
21.3	44531	70556	7%
<i>22.1</i>	<i>74306</i>	<i>76615</i>	<i>5%</i>
<i>22.2</i>	<i>46343</i>	<i>59671</i>	<i>6%</i>
<i>22.3</i>	<i>53148</i>	<i>59107</i>	<i>6%</i>
22.4	35823	59028	10%
24.2	60100	71563	9%

Source: US Census Bureau (*American Community Survey 2005-2007)

Employment and Transportation

Unemployment rates in the Medford-Ashland MSA and for the state of Oregon since 1990 are represented in Table 1.14. Unfortunately, employment statistics for Ashland alone were not readily available.

During most of the 1990s the Medford-Ashland unemployment rate ran at least 1% higher, and in some cases over 2% higher, than the state's. In 1999 these numbers began to converge as the Medford-Ashland rate decreased at a greater rate than the state's. Ultimately in 2002 Medford-Ashland's rate dropped below the state's and stayed below it until 2005. Since then the Medford-Ashland rate has outpaced that of the state, and as of March 2009 was nearly double the rate of the previous year (the state rate in that same time had in fact doubled).

Table 1.14

Unemployment Rates for Medford MSA and Oregon (1990-Present)										
Area	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Medford MSA	6.5%	8.0%	8.2%	8.2%	6.8%	6.6%	7.9%	7.3%	7.2%	6.4%
Oregon	5.4%	6.4%	7.3%	6.9%	5.5%	4.9%	5.6%	5.6%	5.7%	5.5%
	2000	2001	2002	2003	2004	2005	2006	2007	2008	March 2009
Medford MSA	5.6%	6.6%	7.5%	7.7%	7.1%	6.2%	5.7%	5.6%	7.7%	14.6%
Oregon	5.1%	6.4%	7.6%	8.1%	7.3%	6.2%	5.3%	5.1%	6.4%	12.7%

Source: US Bureau of Labor Statistics

Table 1.15 identifies the unemployment rate by census tract in Ashland. Again, the correlation between race/ethnicity and unemployment is very strong here. The three tracts with the highest minority concentration are the three tracts with the highest unemployment rates. While the impact of Southern Oregon University undoubtedly plays a role in these figures, it is unlikely to be as substantial as it may be with MFI. Typically “unemployed” refers to people who are actively seeking work, but have not found any. It is not meant to include such people as full-time students who may or may not be working part or full-time. Therefore, a high concentration of students in a census tract could result in a low MFI, as discussed above. It does not necessarily follow that a high concentration of students would result in a high unemployment rate since students, by their very nature, are not actively seeking work.⁵

Table 1.15

Unemployment Rates by Medium Family Income by Minority Population for Ashland Census Tracts (1999)			
Census Tract Block Group	Unemployment Rate	Median Family Income	Minority Population
17.3	2.5%	40227	5%
18.1	1.6%	57756	8%
18.2	2.8%	53107	7%
18.3	5.0%	50000	10%

⁵ The U.S. Census Bureau has acknowledged that there may be a problem with employment-status data for areas where colleges are located in that the census may overstate the number in the workforce, the number unemployed, and the percentage of unemployed.

18.4	6.1%	21903	15%
19.1	8.8%	17083	18%
19.2	13.8%	49773	15%
20.1	3.4%	30682	11%
20.2	4.4%	30714	10%
20.3	4.4%	39135	10%
21.1	3.6%	59038	7%
21.2	6.1%	52250	5%
21.3	1.2%	70556	7%
22.1	1.7%	76615	5%
22.2	3.4%	59671	6%
22.3	1.8%	59107	6%
22.4	3.1%	59028	10%
24.2	2.4%	71563	9%

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.16 shows the major employers in Ashland.

Table 1.16

Major Employers in Ashland	
Employer	Number of Employees
Southern Oregon University	849
Public School	401
Ashland Community Hospital	424
Oregon Shakespeare Festival	300-425
Ashland City Government	220
Pathway Enterprises	150
Pro Tool	83-125
Butler Ford	85*
Ashland Food Cooperative	112
Linda Vista Care	75
Albertson's	78
Windmill Inn of Ashland	58
Plexis Healthcare Systems	55
Cropper Medical	55

Safeway	50
Bi-Mart	39

Source: City of Ashland Consolidated Plan

Percentages of Ashland employees working in public, private, or self-employed positions are identified in Table 1.17.

Table 1.17

Employment in Ashland by Class of Worker (2000)		
Class of Worker	Population in Class	% of Overall Population
Private Wage and Salary Workers	6274	64.0%
Government Workers	2009	20.5%
Self-Employed (in own non-incorporated business)	1503	15.3%
Unpaid Family Workers	12	0.1%

Source: US Census Bureau (*American Community Survey 2005-2007)

Overwhelmingly people in Ashland rely on the use of their own personal vehicle to get to and from work. In 2000 82.5% of people use a personal vehicle to go to work, in contrast only 1.6% of people in Ashland reporting using public transportation to get to and from work. People who walk or cycle to work make up 15% of the population. Table 1.18 reflects commuting times in Ashland.

Table 1.18

Average Time Spent Commuting to Work Daily by Persons Residing in Ashland (2000)	
Time	Number of People
9 minutes or less	3225
10-19 minutes	2577
20-29 minutes	1608
30-39 minutes	816
40+ minutes	568
<i>Total Persons Commuting to Work</i>	<i>8794</i>

Source: US Census Bureau (*American Community Survey 2005-2007)

Housing Profile

Table 1.19a identifies the number and type of housing units in Ashland for the period of 1970-2007. The total number of housing units in the city in 2007 was 10,123. Single-family units

comprised over 70% of that total, multi-family totaled 26%, and mobile homes/manufactured housing were 2.2%.

This table also shows that all types of housing, except “other,” increased between 1990 and 2000, but from 2000 to 2007 only single family units increased while all the others decreased, including an almost 8% decrease in the multi-family units.

Table 1.19a

Number of Housing Units by Type Ashland (1990-2007)					
Type of Unit	1990	2000	2007*	% Change 1990-2000	% Change 2000-2007
Single Family	4761	5919	7213	24.3%	21.9%
Multi Family	2169	2909	2678	34.1%	-7.9%
Mobile Homes	165	225	219	36.4%	-2.7%
Other	109	18	13	-83.5%	-27.8%
Total	7204	9071	10123	25.9%	11.6%

Source: US Census Bureau (*American Community Survey 2005-2007)

Table 1.19b shows Ashland’s housing stock compared to the overall housing stock of Jackson County. These figures show that Ashland has largely kept pace with the increase in housing stock throughout the county. However, the city’s share of the multi-family units in the county fell by over 5%.

Table 1.19b

Number of Housing Units by Type in Ashland as a Percentage of Jackson County (1990-2007)									
Type of Unit	1990			2000			2007*		
	Ashland	Jackson County	% of County	Ashland	Jackson County	% of County	Ashland	Jackson County	% of County
Single Family	4761	39827	12.0%	5919	50159	11.8%	7213	58698	12.3%
Multi Family	2169	9475	22.9%	2909	13624	21.4%	2678	15072	17.8%
Mobile Homes	165	10517	1.6%	225	11528	2.0%	219	11946	1.8%
Other	109	557	19.6%	18	426	4.2%	13	173	7.5%
Total	7204	60376	11.9%	9071	75737	11.9%	10123	85889	11.8%

Owner occupied units are distinguished from renter occupied units in table 1.20a for Ashland, and in Table 1.20b for Jackson County from 1990 to 2007. Table 1.20c the average household size for each type of unit for both Ashland and Jackson County.

Table 1.20a

Owner Occupied Versus Renter Occupied Units in Ashland (1990-2007)						
Unit Type	1990		2000		2007*	
	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied
Single Family	3325	1194	4108	1669	4202	2252
Multi Family	68	2018	134	2532	161	2300
Mobile Homes	118	33	134	35	207	12
Other	24	73	18	0	13	0
Total	3535	3318	4450	4102	4583	4564

Table 1.20b

Owner Occupied Versus Renter Occupied Units in Jackson County (1990-2007)						
Unit Type	1990		2000		2007*	
	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied	Owner Occupied	Renter Occupied
Single Family	29164	8643	37038	10057	41712	13059
Multi Family	377	8539	473	12134	510	13599
Mobile Homes	8224	1816	8893	1718	9034	1971
Other	115	320	299	48	154	19
Total	37880	19318	47574	23958	51410	28648

Table 1.21a shows that Ashland has experienced a significant increase in vacancy in their existing housing stock when comparing 2007 with 1990 vacancies. The overall Jackson County rate also increased during that period, but by a much smaller amount. The rate of persons per unit decreased slightly in the city and throughout the county. This is shown in Table 1.21b.

Table 1.21a

Occupancy Status For Housing Units in Ashland and Jackson County (1990-2007)									
Area	1990			2000			2007*		
	Occupied	Vacant	% Vacant	Occupied	Vacant	% Vacant	Occupied	Vacant	% Vacant
Ashland	6853	351	4.90%	8552	519	5.70%	9147	976	9.60%
Jackson County	57238	3138	5.20%	71532	4205	5.60%	80058	5831	6.80%

Table 1.21b

Average Household Size for Ashland and Jackson County (1990-2007)			
Area	1990	2000	2007*
Ashland	2.22	2.14	2.13
Jackson County	2.5	2.48	2.47

Each year, HUD releases “fair market rents” (FMR) for all communities in the United States. Based on this data, rent ceilings to be used in the administration of various housing subsidy programs are determined. The FMR’s for Ashland for 1997 and 2007 are:

Table 1.22

Fair Market Rents for Ashland (1999 and 2007)									
Efficiency		1 Bedroom		2 Bedroom		3 Bedroom		4 Bedroom	
1999	2007	1999	2007	1999	2007	1999	2007	1999	2007
334	471	485	560	597	703	833	1023	963	1053

Table 1.23 summarizes the median age, rent and value of the existing housing stock in Ashland and Jackson County.

Table 1.23

Summary of Housing in Ashland and Jackson County 2000				
Area	Median Age of Structure	Total Number of Units	Median Gross Rent	Median Value of Owner Occupied Housing
Ashland	1973	9071	582	185000
Jackson County	1975	75737	597	132100

Table 1.24 identifies the median age of the housing structures by census tract, the number of housing units per tract, the median rent and the median value of owner occupied dwellings in the tract (as determined by the owners and not an objective evaluator).

Table 1.24

Summary of Housing in Ashland by Tract 2000						
Tract	Median Age of Structure	Total Number of Units	Median Gross Rent	Annual Income Needed to be able to Rent at Median Gross Rent	Median Value of Owner Occupied Housing	Median Family Income
17.3	1983	307	615	22140	66300	40227
18.1	1975	567	644	23184	142400	57756
18.2	1992	848	727	26172	163200	53107
18.3	1981	979	448	16128	157000	50000
18.4	1974	763	565	20340	147400	21903
19.1	1973	791	538	19368	122400	17083
19.2	1967	283	441	15876	218200	49773
20.1	-1940	409	569	20484	169200	30682
20.2	1956	391	498	17928	169000	30714
20.3	1940	414	529	19044	219800	39135
21.1	1979	811	746	26856	247300	59038
21.2	1969	452	707	25452	198600	52250
21.3	-1940	353	649	23364	327400	70556
22.1	1965	332	748	26928	301200	76615
22.2	1961	524	582	20952	194200	59671
22.3	1966	436	1022	36792	234900	59107
22.4	1976	977	559	20124	206000	59028
24.2	1975	446	567	20412	220700	71563

IV. Home Mortgage Disclosure Act (HMDA) Data Analysis

In 1975, in response to concerns about mortgage credit shortages in older, urban neighborhoods (particularly those with a predominantly minority population) Congress enacted the Home Mortgage Disclosure Act (HMDA). The lack of mortgage credit was considered at the time, to be a primary contributing factor to the decline of these urban neighborhoods. HMDA was intended to provide loan data to the public in order to ascertain:

- If financial institutions are serving the housing needs of their communities;
- Where public sector investments should be most strategically distributed so as to attract private investment;
- To identify potentially discriminatory lending patterns

Depository and nondepository institutions meeting specific criteria are required to report data regarding their lending transactions and the clients and properties involved in these transactions. This transaction data includes:

- Applications for loans
- Loans approved
- Loan denied
- Loans approved and denied by use (i.e. home improvement, single family mortgage, multifamily mortgage, etc.)
- Loans approved and denied by type (i.e. conventional, government insured, etc.)
- Loans purchased or sold by the financial institution

Information reported about the clients and the properties include data related to such elements as race, gender, marital status, income level of the mortgagee and location of the dwelling by census tract, type of housing, value of housing, etc. The information required and the manner of reporting has been modified a number of times since the adoption of the HMDA. Collection information requirements continue to be modified to meet the changing needs of those who utilize this information for the purposes intended by Congress. Additionally the criteria that determines which institutions must report continues to be modified as well. As of 2007, the following reporting criteria were used to determine if an institution would report HMDA data for the upcoming year:

Depository Institutions (banks, savings associations, credit unions)

- Institutional assets which total more than \$36 million on the preceding December 31
- Institutions with a home or branch office in a metropolitan statistical area on the preceding December 31
- Institutions originating at least one home purchase loan or refinancing a home purchase loan secured by a first lien on a 1-4 family dwelling in the preceding year
- Institutions which are federally insured/regulated or if the mortgage loan was insured/guaranteed/supplemented by a federal agency, or if the loan was intended for sale to the Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Corporation (FHLMC)

Nondepository institutions (for-profit mortgage lending institutions- other than banks, savings associations, and credit unions)

- Institutions that are for-profit lenders
- Institutions with home purchase loan originations equal to or exceeding 10% of the institution's total loan originations, as measured in dollars, or equaling \$25 million or more, during the preceding year
- Institutions that either (a) have a home or branch office in a metropolitan statistical area, or (b) receive applications for, originate, or purchase five or more home purchase loans, home improvement loans, or refinancings on property located in an MSA/MD in the preceding calendar year
- Institutions with assets (when combined with the any parent corporation) exceeding \$10 million, or originating 100 or more home purchase loans (including refinancing of home purchase loans) in the preceding year

HMDA data is filed with the regulatory agency given oversight for the particular type of financial institution performing the reporting. These agencies include the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift supervision, or the National Credit Union Association. The Federal Financial Institutions Examination Council (FFIEC) is directed by the Act to compile annual aggregate lending data by census tract. The reports are grouped according to location, age of housing stock, income level and racial and other demographic categories. These aggregate reports are then filed with the respective metropolitan statistical areas (MSA) about which the data pertains. Typically this data is available in the libraries or planning agencies for the MSA. It is also available on line at www.ffiec.gov. HMDA data was used in this AI to evaluate the results of the lending practices of institutions doing business in Ashland.

Lending Data

Tables 1.25 and 1.26 identify HMDA data, extrapolated from the FFIEC reports to create an overview of lending activity in Ashland. They are located in Appendix A.

Table 1.25 identifies loan applications by type of loan (government-insured, conventional, refinance, home improvement) which were approved, or denied and also gives some additional information about the census tract. Table 1.26 summarizes data from Table 1.25 by two broad categories of "New Purchase" and "Refinance or Home Improvement." This allows for easier comparison across census tract of different loan types.

This information shows that the census tracts with the highest minority concentration experienced the lowest loan activity. For example, Tracts 19 and 20 had 184 and 224 total loan applications respectively (new purchase and refinance). The median level of minority population for these block groups is 11%. By contrast Tracts 21 and 22 each had 385 and 551 total loan applications respectively, and the median minority population for them is 6%.

Of additional note is that the MFI for Tracts 19 and 20 is almost 50% of the MFI for Tracts 21 and 22. The median MFI for Tracts 19 and 20 is \$30,682, while for Tracts 21 and 22 it is \$59,107. However, looking back to Table 1.24, the relative home values amongst these tracts is much closer. The Median Value of Owner-Occupied Housing for Tracts 19 and 20 is \$169,200

while for Tracts 21 and 22 it is \$234,900, or put another way, the median home value in Tracts 19 and 20 is approximately 72% of the value in Tracts 21 and 22.

Finally, in all of Ashland there were only four applications for government-insured loans submitted, and none of these four were in Tracts 19 or 20 (one was submitted in Tract 21). Government-insured loans are an important vehicle for home seekers to utilize in order to afford the housing of their choice. From this data it appears to be a choice that is not utilized very often in Ashland.

Table 1.27 illustrates new home purchase and refinance loan denial rates. New home purchase denial rates ranged from 10.1% to 29.5%. Home improvement or refinancing loan denial rates ranged from 17.1% to 48.0%. There did not appear to be a strong correlation between the denial rates in census tracts with high minority populations. Looking again at the tracts discussed above, the denial rates for new purchases in Tracts 19 and 20 are higher than in Tracts 21 and 22, but the denial rates for refinancing is actually much lower in Tract 19 than any of the other three. Looking beyond those four tracts, though, reveals that new purchase denial rates are much higher in Tract 17, Block 3, and Tract 24, Block 2. While the information here does not present a glaring fair housing concern, it is an issue that bears future monitoring.

Table 1.27

Loan Denial Rate New Purchase (NP) versus Refinance and Home Improvement (HP) (1-4 Units Owner Occupied) 2005-2007						
Census Tract Block Group	Loans Originated		Denial Rate		MFI 2000	Minority Population 2000
	NP	HP	NP	HP		
17.3	366	443	21.0%	45.8%	40227	5%
18.1	455	590	10.1%	33.2%	57756	8%
18.2					53107	7%
18.3					50000	10%
18.4					21903	15%
19.1	67	117	16.4%	17.1%	17083	18%
19.2					49773	15%
20.1	108	116	21.3%	35.3%	30682	11%
20.2					30714	10%
20.3					39135	10%
21.1	166	219	13.9%	34.2%	59038	7%
21.2					52250	5%
21.3					70556	7%
22.1	243	308	11.1%	27.3%	76615	5%

22.2					59671	6%
22.3					59107	6%
22.4					59028	10%
24.2	112	177	29.5%	48.0%	71563	9%

Source: US Census Bureau and Home Mortgage Disclosure Act

Data available through the FFIEC, which is separated into denial rates by gender and race, are available only for the entire Medford-Ashland MSA and not by census tract.

V. Public Policy and Feedback

Consolidated and Strategic Plans

The consolidated and strategic plans for the city includes statements indicating the commitment to support the cultural diversity of the population in employment and housing, to encourage participation in community affairs by all citizens, and to promote educational exchange and artistic expression of the diverse populations. They intend to develop and enhance opportunities for “special populations”, such as those with disabilities, to access affordable housing.

All plans include affordable housing development as a goal and the CAPER identifies fair housing educational activities and affordable housing production in the listing of projects undertaken with federal program funds.

The analysis in these reports however is not intended to look specifically at discrimination as a factor in housing choice. By contrast this report is suppose to specifically analyze the effects of discrimination on the community. While these other reports conclude that affordability is the primary housing impediment in Ashland, the census data, combined with testing data conducted by FHCO suggests that discrimination, in particular on the basis of familial status, race and disability, is also a major impediment to housing choice in Ashland.

Ashland’s Fair Housing Ordinance

Ashland has enacted a fair housing ordinance that can be found in the Municipal Code at 10.110. It declares the policy of the City of Ashland to “assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex, sexual orientation, national origin or familial status” To that end, the ordinance declares several different acts as “unlawful practices.” For the most part, the list of unlawful practices mirrors the acts that are prohibited under federal and state fair housing laws.

Ashland’s ordinance does allow some exceptions to its application. It allows religious organizations and private clubs to give preference to their own members when operating housing for other than a commercial purpose, so long as the organization or club does not discriminate in terms of its qualifications for membership based on a protected class. It also exempts some owner-occupied properties. Finally, it recognizes some exemptions to familial status discrimination for housing designed and intended for older persons.

The ordinance also creates, by implication, a “Fair Housing Officer” (FHO) who is authorized to receive, investigate, and attempt to resolve complaints. If the FHO is unable to resolve the complaint, they are authorized to forward the complaint and findings to the appropriate state and federal officials. The FHO is also authorized to file complaints, presumably on behalf of the city, in Ashland Municipal Court. If the city prevails in this action, the person accused of committing an unlawful fair housing practice can be fined up to \$500 for each violation, and a separate \$500 for each day the violation occurred.

In terms of its breadth and scope, Ashland’s ordinance in some ways offers more protection than federal law, but in at least one very crucial way it creates uncertainty of its protections. Under its “Declaration of Policy” (Ashland Mun. Code 10.110.010) the ordinance lists the protected

classes recognized in Ashland. Absent from this list is the protected class of disability. However, later under the “Unlawful Practices” section (Ashland Mun. Code 10.110.030) it does list disability as a protected class that is protected from refusals to sell, rent or lease, or to represent that housing is unavailable when it is actually available. The ordinance also prohibits discrimination in terms and conditions, and in advertisements or statements, but neither of these provisions contains a list of classes that are protected from these activities. The ordinance also does not provide that people with disabilities are entitled to reasonable accommodations, and to make reasonable modifications to the existing structure of their dwelling, when either is necessary for a person with a disability to use and enjoy the dwelling to the same extent as a person without a disability. Finally, the ordinance creates a 60 day statute of limitations for individuals to file complaints with the Fair Housing Officer.

Ashland’s exemptions, on the other hand, are decidedly narrower than the exemptions under federal law. Therefore, more housing is subject to Ashland’s fair housing ordinance than would be subject to the Fair Housing Amendments Act.

2007 City of Ashland Rental Needs Analysis

In 2007 Ashland commissioned a Rental Needs Analysis (Analysis) to (1) assess the current rental market in the city; (2) forecast future rental housing needs; (3) recommend public policy solutions to the city’s housing needs; and (4) establish a methodology for updating the needs analysis on a regular basis. In conjunction with this analysis a survey of Ashland residents was taken (Survey).

The main conclusions of this analysis was that Ashland had a lack of rental properties that were affordable to low-income households, and that market conditions have not resulted in the development of many rental units in the recent past. The high cost of land was identified as a major contributor to these two problems, and the cost of land was so high because the city did not have enough land, nor the right kind of land to make affordable housing.

The Analysis did not discuss issues of diversity, or impediments that members of protected classes face in obtaining the housing of their choice. Similarly the Survey did not focus on issues of fair housing.

The Survey was conducted with 449 Ashland residents, and focused almost exclusively on their living condition, their satisfaction with their living condition, and the importance of certain factors in their living condition. The Survey did not ask for respondents’ race or ethnicity, or if they, or anyone in their household, had a disability. While the Survey did assess whether respondents had children in their household, there was no analysis of how respondents with children felt as compared to respondents without children. In fact well over 50% of respondents did not have children. The Survey did elicit some information that is relevant to analyzing impediments to fair housing choice.

The Survey asked respondents to rate their satisfaction with, and the importance of, aspects of their current rental units on a scale of 1 to 10. One of the aspects they were asked about was “accessibility for the disabled.” On average, respondents rated their satisfaction with this aspect as at 5.2. According to the polling company, respondents are considered “satisfied” with an aspect if it is rated 7.0 or more. In contrast, respondents rated the importance of “accessibility

for the disabled” at 6.4. From this information we can conclude that Ashland renters feel that accessibility for the disabled is moderately important, but they are close to feeling dissatisfied with current levels of accessibility.

The Survey also asked about the “quality of schools” in respondents’ neighborhoods. On this item respondents gave it an 8.2 on satisfaction, meaning they were satisfied with the quality, but they only rated its importance at a 7.6.

There is another interesting point to note about the survey. It asked respondents whether or not they would rent a dwelling unit to college students. This question was asked twice. The first time was in the context of questions about creating an accessory dwelling unit. Over 60% of respondents said they would rent an accessory dwelling unit out to a college student. The second time the issue was raised was in the context of question about whether respondents would rent out their entire residence. Fifty-five percent of respondents said they would not rent out their residence to college students. These results suggest a bias against the prospect of multiple college students renting a dwelling together, but that respondents are comfortable renting a smaller unit to college students.

Overall, the Rental Needs Analysis and the Survey did not address, or elicit, information relevant for a fair housing analysis. However, there did not appear to be any barrier to gathering this information in future surveys.

Community Interviews

In the preparation of this document the Fair Housing Council of Oregon sought input from Ashland community members, local government officials, housing industry professionals and public and private social service agencies that serve the Ashland community. Participants in individual and group interviews were asked a series of questions related to Fair Housing and housing in Ashland (see survey form included in Appendix B). Responses from the participants followed a variety of themes (for a full list of interviewees see Appendix C):

- Need for affordable and appropriate housing stock
- Foreclosures and loss of affordable housing
- Barriers for people living in Ashland
- Underreporting and lack of consumer education about fair housing
- Ashland community cultural perceptions
- Illegal discrimination
- Students and Section 8
- Homelessness

Need for affordable and appropriate housing stock

Participants overwhelmingly cited the need for more affordable housing in Ashland. The city of Ashland recently completed both a Rental Needs Analysis and Housing Needs Analysis, which determined that 30-35% of housing built needs to be multi-family housing, yet since 2000, only 9% of new housing has met this goal. Currently the Housing Authority of Jackson County has very little housing in Ashland. A sixty unit complex has been approved but as of April was still awaiting funding from the state. Concern was expressed that even when contractors were being

required to build a certain percentage of affordable housing, they were using loopholes to delay the construction or get out of agreements once their market rate projects were completed.

Many participants also highlighted the need for accessible housing stock in Ashland, pointing out that accessible housing is difficult and/or expensive to find. One interviewee explained that where accessible housing exists, it is often in “Senior Only” housing, and does not serve the disabled population as a whole. Another interviewee stated, “if you have money, you can live in accessible housing.” Many of the participants were unable to think of even one accessible multi-family property in Ashland. There was also concern that the emphasis in Ashland is too heavily placed on home ownership, and as a result there is a distinct lack of residential housing being built “for rent”. Alternatively, it was pointed out that, as a result of the economy, a few of the recently built projects, originally intended “for sale” were now being offered “for rent”.

Foreclosures and loss of affordable housing

In one interview the issue of foreclosure was brought up. This is a problem being experienced by renters nationwide as a result of the economy and burst of the “housing bubble”. In the interview, the interviewee explained that she knew of 4-5 properties which had been foreclosed upon this year, where the tenant was not notified until the foreclosure was finalized. Foreclosures are problematic for two reasons, because they represent a potential loss of rental housing stock and because the rental consumer is forced out of their housing with little notice. The latter problem is currently being considered by the Oregon State Legislature.

Interviews also revealed a concern that several subsidized properties in Ashland, and the surrounding area, are ready to, or already have, opted-out of their subsidy program to become market rate. When properties opt-out, tenants are issued vouchers, however many are unable to find new housing with their voucher.

Barriers for people living in Ashland

Throughout the interviews participants suggested several barriers people may experience living in Ashland. While these barriers are not specifically illegal under fair housing laws, they may contribute to an overall lack of diversity in the community. The barriers most commonly discussed include: inadequate public transportation options, lack of access to social services, higher utility rates and the job market in Ashland being unable to sustain the housing market.

Many participants pointed out that inadequate public transportation options make it difficult to live in Ashland without owning a car. The census data suggests that the overwhelming majority of Ashland residents use a car to commute to work. Poor public transportation places a burden on low-income families and people with disabilities, making it difficult for them to get to work and/or access services in a timely fashion.

Participants also overwhelmingly pointed out that access to services is a major issue for people in the Ashland community. Most social service agencies for the county are located in Medford, making it difficult for low income/disabled individuals to access their services. The Department of Human Services does have a small office in Ashland, and used to provide office space for other agencies. Due to funding issues all of these agencies have eliminated these offices. Ashland residents cannot even access all of DHS’s services at the Ashland office.

A few participants also expressed concern that Ashland's utility rates were higher than the rest of Jackson County, as a result of having their own separate utility company. Social service providers in particular pointed out the difficulty they have in helping their clients with energy assistance programs because of the different systems.

Several interviewees stated that the Ashland job market is unable to sustain the housing market in Ashland. One person cited the example of a former provost of Southern Oregon University who purchased a home in Talent because the cost of living in Ashland was too expensive.

Underreporting and lack of consumer education about fair housing

Participants expressed the need for an increase in consumer education, and several were concerned that a lack of education and fear of retaliation causes underreporting of fair housing violations. In particular, concern was expressed that many housing consumers do not know their rights regarding reasonable accommodations.

During a couple of interviews, examples were given of tenants being bullied and/or treated differently by their landlord/apartment manager. One interviewee said that people are concerned about losing what little they have, even if the conditions are bad. Some interviewees stated that their clients would specifically request that their case manager not contact their landlord, or report to their landlord that they are receiving income assistance or other assistance/services, for fear they may be retaliated against or denied housing.

For example, most participants agreed that many landlords are reluctant about accepting service animals, but that they are not usually an obstacle for consumers who have them as long as the consumer is able to identify them as a service animal and present documentation. The problem is making sure that consumers know and understand how to enforce their rights.

Ashland community cultural perceptions

Several participants discussed the Ashland community culture. They indicated that this culture has both positive and negative effects. Interviewees stated that Ashland is a caring community that, as a whole, tries to take care of all the people living in the community. This culture was often cited as a reason why people want to live in Ashland, however many service providers were concerned that it contributes to an overall lack of services available in Ashland and causes people who may be in need of those services not to seek them outside the community. Specific examples cited were the strain on the local food bank and community kitchens, and the lack of a homeless shelter in Ashland.

Illegal Discrimination

Nearly every participant mentioned concerns over illegal discrimination. Most agreed that discrimination against families with children was the biggest problem, particularly affecting families with 3 or more children and/or teenagers. Discrimination on the basis of source of income, race, and against domestic violence victims was also discussed.

Many interviewees pointed to a decline in the number of families living in Ashland. One stated declining school enrollments over the last few years, and several pointed to school closures, as evidence that there are fewer families with children in Ashland. The Housing Authority of Jackson County staff stated that they had seen clients experience per person rent, and flat out refusals for larger families and families with teenage children. An interview with a local

landlord suggested that many landlords are discriminating against families with children by writing rules about children's behavior and what they are and are not allowed to do while on the property.

Several of the social service providers stated experience with clients who were being denied housing because they received income assistance such as SSI or TANF. Some said their clients fear losing their housing, or not being approved for housing if their landlords find out they are receiving benefits.

A few interviewees also mentioned hearing of discrimination on the basis of race and discrimination against victims of domestic violence. Most seemed to think that race discrimination was "not much of an issue." A few people said they had heard of discrimination on the basis of race, and that it was targeted against people of Hispanic origin. Two interviewees were also concerned that victims of domestic violence might be denied housing. In particular, they were concerned that victims receiving domestic violence assistance, or requesting a lock change fear retaliation from their landlords.

Students and Section 8

Many interviewees expressed concern that landlords could legally deny housing to people who are students or receive Section 8.

Homelessness

A few interviewees also focused on the problem of homelessness in Ashland. One interviewee explained that this is particularly a problem for families, citing the McKinney-Vento study that has estimated that about 600 children in Ashland have experienced periods of homelessness. Other participants pointed out that a program that helps the homeless teen population was recently cut because of lack of funding.

VI. Fair Housing Profile

The 13th amendment to the constitution of the United States abolished slavery and the 14th amendment made it illegal for any law or any person to take away the rights of a citizen of the United States. These amendments were ratified in 1865, just after the Civil War. In order to assist former slaves in locating and conducting transactions for housing and other of life's necessities, the Civil Rights Act of 1866 was passed. This law declared that all citizens of the United States had the same rights and obligations as white citizens and could participate fully in any type of contract in which white citizens could participate. These laws, however, contained no penalties for violations, and discrimination in housing transactions against any one who was not white continued for decades, unabated, in spite of the new legislation.

In 1968, Congress enacted the Fair Housing Act of 1968 (FHA). This law guaranteed the right to equal opportunity in all housing transactions regardless of race, color, religion, or national origin. Additionally, penalties were added for violations of this law and the Department of Housing and Urban Development was identified as the agency charged with oversight for the enforcement of the FHA. In 1974, the law was amended to make discrimination based on gender a violation of the law. And, in 1988, people with disabilities and families with children were also identified as protected classes under the FHA. In addition, penalties for violations were increased; particularly in the case of parties found to have repeatedly violated the laws. The FHA and the subsequent amendments are now cumulatively (and more commonly) referred to as the Fair Housing Act, or the Fair Housing Amendments Act (FHAA).

Oregon has added Marital Status, Source of Income, and Sexual Orientation as a statewide protected classes in housing transactions. Some jurisdictions in Oregon identify other protected classes as well, however, the city of Ashland recognizes only the state and federal categories:

- Race
- Color
- Religion
- National Origin
- Gender
- Disability
- Familial Status
- Marital Status
- Source of Income
- Sexual Orientation⁶

Several avenues of redress exist in the event that an individual feels they have been subjected to violations of their civil rights in a housing transaction. Only one option for enforcement may be exercised for an alleged violation, however all options also allow for on-going consultation with an attorney or an advocate during the enforcement process.

⁶ Oregon added sexual orientation as a protected class beginning January 1, 2008. The city of Ashland had protected sexual orientation prior to this date.

Complaints and Compliance Review
Department of Housing and Urban Development

Anyone who believes they have been a victim of illegal discrimination, based on their membership in one of the federally protected classes, during a housing related transaction may file a complaint with the Department of Housing and Urban Development (HUD). These complaints may be filed on-line, over the phone, in person in the HUD Seattle office, or via ordinary mail and must be filed within one year of the most recent event of discrimination.

When a complaint is filed by a Charging Party (CP), HUD will contact the Respondent (the person/organizational representative who is alleged to have committed the discriminatory action) to formally notify them of the complaint and request a response and an explanation of their actions. An investigation ensues once the response is received. Investigations may include, but are not limited to, witness interviews; visits to the site of the alleged discriminatory action; canvassing the property for further evidence; records requests, etc. Throughout the investigatory process attempts will be made by HUD personnel to formulate a conciliation agreement between the parties. HUD’s role in these investigations is as a neutral finder of fact in regard to the allegation.

After investigating the complaint, a finding of “reasonable cause” or “no reasonable cause” to believe that discrimination has occurred will be made by the investigator. If a reasonable cause finding is made, the CP may elect to file a case in district court or to have their case heard before an administrative law judge (ALJ). HUD attorneys will litigate on behalf of the complainant in these cases. Awards for violations of the fair housing laws may result in compensatory damages, civil penalties of up to \$100,000, and attorney fees for the prevailing party.

Table 2.1 lists allegations of illegal housing discrimination regarding housing transactions taking place in Ashland from 1/1/1995-12/31/2008 and the disposition of the case.

Table 2.1
HUD Allegations of Housing Discrimination
Filed in Ashland
(1995- 2008)

Number of Allegations	Protected Class	Issue	Status	Closure Type
1	Disability	Discriminatory refusal to rent	Closed	No Cause
1	Familial Status	Discriminatory refusal to negotiate for rental	Closed	Complaint withdrawn without resolution
1	Familial Status	Discriminatory refusal to negotiate for rental	Closed	Complainant failed to cooperate
1	Familial Status	Discriminatory terms and conditions in renting	Closed	Complainant failed to cooperate

Note: Percentage totals may exceed 100% due to rounding.

Department of Justice

The Department of Justice (DOJ) may file a lawsuit on behalf of a Charging Party in a housing transaction when there is believed to have been a pattern and practice of discrimination rather than an isolated incident of discrimination. These are typically situations which have existed

over a long period of time, and/or have affected a large number of people. Generally, in pattern and practice cases it is understood that the defendant has a policy of discriminating against particular protected classes. Additionally, alleged pattern and practice violations of the Equal Credit Opportunity Act, or Title II of the Civil Rights Act of 1964 (relating to discrimination in public accommodations), are complaints which may be filed with the Department of Justice. A final category of civil rights violations, related to property transactions/use, enforced by the DOJ are allegations of adoption or enforcement of land use regulations, by a local government, that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise. Complaints may be filed over the phone, via email or ordinary mail, or in person in a regional Dept. of Justice office. DOJ complaints must be filed within one year of the most recent event of the discrimination. As with HUD, the DOJ's role is that of a neutral finder of fact.

There are no DOJ cases on file for the City of Ashland during the period of 1/1/95-12/31/08.

Bureau of Labor and Industries

The Oregon State Bureau of Labor and Industries (BOLI) is charged with the enforcement of state laws prohibiting discrimination in the areas of employment, credit and insurance transactions, places of public resort; accommodation; or amusement, and in real property transactions. Under the Fair Housing Assistance Program (FHAP) the Bureau also has a contractual relationship with HUD which grants the BOLI "substantial equivalency" to conduct neutral investigation and enforcement of the federal housing discrimination laws on behalf of HUD. The geographical boundaries of this authority cover the entire state of Oregon.

Because of the FHAP contract, the BOLI complaint resolution process mirrors the HUD format. In addition to enforcing laws regarding the federally protected classes, BOLI also enforces laws against discrimination on the state protected classes of marital status, source of income, and sexual orientation. In Oregon an exemption from the familial status, gender, and sexual orientation protections is allowed for the renting of a room in a single-family house which the owner occupies as his/her primary residence, and in which there is some shared space.

There are no BOLI cases on file for Ashland during the period of 1/1/1995-12/31/2008.

The Fair Housing Council of Oregon

The Fair Housing Council of Oregon (FHCO) is a private non-profit agency that investigates allegations of housing discrimination in Oregon and S.W Washington and conducts education and outreach activities regarding rights and obligations of all parties to a housing transaction under the fair housing laws within the same geographic areas.

After receiving a complaint of housing discrimination, the agency sends "testers" to pose as potential housing consumers. The test is constructed in a manner which most closely follows the fact pattern involved in the discrimination complaint and is an attempt to duplicate the situation that prompted the complaint. A protected class tester is sent to the housing provider and attempts to conduct the type of transaction which was involved in the original complaint. A comparison tester, who differs from the original tester only in the membership in whatever protected class is being tested, follows soon after and also attempts to enter into the same type of housing transaction. Testers are not aware of the nature or circumstances of the original

complaint, and are assigned to the test independently of one another. In this way, the most objective data is expected to be recorded. A testing coordinator compares the independent test reports and analyzes the treatment received by each tester in order to determine if any disparate treatment has taken place. If it can be concluded that the protected class tester was treated in a discriminatory manner, the test is considered to provide supporting evidence for the original complaint. When supporting evidence is found, the FHCO refers the complaint to either HUD, DOJ, BOLI, and/or a private attorney for further action.

The following table of FHCO complaints for the city of Ashland from the period of 1/1/1995-12/31/2008 may duplicate some of the complaints included in this analysis as those reported to enforcement agencies. However, the information is useful as a tool for evaluating trends in fair housing allegations and information related to verification of discriminatory actions through testing processes. Many times, because of the conciliation process of the governmental enforcement agencies, meritorious complaints of illegal discrimination may actually be settled without a determination of reasonable cause and therefore, creates a misleading indication as to the true volume of discrimination which may occur in a jurisdiction. Additionally, according to recent studies by HUD and the National Fair Housing Alliance, it is anticipated that only a small percentage (less than 25%) of discrimination complaints are actually reported to any agency with the authority to take action on behalf of the victim. Therefore, the tables contained in this analysis can be interpreted to present only the “tip of the iceberg”.

Table 2.2a

FHCO Complaints for Ashland (1995-2008)						
Protected Class	Type of Transaction	Complaints	Tests	Supporting Evidence Found	No Evidence or Inconclusive*	Basis & transaction as % of total complaints
Disability	Rental	6	1	0	1	29%
Disability	Self-Help Program	1	0	0	0	5%
Familial Status	Rental	8	2	0	2	38%
National Origin	Rental	2	0	0	0	10%
Race	Rental	1	0	0	0	5%
Sex	Rental	1	1	0	1	5%
Marital Status	Rental	1	0	0	0	5%
Source of Income	Rental	1	0	0	0	5%
Total	N/A	21	4	0	4	100%**

*Note: Tests which were considered to be inconclusive should not be construed to mean that the original complaint was invalid, simply that the threshold required to demonstrate supporting evidence could not be met or the situation was unable to be duplicated. Reasons for an inconclusive test may include but are not limited to things such as: there was no longer a vacant unit available, the person allegedly committing the discriminatory act was no longer employed by the housing provider, the property in question changed ownership, etc.

**Note: Percentage totals may exceed 100% due to rounding.

A summary of all complaints by protected class and the percentage of the total complaints represented is as follows:

Table 2.2b

Protected Class	Total Number	% of Total
Disability	7	34%
Familial Status	8	38%
Gender	1	5%
National Origin	2	10%
Race	1	5%
Source of Income	1	5%
Marital Status	1	5%

Note: Total percentages exceed 100% due to rounding

Private Counsel

An option existing for any victims of illegal housing discrimination, is the private right of action. These complaints must be reported and litigation commenced within two years of the most recent event of the discriminatory action.

It is impossible to know the nature and number of any complaints resolved through the services of a private attorney between individuals unless at least one of the parties to the action can be identified.

Based on interviews conducted with the Center for Nonprofit Legal Services, and the Oregon Law Center, it is unlikely that any private lawsuits have been filed under federal, state or local fair housing laws.

Trends or Patterns/Fair Housing Concerns and Problems

Due to the paucity of formal fair housing complaint data for the City of Ashland, FHCO conducted audit testing to determine how likely members of different protected classes were to encounter discrimination in housing transaction.

The methodology for audit testing is similar to the complaint-based testing process described above with one major exception. Whereas the target in a complaint-based test stems from an individual's specific allegation of discrimination, the target in an audit test is chosen at random. For the audit tests conducted here the targets were chosen from advertisements that ran at the time the testing was conducted.

The results of these tests is summarized in Table 2.3 below:

Table 2.3
FHCO Audit Test Results for the City of Ashland
(2009)

Protected Class	Type of Transaction	Tests	Supporting Evidence Found	No Evidence or Inconclusive*	% of results that support
Disability	Rental	7	3	4	42.9%
Familial Status	Rental	7	3	4	42.9%
National Origin	Rental	3	0	3	0%
Race	Rental	9	6	3	66.7%
Sexual Orientation	Rental	7	0	7	0%
Total	N/A	33	12	21	36.4%

*Note: Reasons for an inconclusive test may include but are not limited to things such as: there was no longer a vacant unit available, the person allegedly committing the discriminatory act was no longer employed by the housing provider, the property in question changed ownership, etc.

These results are startling and concerning. Of the five protected classes tested, three (disability, familial status and race) showed alarming incidents of discrimination. Almost 43% of the testers with disabilities, and almost 43% of testers with children received discriminatory treatment compared to a tester without a disability or without children.

Even more disturbing was the shockingly high rate of discrimination in the race tests that were conducted. Two-thirds of the results showed discriminatory treatment toward the African-American tester compared to the white tester.

It is important to note that there were some limitations on the audit testing that may mask other or more discrimination. First, all the audit testing focused on the rental housing market. There were not sufficient resources available to conduct similar testing in the sales, lending and homeowner's insurance markets.

Second, these audit tests focused only on four federally protected classes and one state protected class. The four federal classes were chosen because they make up the vast majority of complaints that are formally reported throughout the state and the nation. However, this should not be taken to mean that gender and religious discrimination do not exist; rather both forms of

discrimination more typically manifest themselves as allegations of harassment by a housing provider or neighbor. Testing is not a preferred tool to find evidence of fair housing harassment.

Third, while the national origin and sexual orientation tests did not show supportive results, there were structural limitations that may mask discrimination. Both sets of tests were conducted over the phone, and while that can be sufficient to show discrimination, it is not a preferred method of testing a protected class like national origin. Unfortunately, the pool of Latino testers is small, none are in southern Oregon, and none could travel from Portland to Ashland. Regarding sexual orientation, there is some concern that the protected class status of the protected class tester was not sufficiently communicated to the housing provider. The testers used were all women, with one tester instructed to state she was looking for a place for her and her girlfriend. While this disclosure could be sufficient to identify that a same-sex couple is seeking housing, it could also be interpreted that two friends, both women, were seeking to be room or housemates.

The full implications of these testing results will be discussed more fully in the Impediments and Conclusions section.

VII. Impediments and Proposed Solutions

Impediments to equal opportunity housing choice involve several factors that include the willingness of the existing community to embrace diversity; and the awareness of one's rights and responsibilities under the Fair Housing Laws; the laws themselves; and the access to enforcement of those laws when violations take place; the ethnic and racial composition of the neighborhoods; the physical condition and supply of the existing, affordable housing; the locations of neighborhoods in relationship to amenities and services; transportation and employment opportunities; the economic status of the residents; the quality of life in the community.

Both the private and public sectors play a role in creating community, and each must share in the responsibility of removing impediments to fair housing choice. The most significant impediments come from the private sector, but there is much more the city of Ashland can do to overcome these impediments, and to foster a community that is unambiguously welcoming to all regardless of their membership in a protected class.

Private Sector Impediments

Impediment I: *Discrimination in housing transactions is the greatest impediment to fair housing choice.*

Rental and sales practices that direct minorities only to integrated neighborhoods and predominantly minority neighborhoods, and that direct whites only to virtually all-white neighborhoods constitute one of the most substantial impediments to assuring that people of all races and ethnicities enjoy the full range of housing choices envisioned by the Fair Housing Act and Community Development Block Grant Program. As discussed above, some areas of Ashland are developing substantial concentrations of minority residents, and many areas of Ashland have extremely low numbers of minority groups living in them. Historically these phenomena result from distortions in the housing market caused by discriminatory practices — they do not happen by accident and there is nothing natural about these levels of racial and economic segregation. The audit test results confirm this historical truism.

Recommendation I: Proactively conduct testing of sale and rental properties to identify such practices as racial steering and other violations of the Fair Housing Act at an early stage. Ashland should contract with an organization experienced in fair housing testing to conduct periodic testing of real estate agents, developers, landlords, and apartment managers to identify racial and ethnic steering within Ashland and steering of minorities away from Ashland. Such testing should include controlled samples that are large enough to provide statistically significant results and findings.

Impediment II: *Steering by real estate agents is a significant impediment to ensuring that everyone has the full range of housing choices regardless of their race or ethnicity.*

The audit testing conducted did not focus on real estate agents and their practices. Yet the analysis of census information demonstrates that Ashland has areas of minority concentration, and areas where minorities are seriously underrepresented. It is incumbent upon Ashland to

investigate if an illegal practice such as steering is being committed. Aside from racial/ethnic concerns, Ashland has recently closed two elementary schools due to lack of enrollment. Ashland should take steps to ensure that families with children are not being discouraged from moving to and buying property in Ashland.

Recommendation II: In addition to the testing recommended above, real estate agents need intensive fair housing training to discourage illegal steering based on race, national origin, familial status and disability. These are the four primary bases of fair housing complaints. Ashland should consider establishing a mandatory training program for real estate professionals practicing in Ashland. This program should identify illegal practices, and promote proper ones. It should also make participants more sensitive to fair housing issues, so they are less likely to engage in illegal housing discrimination. Finally, the program should foster an atmosphere that encourages respectful, but candid, dialogue about the role and importance of fair housing in Ashland.

Impediment III: *The presence of minority housing agents in real estate and rental management offices can serve as a “welcome sign” to potential minority home seekers. Real estate and rental management firms often advertise with photographs of their agents, and when such photographs show an all-white staff minority home seekers may interpret that as a sign they are not welcome in the community. A sampling of online advertising by real estate agents in Ashland revealed a dearth of Asian, Hispanic and African-American agents.*

Recommendation III: Ashland should work with organizations of real estate professionals, local real estate firms, developers, and property management firms to increase efforts to recruit Asians, Hispanics and African-Americans as residential real estate agents, leasing agents, and property managers.

Impediment IV: *Sales and rental advertisements that depict residents of only one race or ethnicity can send a message of who is and who is not welcome in the community. This message limits the housing choices that minority home seekers feel are open to them.*

Recommendation IV: Ashland should work with organizations of real estate professionals, local real estate firms, developers, and property management firms to include people of all races, including Hispanics, in their advertising and brochures.

Impediment V: *Several areas of Ashland show either a higher than expected concentration of minorities, or show a lower than expected proportion of minorities. Racial and ethnic segregation is an impediment to fair housing choice. While this problem is not overly widespread, Ashland must take action now to expand housing choices for minorities, especially non-white Hispanics, African-Americans, and Native Americans. It is imperative to ensure that members of these minority groups learn about the full range of housing choices available to them and that they feel welcome in all areas of Ashland.*

Recommendation V: Ashland should encourage developers to adopt an “affirmative marketing” program designed to reach minority home seekers to make them aware of their full array of housing choices. Such a program would encourage developers to take steps to promote traffic from particular racial or ethnic groups that are otherwise unlikely to compete for housing. These steps, in addition to standard marketing efforts, can include the following:

- Targeted advertising to racial and ethnic groups that have not competed for housing
- Utilizing press releases, photographs, promotions, and public service announcements to dispel stereotypes and myths concerning multi-racial living patterns
- Training and educating sales and rental staff involved with marketing in affirmative marketing techniques and the facts about multi-racial living
- Collecting occupancy data and data on home seekers, because the collection and analysis of accurate racial data is crucial to preserving a multi-racial community
- Using public relations tools that focus on individuals and groups that represent racial diversity
- Educating residents about the value of multi-racial living.

Impediment VI: *Several areas of Ashland show either a higher than expected concentration of minorities, or show a lower than expected proportion of minorities. Racial and ethnic segregation is an impediment to fair housing choice. When parts of a city become racially-identifiable some real estate professionals have been known to steer minorities to areas perceived as minority or integrated neighborhoods and to direct them away from predominantly white areas of a town. They have also been known to direct Caucasians away from integrated and predominantly minority neighborhoods and to predominantly white neighborhoods. This practice either helps to preserve segregated neighborhoods, or works to re-segregate previously integrated neighborhoods.*

Recommendation VI: Ashland should establish methods to gather data on the race/ethnicity of people moving to, out of, and within Ashland. By maintaining accurate information on housing questions, a city can quickly respond to rumors and half truths that inevitably are spread about a community's integrated housing such as the Ashland census tracts that have substantial minority populations discussed above. Equally important, no municipality can determine what strategies it should employ unless it has an up-to-date racial/ethnic profile of all neighborhoods and blocks so it can identify emerging trends that may reflect illegal activities and threaten the ability to maintain multi-racial/ethnic demand for housing. Data that show rapid racial/ethnic change can alert city officials to possible illegal real estate practices.

Identifying the racial/ethnic profile of neighborhoods in Ashland would also allow the city to accurately measure the impact that Southern Oregon University has, if any, on the concentration of minorities in two specific tract block groups. Unfortunately, the data readily available did not allow for an analysis of SOU's impact. Some other methods of gathering accurate racial/ethnic data include:

- Requiring rental property manager to submit periodic (e.g. monthly, quarterly) reports that identify the race/ethnicity of home seekers and the addresses of the apartments they were shown and the address of the apartment they ultimately rented (if known). A record of the name, address, and phone number of each prospect must be maintained and provided to the city upon request.
- In the alternative, Ashland could adopt an ordinance to license landlords and require reporting the race/ethnicity of tenants upon a change of dwelling occupants. This reporting would allow the city to monitor practices, prevent racial concentrations from developing or exacerbating, and identify rental properties where racial minorities appear to be excluded. Any such ordinance must have strict rules about the confidentiality of the

data gathered and how it is to be used, precise definitions and limitations on access to this information, and impose substantial penalties for any violation.

- Requiring real estate firms to submit periodic (e.g. monthly, quarterly) reports that identify the race/ethnicity of home seekers and the addresses of the apartments they were shown and the address of the apartment they ultimately rented (if known). A record of the name, address, and phone number of each prospect must be maintained and provided to the city upon request.
- As described above, testing is a powerful tool that can be used to assess whether illegal steering is occurring in Ashland's sales and rental markets.

Impediment VII: *Homeowner Associations (HOA) are an area of emerging concern with regard to fair housing. The number of complaints received by FHCO alleging discrimination by the board of a HOA has steadily increased. HOAs are most commonly cited in cases of familial status discrimination and discrimination against people with disabilities. Families with children frequently complain about the arbitrary and stringent application of HOA rules to them, but not to families without children. People with disabilities complain that HOAs refuse to grant them reasonable accommodations to rules, policies or procedures when such accommodations are necessary due to a disability, or that the HOAs refuse to allow reasonable modifications to the physical structure of a person's unit or the common areas when such modification is necessary to make a dwelling or property accessible for the person with a disability.*

Recommendation VII: Ashland should develop or arrange for periodic workshops targeted to HOA officers and management companies to make them fully aware of their obligations under the federal, state and local fair housing laws.

Impediment VIII: *Discrimination in home lending practices is a major impediment to fair housing choice. While the denial rates identified for home loan applications in Ashland do not identify consistent disparities between races, there is disparity in loan activity with census tracts with higher minority proportions showing substantially less activity than census tracts with low minority proportions. Additionally, for all of Ashland there were very few government-insured loans sought, even though these are an effective way for low and moderate income families to purchase a home.*

Recommendation VIII: All Ashland residents would benefit from financial counseling to better prepare applicants before they submit a mortgage loan application. Such counseling should include educating potential home buyers to recognize what they can actually afford to purchase, preventing the use of subprime mortgages and predatory loans that have produced the current nationwide wave of foreclosures, budgeting monthly ownership costs, building a reserve fund for normal and emergency repairs, recognizing racial steering by real estate agents, and encouraging consideration of the full range of housing choices available. As stated, this counseling will benefit all Ashland residents, but significant outreach efforts should be made to racial and ethnic minorities, especially non-white Hispanics, African-Americans, Native Americans and Asians.

Public Sector Impediments

Impediment IX: *Ashland must renew and expand its commitment to fair housing. The solutions to the impediments identified herein cannot be successful without significant support from the*

city. This support will need to come in many forms, including allocation of resources, public policy recommendations, and public pronouncements from the city's leadership.

Recommendation IX: Ashland already expresses its commitment to fair housing in its fair housing ordinance, but some steps can be taken to improve this law:

- The law should be amended to clearly protect disability, including the right to reasonable accommodations and modifications. As stated above, disability protection is not wholly absent, but the law as it currently reads could be read to exclude protection for people with disabilities in some instances.
- The law should also be amended to allow residents to file complaints up to one year after the last act of discrimination. Victims of discrimination do not always wish to lodge a formal complaint in the immediate aftermath of experiencing discrimination. Additionally, if they seek to conduct other investigation, they can easily find themselves beyond the statute's 60-day limit. Making this change would also bring Ashland's ordinance in line with federal and state fair housing laws.
- Clearly articulate the existence of alternative complaint options beyond contacting Ashland's Fair Housing Officer. Municipal Code 10.110.060 does discuss the existence of other options, but it is not written in a way that would clearly communicate to a victim of illegal housing discrimination what their options are.

Impediment X: *Ashland needs to insure that there is a strong integration between its planning, fair housing, and affordable housing staff to prevent the separation of these different issues from one another. Ashland's current Fair Housing Officer is also charged with monitoring the affordable housing stock in Ashland. In this role the Fair Housing Officer does review the planning process to see that affordable housing goals will be met, but additionally monitoring to see that fair housing goals are met has not been integrated into this position.*

Recommendation X: The fact that Ashland's Fair Housing Officer also has affordable housing responsibilities is a very good first step to ensuring that these subjects do not get treated separately at the expense of one to the other. The next logical step is to provide advanced fair housing training for this position, specifically training that focuses on systemic fair housing issues around planning. This additional training will augment the Fair Housing Officer's understanding of the intersection between fair housing and affordable housing, and will help this position identify strategies to pursue the advancement of both goals simultaneously. The Fair Housing Officer will then be able to bring these strategies to the planning process to monitor that planning policy and implementation creates a more integrated and tolerant community, as well as creates housing that is affordable to current and prospective Ashland residents.

Impediment XI: *While affordable housing and fair housing are separate concepts, there is significant overlap between the two. It is generally true that affordable housing disproportionately benefits members of protected classes, primarily members of racial/ethnic minorities, recent immigrants, people with disabilities, and families with children. The decline of affordable housing in Ashland is an impediment to fair housing choice. This issue was perhaps the most oft-cited impediment in Ashland during interviews conducted by FHCO.*

Recommendation XI: Ashland needs to explore as many options as possible for preserving and expanding its stock of affordable housing. The Rental Needs Analysis made several

recommendations on how to accomplish this, and they are incorporated by reference. One option that was not explored was using CDBG funds to buy down the cost of apartment buildings to convert them to low-equity cooperatives.

Low-equity cooperatives control housing costs by keeping the single largest cost of homeownership, mortgage debt service (30 to 50 percent of the landlord's monthly ownership costs), constant even when units change hands. Households that purchase a share in a cooperative association comprise the association which actually owns the cooperative. This share entitles a household to occupy a dwelling unit and pay a monthly "rent." The cost of a share can range from a few dollars to a few thousand dollars. The key difference between market rate cooperatives and limited-equity coops is that the limited-equity's bylaws limit increases in resale price of a share to some rate typically less than the rate of inflation. This form of ownership can be applied to both multifamily and single-family housing, on a single site or scattered sites. By keeping housing costs down, many residents of low-equity cooperatives save enough money to afford a conventional ownership home without any government subsidy. This approach minimizes the amount of government spending on affordable housing while turning renters into homeowners. Residents of low-equity coops are able to deduct from their income tax their percentage of the cooperative's mortgage interest and property tax just like any other homeowner.

Impediment XII: *Lack of information on where and how to report allegations of illegal housing discrimination is a major impediment to the effective enforcement of fair housing laws.*

Recommendation XII: Ashland should make it easy for potential victims of housing discrimination to get assistance. The city should see that all its operators are trained, including people who answer the phone at the police department, to refer callers with housing discrimination issues to the Fair Housing Officer, or a designated alternative. The city staff described above should undergo periodic substantive fair housing training to remind them how to identify potential fair housing issues. The training will need to also include detailed information regarding the appropriate referral process. Ashland should also ensure that its "Fair Housing" webpage on the city website is easy to find by consumers who might go there to learn about their rights.

Impediment XIII: *Housing consumers are generally unaware of their substantive rights, and specifically unaware of Ashland's own fair housing ordinance. Ashland has good and useful information on its website, but it may be difficult to find for a consumer who does not know that is what s/he is looking for.*

Recommendation XIII: Ashland should augment its efforts to disseminate information about fair housing laws generally, and its own ordinance specifically. Two specific recommendations are as follows:

- Develop or adopt a fair housing brochure that clearly explains what fair housing is, what classes are protected, the time limit on filing a complaint, and instructions on how to easily file a complaint.
- Amend Ashland's Municipal Code to require that every prospective client be given a copy of this brochure when they first meet with any real estate broker, residential rental or leasing agent, property manager, landlord, condominium owner seeking to rent his or

her unit, or other person showing ownership of rental property in the City of Ashland.

- Make improvements to Ashland’s webpage on fair housing. Ideally the link to this page would be no lower than one submenu in the category tree on Ashland’s website. It should also be revised to include the text of Ashland’s ordinance. The list of protected classes should be updated to include all the classes protected in Oregon.

Impediment XIV: *There is a lack of adequate fair housing resources available to respond to fair housing complaints, and provide fair housing training and outreach.*

Recommendation XIV: Ashland has already taken several good steps towards addressing this impediment. They have established a Fair Housing Officer as a position in the city government. They have also established a good working relationship with FHCO to provide enforcement and education services. However, there is more that can be done in both these areas.

- Ideally the Fair Housing Officer would have enough time and resources to field complaints, conduct fair housing trainings, and identify systemic fair housing issues that are raised by policies adopted by the city, namely in planning and zoning. Realistically, though, the Fair Housing Officer has a broad and full portfolio of work in addition to fair housing responsibilities. Allocation of additional resources, either additional funds or staff, would provide the necessary support to allow city staff to perform these tasks.
- Alternatively, Ashland could seek to partner with other CDBG jurisdictions (City of Medford, State of Oregon) to establish a regional fair housing office that could respond to complaints, conduct trainings and outreach, and monitor and comment on systemic fair housing issues raised by policies adopted by the city (e.g. planning and zoning). This option would address the reality that current city staff have sufficient work loads that they could not add more duties to their portfolios, and the other reality that there are not enough funds to create a full-time position to address fair housing issues. If a regional partnership could be established, the governments could contract with a private organization that would provide staff and resources to address the fair housing needs of southern Oregon.

Impediment XV: *There is a lack of accessible housing for people with disabilities. This was an issue highlighted by the Rental Needs Analysis, and confirmed by interviews with people from Ashland. Most accessible housing that does exist is located in complexes that are designated as housing for older persons. This means that people with disabilities under the age of 55, or people with disabilities who have children, or people with children who have disabilities, are at a significant disadvantage to find housing that meets their needs in Ashland.*

Recommendation XV: The proportion of the population that has one or more disabilities is growing, and this impediment will only become more and more prevalent. The following are options that, taken together, can go a long way towards expanding the amount of accessible housing stock:

- Ensure that city staff in charge of issuing, inspecting, and approving building permits and certificates of occupancy for new multi-family housing built in Ashland are familiar with the accessibility requirements of the federal Fair Housing Act. Many architects, builders, and permitting officials are unaware that that accessibility requirements under federal law are more expansive than those called for under the state building code.

- Adopt appropriate municipal legislation to prevent the approval of a building plan for new multi-family housing until accessibility issues are addressed.
- Provide funding for low or limited-income people with disabilities to pay for needed modification to the existing structure of their dwelling unit or complex. Under federal law a person with a disability has the right to make necessary modifications, but the person must pay for the modification themselves. The cost of modifications can be a barrier to asserting this right. If a fund was made available for low or limited-income people with disabilities to access, it would serve to increase the amount of Ashland's accessible housing stock.

VIII. Conclusion

The City of Ashland continues to grow. Now is an appropriate time to take a look back at the development and growth that has occurred over the last several years and to ask the fundamental question, “Is this the city we want?” In some ways the answer to that question is a resounding and justifiable “yes!” However, as this report has stated, there are many other ways in which the answer must be “no.”

This analysis provides critical information for the city to consider as it moves forward. The recommendations identified in this report will curtail discriminatory practices that distort the free housing market and lead to segregation of members of protected classes. What better way for the City of Ashland to announce its full-fledged commitment to the ideals and dreams of a fully integrated and tolerant society that truly welcomes diversity?

Ashland has made good progress toward this goal, and the recommendations here should build upon that progress to establish a solid foundation in favor of an integrated and diverse society.

Appendix A (HMDA Tables)

Table 1.25

Loan Applications and Dispositions for Ashland Census Tracts (1-4 Units Owner Occupied) 2005-2007																						
Census Tract Block Group	Loans Originated				Approved (not accepted)				Denied				Withdrawn				Not Complete (closed)				MFI 2000	Minority Population 2000
	I	C	R	H	I	C	R	H	I	C	R	H	I	C	R	H	I	C	R	H		
17.3	1	365	393	50	0	58	64	5	2	75	175	28	4	45	118	14	0	12	32	6	40227	5%
18.1	2	453	522	68	0	77	83	6	2	44	172	24	2	47	126	8	0	8	37	2	57756	8%
18.2																					53107	7%
18.3																					50000	10%
18.4																					21903	15%
19.1	0	67	104	13	0	2	10	1	0	11	18	2	1	6	30	1	0	2	5	1	17083	18%
19.2																					49773	15%
20.1	0	108	104	12	0	11	22	1	0	23	33	8	0	16	23	2	0	3	6	1	30682	11%
20.2																					30714	10%
20.3																					39135	10%
21.1	1	165	192	27	0	35	43	3	0	23	66	9	0	23	51	2	0	1	11	2	59038	7%
21.2																					52250	5%
21.3																					70556	7%
22.1	0	243	273	35	0	31	34	4	0	27	74	10	0	27	57	6	0	5	13	0	76615	5%
22.2																					59671	6%
22.3																					59107	6%
22.4																					59028	10%
24.2	0	112	162	15	0	14	34	5	0	33	73	12	0	11	48	1	0	5	16	1	71563	9%

Source: US Census Bureau and Home Mortgage Disclosure Act

On these tables I=government insured loans (such as FHA, VA, etc., C=conventional loans, R=refinancing, and H=home improvement loans. Data for is presented for complete census tracts, however census tracts 17 and 24 are only partially contained within Ashland. Information presented may be imprecise for those tracts.

Table 1.26

Summary of Loan Origination and Dispositions New Purchase (NP) versus Refinance and Home Improvement (HP) (1-4 Units Owner Occupied) 2005-2007												
Census Tract Block Group	Loans Originated		Approved (not accepted)		Denied		Withdrawn		Not Complete (closed)		MFI 2000	Minority Population 2000
	NP	HP	NP	HP	NP	HP	NP	HP	NP	HP		
17.3	366	443	58	69	77	203	49	132	12	38	40227	5%
18.1	455	590	77	89	46	196	49	134	8	39	57756	8%
18.2											53107	7%
18.3											50000	10%
18.4											21903	15%
19.1	67	117	2	11	11	20	7	31	2	6	17083	18%
19.2											49773	15%
20.1	108	116	11	23	23	41	16	25	3	7	30682	11%
20.2											30714	10%
20.3											39135	10%
21.1	166	219	35	46	23	75	23	53	1	13	59038	7%
21.2											52250	5%
21.3											70556	7%
22.1	243	308	31	38	27	84	27	63	5	13	76615	5%
22.2											59671	6%
22.3											59107	6%
22.4											59028	10%
24.2	112	177	14	39	33	85	11	49	5	17	71563	9%

Source: US Census Bureau and Home Mortgage Disclosure Act

Appendix B (FHCO Interview Questionnaire)

The Fair Housing Council of Oregon (FHCO) is a civil rights organization with a mission of eliminating housing discrimination through enforcement and education across Oregon and southwest Washington. We promote equal access to housing by providing education, outreach, technical assistance, and enforcement opportunities specifically related to federal, state, and local fair housing laws. These laws protect against illegal housing discrimination based on “protected class status.” Federally protected classes include **race, color, national origin, religion, sex, familial status and disability**. The State of Oregon also protects on the basis of **martial status, source of income, sexual orientation and gender identity**.

Currently FHCO is working with the City of Ashland, Oregon, to draft a report entitled The Analysis of Impediments to Fair Housing. This report is required for jurisdictions receiving Community Development Block Grant funds and guides the jurisdiction in creating policies that work to create diverse and inclusive communities.

Please take a few minutes to complete the survey below, this will help us create a better picture of available housing and barriers to housing in the Ashland community. Please be as specific as possible, and feel free attach extra pages if there is not enough room provided.

1. Are you aware of anyone who has been denied housing or treated differently in housing because of their protected class?
 - Why?
 - What happened?
 - How long ago?
 - What action did they take to enforce their rights?
2. What do you see as the primary barriers to housing in your community? (discrimination, not enough affordable housing, inadequate housing stock, etc.)
3. Is there adequate housing available for people with disabilities?
 - Families with children?
4. Were you aware of Fair Housing and Protected Classes before completing this survey?
5. What other trends do you see in housing?
6. Is there anything else you would like to share with policy makers regarding housing and discrimination in the Ashland area?

Appendix D (Summary of Positive Results for Race-based Testing)

Of the on-site, race-based testing conducted by the Fair Housing Council of Oregon (FHCO) in the Ashland area many showed evidence of illegal discrimination. Evidence of steering, differing terms & conditions, and illegal statements were apparent. Overall, the FHCO findings suggest a chilling effect for African-American renters where applicants' sense of being welcome in complexes was, at least in part, based on the color of skin.

Below is a summary of results for seven paired tests that positively indicated discrimination based on race:

Test #1 Ashland

Although both African-American tester (PT) and white tester (CT) were given the same information, the CT was given the information in a more professional manner. While CT was given a folder containing color documents including floor plans, tenant information, resident services, and multiple applications PT was simply given an application and a copy of tenant information. This differential treatment shows that the agent was putting forth a better effort to rent the unit to the CT.

Test #2 Ashland

African-American tester (PT) was not told about the move-in special. In contrast, white tester (CT) was told that if she moved in now the rest of the month was free.

Test #3 Ashland

African-American tester (PT) was told a higher amount for rent and move-in cost. Agent also told PT what background checks would be performed and told her she needed to send in credit card information with application. White tester (CT) was not told about any background checks nor was she told to submit her CC with application.

Test #4 Ashland

Agent spent very little time with African-American tester (PT). PT was told to have a look around unit without agent while white tester (CT) was given an accompanied tour. PT was also told that she needed to leave her ID with front office for security while CT was not held to such requirement. Finally, CT was told about amenities such as the presence of an on-site pool and hot tub while PT did not receive such information.

Test #5 Ashland

African-American tester (PT) was told a higher amount for rent and move-in cost. PT was told that rent and deposit were \$850 a piece while the white tester (CT) was told that the amount for each was \$675. The difference in total move-in cost was \$350. Agent also did not spend any time asking questions about PT but spoke more with CT. CT was offered other units.

Test #6 Ashland

Agent spent very little time with African-American tester (PT). PT was told to have a look around unit without agent while white tester (CT) was given an accompanied tour. CT was also offered another unit while PT was told no other units were available.

Test #1 Talent

Agent spent very little time with African-American tester (PT) and was not forthcoming with information. PT was told to have a look around unit without agent. Agent did not volunteer any information about unit. With white tester (CT), agent was very friendly, courteous, and forthcoming with information. Agent guided CT through unit and gave much unsolicited information about apartment and surrounding area.

During this test agent stated that she likes to steer people to different units based on presence of children indicating discrimination based on familial status as well.

Appendix D (Sources of Data Reviewed)

US Census Bureau Website

1980 Census

1990 Census

2000 Census

2005-2007 American Community Survey

US Housing and Urban Development Website

City of Ashland Website

Bureau of Labor Statistics Website

Housing Authority of Jackson County Website

City of Ashland Strategic Plan

City of Ashland 2005-2009 Consolidated Plan

**City of Ashland 2005, 2006, 2007 Consolidated Annual Performance and Evaluation
Report (CAPER)**

Ashland School District 2008 Demographer's Report

HMDA Data for the Medford-Ashland MSA for the years 2005-2007

Federal Financial Institutions Examination Council Web Site

Ashland Municipal Code

Oregon Revised Statutes

Uniform Building Code

HUD housing discrimination complaint statistics for Ashland 1995-2008

Bureau of Labor and Industries discrimination complaint statistics for Ashland 1995-2008

**Fair Housing Council of Oregon Discrimination Complaint and Testing Statistics for 1995-
2009**

Title III of the Americans with Disabilities Act

Title VI of the Civil Rights Act of 1964 as Amended

Title VIII of the Civil Rights Act of 1968 as Amended

Section 109 of Title 1 of the Housing and Community Development Act of 1974

Section 504 of the Rehabilitation Act of 1973 as amended

Executive Order 12898

Executive Order 12892

Executive Order 11063, as amended by Executive Orders 12259 & 12892

Age Discrimination Act of 1975

Architectural Barriers Act of 1968

Housing for Older Persons Act of 1995

Final Fair Housing Accessibility Guidelines published in March, 1991

Public law 100-430

Civil Rights Act of 1866

HUD's "Fair Housing Act Design Manual"

National Fair Housing Alliance Website

Housing and Urban Development's "Fair Housing Planning Guide"

Individuals and Organizations Providing Input

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Rich Rohde, Oregon Action

Carlyle Stout, Southern Oregon Rental Owners' Association

Lorna Anderson, Department of Health and Human Services

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Brenda Brickey, Housing Authority of Jackson County

Tabitha Zuck, Housing Authority of Jackson County

Pam Hislip, Housing Authority of Jackson County

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Barbara Bieg, ACCESS Inc.

Ellen Gray, ACCESS Inc.

Faye Weisler, Center for Non Profit Legal Services

Dee Anne Everson, United Way of Jackson County

Deb Bales, community member

Steve Ryan, community member

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Ashland Housing Commission

Carol Voison, Ashland City Council

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Linda Reid, City of Ashland

Brandon Goldman, City of Ashland

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