

September 10, 2018
East Portland Action Plan (EPAP) Housing Subcommittee Meeting
East Portland Neighborhood Office
Meeting Notes

The Goal of the Housing Subcommittee is: To find common ground in supporting a range of housing types in East Portland as a means to strengthening livable communities, encouraging healthy, complete, and stable neighborhoods, and promoting family wage jobs. A range of housing types is meant to include rental housing and home ownership as well as housing for people at various income levels.

The Purpose of the Housing Subcommittee: The purpose of the EPAP Housing Subcommittee is to agree upon productive strategies for housing and to prioritize action items involving housing for East Portland. These strategies and action items might include (but not be limited to): encouraging housing for people in a range of income levels---including affordable housing for low-income people, promoting high quality housing development and construction standards, and encouraging property rehabilitation as well as new construction. The EPAP Housing Subcommittee will work with a lens of preventing displacement, protecting tenants' rights, promoting enhanced housing inspection enforcement, supporting local schools, encouraging job creation and economic development, and strengthening neighborhoods.

The EPAP Housing Subcommittee will strive to promote, for all East Portland residents, quality housing by design which in turn promotes stronger educational systems; an increase in living wages jobs, greater economic opportunity, stronger educational systems, enhanced transportation, and healthy neighborhoods throughout East Portland.

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Housing Subcommittee Meeting

September 10, 2018

Meeting began at 6:03 pm.

Attendees: Katie Larsell, Craig Collins, Kate Coenen, Leslie Lum, Linda Bauer, Lore Wintergreen, Doug Armstrong, Dominic Belcastro, Nick Sauvie, Jenny Glass, Ken Minkoff, Jamey Duhamel, Kathy Pape, Hongsa Chanthavong, Candice Loveland, Erika Kennell, Tony Lamb, Michelle DePass, Merrill Liddicoat, Frieda Christopher and John Mulvey.

Frieda called the meeting to order and attendees introduced themselves.

1. Prosper Portland (Joint Meeting with EPAP's Economic Development Subcommittee): Nick told us that a group has been meeting monthly to talk about concerns about Prosper Portland. The group includes people from EPAP and the Lents Strong Housing Team. He distributed notes from their recent meeting and a factsheet describing the lack of progress on income growth despite Prosper Portland's goals of wage growth in East Portland.

Nick also distributed a map showing the risk of displacement moving from central Portland into East Portland, and the latest budget mapping information showing continuing disinvestment in housing in East Portland.

Katie said that Prosper Portland presented at a meeting at the Immigrant & Refugee Community Organization and said the right things about economic development in East Portland. She said that there is a need to build trust between Prosper Portland and the community. Frieda agreed and said that Prosper Portland has a history of poor communication with the community.

Lore said that Alison Wicks of Prosper Portland had asked for time on the Housing Subcommittee agenda. John said that Lore should ask her to contact him or Frieda about scheduling it.

Frieda expressed the concern that Prosper Portland is supporting projects with both TIF funds and inclusionary housing incentives, which wasn't supposed to happen. She said that the resulting units for renters at 80% median family income are still more expensive than local community members can afford.

Frieda also said that she would strongly oppose efforts to extend the Gateway Urban Renewal Area. She felt redevelopment in Gateway and Lents URAs had not brought any significant tax base increase in the David Douglas School District and the expiration of the URA's would benefit the District residents when the school district needed to go out for a bond.

Nick asked whether those involved with the Neighborhood Prosperity Initiatives were interested in participating in these discussions. Jenny said that they would like to be part of the conversation and said that Rosewood Initiative has a good relationship with Prosper Portland. Kate said that it could be delicate for the NPI's to participate but that she would like to be involved.

John said that there needs to be more scrutiny of the funds that are or will soon be going into the City's general fund as the urban renewal areas sunset. He said that the Mayor has already announced a new infrastructure program called "Build Portland" that redirects these funds into transportation infrastructure, and that since 45% of those funds were previously earmarked for affordable housing, the new program amounts to a cut in the City's affordable housing spending.

Nick said that the group has scheduled a meeting with Jo Ann Hardesty and is trying to schedule one with Loretta Smith. He also said that the group is considering asking to become an official EPAP subcommittee.

2. City of Portland Renter Screening Policy: Jamey distributed the latest draft of Commissioner Eudaly's proposed Renter Screening Policy. She said that the project was intended to bring an equity lens to the application process for rentals and to break down challenges in access to housing. She said that the policy continues to evolve and that they are still negotiating with landlords and tenant groups.

She said that the way to ensure equitable treatment is to require a first-come, first-served approach.

She also said that the current language requiring 60% of units be compliant with the Americans With Disabilities Act will probably be eliminated and that they are likely to compromise with landlords if they will agree to rules that disabled-accessible units be advertised to people who need them.

Erika asked about whether people further back in the application line would have their screening fees returned. Jamey said that people who are denied would have their screening fee returned.

John said that under the policy as drafted, in the event of a denial, the landlord would be required to provide a written individualized assessment explaining the denial and provide for an appeal. Jamey said that No, merely being at the back of the queue would not constitute a “denial” under the policy. John suggested that there was an ambiguity in the language of the policy. Jamey disagreed and said that the policy is clear.

Jamey said that the policy would also prohibit income requirements greater than twice the monthly rent, but that there would be allowances for increased costs of required utilities and that cosigners would be allowed to guarantee rent. She also said that landlords would only be permitted to screen rent-payers for income.

Jamey said that the US Department of Housing and Urban Development has already determined that criminal history screenings can have a disparate impact on protected classes, making them potentially a violation of the civil rights laws. She said that Commissioner Eudaly would like Portland to view eviction history screenings and credit history screenings the same way.

She said that the City Attorney says that the City cannot create a list of prohibited categories of landlord denials and that they would like landlords to have to write an individualized assessment.

Lore asked whether there was the potential of lawsuits by renters against landlords who comply with the policy and knowingly rent to a sex offender. Jamey said that those plaintiffs would lose. She said that landlords can only be held accountable for things within their control and that under federal law they cannot be held responsible for past criminal behavior by tenants.

Frieda said that the policy language on past convictions is unclear. It says “greater than 3 years from sentencing” and 1-year from release. Jamey said that the language isn’t in conflict.

Jamey said that there is a great amount of stigma due to peoples’ fear of their neighbors and that stable housing is essential for people with criminal backgrounds to succeed.

She said that the latest draft includes more specific language on the individualized assessment requirement.

She also said that the section on mandatory appeals would probably be dropped because screening companies have objected to the increased cost to comply. She said that the appeal process would double the screening fee, whereas compliance with the rest of the policy would only add \$15 to \$20 to the cost.

Jamey said that the new tentative date to bring the policy to the City Council was October 18.

3. Portland Housing Bureau Report: Michelle distributed a “dashboard” document showing recent affordable housing development pipeline data and factsheets about housing bond acquisitions. She told us that the Housing Bureau’s property at 105th and Burnside was currently leasing up. She said that the Bureau has contracted with IPM as the property manager. She said that the referrals for the affordable units were coming from JOIN and the David Douglas School District.

4. Review of Previous Month’s Advocacy Work: John informed the group that the City Council approved the new MDP zoning classification, which will protect mobile home parks from redevelopment.

5. Other Business / Future Agenda Items: Merrill introduced herself and told us that she would be working with Rosewood Initiative on a new project supporting affordable home ownership.

Meeting adjourned at 8:05pm.

Next EPAP Housing Meeting: Monday, October 8th, 6pm.

Childcare and Translation needed? Contact lore: 503.823.4035 or lore.wintergreen@portlandoregon.gov

Subcommittee Name: HOUSING

EPAP Action item(s) being addressed: Housing and Development.1 – .6; Commercial and Mixed Use.1 - .2; Economic Development and Workforce Training.4.5; Public Safety.7.1; Housing Assistance and Safety Net Services.1 - .6; Equity.2.1 + 3.2

Housing Subcommittee Recommendations:

1. The Housing sub-committee supports mixed-use and commercial zoning in commercial corridors in East Portland. This would promote greater economic development, prosperity, and encourage mixed-income housing development.(CM 1.1)
2. The Housing sub-committee supports single-family housing adjacent to commercial corridors to promote general homeownership, especially minority homeownership, as well as mixed-income and more innovative housing. (CM 1.1)
3. The Housing Sub-committee sees the need for increase in amenities, jobs, infrastructure, and public transportation in East Portland to support housing of people in all income levels and to attract more middle and upper income housing.
4. The Housing Sub-committee would recommend prioritizing voluntary Inclusionary Zoning in middle income neighborhoods as one tool to promote mixed-income neighborhoods throughout Portland and to advocate for the City of Portland, Multnomah County and METRO to develop a pilot project for voluntary Inclusionary Zoning within the City/County.
5. The Housing Sub-committee would recommend advocating ending discrimination based on having a Section 8 Certificate, so low income families would have a greater choice on where they could live. The committee supports changing the law at the state level to remove this discrimination.
6. The Housing Sub-committee, after exhaustive research, recognizes that East Portland does not have significantly more tax-exempt housing properties than any other area of Portland, either in numbers or as a fair-share. East Portland does have significantly more “affordable by accident” housing than other parts of the City, but this has nothing to do with properties being tax-exempt or not.

East Portland Action Plan 2018 – 2020 Strategic Priorities with dedicated Housing Subcommittee Advocacy

- H. Office of Renter’s Services:** Fund and implement a housing rehabilitation program for East Portland to improve the safety, appearance, and affordability of existing housing stock. Involve the East Portland Action Plan Housing Subcommittee in the development of the program. (HD.2.3) *Housing Subcommittee*
- I. City Housing Bureau and State of Oregon Legislature:** Increase opportunities for sustainable moderate income and minority home ownership. (SN.2.1+2) *Housing Subcommittee*
- J. City of Portland Housing Bureau and Bureau of Planning & Sustainability, Prosper Portland, METRO, Multnomah County, and State of Oregon:** Perform an Anti-Displacement Impact Analysis when considering multi-family and commercial developments. to provide a pre-build assessment of the effect such development will have on displacement in the area (usually a one-mile radius). (SN.1, SN.2, SN.6, EQ.1, and EQ.2) *Housing Subcommittee*
- K. City of Portland:** Create an “Equitable Neighborhood Housing Fund” for East Portland to support the acquisition of developable land and existing market-rate housing currently serving low-income families and communities of color by organizations actively working to prevent residential displacement and build healthy, inclusive neighborhoods within East Portland. (SN.1, SN.2, SN.6, EQ.1, and EQ.2) *Housing Subcommittee*

Housing Subcommittee Displacement Prevention Recommendations for East Portland

Community Benefits Agreements (CBA)

This is a contract with a governmental agency, real estate developer, or other jurisdiction to provide specific benefits to the local community or neighborhood in exchange certain provisions from that community or neighborhood. On public projects, CBAs can be negotiated with the initiating government agency and can be included in a Request for Proposals (RFP) with contractors. With private developers benefits can be negotiated in a contract established with community groups who then accept (or don't oppose) project adjustments. CBAs have funded workforce training, local hiring, childcare access, affordable housing units, re-location stipends, reinforced access to family-wage jobs, and other public benefits.

Rent Stabilization

Just as Oregon has property tax increase protection, Rent Stabilization protects tenants in residential multi-family properties from excessive rent increases by mandating reasonable gradual rent increases, while at the same time ensuring the landlords receives a fair return on their investment.

Just Cause Eviction (JCE), Code Enforcement, and Renter Education

Just cause eviction controls are laws that protect renters by ensuring that landlords can only evict with proper cause, such as a tenant's failure to pay rent or destruction of property. While JCE provides such protections for renters, landlords retain full right to evict a tenant for breach of rental contract. Code Enforcement compels landlords to improve unsafe building conditions. Code Enforcement can ensure that multi-family dwellings are owned and managed responsibly. When housing code violations are found and not corrected, the government can impose significant penalties upon landlords. Rights and responsibilities education for renters must be included as an active component of JCE and Code Enforcement, to ensure the systems are reasonably monitored and enacted.

Anti-Displacement Impact Analysis

Impact Analysis is a tool that requires multi-family and commercial developments to provide a pre-build assessment of the effect such development will have on displacement in the area (usually a one-mile radius).

Housing Acquisition Rehabilitation to Insure Affordability This applies public housing dollars to purchase existing multi-family developments in poor condition and to rehabilitate the facility for use as affordable housing to be managed by a public entity or non-profit that serves low-income populations.

No Net Loss/Affordable Housing Preservation Ordinance

No Net Loss is when a City has to maintain a fixed amount of affordable housing through preservation, new construction, or other replacement of lost units. The Affordable Housing Preservation Ordinance is the establishment of a policy to ensure that the amount of housing affordable to low and moderate income persons does not decrease over time.

Broadening Homeownership and Cooperative Ownership

This establishes programs to increase opportunities for low-income households to have the opportunity to purchase a home. It means that some of the barriers to homeowners are removed so that homeownership becomes easier for groups of people who are often unable to purchase homes for themselves. Cooperative Ownership of multi-family developments occurs when a group of people form a collective business corporation to share ownership of a building. Co-op members work together to reach mutual goals based on democratic control and decision-making. Co-op members may or may not be residents of the shared ownership building.

Inclusionary Zoning

This requires developers to make a percentage of housing units in a new residential development available to low and moderate income households. In return developers receive non-monetary compensation in the form of density bonuses, zoning variances, expedited permits, or similar provisions that reduce construction costs or promote the developers goals. This can be done in developments with many single-family units or in multi-family developments.

Owner-Occupied Homeownership Retention for People with Low -Income

As house values rise taxes rise and people living on limited and fixed incomes are not able to afford the taxes. While benefiting at the point of sale, people cannot afford to stay in their often long-term residences and cannot find another home in the area that does not present the same conditions.