

Council Communication

July 19, 2016, Business Meeting

First Reading of an Ordinance amending Ashland Municipal Code section 10.110 Fair Housing

FROM:

Linda Reid, Housing Program Specialist, Community Development Department, reidl@ashland.or.us

SUMMARY

This is an update of the Fair Housing section of the Ashland Municipal Code (Ch. 10.110) to newly establish domestic partnership status and age as protected classes. The suggested language to be included in the Fair Housing ordinance represents the cumulative efforts of two years' worth of research, community dialog and discussion, and includes some general "housekeeping" updates to the ordinance needed to bring it up to date with State of Oregon protections and City policies.

BACKGROUND AND POLICY IMPLICATIONS:

In 2013, the Associated Students of Southern Oregon (ASSOU) student government prioritized having student status added as a protected class to the City's Fair Housing Ordinance in response to discrimination students have reportedly experienced in trying to secure rental housing in Ashland. The ASSOU student government approached the City Council to request amendments to the City's Fair Housing ordinance. In April of 2014, the Council directed the Housing and Human Services Commission to study the issue and develop a recommendation on whether students should be added as a protected class. For a more complete description of the actions undertaken by the Commission and the student government please see the Council Communication dated [March 14, 2016](#).

The ordinance has been amended to reflect the feedback from the City Council at its study session held on March 14th. The changes to the ordinance include language to clarify that student grants/scholarships or loans do qualify as a "source of income," and as such a landlord cannot disqualify a prospective tenant that lists such income on a rental application on that basis alone. The proposed ordinance also expands protections to newly include "Age" and "Domestic Partnership" as protected classes, and removes the exceptions for households that receive section 8 assistance. The protected classes proposed are in addition to the existing State and federally protected classes covered by the City's ordinance. The existing protected classes include; race, color, religion, sex, sexual orientation, gender identity, national origin, source of income, disability and familial status. Under fair housing law it is unlawful to discriminate against members of a protected class in housing transactions. The ordinance amendments also included clarifying language recognizing emancipated minors as protected under the newly proposed prohibition on "Age" discrimination; Clarification regarding the penalty for violating the ordinance (violation would be a Class I (most severe) violation). These clarifications and amendments have been incorporated into the ordinance to address concerns raised by council members at the study session held on March 14th.



COUNCIL GOALS SUPPORTED:

- 5. Seek opportunities to enable all citizens to meet basic needs.
- 5.3 Leverage partnerships with non-profit and private entities to build social equity programming.
- 7. Keep Ashland a family-friendly community.
- 7.3 Support land-use plans and policies that encourage family-friendly neighborhoods.

FISCAL IMPLICATIONS:

N/A

COMMISSION AND STAFF RECOMMENDATION AND REQUESTED ACTION:

- The Housing and Human Services Commission recommends approval of the ordinance as presented.
- Staff recommends that the Council approve first reading of the draft ordinance as presented, and move it to second reading.

SUGGESTED MOTION:

Move to approve first reading by title only of the ordinance titled, “An Ordinance Amending Ashland Municipal Code Chapter 10.110 Fair Housing,” and to move the ordinance to second reading.

ATTACHMENTS:

- Fair Housing Ordinance as amended
- [March 14, 2016 Council Communication](#)
- [April 1, 2014 City Council Business Meeting Minutes](#)
- [March 14, 2016 City Council Study Session Minutes](#)



ORDINANCE NO. _____

AN ORDINANCE AMENDING ASHLAND MUNICIPAL
CODE CHAPTER 10.110 FAIR HOUSING

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop 20 Or. App. 293; 531 P 2d 730, 734 (1975); and

WHEREAS, the City of Ashland contracted with the Fair Housing Council of Oregon to complete and Analysis of Impediments to Fair Housing Choice which recommended that the City undertake an update of the Fair Housing Ordinance, and

WHEREAS, the City of Ashland Housing Commission considered the above-referenced recommendation and finalized the recommended amendments to the Ashland Municipal Code at a duly advertised public hearing on August 22, 2012 and following deliberations recommended approval of the amendments to the City Council on October 16, 2012.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. AMC Chapter 10.110 Fair Housing is hereby amended to read as follows:

SECTION 10.110.010 Declaration of Policy.

It is hereby declared to be the policy of Ashland, Oregon, in the exercise of its **policy police** power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities **~~regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, source of income, disability, or familial status,~~** and, to that end, to prohibit discrimination in housing by any persons. (Ord. 2746, 1994)

SECTION 10.110.020 Definitions.

When used herein:

- A. "Real property" includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- B. "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, age, sex, sexual orientation, national origin, source of income, disability, familial status, or domestic partnership status; or any act that is unlawful under this ordinance. (Ord. 2713, 1993)
- C. "Person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- D. "Owner" includes a lessee, sublessee, co-tenant, assignee managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- E. "Financial Institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.
- F. "Housing accommodation" or "Dwelling" means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.
- G. "Open market" means the market ~~which is~~ comprised of members of the general public who become informed of the availability for sale, purchase, rental or lease to members of the general public of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof.
- H. "Older Person" A person of age fifty-five (55) or older.
- I. ~~"Familial status"~~ "Familial" means a relationship between one or more individuals who have not attained 18 years of age and an adult with whom the individual(s) is (are) domiciled and who is (1) a parent or person having legal custody of the individual(s), or (2) an adult to whom such parent or person having such custody has given written permission to provide housing for the individual(s). ~~"Familial status"~~ "Familial" also ~~means the condition~~ includes the characteristic of being ~~and an~~ individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained 18 years of age.
- J. "Disability" means a physical or mental impairment which substantially limits one or more major life activities. "Disability" includes having a record of such an impairment or being regarded as having such an impairment
- K. "Sexual orientation" means attraction to or selection of a sexual partner according to gender. "Sexual orientation" includes having a history of that attraction or selection, or being identified with that attraction or selection. "Sexual orientation" is limited to heterosexuality, homosexuality, and bisexuality.
- L. "Source of Income" means the type of financial resources a person uses to support himself or herself and his or her dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or

agreement, from federal or state payments, **grants, scholarships, loans, Federal Student Aid, Social Security benefits, Section 8 housing choice voucher assistance,** court ordered payments, gifts, bequests, annuities, life insurance policies, **pensions, retirement savings,** and compensation for illness or injury. ~~but excluding any money or property~~
Source of income does not include income derived from a specific occupation or income derived in a manner made illegal or criminal by any **State or Local** statute or ordinance.

M. “Gender Identity” means a person’s actual or perceived sex, including a person’s, appearance, expression or behavior, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person’s sex at birth.

N. “Fair Housing Officer” means the City Attorney or designee who will serve as the designated Fair Housing Officer.

O. “National Origin” means a person’s country of birth or ancestry.

P. “Age” means having the characteristic of being 18 years of age or older or except that for purposes of section 10.110.040 B (1), “age” also means the characteristic of having received a decree of emancipation from the State of Oregon pursuant to ORS 419B.552.

Q. “Domestic partnership” means a relationship between two persons who meet the following requirements: live as a family in a relationship of mutual support, caring and commitment, and intend to remain in such a relationship; neither is married or the domestic partner of any other person; are each 18 years of age or older; are not related by blood kinship closer than would bar marriage in the state of Oregon; and are mentally competent to consent to contract. Domestic partnership shall also be demonstrated by having registered, certified or affirmed the relationship with any appropriate, legally established registry with substantially similar criteria within any jurisdiction in the United States.

SECTION 10.110.030 Unlawful Practices.

In connection with any of the transactions set forth in this section which affect any housing accommodation in the open market, or in connection with any public sale, rental or lease of any housing accommodation, it shall be unlawful within the City of Ashland for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- A. Refuse to sell, rent or lease, or deny to or withhold any housing accommodation from a person because of race, color, religion, **age**, sex, sexual orientation, gender identity, national origin, source of income, disability, familial status **or domestic partnership status**; or
- B. ~~To d~~ **D**iscriminate against a person in the terms, conditions or privileges of the sale, rental or lease of any housing accommodation, or in the furnishing of facilities of services in connection therewith; or
- C. ~~To r~~ **R**epresent to a person that any housing accommodation is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation on the open market because of race, color, religion, **age**, or national origin, disability, sex, sexual orientation, gender identity, source of income, familial status **or domestic partnership status**; or

- D. ~~Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or announce a policy, or sign or use a form of application for the sale, rental, lease or financing of any housing accommodation, or make a record of inquiry in connection with the prospective sale, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination.~~
- E. ~~To~~ Retaliate or discriminate in any manner against a person because that person has opposed a practice declared unlawful by this article, or because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or
- F. Inquire into the sexual orientation of a purchaser, renter, or lessee, or prospective purchaser, renter or lessee. (Ord. 2746, 1994)
- G. ~~A refusal~~ **Refuse** to permit, at the expense of the a person with disabilities, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

SECTION 10.110.040 Exemptions.

- A. This ordinance shall not apply to:
 - 1. A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, **age**, sex, sexual orientation, **gender identity**, national origin, disability, familial status, **or domestic partner status**.
 - 2. A private club not open to the public, which incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
 - 3. The leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as his or her primary residence.
- B. The requirements of this ordinance on prohibition of discrimination on the basis of familial status shall not apply to:
 - 1. Dwellings provided under any State or Federal program specifically designed to assist older persons, or to dwellings in bona fide retirement communities designed and operated for older persons or dwellings otherwise intended and operated exclusively for older persons, equipped with facilities specifically designed for the physical and social needs of such persons.
 - 2. Applicability of reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit.
 - 3. Any housing provided, owned or operated by the State or Federal Government.
 - ~~4. Any housing unit of less than four hundred (400) square feet gross floor area.~~

- C. The prohibitions in section ~~10.011.020~~ 10.110.020 against discrimination on the basis of sexual orientation and gender identity do not apply to;
1. ~~To the~~ The leasing or renting of a room or rooms within an individual living unit which is occupied by the lessor as his or her residence.
 2. ~~To the~~ The leasing or renting of a room or rooms within individual units where one of the units is owner occupied;
 3. ~~To~~ Space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.
- D. The prohibitions in section ~~10.011.030~~ 10.110.020 against discriminating on the basis of source of income do not prohibit:
1. Inquiry into and verification of a source or amount of income;
 2. Inquiry into, evaluation of, and decisions based on the amount, stability, security or creditworthiness of any source of income;
 3. Screening prospective purchasers and tenants on bases not specifically prohibited by this chapter or state or federal law;
 - ~~4. Refusal to contract with a governmental agency under 42 U.S.C. 1437f(a) "Section 8".~~
- E. The prohibitions in section ~~10.011.030~~ 10.110.020 against discriminating on the basis of gender identity do not prohibit:
1. Health or athletic clubs or other entities that operate gender-specific facilities involving public nudity such as showers and locker rooms, from requiring an individual to document their gender or transitional status. Such documentation can include but is not limited to a court order, letter from a physician, birth certificate, passport, or driver's license.

SECTION 10.110.050 Procedures.

Any person aggrieved by an unlawful practice prohibited by this ordinance may file a complaint with the Fair Housing Officer no more than one year after the alleged unlawful practice occurred. The Fair Housing Officer or a duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the Fair Housing Officer to forward the complaint and findings to appropriate state and federal officials.

SECTION 10.110.060 Enforcement and Administration.

- A. The provisions of this section are in addition to state and federal law, nothing in this section precludes complainants from pursuing other remedies available under any appropriate government agency or under the statutes and procedures established in ORS Chapter 659A.
- B. Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of this code shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659A.870. 659A. 885 and 659A. 890. The court may grant such relief as it deems appropriate, including but not limited to such relief as is provided in ORS 659A.885.

SECTION 10.110.070 Penalties.

Violation of this chapter is a Class I violation, punishable in accordance with AMC 1.08.020.

SECTION 10.110.080 Severability of invalid provisions.

In case any one or more of the sections, subsections, clauses, or provisions of this ordinance, or the application of such sections, subsections, clauses or provisions to any situations, circumstances, or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this ordinance or the application of such sections, subsections, clauses or provisions to any other situation, circumstance or person, and it is intended that this ordinance shall be constructed and applied as if such had not been included in this ordinance. (Ord. 2527, 1989; Ord. 2713, 1993)

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code, and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any Whereas clauses and boilerplate provisions (*i.e.*, Sections 2) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2016, and duly PASSED and ADOPTED this ____ day of _____, 2016.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2016.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

Council Communication

March 14, 2016, Study Session

Report on Potential Amendments to Ashland's Fair Housing Ordinance

FROM:

Linda Reid, Housing Program Specialist, Community Development Department, reidl@ashland.or.us

SUMMARY

This is a review of potential amendments to the Fair Housing chapter of the Ashland Municipal Code (Ch. 10.110) to newly establish domestic partnership status and age as protected classes. The suggested language to be included in the Fair Housing ordinance represents the cumulative efforts of two years' worth of research, community dialog and discussion, and includes some general "housekeeping" updates to the Ordinance needed to bring it up to date with State protections and City policies.

BACKGROUND AND POLICY IMPLICATIONS:

In 2013, the Associated Students of Southern Oregon (ASSOU) student government prioritized having student status added as a protected class to the City's Fair Housing Ordinance in response to discrimination students have reportedly experienced in trying to secure rental housing in Ashland. To that end, the ASSOU student government undertook several actions, including approaching the City Council to request amendments to the City's Fair Housing ordinance. In April of 2014, the Council directed the Housing and Human Services Commission to study the issue and develop a recommendation on whether students should be added as a protected class.

The Council also asked the Commission to consider actions other than designating student status as a protected class in the City's Fair Housing ordinance that could serve to increase students' desirability as tenants and remove barriers to obtaining rental housing. And lastly, the Council asked the Commission to consider any unintended consequences to proposed policy changes and to specifically include the real-estate and rental property community in the discussion to help identify unforeseen impacts. The Housing and Human Services Commission, in concert with the ASSOU student liaison, undertook several actions.

- Conducted a survey of student's experiences in rental housing transactions. (See Attachment #5)
- Organized and hosted a forum discussion on the topic of student discrimination in rental housing which featured speakers from the City of Corvallis and the Fair Housing Council of Oregon (held on March 11, 2014 at the Stevenson Union <https://www.youtube.com/watch?v=0hxBItWIXBY>)
- Worked with the commission to draft and conduct a survey of rental owners/property managers.
- Provided an overview of potential ordinance changes being considered to Southern Oregon Rental Owner's Association and requested their feedback. (See Attachment #4)
- Maintained the student fair housing issue as a priority on the ASSOU student government agenda to ensure that the project had continual student representation.



The Housing and Human Services Commission has discussed this topic at length over the course of numerous meetings and has supported the student liaison's efforts to the extent possible. In the course of discussions about potential changes to the City's Fair Housing ordinance the Commission felt that there is a very limited benefit that students could achieve through policy changes at the City level. The feedback provided by landlords clarified that the reasons that landlords do not rent to students are typically outside of the purview of City government. Specifically rental owners/property managers cited student's inability to meet basic tenant eligibility criteria such as:

- Qualifying rental history
- Qualifying credit scores,
- Qualifying income(s)
- Security or asset thresholds to cover potential damage.

The Commission is suggesting proposed language within the Fair Housing ordinance to clarify that student grants/scholarships or loans would qualify as a "source of income," and as such a landlord could not disqualify a prospective tenant that listed such income on a rental application on that basis alone. However, through review of this clarifying language it was noted that a property owner cannot go after grants and scholarships in cases of damages to units beyond those which would be covered by the required deposit. Similarly, landlords have stated that many do not accept out of state co-signers (such as parents of students) as it is similarly difficult to obtain additional funds for damages from out of state co-signers through the court system. Lastly, landlords have identified the difficulties of renting to multiple students in one household as all adults in a household must be on a lease, and each must be individually qualified through the rental application process.

The Commission feels that while the City is not well suited to addressing the reduction of barriers such as those identified above, Southern Oregon University could more appropriately address them. The Commission is committed to finding solutions to resolve these issues by working with the University in coming up with potential solutions.

A few solutions which have been proposed include:

- Working with the University to recognize dormitory history as rental history (working with the university to set up criteria for rating students as renters based on their behavior, adherence to rules/regulations and timely payment of bills then using that history in compiling a "rental reference" file through the student housing department.
- Creating an application to rate students as renters (something like TripAdvisor) so that landlords, or the university could provide feedback based on student behaviors and experience.
- Create a rental housing reference fund pool for students to pay into to provide a rental housing deposit guarantee fund. Theoretically only responsible students would pay into a fund to guarantee that they will be responsible renters. The fund could provide some measure of assurance for landlords.

In order to fully evaluate the potential impact, and effectiveness, of various changes to the City's Fair Housing Ordinance under consideration, the Council directed the Commission to identify the consequences of suggested policy changes. The Commission and Staff have identified the following potential consequences:

- Expanding protections to include "age" would prohibit a landlord from refusing to rent to college aged students (over 18) based exclusively on their age. Age protections could add



further protections for seniors and the elderly in rental housing transactions.

- Landlord/property manager feedback intimates that any further regulations may cause a reduction in rental units in Ashland as they may pose a deterrent to business owners.
- Student rental applicants that are disqualified based on lack of rental history, insufficient income or other universal application criteria may falsely believe they could not be rejected as tenants if “students” were a specific protected class.
- Investigation and enforcement of cases of housing discrimination based on added protected classes that are not already protected under Federal or State fair housing laws would be an increased burden for City staff.
 - Adding “age” and “domestic partnership” as protected classes may increase the workload of the “fair housing officer” who is defined as the City Attorney or designee, due to the need to provide enforcement actions as “age” and “domestic partnership” are classes that are not protected under state or federal fair housing laws and therefore complaints based on discrimination could not be redressed through either of those entities.
 - Potential “disparate impact” cases due to language in advertising stating “No Students.” This could be a disparate impact based on age of the student population.
 - In consulting with the City’s Legal Department (which would bear the increased enforcement burden) it appears that there have been no fair housing enforcement actions in the past in which the City did have additional protected classes beyond those covered by the State or Federal laws. Furthermore, the Fair Housing Council of Oregon reports that on average it receives 18 fair housing hotline calls from Ashland a year, and that 50% of the calls are landlord/ tenant issues rather than fair housing violations. On average less than 25% of the hotline calls are actual fair housing complaints/violations.
- Amending the Source of Income definition: While it is not necessary to add, further clarification might help to bring awareness to the protected classes based on source of income. Specifically, add “*including grants, scholarships, loans, and section 8 housing choice voucher assistance*” to the definition after “*from federal or state payments.*” Further added “*Source of income does not include income derived from a specific occupation or income derived in a manner made illegal or criminal by any statute or ordinance.*” This language is taken from the State of Oregon Fair Housing statutes.
 - Removing the existing exemption that allows landlords to refuse Section 8 housing vouchers (110.110.040.D.4) clarifies that such housing choice vouchers are a type of financial resource that is to be considered a legitimate “Source of Income.” This change is consistent with state fair housing law which prohibits discrimination based upon a tenant’s use of Section 8 housing vouchers.
 - Adding language that addresses hemp workers under the Source of Income definition. Currently language added reads “*Source of Income does not include income derived from a specific occupation or income derived in a manner made illegal or criminal by any statute or ordinance.*” That language would make any source of income which is illegal under any local, state, or federal law, such as any income derived from the hemp industry a source of income that could be rejected by landlords. Language could be added to mitigate that impact (such as “*any state statute or local ordinance*”) which would limit the legality of sources of income to those which are legal under state and local statutes.

COUNCIL GOALS SUPPORTED:



2015-2017 Strategic Plan

- 5. Seek opportunities to enable all citizens to meet basic needs.
- 5.3 Leverage partnerships with non-profit and private entities to build social equity programming.
- 7. Keep Ashland a family-friendly community.
- 7.3 Support land-use plans and policies that encourage family-friendly neighborhoods.

FISCAL IMPLICATIONS:

N/A

COMMISSION AND STAFF RECOMMENDATION AND REQUESTED ACTION:

- Recommendations from the Housing and Human Services Commission regarding updates to the municipal code to further provide protections for Ashland households, including students, are included in the draft ordinance amendments presented as an attachment to this Council Communication. Suggest a code amendment to add “age” as a protected class.
- Clarify the “Source of Income” definition.
- Add “domestic partnership” as a protected class, which will bring the ordinance in line with existing City policies regarding the recognition of domestic partnerships within the City (Domestic Partnership registry adopted by Council 10/5/1999).
- Remove the exemption pertaining to familial status in housing transactions on unit of less than 400 square feet in gross floor area.
- Remove the exemption pertaining to disqualifying recipients of Section 8 housing vouchers.

The Housing and Human Services Commission further recommends continued efforts to remove barriers to Ashland households obtaining rental housing, including:

- More broadly advertise existing fair housing protections that would be violated with certain types of advertising or in refusing to rent based on certain characteristics.
- Engage Southern Oregon University and the ASSOU in identifying creative solutions to remove barriers students face in qualifying to obtain rental housing.
- The recommendations below will be presented to and discussed with the appropriate representatives at SOU for consideration.
 - Continue the student education and outreach regarding Fair Housing laws, and common rental application criteria, that has been initiated by the ASSOU in the last year to inform future classes of their rights and responsibilities under the law.
 - Explore contracting with ACCESS to offer a targeted “Ready to Rent” program to students.
 - Explore establishment of a fund to pay damages to a property if a graduate of the program skips out on damaged property. Such a security fund would address landlord concerns regarding potential damage in excess of a standard security deposit, and thus increase the desirability of students as tenants.
 - Explore the idea of student co-operative housing.

Community Development Department staff seeks Council direction to prepare amendments to the Fair Housing Ordinance and to schedule a public hearing for formal consideration.

SUGGESTED MOTION:

N/A



ATTACHMENTS:

Draft Fair Housing Ordinance

Minutes of April 1, 2014

Housing & Human Services Minutes of February 25, 2016

Memo of Feedback from SOROA

Student Fair Housing Survey Results



**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
April 1, 2014
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Slattery, Rosenthal, and Marsh were present. Councilor Lemhouse was absent.

MAYOR'S ANNOUNCEMENTS - None

APPROVAL OF MINUTES

The meeting minutes of the Joint Meeting with Parks Commission of March 12, 2014 and the Business Meeting of March 18, 2014 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

The Mayor's proclamations of April 6-12, 2014 as Arbor Week and April 13-19, 2014 as Independent Media Week were read aloud.

Code Compliance Specialist Kevin Flynn presented the six-month update on the Code Compliance Program and clarified the Code Compliance Log.

Management Analyst Adam Hanks suggested adding a \$100 incentive to homeowners who provided electric vehicle charging stations in new or remodeled garages to the existing Earth Advantage new construction program.

CONSENT AGENDA

- 1. Acceptance of Commission and Committee minutes**
- 2. Recognition of Ashland as a Tree City USA city for the 29th consecutive year**
- 3. Liquor license application for William Roussel dba Ashland Mountain Adventures**
- 4. Approval of recommendation from the Public Art Commission for installation of a sculpture at the Calle Guanajuato staircase**
- 5. Approval of recommendation from the Public Art Commission for the installation of a mural at the Emergency Food Bank**
- 6. Special procurement for building repairs to Fire Station #1**

Councilor Slattery pulled Consent Agenda #5 for further discussion regarding the installation of a mural at the Emergency Food Bank. Management Analyst Ann Seltzer introduced the artist Denise Baxter and explained the process involved for mural installation. Ms. Baxter provided information regarding the art piece. Councilor Marsh disclosed that she was the Director for the Ashland Food Bank and had no gain or loss associated with the decision.

Councilor Slattery/Rosenthal m/s to approve the Consent Agenda. Voice Vote: YES. Motion passed.

PUBLIC HEARINGS - None

PUBLIC FORUM

Anne Ashbury/544 B Street/Introduced herself as the Executive Director for the Ashland Independent Film Festival (AIFF) and requested an exception regarding the AIFF grant submitted late to the City due to extenuating circumstances.

Councilor Slattery/Marsh m/s to place the item on the agenda for discussion. Voice Vote: all AYES. Motion passed. Mayor Stromberg added the item at the end of the Public Forum.

Regina Ayars/199 Hillcrest/Explained she was the volunteer coordinator for the Ashland Community Resource Center and provided an update on the Center's success.

Jonny Boulton/165 East Main Street/Spoke regarding the Open Carry Day that occurred March 29, 2014, the role LIBERTY! Ashland played in the event and warned of more rallies and a possible march in the future in opposition to the proposed gun ordinances the City was contemplating.

Ron Roth/6950 99 South/Asked Council to consider creating a cat park to compliment the dog park.

1. Request for an extension to the deadline associated with grant requests for Ashland Independent Film Festival

Councilor Slattery/Marsh m/s to grant the 31 minute time lapse for the AIFF grant application. DISCUSSION: Councilor Slattery explained the issue was serious, there was a deadline, and Council accepted AIFF's explanation. Councilor Marsh acknowledged the application was in on the same day, supported the motion, and cautioned it never happened again. Councilor Voisin commented two years before someone was minutes late submitting a grant application, and the City denied the appeal. She would support the motion although the exception would upset others who had not received similar consideration from Council. **Voice Vote: all AYES. Motion passed.**

Mayor Stromberg agreed to move **Unfinished Business** to the end of the agenda before **Other Business from Council**.

NEW AND MISCELLANEOUS BUSINESS

1. Recommendation from the Downtown Beautification and Improvement ad hoc Committee Management Analyst Ann Seltzer provided background on the Committee who recommended the following short-term projects:

- Remove Asphalt on the parks row between Pioneer and Oak Street on Lithia Way
- Add Sternberg Light along walkway between New Theatre and Main Street
- Improve landscaping at City parking lots
- Install three "Welcome to Ashland" signs
- Improve the right-of-way area at the corner of Lithia Way and Pioneer

Ms. Seltzer clarified the City contracted with the Parks and Recreation Department for maintaining the landscaping at parking lots, medians, and planter boxes in the downtown.

Councilor Marsh/Slattery m/s to approve the recommendation by the Downtown Beautification and Improvement ad hoc Committee. DISCUSSION: Councilor Marsh thought the projects were good and commended the Committee for how quickly they put the recommendation together.

Councilor Voisin motioned to amend the motion that the Parks and Recreation Department was not responsible for parking lot weed abatement regarding landscaping City parking lots and the City is

responsible for that and it be paid for out of the Transient Occupancy Tax (TOT) funds. Motion denied for lack of a second.

Roll Call Vote: Councilor Slattery, Morris, Rosenthal and Marsh, YES; Councilor Voisin, NO. Motion passed 4-1.

2. Appointment to Citizen Budget Committee

City Recorder Barbara Christensen requested direction from the Council regarding the lack of applications to fill the vacant position on the Citizen Budget Committee. Council discussed waiting to advertise the vacancy in October when recruitment normally occurred. Mayor Stromberg would address the need for volunteers at the next Town Hall Meeting.

3. Direction to Housing and Human Services Commission regarding students as a protected class in the Fair Housing ordinance

Kathie Kennedy/132 Greenway Circle, Medford OR/Owned residential properties in Ashland and acknowledged students were concerned regarding renting. It was important that students follow the standards other renters followed. To presume students as a protected class was extreme. Federal level defined protected classes.

Councilor Slattery/Marsh to direct Housing and Human Services Commission to study and develop a recommendation on whether students should be added as a protected class in the City's Fair Housing ordinance. DISCUSSION: Councilor Slattery clarified the Commission did not need to make students a protected class but possibly come back with something that might protect them better. Councilor Marsh requested the Commission discuss why property owners reject students and what students could do to increase their desirability as tenants and whether there were any unintended consequences to the proposed policy. **Voice Vote: all AYES. Motion passed.**

ORDINANCES, RESOLUTIONS AND CONTRACTS

- 1. Second Reading by title only of an ordinance titled, "An ordinance modifying the Verde Village Subdivision's Development Agreement to clarify project phasing and make clear which improvements are required with each phase and to allow either phase to occur first; to change the energy efficiency requirements for the development so that all units will be constructed to at least Earth Advantage Gold standards and will be photovoltaic ready; and to change the landscaping requirements associated with construction of the multi-use path"**

Council declared no Exparte contact.

Councilor Rosenthal/Morris m/s to approve Ordinance #3092. Roll Call Vote: Councilor Marsh, Voisin, Rosenthal, Slattery, and Morris, YES. Motion passed.

Councilor Morris/Rosenthal m/s to approve adoption of findings for Planning Action #2004-00052. Roll Call Vote: Councilor Marsh, Voisin, Rosenthal, Slattery, and Morris, YES. Motion passed.

- 2. First Reading of an ordinance titled, "An ordinance imposing a temporary moratorium on establishment of medical marijuana facilities in the City of Ashland, and declaring an emergency"**

Councilor Voisin/Rosenthal m/s to place on the agenda a discussion the Council consider directing staff to develop a proposal to tax marijuana dispensaries, production, retail and more.

Voice Vote: Councilor Voisin, Morris, Rosenthal, and Marsh, YES; Councilor Slattery, NO. Motion

passed 4-1.

City Attorney Dave Lohman explained the full moratorium would allow the City to review regulation parameters. A limited moratorium would only affect a portion of the city. Another option was a time, manner, or place ordinance that might be deemed as regulatory taking. The full moratorium would be retroactive to March 1, 2014 and end May 1, 2015. Council confirmed the moratorium was not abolishing dispensaries. Mr. Lohman clarified the City could regulate or ban dispensaries or rescind the ordinance during the moratorium.

Community Development Director Bill Molnar explained the Planning Commission initially discussed the issue and the earliest it would go on to an agenda was May, followed by a public hearing, then to Council with first and second reading on the proposed ordinance. Mr. Lohman clarified Council could adopt a land use ordinance with an emergency clause. Mr. Molnar further explained the Commission wanted to review a map of properties zoned E-1 within 100 feet of residential areas to determine the number of properties possibly impacted. They wanted to see the effects of a 100-foot buffer from significant spots likely frequented by minors. The Planning Commission also discussed hours of operation and whether the Conditional Use Permit (CUP) process would be an effective tool.

City Administrator Dave Kanner submitted a Dispensary Discussion Map into the record based on the Planning Commission discussion that depicted E-1 properties within 100 feet of a residential zone, C-1 and M-1 that would allow dispensaries, 1,000-foot buffers from schools, and the overlay zone.

William Clary/460 Williamson Way/Requested a temporary limited moratorium specifically for E-1 zones. It would provide the time needed by the Council and the Planning Commission to determine reasonable zones, rules, and restrictions that would maintain the integrity of neighborhoods like the Williamson Way area. He was not opposed to medical marijuana dispensaries. His main concern was the traffic it would bring to the neighborhood.

Michael Welch/1908 Ashland Street/Explained he owned Puff's and Siskiyou Medical Supply. He agreed with a temporary limited moratorium and acknowledged dispensaries were contentious businesses. Due to moratoriums throughout the state however, Puff's was the only legal operating dispensary between Eugene to the California border and the demand was difficult to manage. He offered Council information on traffic and pedestrian flow pertaining to his dispensary.

Councilor Voisin/Rosenthal motion to suspend rules to ask a question of Mr. Welch. Voice Vote: all AYES. Motion passed.

Mr. Welch explained that according to the Dispensary Discussion Map, his business was E-1 but he believed it was actually C-1. Mayor Stromberg reinstated Council rules.

Alan Ives/465 Williamson Way/Supported a temporary limited moratorium. The proposed location on Williamson Way abutted an E-1 zone and was directly across from residences with children. Ashland commons was on the other side that housed school bus loads of children attending theater that lived outside of town. It was also 1,300 feet from North Mountain Park. The moratorium would provide time to review whether this was a desirable location for a dispensary.

Cheyenne Davis/400 Williamson Way/Represented Top Shelf Meds and asked Council not to place a moratorium on dispensaries. Top Shelf Meds was working with the City Administrator and discussing how to remedy neighborhood concerns. It was important for LMMP patients to have safe and easy access to their medicine. Top Shelf Meds was looking for a new location to avoid a possible year-long ban on

dispensaries.

Justin Hancock/400 Williamson Way/Also represented 400 Williamson Way and wanted to discuss possible new rules that would allow the dispensary to open. They had spent a lot of money on the federal and state regulations and now the City determined their business inappropriate. He hoped all dispensaries were able to rename open during the moratorium and they could come to an agreement with the City.

Judy Emanuel DO/111 Bush Street/Explained she was an Osteopathic physician and treated patients 50 and over that wanted to qualify for medical marijuana starting May 2014. She expressed concern that patients would not have access to their medication if Council passed the moratorium. She hoped if a moratorium occurred, it would not take a year, and Council found some way to make exceptions to the dispensaries currently operating in the area.

Sara Duff/5704 N Missouri Avenue, Portland OR/Represented patients and growers through her business Duff Johnson Consulting by ensuring they remained legal and safe regarding medical marijuana. She matched patients with growers and often there was a long distance between them. Dispensaries were necessary for patients and it was not fair to make them travel several towns away to have access to their medication. She was impressed with the state regulations recently passed regarding testing for contaminants and delaying the implementation of dispensaries would continue to put patients at risk for contaminated marijuana.

Anthony Johnson/5704 N Missouri Avenue, Portland OR/Represented the Oregon Cannabis Industry Association and urged Council not to impose a yearlong moratorium as well as not choose one zone over another. A long moratorium would only hurt the most vulnerable patients and exacerbate the problems caused by prohibition. He encouraged Council to work with people within the industry to devise rules and regulations regarding signage, hours of operation and time, place, and manner regulations. Statistics and studies showed that medical cannabis dispensaries did not increase crime, did not make roads less safe, nor did it put medicine in the hands of children.

Carol Kim/422 Rogue Place/Spoke against the proposed dispensary at 400 Williamson Way in the E-1 zone. With no buffer zones from the City, the dispensary would be in her residential area. She was concerned with the increased traffic, parking problems, night lighting and unknown hours and days of operation. The businesses currently in the area were low traffic operating weekdays 9:00 a.m. to 6:00 p.m. One dispensary operating in Medford had over 1,600 customers and a small neighborhood like hers could not handle that amount of business.

Alex Rogers/450 Park Ridge Place/Explained he was the owner of Ashland Alternative Health, the main medical marijuana clinic in town and carded 3,000 members a year. He understood the concerns of the neighbors on Williamson Way and thought some of the concerns were unwarranted and suggested people read the information Anthony Johnson sent to Council. He saw 3,000 people a year and had never experienced a problem at the clinic or received a complaint over the past five years although it was a clinic and not a dispensary. He did not support the moratorium or zoning but did support regulating hours of operation, signage, and taxing cannabis in Ashland similar to the meals tax. Established dispensaries would still exist with the moratorium and Council's authority would diminish.

Dr. Paul Kaufman/3252 Carriage Drive, Medford OR/Shared his 25-year experience as a surgeon and physician in the area and had seen over 500 patients that used medical marijuana successfully. He considered businesses that sold cigarettes, alcohol, and pharmaceutical drugs as dangerous if not much more so than medical marijuana.

Dr. Jack Kyman/1160 Bellview Avenue/Worked at the Ashland Alternative Health Clinic and helped thousands of patients with the recommendation to use medical marijuana. The issue was access. Patients had qualifying conditions the state set up but the clinic was unable to give them their medication unless someone provided it to them. Denying access to medication was an injustice.

Eli Jaxon Bear/374 Helman Street/Shared he had cancer and explained how he used medical marijuana instead of heavy opiates successfully. He applied marijuana drops from Puffs to heal skin cancer lesions that disappeared within a week. Taking away medical marijuana dispensaries for a year would not help him. Medical marijuana was his medicine and it was saving his life.

Ron Roth/6950 Old 99 South/Hoped the City would treat medical marijuana dispensaries no different from commercial pharmacies. He did not support zoning regulations other than state law. Ashland had a potential for medical tourism. He did not support a moratorium.

Mr. Kanner clarified that Puff's business was in the E-1 zone and the 1,000-foot buffer lines on the map were accurate. In addition to requiring dispensaries be 1,000 feet from any school, per state law, they must also be 1,000 feet from each other. There was a chance the proposed dispensary on Williamson Way was within 1,000-feet of another dispensary. Applicants also had anonymity and had to waive anonymity before the state published their name and dispensary location. It was possible an applicant in Ashland was approved by the state, did not waive anonymity and the City was unaware.

The state would uphold any moratorium imposed by a local jurisdiction, and either not approve an applicant's license or suspend licenses on applications already approved. The applicant had the option of withdrawing the application and getting \$3,500 of their initial \$4,000 reimbursed. Alternatively, they could hold onto their application until the moratorium ended and try again. Once the moratorium ended, staff did not know if the law would revoke or reinstate licenses.

The rules would apply to a full or limited moratorium. However, in a limited moratorium, the Oregon Health Authority would apply the rules only in the areas the moratorium affected. During a moratorium, a business like Puffs would lose protection from criminal prosecution under state drug laws. Under a limited moratorium, Puffs may or may not lose that protection depending on whether the moratorium applied to the zone or location of the business. Mr. Lohman added the Oregon Health Authority recently issued supplemental rules that included enforcement and businesses operating in an area with a moratorium were subject to a fine up to \$500 a day.

States that legalized recreational marijuana allowed either medical marijuana dispensaries to sell recreational only or both.

Police Chief Terry Holderness addressed the impact of crime related to dispensaries and not traffic. Criminal issues surrounding medical marijuana dispensaries occurred in highly urbanized areas that already had crime issues. Ashland had several dispensaries operating off and on throughout the years without issue. The Police Department was not anticipating an increase in crime due to medical marijuana dispensaries and alternately could not guarantee that it would not happen. Nor had the Police Department dealt with a dispensary so close to a residential neighborhood. Traffic was more a legitimate concern in the area than crime. Chief Holderness was not aware of any evidence supporting minors having easier access to marijuana because of dispensaries. It was easier for most minors to obtain marijuana at their schools. It was extremely unlikely medical marijuana dispensaries would change that.

Mr. Lohman explained state statute stated reasonable limitations a local jurisdiction could enact included

hours, location, and manner. Restrictions on manner might involve a neighborhood responsibility plan, security plan, lighting plan, peak electric usage plan regarding grow lights, use of renewable energy, limitations on advertisement, location in a permanent building, building appearance, screened entrance, and prohibit drive-thru access.

Mr. Molnar commented the Planning Commission majority thought commercial zones were more appropriate because they were highly traveled streets. Some E-1 zones were in less visible areas and it might be prudent to have dispensaries in highlighted areas in town.

Mr. Lohman noted a moratorium on E-1 zoning on Hersey Street from Oak Street to North Mountain was problematical regarding equal protection. Mr. Kanner thought Council could approve a limited moratorium that applied to the downtown design overlay zone, and E-1 parcels within 100-feet of a residential except for E-1 parcels that front an arterial street. Mr. Molnar added arterials included North Main, East Main, Siskiyou Boulevard, Ashland Street, and Lithia Way. Mr. Kanner clarified he added the C-1-D in the potential limited moratorium based on Council direction to the Planning Commission.

Councilor Voisin/Rosenthal m/s to approve First Reading by title only of an ordinance titled "First Reading of an Ordinance Imposing a Temporary and Limited moratorium on Establishment of Medical Marijuana Facilities in the E-1 zoning on Hersey Street from North Main to North Mountain in the City of Ashland." DISCUSSION: Councilor Voisin thought Council needed time to decide how they wanted to regulate marijuana dispensaries and wanted to hear from the Planning Commission. She also wanted to honor the neighborhood around Williamson Way, give them the opportunity to get educated on dispensaries in their area and honor their petition. The motion would leave Puffs able to serve the public that needed access to medical marijuana. This specific E-1 zone seemed to be the area that people most likely would establish a dispensary and a moratorium provided that limitation.

Councilor Rosenthal agreed the neighborhood and those that relied on medical marijuana needed to be heard. Mayor Stromberg was concerned someone could establish a dispensary in the downtown area. Councilor Voisin did think the question of dispensaries downtown was an issue. Councilor Slattery would not support the motion. There were too many considerations regarding the motion and it felt like a negotiation of parcels. Mr. Lohman explained when an area was singled out it ran the risk of a potential equal protection claim. Mr. Kanner added the language would not prohibit a dispensary from locating on the Williamson Way parcel because it was not on Hersey Street. Councilor Voisin the clarified area did include Williamson Way.

Councilor Slattery/Rosenthal m/s called for the question. Roll Call Vote: Councilor Rosenthal, Marsh, and Slattery, YES; Councilor Morris, Voisin, NO. Motion passed 3-2.

Roll Call Vote: Councilor Rosenthal, Marsh, Morris, Voisin, and Slattery, NO. Motion denied.

Councilor Morris motioned to approve First Reading by title only of an ordinance titled "First Reading of an Ordinance Imposing a Temporary moratorium on Establishment of Medical Marijuana Facilities in the City of Ashland across the board to last no longer than two months." Motion died for lack of a second.

Councilor Marsh/Rosenthal m/s to approve First Reading of an ordinance titled "An ordinance imposing a temporary moratorium on establishment of medical marijuana facilities in the City of Ashland limited to E-1 zones for properties within 100 feet of a residential zone, and the C-1-D zones and exempt E-1 properties that front arterials." DISCUSSION: Councilor Marsh compared dispensaries to a liquor store or pharmacy and thought the equivalent restrictions should apply. She

hoped the moratorium would not last longer than three months and the Planning Commission would not recommend a prohibition on those locations in the motion and suggest a CUP process instead. She was not opposed to a dispensary in the downtown area. Councilor Rosenthal agreed and supported the motion. Councilor Slattery would also support the motion. Councilor Morris would support the motion with some concern regarding E-1 zone within a 100-feet of residential and not extending it to C-1 zones. Councilor Voisin hoped the motion did not preempt the Planning Commission in any way or give them additional direction. Mr. Lohman clarified conceivably the motion could run the risk of a potential equal protection claim as well. **Roll Call Vote: Councilor Rosenthal, Marsh, Morris, Voisin, and Slattery, YES. Motion passed.**

UNFINISHED BUSINESS

- 1. Second reading by title only of a ordinance titled, "An ordinance amending AMC Chapter 2: Rules of City Council; Uniform Policies and Operating Procedures for Advisory Commissions and Boards; Recreation Commission; Conservation Commission; and Certain Administrative and Operating Departments"**

Item delayed due to time constraints.

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Voisin/Rosenthal m/s Council instruct staff to bring to Council a proposal for taxing marijuana dispensaries, their production from yard to store which would include retail, growing sites, and dispensaries for both medical and recreational marijuana taxing.

DISCUSSION: Councilor Voisin, Rosenthal, Marsh, and Morris were interested in the concept and wanted more information. Councilor Slattery had issues taxing something labeled as a medical supply as well as taxing recreational marijuana not yet passed by the state. **Roll Call Vote: Councilor Rosenthal, Marsh, Morris, and Voisin, YES; Councilor Slattery, NO. Motion approved 4-1.**

City Attorney Dave Lohman would bring back options for Council review.

ADJOURNMENT

Meeting adjourned at 10:29 p.m.



Barbara Christensen, City Recorder



John Stromberg, Mayor

**MINUTES FOR THE STUDY SESSION
ASHLAND CITY COUNCIL
Monday, March 14, 2016
Siskiyou Room, 51 Winburn Way**

Mayor Stromberg called the meeting to order at 5:32 p.m. in the Siskiyou Room.

Councilor Morris, Seffinger, Voisin, Lemhouse, and Marsh were present. Councilor Rosenthal arrived at 6:15 p.m.

1. Public Input

Torii Uyehara/275 Palm Avenue/Explained she was the Southern Oregon University (SOU) Student Body President. She had 350 petitions from students that had experienced housing discrimination in Ashland. Her constituents were interested in integrating into the community and being accepted.

Kevin Stout/127 Cypress Circle/Explained he was an attorney and practiced landlord-tenant law. He was the vice president of Southern Oregon Rental Owners Association and spoke on their behalf regarding the proposed protected class. He was also on the board of directors for the Center for Non-profit Legal Services. Ashland had low vacancy rates. It was difficult to find housing in the community especially for students who lacked rental history and employment income. Oregon had robust antidiscrimination rules and regulations and adding a protected class just for students would not improve their ability to get housing. It would result in unnecessary litigation, drive up housing costs, increase application fees, and rent. Oregon prohibited source of income discrimination. Parents cosigning rental agreements, scholarships, and financial aid all contributed to income. He did not think students warranted the same level of protection other protected classes did. It would not remedy the issues. Landlords would more subtly discriminate in excluding students and create higher standards for all renters. Litigating discrimination cases were difficult to prove, and expensive for both parties.

Council clarified the ordinance addressed age and not actual students and added language regarding source of income. Mr. Stout thought it could cause other unnecessary litigations. A dialogue with landlords would be more effective. He thought there was a small group of landlords who did not want to rent to students because they perceived turnover, occupancy violations, and other issues. The Southern Oregon Rental Owners Association provided training for landlords on inspections, renting to students, ensuring they were good tenants so property owners did not miss out on the student rental market.

2. Look Ahead review

City Administrator Dave Kanner reviewed items on the Look Ahead.

3. Report on potential amendments to Ashland's Fair Housing Ordinance

Senior Planner Brandon Goldman explained in April 2014, Council directed the Housing and Human Services Commission (HHSC) to study and develop a recommendation on adding students as a protected class to the fair housing ordinance. The proposed ordinance was a result of that effort.

Housing Program Specialist Linda Reid explained changes to the ordinance would add two protected classes, one for age and other was domestic partnership since the City had a domestic partnership registry. Another change would clarify language under **Section 10.110.020 Definitions (L) Source of Income** and specifically state “**grants, scholarships, loans, Federal Student Aid, Social Security benefits, Section 8 housing choice voucher assistance, pensions, retirement savings,**” and add “**...Source of income does not include income derived from a specific occupation or income...**” Type of income was under state law and staff thought it was important to clarify it in the proposed ordinance. It was not easy for landlords

to pursue income from grants and scholarships to recover excessive damage costs. The ordinance did not address co-signers.

City Attorney Dave Lohman did not think the language added to the ordinance would provide an extra leverage for students. It would help a student rejected by a landlord for insufficient income who excluded scholarships or other forms stated in the ordinance. Adding age provided some advantage. A plaintiff would have to prove a rejection was due to age.

Ms. Reid noted there were housekeeping changes throughout the ordinance. **Under Section 10.110.040 Exemptions** staff removed **(B)(4) Any housing unit of less than four hundred (400) square feet gross floor area** for families. Familial status would include a pregnant single woman and a two-person household. Under the same section (A)(1), staff added age, gender identity and domestic partner status, and removed **(D)(4) Refusal to contract with a governmental agency under 42 U.S.C. 1437f(a) "Section 8."** Staff re-added **Section 10.110.080 Penalties** to include additional protected classes.

The City had not encountered any enforcement issues. The Fair Housing Council received an average of 13 calls with the majority landlord-tenant issues. Enforcement would seek compliance prior to fining a landlord. Council wanted the ordinance to have a specific violation classification. Other Council comment expressed concern on car requirements for units under 500 square feet.

Ms. Reid clarified a legally emancipated minor was protected. Language regarding hemp workers under the Source of Income definition was from state law and a housekeeping consideration for Council.

HHSC SOU liaison Megan Mercier explained she was the director of SOU Public Relations for Student Government. She shared three proposed solutions. The first would allow SOU to use dorm history as rental history. University Housing currently performed reference checks on students' history in the residence halls. The second solution would create an app that rated students as renters and property management companies. Renters could use the app to store their rental history. The third solution would involve establishing a Rental Housing Reference Fund Pool students could pay into that guaranteed money for damages exceeding the deposit. Other recommendations included education, providing a cleaning supply for tenants, and outreach regarding fair housing laws. Ms. Mercier clarified SOU provided cleaning tools for students living in the residential halls. This could expand to include students living off campus and possibly funded through student fees. She was working with university housing to implement a student renter orientation twice a year. She submitted a document regarding the training into the record. Another idea Ms. Mercier was researching entailed student cooperative housing. There were 6,200 students at SOU with 4,402 fully enrolled. Housing and Residential Services had 1,100 dorm rooms, and 206 family housing units.

Council directed staff to bring an ordinance back to a Council meeting for a public hearing. HHSC would send a letter to the SOU Department of Housing supporting the continuity of student involvement in renter issues in the future.

Meeting adjourned at 6:52 p.m.

Respectfully submitted,
Dana Smith
Assistant to the City Recorder