

# Joint Housing Commission and Ad Hoc Steering Committee Meeting



**August 28, 2013**

**4:00 – 5:45pm**

**Council Chambers-1175 East Main Street**

**1. (4:00) Approval of Minutes (5 min)**

July 24, 2013

**2. (4:05) Public Forum (5 min)**

**3. (4:10) Liaison Reports discussion (15 min)**

**Liaison Reports**

Council (Pam Marsh)

Staff (Linda Reid)

SOU (Andrew Ensslin)

General Announcements

**4. (4:25) HNA Update and Next Steps (10 min)**

Linda Reid, Housing Program Specialist

**5. (4:35) Housing and Human Services Commission Timeline (10 min)**

Linda Reid, Housing Program Specialist

**6. (4:45) Business License Registry/Short Term Rental Update (10 min)**

Linda Reid, Housing Program Specialist

**7. (4:55) September 25<sup>th</sup> 2013 Meeting Agenda Items**

Commissioner items suggested (5 min)

**Quorum Check** – Commissioners not available to attend upcoming regular meetings should declare their expected absence.

**8. (4:55) Upcoming Events and Meetings**

**Next Housing Commission Regular Meeting**

4:00-5:45 PM; September 25, 2013-Council Chambers

**Next Homelessness Steering Committee Regular Meeting**

4:00-6:00 PM; September 11, 2013-Ashland Library

**9. (4:55) Adjournment and Showing of Fair Housing Documentary**

**“Brick by Brick”. (60 Min)**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).



**CITY OF  
ASHLAND**  
ASHLAND HOUSING COMMISSION  
DRAFT MINUTES  
July 24, 2013

**CALL TO ORDER**

Chair Regina Ayars called the joint meeting between the Housing Commission and the Homelessness Steering Committee to order at 4:00 p.m. at Council Chambers located at 1175 East Main St. Ashland, OR 97520.

<b>Housing Commissioners Present:</b>	<b>HSC Members Present:</b>	<b>Council Liaison</b>
Regina Ayars, Chair	Laura O'Bryon	Pam Marsh
Michael Gutman	Graham Lewis	
Barb Barasa	Sara Hopkins-Powell, Co-Chair	<b>SOU Liaison</b>
Gina DuQuenne	Heidi Parker	Andrew Ensslin
	Rich Rohde, Co-Chair	
	Connie Saldana	<b>Staff Present:</b>
	Paula Sohl	Linda Reid, Housing Specialist
	Regina Ayars	Carolyn Schwendener, Admin Clerk

**APPROVAL OF MINUTES**

DuQuenne/Gutman m/s to approve the minutes of the June 26, 2013 regular Housing Commission meeting. Voice Vote: All Ayes; minutes were approved as presented.

Hopkins-Powell/Parker m/s to approve the minutes of the July 10, 2013 Ad-Hoc Homelessness Steering Committee with one correction. Voice Vote: All ayes; minutes were approved with correction.

**PUBLIC FORUM**

**Abby Hogge/1700 Parker Street/**Asked the Housing Commission to consider focusing on the affordability of the ownership market. According to the City website families earning a decent wage in our area still cannot afford to purchase homes here. By supporting local home owners by allowing them to host short term guests helps support the city, tourists and home owners alike, stated Hogge. Hogge strongly urges the Commission to support Short term rentals in residential zones.

**Michael Dawkins/646 E Main/**is a ten year member of the Planning Commission. Dawkins suggested that like Aspen Colorado the affordability of homes in Ashland is slowly going away due to land values becoming so extreme. What used to be affordable has become unaffordable. Dawkins idea is when a house is removed on a property only the footprint of the house that existed can be utilized in rebuilding. The city has enough vacant lots to meet the desires of those who might like to move in to our community and build larger homes, said Dawkins. By capping the existing footprints this would help with the inventory of smaller more affordable homes.

**HOUSING AND HUMAN SERVICES COMMISSION ORDINANCE**

Three drafts were presented to the Commissioners. Staff prepared the initial draft in May which was reviewed by a subcommittee consisting of two members of the Housing Commission and two members of the Homelessness Steering Committee. Their recommended changes were added and then a third draft was created in response to further input from the Community Development staff.

The items of discussion were; membership total and better definition of what was meant by the term "Community Development". Staff also added an additional power and duty "To evaluate, review, and recommend to the Planning Commission and City Council innovative land use strategies targeted at promoting a broad variety of housing types."

A discussion followed. Though most Commissions within the city have a membership of seven the Commissioners did not see the benefit of consistency to all Commissions with that number. Due to the amount of work the group would like to accomplish and the need for sub committees a larger amount of people to utilize would be beneficial.

Due to the added duties and powers it was suggested to begin the Commission with nine members and then evaluate it in six months. In the past the Homelessness Steering Committee has not had trouble maintaining their membership at nine.

The Commissioners agreed that they liked the additional powers and duties included in item "H" of the ordinance (To enhance cooperation between the public and private sectors by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low and moderate income persons) and item "J" (To evaluate, review, and recommend to the Planning Commission and City Council innovative land use strategies targeted at promoting a broad variety of housing types)

***Housing Commission recommendation;***

***Gutman/DeQuenne m/s to accept draft number three with the change of the membership back to nine. Voice Vote; All ayes motion passed unanimously.***

***Homeless Steering Committee recommendation;***

***Graham/Rohde m/s to accept draft number three with the exception of the change of membership from seven back to nine. Voice Vote; All ayes motion passed unanimously.***

Reid explained that currently this ordinance is in legal review. **Reid will send forward the Commission's suggestions to Legal which will then go to the City Council.** The first reading before City Council will be August 20, 2013. The ordinance then goes back for Legal review and on to City Council on September 3, 2013 for second reading. It takes thirty days before an Ordinance goes into effect which would be October 3, 2013. A resolution will be going forward at the same time to dissolve the homelessness steering committee. This resolution dissolves the Housing Commission.

The Commissioners agreed that it would be important for each of them to communicate to the Mayor the importance of appointing members so as possible so they do not lose momentum.

**Fair Housing Presentation**

Louise Dix is the Southern Oregon representative for the Fair Housing Council of Oregon. The Housing Commission is interested in making Student status a protected class under Ashland's Fair Housing Ordinance and invited Louise Dix to give a presentation on Fair Housing. Attached is the presentation that Dix presented.

Dix acknowledged that Bob Lohman from Corvallis is the one who handles issues regarding students. Dix suggested that they invite Mr. Lohman in for a discussion. We need to discuss with him what the pros and cons are. Currently no jurisdiction has students as a protected class though some do have age as a protected class which does partly address students. The Commissioners agreed it would be good to have communication with the different groups that would be impacted by this.

The Commissioners thanked Dix for the great information she provided.

**LIAISON REPORTS DISCUSSION**

**Marsh** – Councilor Marsh was not present

**Staff** – Reid mentioned that there was a good training at the Homeless task force meeting about mental health first aid.

**General Announcements** – Ayars announced that there will be an open house tomorrow for the six affordable units at Hyde Park located at 2272 Dollarhide. The project was funded through the Community Development Block Grant funds.

**August 28, 2013 Meeting Agenda Items**

Quorum check; all members confirmed they will be here

**UPCOMING EVENTS AND MEETINGS**

**Next Housing Commission Regular Meeting**

4:00-5:45 PM; August 28, 2013 – Council Chambers – joint meeting

**Next Homelessness Steering Committee Regular Meeting**

4:00-6:00 PM; August 14, 2013-Ashland Library

**ADJOURNMENT** - The meeting was adjourned at 5:50 p.m.

*Respectfully submitted by Carolyn Schwendener*



**Fair Housing Basics**

Louise Dix  
Fair Housing Council of Oregon  
[www.fhco.org](http://www.fhco.org)  
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**What is Fair Housing?**

Fair Housing is the right of all people to be free from discrimination in the rental, sale, or financing of housing




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**Fair Housing Laws**



- Civil rights laws promoting “equal access” to housing
- Makes it illegal for housing providers to discriminate against certain groups
- Discrimination means treating a person differently in any housing transaction because that person is a member of a “protected class”

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## Oregon's History of Discrimination

- African Americans were excluded from living here and punished by "lash laws"
- African Americans, Chinese and Japanese weren't allowed to own real estate
- Oregon had the largest KKK per capita in the nation in the 20s
- "Sundown laws" persisted until the mid-1960s
- We still see Restrictive Covenants
- The Civil Rights movement led to Fair Housing laws in the 1960s
- Fair Housing Act passed in 1968; amended in 1988



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## Federal Protected Classes

- Race
- Color
- National Origin
- Religion
- Gender
- Familial Status (families with children)
- Disability



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## Additional Protected Classes in Oregon



- Marital Status
- Source of Income
- Sexual Orientation/Gender Identity
- Domestic Violence survivors

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## Discrimination Against Protected Classes in Oregon

- Disabilities are the most prevalent by more than 50%
- Race, National Origin and Familial Status all approx. 15-20%




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## It Is Legal to Discriminate Against...

Residents who violate their rental agreement:

- Don't pay their rent on time
- Disturb the neighbors
- Damage the property
- Use illegal drugs




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## Fair Housing Laws Apply to:

- Houses
- Apartments (regardless of the # of units)
- Condos & floating homes
- Mobile homes
- Retirement housing, assisted living, etc.
- Nonprofit housing & shelters
- Possibly motel rooms




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### Who Must Comply

- Anyone involved in the rental or sale of a dwelling or the advertisement of a dwelling
- Anyone involved in the design and construction of new dwellings
- Anyone involved in other real estate transactions such as mortgage lending, property insurance, zoning, municipal service.

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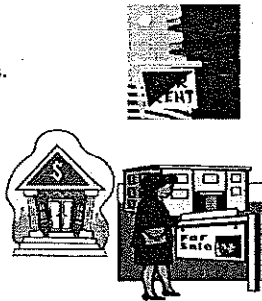
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### Who Must Comply

- Owners/Landlords
- Property managers
- Maintenance Staff
- Homeowners' Assns.
- Real Estate Agents
- Mortgage Lenders And Financial Institutions
- Insurers
- Neighbors
- Municipalities
- Advertising media



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### Housing Transactions Covered Move in – Ongoing Tenancy –Move Out

- Refusing to rent, sell or finance
- Giving out false or inconsistent information
- "Linguistic profiling" and not returning inquiry calls
- Steering
- Discriminatory advertising
- Applying different policies, rules and procedures



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### More Discriminatory Transactions

- Making discriminatory statements
- Discriminating against residents with protected class guests
- Harassing, intimidating, threatening or coercing
- Evicting
- Retaliating



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### Basic Fair Housing Concepts

- People have the right to choose where they live
- Housing providers need to be consistent:
  - With application criteria and procedures
  - In applying rules and privileges
  - In responding to violations of the rental agreement
- The focus should always be on actual behavior, not assumptions (What people have actually done, not who they are)

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### Disparate Impact

Discrimination can also mean a landlord's neutral policy, when put into practice, has a greater negative effect on a protected class-whether or not it is intentional.

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### Beware of Neutral-Sounding Policies with "Disparate Impact"

- Nobody can eat curry



- No one can work in a fish cannery



- No tricycles



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### Families with Children

- Develop rules that are not specifically aimed at children  
i.e. "Bike riding on sidewalk prohibited"  
NOT "Children may not ride bikes on sidewalk."
- Watch for unreasonable or overly restrictive policies which have a disparate impact on families with children such as charging a higher security deposit



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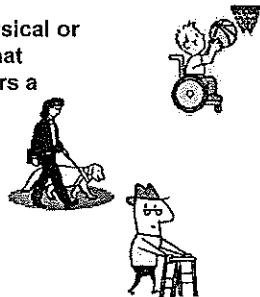
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### Disabilities

- Definition: Any physical or mental condition that substantially impairs a major life activity:
  - Walking
  - Seeing
  - Hearing
  - Breathing
  - Thinking
  - Caring for oneself



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### The Protected Class of Disability

- Ongoing chronic medical conditions
- Alcoholics and recovering drug addicts (not current users of illegal drugs)
- This does not excuse any violation of the rental agreement.

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### Laws protecting Persons with Disabilities

- Fair Housing Act
- Section 504 of the Rehabilitation Act of 1973- applies to federally funded housing
- Americans with Disabilities Act- ADA



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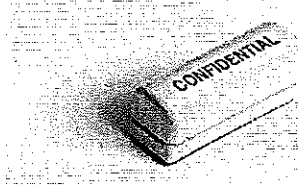
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### Right to Privacy



Landlords can only ask questions related to rental history and rental agreement (not the disability)

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**Landlords are not permitted to share information about a resident's disability with other residents!**



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### **Disability is Different from the Other Protected Classes**

- It can be more than simply not discriminating.
- A landlord may need to provide something extra to remove a barrier that would prevent the person from living there.



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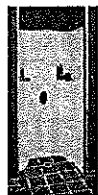
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### **Reasonable Modification** **Physical changes to unit**

- Grab bars
- Wheelchair ramps
- Shower and tub changes



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## Reasonable accommodations

- Exception/change to a policy, standard or procedure
- Affords equal opportunity to use and enjoy dwelling
- Includes public and common use areas



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## Reasonable Accommodations



Some common RAs:

- Reserved parking place
- Live-In caregiver
- Assistance animal
- Special arrangements

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## The reasonable accommodation request

- Is always initiated by the resident
- Can occur at any time



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### Requesting a reasonable accommodation

- Must have a disability
- Request must be related to disability
- Request must be necessary to obtaining or maintaining housing
  - Includes being able to enjoy the unit
  - Includes being able to meet the requirements in the rental agreement



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All requests must be considered, but the request must be reasonable....

Reasonable doesn't mean second guessing the resident's doctor or therapist



It does have to do with the impact on the housing provider



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### The request must be reasonable

- Not too costly
- Not an undue burden
- Not part of the landlord's job description



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## Affirmatively Furthering Fair Housing

- New HUD ruling; Public comments due by 9/17
- Sets forth the process for state and local jurisdictions to address patterns of segregation and racial and ethnic concentrations of poverty in their jurisdictions



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## AFFH Forum-Save the Date

- Scheduled for October 16 in Medford and October 17 in Portland
- Features HUD's Sara Pratt, Assistant Deputy Secretary of Enforcement
- Who should be there: CDBG administrators, Planners, Building Officials, Housing Authority staff and other nonprofit housing providers, Housing Commissioners

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## Contact the Fair Housing Council of Oregon for More Information

(503) 473-1050 (cell)  
(541) 690-3971  
[www.fhco.org](http://www.fhco.org)



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<a href="http://www.fhco.org">www.fhco.org</a>


# Housing Commission Memo

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**Title:** Housing Commission/Homelessness Steering Committee Updates  
**Date:** August 28 2013  
**Submitted By:** Linda Reid, Housing Program Specialist

## **Housing Commission Items:**

### **Update on the Housing Needs Analysis/Next Steps on identified Potential Strategies**

At the regular council meeting held on August 20<sup>th</sup>, the City council approved first reading of an ordinance adopting the 2012 Housing Needs Analysis as a technical supporting document to the City of Ashland Comprehensive Plan. Second reading of the ordinance is scheduled for September 3<sup>rd</sup> 2013. Once adopted the potential strategies to alleviate some of the housing issues identified may be taken up as goals or priorities by the Planning Commission and City Council. The next steps for the Housing (or Housing and Human Services) Commission can prioritize which land use strategies the group would like to adopt in their annual goal setting meeting in advance of the Council's goal setting.

### **Students as a Protected Class: Strategies for getting feedback from property owners**

In speaking with Bob Loewen for the City of Corvallis, that City has used age criteria as a way to protect students from discrimination in rental housing transactions. Loewen stated that landlords can require a co-signer or require a larger deposit for anyone that does not meet their rental criteria; however the landlord must apply this policy to anyone that does not meet their criteria, not just students.

### **Update on Short Term Rental**

The City Council on [Monday](#) night decided not to pursue municipal code changes that would allow these types of lodging facilities in R-2 and R-3 (high density) zones. Short-term home rentals are a type of lodging in which the owner or business manager of the property is not required to live on-site and the visitor rents the entire dwelling, typically for a few days. (Any rental over 30 days is considered a long-term rental under the Municipal Code and is not regulated by the City.) These types of lodging facilities are permitted in the City's employment and commercial zones, although there aren't a whole lot of houses that can be used for that purpose in those zones. The Council did express an interest in taking another look at this issue as it relates to R-1 (single family) zones and will likely do so in the near future.

### **Changes to the Business License Ordinance**

The Council did not come to a decision at their regular meeting held on July 16<sup>th</sup>, consequently the item has been moved, the first reading is now scheduled to take place on September 17<sup>th</sup> regular meeting.

## **Homelessness Steering Committee Items:**

### **Timeline for Council Review and Enactment of Housing and Human Services Ordinance**

The first and second reading of an Ordinance creating the Housing and Human Services Commission has been rescheduled for the September 3<sup>rd</sup> and September 17<sup>th</sup> regular council meetings. Upon council approval of second reading the ordinance will become law by October 17<sup>th</sup>. Barbara Christensen has sent our emails to each of you to see if you are interested in being considered for a seat on the new commission. Staff is unaware of whether current commission/committee members will have the ability to make recommendations regarding future members of the new commission.





# Housing Commission Memo

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**Title:** Housing Commission/Homelessness Steering Committee Updates  
**Date:** August 28, 2013  
**Submitted By:** Linda Reid, Housing Program Specialist

Staff has looked at other City's Rental Registry applications and with the recommendations from the 2007 Rental Needs Analysis came up with a list of questions to include on an application for the City.

What type of information do we want to collect?

Street address of the rental unit(s)

Number and types of rental units within the rental property

Number of bedrooms per unit

Maximum number of occupants/tenants permitted for each rental unit

Rent amounts for each unit (inclusive or exclusive of utilities (water, gas, elec.)

Age of unit(s)

Vacancy period in the prior year

Contact info:-Name, residence address, telephone number, e-mail address, mobile telephone number, and facsimile number of:

All property owners of the rental unit(s)

Property manager, agent, or on site manager

