

Ashland Housing Commission
Regular Meeting Agenda



May 23, 2012: 4:30 – 6:30pm
Council Chambers – 1175 East Main Street

1. (4:30) **Approval of Minutes** (5 min)
April 25, 2012
2. (4:35) **Public Forum** (5 min)
3. (4:40) **Unified Land Use Code Project Kick-Off** (15 min)
Maria Harris-Long Range Planner
4. (4:55) **Student Presentations-Housing First and Manufactured Housing** (30 min)
Professor Pat Acklin and the Planning Issues Class
5. (5:25) **Normal Avenue Neighborhood Plan Update** (20 min)
Brandon Goldman-Long Range Planner
6. (5:45) **Liaison Reports discussion** (20 min)

Liaison Reports
Council (Carol Voisin)
Staff (Linda Reid)
General Announcements
7. (6:06) **Fair Housing Ordinance Discussion** (15 min)
8. (6:20) **June 27th, 2012 Meeting Agenda Items** (5 min)
Commissioner items suggested (5 min)
Quorum Check – Commissioners not available to attend upcoming regular meetings should declare their expected absence.
9. (6:25) **Upcoming Events and Meetings**
Project Community Connect Event-June 22, 2012 Medford Armory 9-4 PM

Next Housing Commission Regular Meeting
4:30-6:30 PM; June 27, 2012
10. (6:30) **Adjournment**

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
April 25, 2012

CALL TO ORDER

Chair Regina Ayars called the meeting to order at 4:30 p.m. at the Council Chambers located at 1175 East Main St. Ashland, OR 97520.

Commissioners Present:	Council Liaison
Regina Ayars	Carol Voisin, arrived at 4:40
Brett Ainsworth	
Barb Barasa	Staff Present:
Evan Lasley	Linda Reid, Housing Specialist
James Dills	Carolyn Schwendener, Admin Clerk
Richard Billin	
No Commissioners Were Absent	
Ben Scott	

APPROVAL OF MINUTES

Ainsworth/Billin m/s to approve the minutes of the April 25, 2012 regular Housing Commission meeting. Voice Vote: All Ayes minutes were approved as presented.

PUBLIC FORUM

No public comments were made.

NEW COMMISSIONER INTRODUCTIONS

Evan Lasley introduced himself acknowledging that he is looking forward to working with the Commission. Lasley is trying to recruit a SOU student to become the student liaison on the Commission. Because spring is such a busy time for students it's probably going to be fall before anyone is interested.

Barasa reported that she and Melanie Mindlin will be speaking at Pat Acklins' Planning Issues class at the college. As part of their class project the students will be breaking into two groups. One group will be studying housing first and the other group the land use code and manufactured housing. They would like to present their findings to the Housing Commission at the May 23rd meeting. Bryan Cole, SOU student and City intern, would also like to do a presentation at that time discussing his results from the recent questionnaire to property owners and managers.

Maria Harris, City Long Rang Planner, would like to be on the May agenda to talk about the Unified Land Use Code project.

CDBG ANNUAL ACTION PLAN REVIEW & APPROVAL and 2010-2014 CONSOLIDATED PLAN AMENDMENT

The Commissioners reviewed the report that Reid will be submitting to the U.S. Department of Housing and Urban Development. This document, the CDBG Action Plan for Program Year 2012 describes the projects that the City will undertake and the manner in which the projects are consistent with the priorities of the Five-Year Consolidated Plan. The document includes a table summarizing the projects to be funded by CDBG dollars in Program Year 2012.

Reid explained the timeline that the Ashland Emergency Food Bank has proposed for raising funds for the purchasing of the building they currently lease. They will need to raise \$475,000 by July of 2013. They asked the City for \$130,000 but were awarded \$87,000 leaving them \$50,000 shorter than they had anticipated. Their time line includes grant applications for some small foundation grants plus a large capital campaign. One of the reasons staff recommended funding this project with a reservation letter was because they did not foresee it would go through before the next funding cycle. The new RFP for CDBG goes out next January allowing them to come back at that time and apply for the remaining \$50,000. Their lease is good through August of 2013 and their intent is to wait until then to complete the purchase. AEFB would have liked a building which was more centrally located in the community though their current location meets their needs. If something else becomes available in the future that is more appropriate they would be allowed to sell the current building to purchase another one.

Reid commented that she might not have clarified to City Council that the policy to award only two projects in any given cycle is a City set policy not a HUD regulation. HUD does not regulate the amount or the number of awards you make in a given year.

The Commissioners discussed the possibility of an ordinance that says a property owner could not build a single family home in a multi family zone. Snowberry, located on Clay Street, is the only multifamily complex that has been built in the last 20 years in Ashland. The Commissioners would like to look at ways to encourage and incentives' property owners in multifamily zones. Reid suggested that Brandon Goldman attend a future meeting and discuss Land Use Codes and what options might be available.

Billin/Dills m/s to approve the Action Plan. Voice Vote; All ayes, motion passed unanimously.

LETTER TO PROPERTY OWNERS DISCUSSION

Barasa presented her rough draft letter to HUD and RD Expiring Use Property owners. Currently there are six owners on the expiring use list.

Reid said most of the incentives that would be available to the property owners are going to be offered through HUD or Rural Development loans. Oregon Housing and Community Services also have a preservation program. As a City we can offer either CDBG money and/or Housing Trust Fund money, stated Reid.

It was suggested to get some background information on these property owners before talking with them as it's important to understand their position. Ayars and Scott would like to meet with these people individually. Reid suggested talking to Karen Chase from Oregon Housing to find out what incentives they are offering as well as Jay Delap from the Rural Development office in Medford. Ayars is planning on mailing the letter before the next commission meeting on the 23rd and will give an update at that meeting.

RVTV DISCUSSION

Dills showed the video he put together discussing local housing issues. He started the video off with some background information about himself followed by an interview with City Senior Planner Brandon Goldman. The main focus of the video was the Housing Trust Fund and looking for funding ideas. The video is approximately thirteen minutes long and RVTV will cycle it through whenever it is appropriate.

The Commissioners thanked Dills for the wonderful job he did realizing the effort he put into it. The Commissioners made some suggestions for Dills to help with his editing. It was suggested to show some shots of affordable housing units in Ashland and Goldman could be used as a voice over. Dills did question the privacy issues regarding the people who live in the units. It might be a good idea to show Snowberry since it's a larger complex with many occupants. Reid has a lot of pictures of affordable units and will send them to Dills.

Dills commented he has endless enthusiasm, endless ideas and is passionate about this project; it's the time he is lacking. This is the last meeting for Dills as a commissioner though he is willing to help with this project if others on the Commission take on the responsibility.

LIAISON REPORTS DISCUSSION

Council – Voisin reported that the Council approved the CDBG award recommendations. They decided to continue their last year’s goals to this year. Clay Street property will be looked at again in the fall.

MAY 25TH, 2012 MEETING AGENDA ITEMS

Quorum check; everyone will be here. This was Dills last meeting. The Commissioners acknowledged they have appreciated him and will him. Reid will speak with City Recorder, Barbara Christensen, to be sure she has posted the Commission vacancy.

UPCOMING EVENTS AND MEETINGS

Homeless Task Force Meeting-May 15th, 2012: 10:30-12:00 Housing Authority Conference Room, 2231 Table Rock Road, Medford

Next Housing Commission Regular Meeting

May 24, 2012 4:30-6:30 PM

ADJOURNMENT - The meeting was adjourned at **6:00** p.m.

Respectfully submitted by Carolyn Schwendener

Unified Land Use Code

Project Information

INTRODUCTION

The City of Ashland Community Development Department is undertaking a project to combine the Ashland Land Use Ordinance (ALUO) and related development standards into a Unified Land Use Code with improved organization, wording, formatting and graphics. The land use regulations implement the community's vision as expressed in the Ashland Comprehensive Plan, and governs the development of property within the City limits.

The ALUO has been incrementally amended numerous times since it was originally adopted in 1964. Each update was prepared and adopted independently, and there are several documents that comprise the land use regulations and standards. As a result, the code today is sometimes confusing, is difficult to navigate, has inadvertent repetition, and includes slight inconsistencies.

While the focus of the project is reorganizing the existing development standards into one user-friendly document, the project will also include an evaluation of the planning application process and green development measures, and preparation of code amendment options addressing these areas for consideration.

There may be situations where changes to the land use regulations are proposed which result in policy changes. For example, correcting an inadvertent omission or inconsistency may result in a policy change, or addressing the planning application process and green development measures may result in policy changes. All policy changes will be clearly communicated throughout the project in written materials and oral reports.

PROJECT GOAL AND OBJECTIVES

The **goal** of the project is to present the information contained in the existing codes and standards so the land use ordinance is clear, consistent, concise, adaptable and user-friendly.

The **project objectives** are:

- Make the code usable for a wide variety of code users (i.e. applicants, neighbors, appointed officials, elected officials, staff).
- Make the code easy to navigate so all standards related to one subject are in one location.
- Make the code clear with consistent standards, definitions, format and graphics.
- Make the code adaptable so the document is easy to amend in the future and is a living document that adjusts with future changes.
- Improve timeliness and predictability of planning application process by removing code inconsistencies.
- Address internal city department communication and coordination for development services.
- Consider streamlining planning application process to address Economic Development



Strategy priority action regarding timeliness, predictability and potential impacts of development process to economic development projects.

- Facilitate increased use of green development measures by removing barriers in and adding provisions to the land use codes.

SCOPE OF PROJECT

The following development-related ordinances and standards will be included in the project:

Title 18 of the Ashland Municipal Code, Land Use Ordinance
 Site Design and Use Standards
 Ashland Street Standards
 Recommended Street Tree Guide

PUBLIC INVOLVEMENT

Over the next 12 months (April 2012 – March 2013), the Planning Commission will oversee the Unified Land Use Project by reviewing and revising the draft documents at their monthly study session meetings on the fourth Tuesday of the month at 7:00 p.m. at the Civic Center Council Chambers located at 1175 E. Main St. Ultimately, a finished draft will be compiled and taken through the formal public hearing process which involves a public hearing and recommendation by the Planning Commission, and a public hearing and decision by the City Council.

To ensure that the public is aware and involved in this project, several communication tools will be used, as follows:

- Open House – two to three public meetings will be held to introduce the project, provide information and status updates, and offer opportunities for questions and comments.
- Planning Commission Study Sessions – the Planning Commission study sessions are open to the public, and include a time for participants to make comments.
- Advisory Commission Updates – staff will introduce the project to the various City Advisory Commissions (e.g. Historic Commission), and bring issues to the commissions on an as-needed basis.
- Local Newspapers – staff will work with local newspapers to provide information about the project.
- Project Bulletin by Subscription – updates will be sent to individuals during the project.
- On-line Forum – “Open City Hall” www.ashland.or.us/opencityhall is an on-line forum where information about the project will be regularly posted. If participants chose to do so, they can also submit comments.
- Project website - the Unified Land Use Code project website is www.ashland.or.us/unifiedcode , and will have updated project information, meeting schedules and materials.
- Staff Assistance - City staff is available to assist with questions and information about the project – contact Maria Harris, Planning Manager at 541-552-2045 or harrism@ashland.or.us, or Brandon Goldman, Senior Planner at 541-552-2076 or goldmanb@ashland.or.us. The TTY phone is 1-800-735-2900.



PROJECT SCHEDULE

A. Project Kick-Off (April – June 2012)

- Introduce project to Planning Commission and Advisory Commissions.
- Hold Open House public meeting.

B. Preparation of Reorganized “Unified” Code (May – June 2012)

- Prepare outline and first complete draft of the reorganized code for public and Planning Commission review.

C. Review Unified Code (June – September 2012)

- Planning Commission review of Unified Code in groups of chapters at study session meetings.

D. Evaluation of Planning Application Process and Green Development Measures (July – August 2012)

- Evaluate and prepare code amendment options addressing concerns regarding impact of development process on economic development projects and facilitating the use of green development measures.
- Planning Commission review of code amendment options.

E. Revise Unified Code and Prepare Adoption-Ready Draft (September – October 2012)

- Prepare draft of the Unified Code for adoption process.
- Hold Open House meeting.

F. Planning Commission Public Hearing (November – December 2012)

- Planning Commission conducts public hearing and makes recommendation to the City Council.

G. City Council Public Hearing (January – March 2013)

- City council conducts public hearing and makes decision on adoption of Unified Code.

BACKGROUND

Improving the timeliness and predictability of the development process is a City Council goal, and a top priority of the Community Development Department. The City Council set a goal to “Increase the clarity, responsiveness and certainty of the development process. Develop a specific action plan to respond to the recommendation of the 2006 Zucker and Siegel reports.” Creating a Unified Land Use Code is a recommendation of the Siegel report (i.e. Land Use Ordinance Review by Siegel Planning Services, LLC, April 2006), and was presented as a specific action item to address the Council’s goal at the City Council meeting in January 2012.

In addition to creating a unified code, the project will include an evaluation of the planning application process and green development measures and prepare code amendment options addressing these areas for consideration. In addition to the City Council goal of “Increase the clarity, responsiveness and certainty of the development process...” discussed above, the Economic Development Strategy (adopted July 2011) identifies improving the land use development process as one of seven top priority actions. Specifically, the action says to “manage physical development process to ensure understandable requirements with timely and predictable results while safeguarding and improving the quality of the environment and the community.” In terms of green development measures, the City Council adopted the following



goal, “Adopt land use codes, building codes, green building standards, and fee structures that creates strong incentives for development that is energy, water, and land efficient and supports a multi-modal transportation system.”

The City of Ashland began the process of reviewing the land use and development process in 2006 with an organizational review by Zucker Systems and a land use ordinance review by Siegel Planning Services, LLC. The land use ordinance review included a code evaluation and phased work plan for updating the ALUO. The first phase of “housekeeping” code edits was completed in April 2008, and creating a unified code was identified as a subsequent phase.

QUESTIONS/COMMENTS

Community Development Department staff is committed to making sure project information is accessible, complete and accurate, and there are informal and formal opportunities for citizens to participate and provide input for the project.

There are several different ways to get information and to provide input. Open City Hall www.ashland.or.us/opencityhall is an on-line forum to learn about and comment on the project. The Unified Land Use Code project website is www.ashland.or.us/unifiedcode will also have updated project information, meeting schedules and materials. Finally, you can write or call City staff with questions or comments – contact Maria Harris, Planning Manager at 541-552-2045 or harrism@ashland.or.us, or Brandon Goldman, Senior Planner at 541-552-2076 or goldmanb@ashland.or.us. The TTY phone is 1-800-735-2900.



Oregon’s Model Development Code for Small Cities Table of Contents

Article 1.0 — Introduction

Chapters:

1. 1. How to Use the Development Code
1. 2. General Administration
1. 3. Definitions
1. 4. Use Categories
1. 5. Enforcement

Article 2 - Land Use Districts

Chapters:

- 2.1. Organization of Land Use Districts
- 2.2. Residential (R) Districts
- 2.3. Commercial (C) Districts
- 2.4. Industrial (I) Districts
- 2.5. Overlay (O) Districts

Article 3 — Community Design Standards

Chapters:

- 3.0 Design Standards Administration
- 3.1 Access and Circulation
- 3.2 Landscaping, Street Trees, Fences and Walls
- 3.3 Parking and Loading
- 3.4 Public Facilities
- 3.5 Surface Water Management
- 3.6 Other Site Design Standards
- 3.7 Sensitive Lands
- 3.8 Signs

Article 4 – Administration of Land Use and Development

Chapters:

- 4.1. Types of Review Procedures
- 4.2. Land Use Review and Site Design Review
- 4.3. Land Divisions and Property Line Adjustments
- 4.4. Conditional Use Permits
- 4.5. Master Planned Developments
- 4.6. Modifications to Approved Plans and Conditions of Approval
- 4.7. Land Use District Map and Text Amendments
- 4.8. Code Interpretations
- 4.9. Miscellaneous Permits – Temporary Uses, Home Occupations

Article 5 — Exceptions to Code Standards

Chapters:

- 5.1 Variances
- 5.2 Non-Conforming Uses and Development
- 5.3 Lots of Record

Article 6 - Map Amendments and Code Interpretations

The purpose of Article 6 is to create a place for filing land use district/zoning map amendments made under Chapter 4.7, including Master Planned Developments overlays, and code interpretations made under Chapter 4.8, for reference by staff and applicants. This section of the code does not amend the procedures for completing land use district map and text amendments located in Chapter 4.7. Map amendments shall be located in this section in chronological order based on date of adoption.

[Reserved for land use district/zoning amendments and code interpretation decisions.]

and Development. This TGM grant is financed, in part, by federal Transportation Equity Act for the 21st Century (TEA-21), local government, and the State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

Memo

Housing Commission 5/23/2012

TO: Ashland Housing Commission

FROM: Brandon Goldman, Senior Planner
Brandon.Goldman@ashland.or.us

RE: Normal Avenue Neighborhood Plan

Summary

On May 1, 2012 the City Council authorized an Intergovernmental Agreement (IGA) with Oregon Department of Transportation's (ODOT) Transportation and Growth Management (TGM) program to undertake the development of the Normal Avenue Neighborhood Plan. The objective of TGM funded projects is to better integrate transportation and land use planning and develop new ways to manage growth in order to achieve compact pedestrian, bicycle, and transit friendly development. The City of Ashland has been awarded a \$70,000 TGM Grant to develop the Normal Avenue Neighborhood Plan.

The Normal Avenue Neighborhood Plan is intended to guide future changes to the area in a way that supports a compact neighborhood form, and which will ultimately accommodate a variety of housing, connect a system of greenways, protect and integrate existing creek corridors and wetlands, and enhance mobility for area residents through establishing safe and direct walking and bicycle routes, as well as help to build a foundation that supports future bus service in the area. Plan preparation is expected to be completed by July 2013. Upon completion of this project, the Normal Avenue Neighborhood Plan will provide a coordinated approach for future area development.

This neighborhood planning effort will address the following objectives:

Project Objectives

- Increase efficiency in the use of land through concentration of housing in a centrally located area within the City UGB planned for future urban development;
- Achieve a development pattern that results in a balanced, multi-modal transportation system and that enhances opportunities for walking, bicycling or using transit in areas planned for transit service;
- Delineate housing, neighborhood serving commercial, open space, public space, and green infrastructure improvements, in a manner that provides for preservation and enhancement of creeks and wetlands;
- Develop new illustrative conceptual architectural and site plans for Project Area consistent with Transportation and Growth Management objectives. Concepts will meet City's and the property owners' development goals and standards.
- Design a local street grid for the Project Area including connections to existing and planned street, pedestrian, and bicycle facilities outside Project Area, to more fully integrate the Project Area into the City transportation system;



- Provide for pedestrian and bicycle routes and facility improvements within the Project Area that will provide safe access to local schools;
- Provide alternatives to, or delay the need for, expansion of the City UGB;
- Reduce emissions that contribute to climate change through changes to transportation or land use plans that reduce expected automobile vehicle miles traveled;
- Provide an implementation strategy that includes supporting Comprehensive Plan and updated TSP amendments, form based codes, and design standards; and
- Present the Plan and documentation necessary to support adoption to City's Planning Commission (PC) and City Council (Council).

ATTACHMENTS:

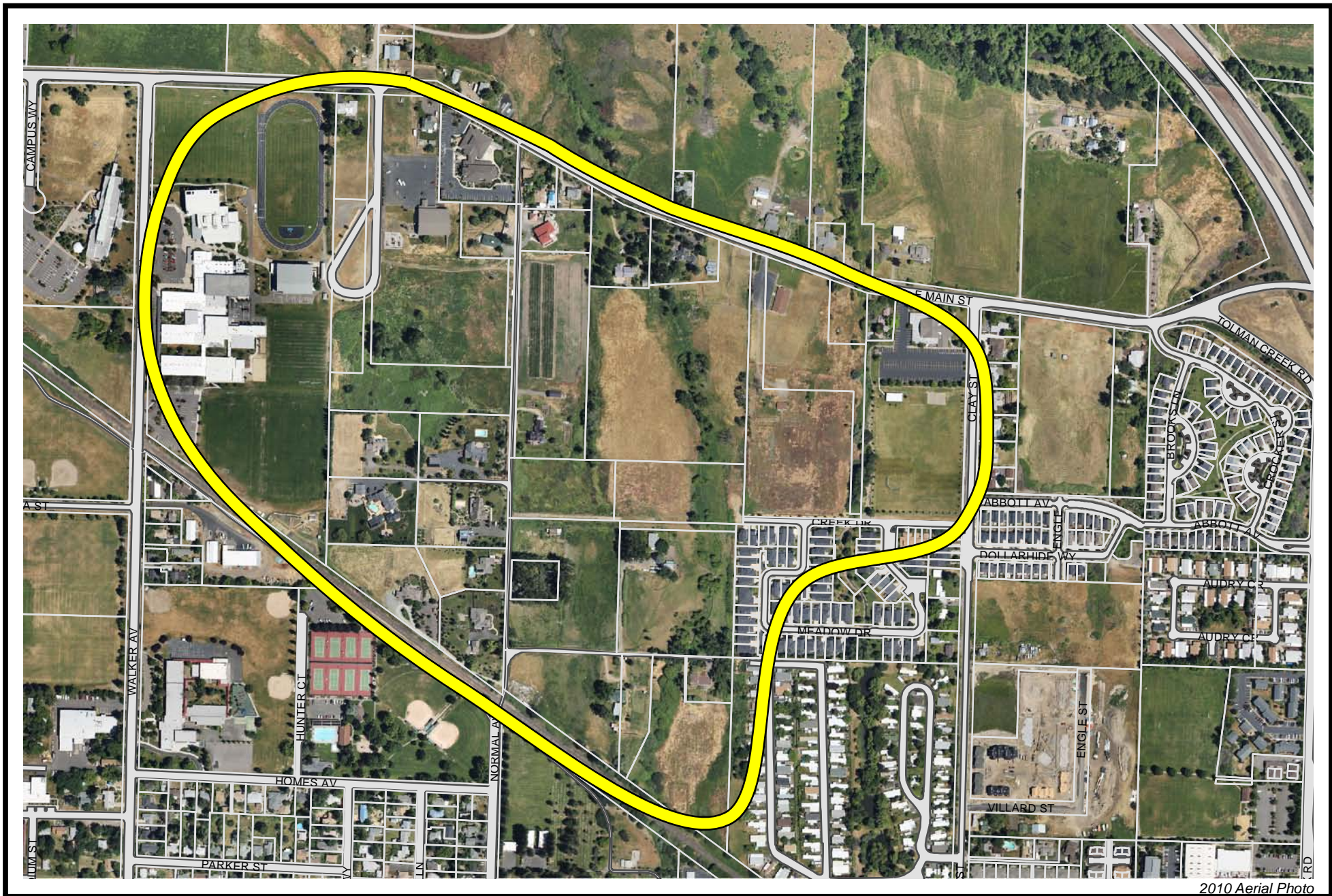
- Estimated project timeline
- Plan area aerial photo
- Plan area natural resources map



Normal Avenue Neighborhood Plan

Estimated project Timeline

	2012									2013							
	May	June	July	Aug	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept
Background data collection (GIS mapping, surveys, interviews)	█	█	█														
Housing Needs Analysis	█	█	█														
Housing Framework			█	█													
Greenway and Openspace Framework			█	█													
Mobility Framework			█	█													
Infrastructure Framework			█	█													
Sustainable Neighborhood Framework			█	█													
Concept Plan Development (existing conditions)					█	█	█	█									
Public Charrette								█									
Draft Normal Avenue Neighborhood Plan									█	█							
Draft Site Design & Code amendments										█	█	█	█				
Public Open House and PC Study Session													█				
Final Draft Normal Avenue Neighborhood Plan														█	█		
Formal Planning Commission and Council Review															█	█	█




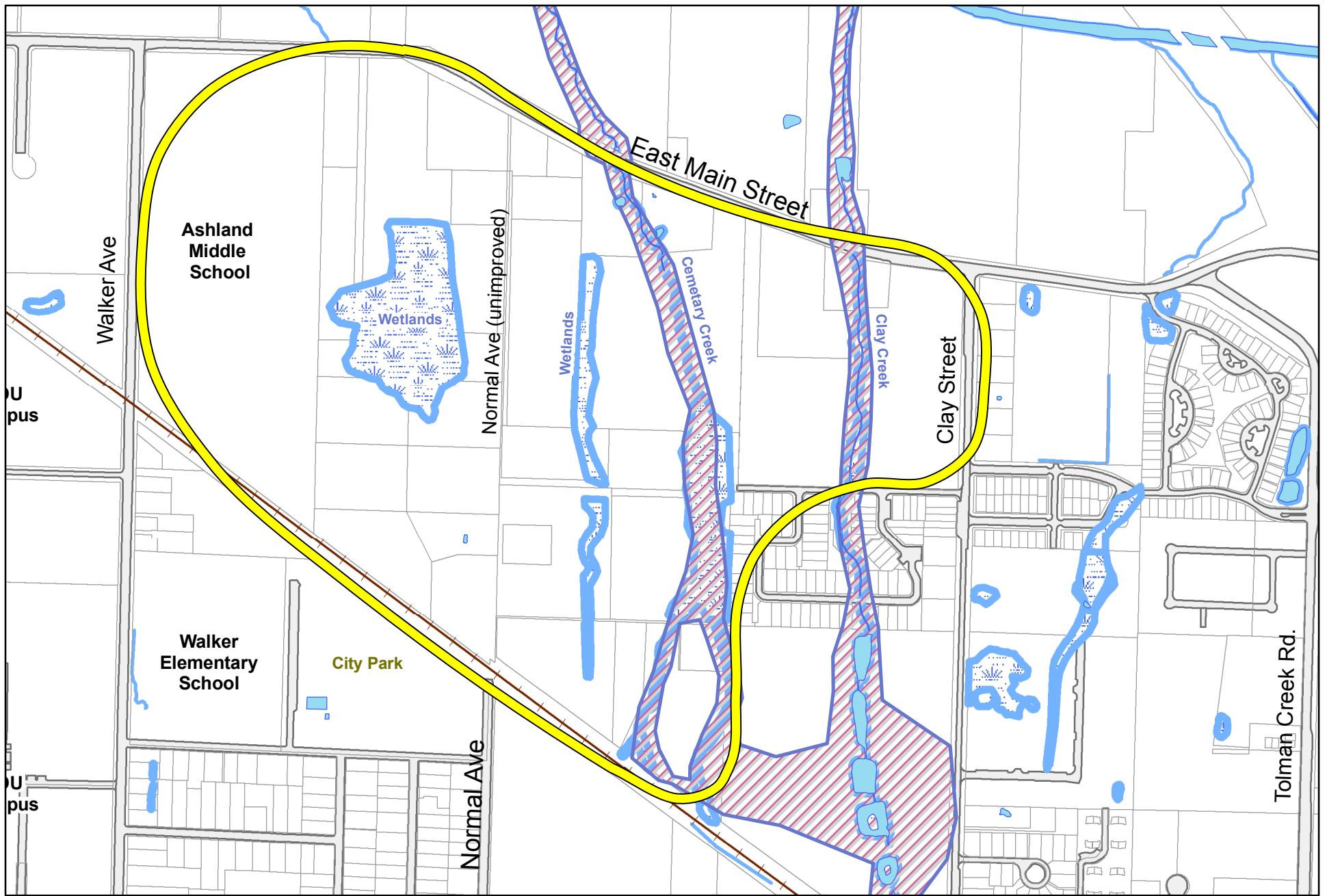
2010 Aerial Photo

CITY OF ASHLAND

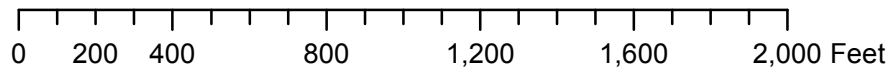
North Normal Neighborhood Plan Area

0 200 400 800 1,200 1,600 2,000 Feet







Normal Avenue Neighborhood Plan Area



Natural Resources

-  Floodplains
-  Wetlands



AN ORDINANCE AMENDING CHAPTER 10.110 OF THE ASHLAND MUNICIPAL CODE REGARDING FAIR HOUSING

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

CHAPTER 10.110

FAIR HOUSING

SECTIONs:

- 10.110.010** Declaration of policy.
- 10.110.020** Definitions.
- 10.110.030** Unlawful practices.
- 10.110.040** Exemptions.
- 10.110.050** Procedures.
- 10.110.060** Enforcement and Administration
- 10.110.070** Authority of City Attorney to Adopt Rules
- 10.110.080** Other remedies.
- 10.110.090** Penalties.
- 10.110.100** Severability of invalid provisions.

SECTION 10.110.010 Declaration of policy.

It is hereby declared to be the policy of Ashland, Oregon, in the exercise of its policy 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**, 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, sex, sexual orientation, national origin, disability or familial 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 informed of the availability for sale, purchase, rental or lease 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, indicating that the property is available for sale, purchase, rental or lease.
- H. "Older Person" A person of age fifty-five (55) or older.
- I. "Familial Status" ~~The presence or absence of children within a household unit, under eighteen (18) years of age.~~ **Means the relationship between one or more individuals who have not attained 18 years of age and who are domiciled with; A parent or another person having legal custody of the individual, or the designee of the parent or other person having such custody, with the written permission of the parent or other person. "Familial Status" also includes any 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" the means by which a person supports 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, court ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.**
- M. "Gender Identity" a person's actual or perceived sex, including a person's identity, 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" the City Attorney or designee will act as the designated Fair Housing Officer.**

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, national origin, disability, sex, sexual orientation, **gender identity, source of income** or familial status; or
- B. To discriminate 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 represent 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, or national origin, disability, sex, sexual orientation, **gender identity, source of income**, or familial status; or
- D. To make, publish, print, circulate, post or mail, or cause to be made, published, printed,

circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, rental, lease or financing of any housing accommodation, or to 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 to permit, at the expense of the handicapped person, 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, sex, sexual orientation, national origin, disability or familial status.
- 2. A private club not in fact open to the public, which as an 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. ~~Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two (2) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as a personal residence.~~ **The leasing or renting of a room or rooms within an individual living unit which is owned 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 against discrimination on the basis of sexual orientation and gender identity do not apply to;

1. To 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 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 10.011.020 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 10.011.020 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 ~~sixty (60) days~~ **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. The Fair Housing Officer may also file a complaint with the Ashland Municipal Court as provided in Section 10.110.070.

SECTION 10.110.060 Enforcement and Administration

A. Enforcement of all or any part of this Chapter shall be governed by the procedures established in ORS Chapter 659A. Rules and procedures adopted by the City Attorney pursuant to Section 10.110.050 of this Chapter may also be used to implement enforcement and administration of this Chapter.

B. Any person claiming to be aggrieved by conduct constituting an unlawful practice pursuant to ORS Chapter 659A may file a complaint with the commissioner as provided in ORS 659A.820, ORS 659A.890 or, subject to ORS 659A.870, ORS 659A.885.

C. The Commissioner may proceed to investigate and enforce complaint as provided in ORS 659A.800 to 659A.860.

D. Any order issued by the Commissioner of the Bureau of Labor and Industries under Chapter 10.110 shall be deemed as one issued by a municipal judge and shall be fully enforceable by the City.

E. 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 Authority of City Attorney to adopt rules.

A. The City Attorney is hereby authorized to adopt rules, procedures and forms to assist in the implementation of the provisions of this Chapter.

B. Any rule adopted pursuant to this Section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time and purpose of the public review process and the location at which copies of the full text of the proposed rules may be obtained.

C. During the public review, a designee of the City Attorney shall hear testimony or receive written comment concerning the proposed rules. The City Attorney shall review the recommendation of his or her designee, taking into consideration the comments received during the public review process, and shall either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the hearing at which the original comments are received.

D. Unless otherwise stated, all rules shall be effective upon adoption by the City Attorney and shall be filed in the office of the City Recorder.

E. Notwithstanding paragraphs B and C of this Section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties. The finding shall state the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

~~SECTION 10.110.060~~ **SECTION 10.110.080** Other remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which such person might otherwise be entitled or from filing a complaint with any appropriate governmental agency.

~~SECTION 10.110.070~~ **SECTION 10.110.090** Penalties.

Any person violating or causing the violation of any provision of this ordinance has committed an infraction, and, upon conviction thereof, is punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. Such person is guilty of a separate violation for each and every day the violation continues.

~~SECTION 10.110.080~~ **SECTION 10.110.100** 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)