

1. Housing Committee Agenda - August 10, 2016 - Revised

Documents:

[08.10..2016 HOUSING COMMITTEE AGENDA - REVISED.PDF](#)

2. Minutes - Housing Committee 7.13.2016

Documents:

[MINUTES HOUSING COMMITTEE 7.13.2016.PDF](#)

3. Executive Session

Pursuant to 1 M.R.S.A. 405(6)(C), the Committee will go into executive session to provide City staff general policy guidelines regarding (5:30 to 6:00 PM):

a. Information regarding potential pilot programs involving the possibility of the City acquiring land to incentivize the creation of much needed housing.

4. Housing Committee Work Plan

Documents:

[HC WORK PLAN MEMO 8.5.2016.PDF](#)

5. Oxford Shelter Services Overview Memo

Documents:

[OXFORD SHELTER SERVICES OVERVIEW MEMO.PDF](#)



HOUSING COMMITTEE

DATE: August 10, 2016 (Wednesday)
TIME: 5:30 p.m. – 7:30 p.m.
LOCATION: City Hall, City Council Chambers

AGENDA

1. Review and accept Minutes of previous meeting held on July 13, 2016.
2. Executive Session: Pursuant to 1 M.R.S.A. 405(6)(C), the Committee will go into executive session to provide City staff general policy guidelines regarding (5:30 to 6:00 PM):
 - a. *Information regarding potential pilot programs involving the possibility of the City acquiring land to incentivize the creation of much needed housing.*
3. Review Housing Committee Work Plan.
4. Brief overview by City Staff on the Oxford Street Shelter Services. See enclosed memorandum by Health & Human Services Department staff Rob Parrit, Shelter Director, and Brian Marchant, Shelter Attendant.
5. Public comment.
6. Housing Committee member discussion and next steps

Councilor Jill Duson, Chair

Next Meeting Date: Wednesday, August 24, 2016, 5:30 PM
Location – City Hall, City Council Chambers

Housing Committee

Minutes of July 13, 2016 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, July 13, 2016 at 5:30 p.m. in the City Council Chamber in Portland's City Hall. Present from the HC was its Vice Chair Councilor David Brenerman, and members Councilor Belinda Ray, and Councilor Nick Mavodones. Councilor Justin Costa was also in attendance. Councilor Spencer Thibodeau was absent. Chair Jill Duson joined the meeting at 6:20. City staff present included Housing Planner Tyler Norod, Corporate Counsel Daniel P. West-Chuhta, Housing & Community Development Division Director Mary Davis and Planning and Urban Development Department Director Jeff Levine.

Item 1: Review and accept Minutes of previous meeting held on June 22, 2016.

Motion to accept the minutes by Councilor Ray, motion seconded by Councilor Mavodones, minutes accepted unanimously.

Item 2: Legal review of Maine's eviction process – See enclosed memorandum from Danielle P. West-Chuhta, Corporation Counsel.

Ms. West-Chuhta summarized her memo, indicating that municipalities have broad home rule authority in most areas. She indicated that of the three issues she was asked to review [Can the City further regulate the eviction process, Do other municipalities regulate evictions and How could the City regulate evictions (ie tenancy at will/no cause evictions; mandatory acceptance of Section 8 vouchers, rent control and regulation of notices)] the moratorium on no cause evictions concerned her the most and she would recommend against regulating in that area.

Ms. West-Chuhta indicated that rent control is a policy question for Committee and Council to decide. A 1973 State law authorizing municipalities to enact rent control was repealed in 1995 but left

open the ability for municipalities to use home rule to enact rent control. She indicated that the previous statute set out specific requirements that needed to be followed to enact rent control.

Ms. West-Chuhta indicated that increased notice requirements are a possibility but would need to be enforced locally.

Councilor Mavodones indicated his appreciate for the thorough memo and acknowledges that all options being considered are fraught with legal issues. He asked whether no cause eviction is a legal term and Ms. West-Chuhta states the term is not in the state statutes.

Councilor Ray indicated that a policy about mandatory acceptance of Section 8 vouchers sounds possible and that she likes the Massachusetts statute mentioned on the bottom of page 8 of the memo.

Councilor Brenerman asked if there is any federal law that would dictate how landlords deal with a Section 8 voucher. Ms. West-Chuhta indicated that her office would look into the federal regulations more. Councilor Brenerman requested copies of the other state laws mentioned in the memo.

Councilor Ray acknowledged the potential of creating Section 8 requirements and increasing noticing requirements. She would like the Committee to remember that most landlords are smaller owner-occupied landlords when considering any policies and referred back to the Massachusetts policy that exempted 5 units or less and the Oregon policy that imposed a civil fine. She pointed out that the Massachusetts and Oregon policies did not prohibit rent increases but did require a notice period and a fine if the notice was not provided. She asked about the possibility of offering a discount on the registration fee if a landlord does not have any tenants at will, this may be an incentive for long term leases and would reward smaller landlords.

Councilor Brenerman suggested that owner occupied buildings be treated differently, and wondered if this was possible under state or local law. Ms. West-Chuhta indicated that she would look

into this further. Councilor Brenerman asked about the current legal process to between landlords and tenants and Ms. West-Chuhta indicated that the City is not usually involved in the FED process.

Councilor Brenerman asked if the City has standing court dates for building codes, inspection process and if so, if the City established different notice ordinances could those court dates be used to enforce the notice requirements. Ms. West-Chuhta indicated that the City has a monthly court date.

Councilor Costa asked if the 45 day notice for rent increases applies only when a lease is in place. Ms. West-Chuhta indicated that she believes it applies to all tenancies but would review the statute. Councilor Costa asked for more information regarding the Section 8 process and indicated he has some concerns about the City's ability to make landlords apply to be Section 8 landlords. If the City requires landlords to accept a voucher, he suggests that a housing safety inspection be part of the process. He is reluctant to support a requirement that would inadvertently make fewer units available at the Section 8 rates.

Item 3: Review of Housing Committee Consent Item List of Potential Actions – See enclosed memorandum from Jeff Levine, Mary Davis, Tyler Norod, and Kristin Styles.

Mr. Norod introduced the item and explains the items on the list are derived from the themes outlined in the last few months of public process. Mr. Norod led the committee through the list theme by theme beginning with tax acquired properties.

Tax Acquired Properties:

Councilor Brenerman believes Item 3E has already been addressed by the council and suggests that the Committee's final report should indicate that these items have already been addressed.

Council Duson indicated that she asked the City Manager to identify possibilities for a pilot development project and she suggested that the Committee should invite the City Manager to provide an update to the Committee in August.

Councilor Ray asked staff for a tax acquired property report. Councilor Brenerman explained that the Economic Development Committee found that most tax acquired were single family homes or land and the new city-owned/tax acquired property rules state that any net sale proceeds would go to Housing Trust Fund for one year.

Councilor Ray would like to keep the ground lease suggestion on the back burner for now but indicates that she does not think developers would be interested in this. Mr. Norod indicates that Boston has had success with this and notes that it is a different way to leverage city resources. Councilor Brenerman and Councilor Mavodones indicate that staff should not spend a lot of time on this right now.

[Summary of Discussion on this item: 3E - council has already taken action on this; 4E – could be a good fit and staff is already reviewing tax acquired property lists for possibilities; 5E – possible but more of a long-term option.]

Short Term Rentals (STR):

Mr. Norod reviews this item and notes that this topic has the potential to affect housing insecurity and availability. He reiterates that the Housing and Community Development Committee looked at this topic last year. He indicates that his research of other communities indicates that best practices are starting to develop although implementation might take time.

Councilor Ray is very interested in regulations for STRs that do not obliterate the STR market. She would like to make sure that entire buildings are not being turned into STRs, ensure that we are not allowing buildings to become unregulated inns or hotels and that units are not being taken off the market for pure profit.

Councilor Mavodones indicates while not opposed to regulations he is concerned about the feedback the Committee received last year from several people who utilize STRs to help pay taxes or rent. He would like more data about actual use of STRs in Portland. At this time he does not believe there is a proliferation of units being taken off the market. He suggests building a process through the rental housing registry so that adjacent owners could be made aware of STRs and basic safety requirements could be addressed. He would be looking at the lower end of the spectrum regarding any potential ordinance.

Councilor Brenerman indicates the Committee's direction seems to lean towards more investigation and information gathering and suggests it would be helpful to know what is happening in other communities of our size,

and about owner occupied vs other types of STR uses. He also asked staff to investigate whether any states are regulating STRs.

Councilor Ray asks if the zoning ordinance addresses STRs. Mr. Norod indicates that it is not technically allowed in some zones. Mr. Levine cautions against relying on zoning to enforce regulations regarding STRs and indicates that the Committee should also think about the costs to the city to manage enforcement.

Councilor Brenerman suggests a separate hearing on this item at a later date. Councilor Duson would like some clear options for the Committee to consider (a best practice update perhaps). At this point she is not asking for proposed ordinance language, just bullet point options to choose from.

Housing First:

Mr. Norod introduced the item and suggests that the Committee could encourage housing first development with City resources such as an affordable housing TIF, use of city-owned land, or zoning changes.

Councilor Duson asked if delaying HOME funds awards this year would create any problems. Ms. Davis explains HUD commitment deadlines which may be a problem. Councilor Duson suggests that the Committee could recommend that next year's allocation of HOME funds be reserved for housing first projects. Mr. Levine indicates concern for the possibility that no projects come forward.

Councilor Brenerman asks if housing first works without HOME. Mr. Levine responds that this type of project would most likely need some type of subsidy although it does not have to be HOME funds. Councilor Brenerman would like to understand what is the biggest obstacle in creating housing first units and what additional steps can the City take to facilitate the creation of these projects. Councilor Duson asked if housing first could be incorporated into the innovative housing pilot project she has suggested.

Councilor Ray asked staff to clarify how the City works with developers who propose these types of developments. Mr. Levine indicated that with the most recent project on Bishop Street, the City did not take an advocacy role, the developer took the lead. Councilor Ray asked whether there was data to show that housing first developments are good neighbors. Mr. Levine responded affirmatively and noted that this topic was reviewed during the Bishop St process.

Councilor Duson asked for a clear update of what has been accomplished so far and an analysis of the impact of the City investing more HOME money for housing first development.

Zoning Changes:

Mr. Norod introduced the item. Mr. Levine mentioned that the new comprehensive plan will be sent to the City Council in the fall and if adopted, the Planning Department would initiate a comprehensive re-write of the zoning code in 2017/2018. Councilor Brenerman suggests starting with one part of city (area, neighborhood) and look at what are issues, what can be done, etc. Mr. Levine agreed that this might be a good approach.

Councilor Mavodones indicated he was in favor of this approach and would like guidance from staff on the location.

Councilor Ray suggests Forest Ave as there has already been a lot of research done and there is a lot of interest in the area; also suggests Morrills Corner as a good location. She would also like to see if there are any zoning changes for Peaks Island that would encourage the development of affordable housing, lot size requirements are an issue. She would also like to expand the zones in which shelters can be created.

Councilor Costa indicates Morrills Corner would make good sense as a pilot project. He believes Forest Avenue has a lot going on and it may make more sense to wait on this location.

Councilor Duson indicates her support for Morrills Corner.

Mr. Levine thinks all of the locations mentioned are good options and suggests that staff provide the Committee with more information and a framework for the Committee to use in its decision making process.

The following items were not on the original list but were added by the Committee at the previous meeting.

Innovative housing pilot project:

Mr. Norod introduced the item. Councilor Duson indicates that she would like the Committee to invite the City Manager to an upcoming meeting to discuss this. She asks staff to discuss with the City Manager how to best facilitate this discuss, perhaps in executive session.

At this point, Councilor Duson requests that the Committee add an additional item to the list, a proposed rental housing security ordinance submitted by the Mayor which was drafted by Pine Tree Legal and forwarded to her by the Mayor's Assistant.

Councilor Mavodones appreciates this effort but would prefer that the City's Corporation Counsel review and provide guidance to the Committee. He indicates that it seems that the proposal came to the Committee through an odd route and states an objection if the intent was to get a fast track review without following process that has already been laid out.

Councilor Duson asks that the proposal be made part of the Committee record and asks Corporation Counsel to review before the Committee takes up the issue.

Councilor Brenerman would like a copy to be sent to the Committee so that it can be added to the record.

Landlord tenant mediation program:

Mr. Norod introduced the item and indicates that the proposal is based on a program from the State Human Rights Commission. A proposed program would need further evaluation. Councilor Duson asks that the State Human Rights Commission handbook be sent to the Committee.

Home Sharing – Aging in Place:

Mr. Norod introduced the item. Councilor Ray indicates that she would like to let community non-profits lead this effort.

Leeway Program:

Mr. Norod introduced the item and suggests that the proposed project could be included in the larger package discussion of items 1A-4A.

Councilor Costa cautions the Committee about opting out of notice requirements which may be an issue with state law. Councilor Duson indicates that she would like to include this item with other discussions around housing insecurity (1A-4A).

Councilor Mavodones asks Corporation Counsel for more clarity on this proposal.

Item 4: Housing Committee member discussion and next steps.

Mr. Norod indicates that staff has enough feedback to form a workable action plan. Committee decided not to meet on July 27. Councilor Duson asked for proposed work plan by the 27th. Public comment would be taken at August meeting(s). The focus of the August meeting(s)

would be housing insecurity issues and proposals from several councilors. Committee members confirmed that public comment would be taken at both August meetings and the July 27th would be canceled.

On a motion made and seconded the meeting was adjourned at 7:55 PM.

Respectfully,

Mary Davis



Planning & Urban Development Department

TO: Councilor Duson, Chair
Members of the Housing Committee

FROM: Mary Davis, Division Director
Tyler Norod, Housing Planner
Housing and Community Development Division

DATE: August 5, 2016

SUBJECT: Housing Committee Work Plan

The attached draft Housing Committee Work Plan for the remainder of the year outlines the potential schedule for the Committee to review potential policy items identified by the preceding public process. The Committee will discuss the plan and allow for public comment. It should be noted that the attached plan is a rough estimate of when items may come before the Committee. It is likely that some items may move to different dates as the Committee moves forward and various issues arise.

Housing Committee Work Plan

August 10, 2016

- 1) City Manager Presentation – Executive Session
- 2) Presentation from Human Services Shelter Staff
- 3) Review Draft workplan bundles
 - a. Public Comment

August 24, 2016

- 1) Legal Update – Corporation Counsel Response to Committee Questions from 7/13/2016
- 2) Housing Insecurity Bundle
 - a. Rent Control
 - b. Non renewal of leases and minimum notification laws
 - c. Ordinance prohibiting discrimination against voucher holders
 - d. Landlord/Tenant Mediation Program
- 3) Other Proposals
 - a. The Mayor’s “Rental Housing Security Ordinance”
 - b. Councilor Thibodeau’s “Leeway Program”
 - c. Councilor Hinck’s “Tenant Relocation Assistance Ordinance” modeled after Seattle’s program
- 4) Public Comment

September 14, 2016

- 1) Review Home Fund Applications
- 2) Placeholder: Provide additional draft framework for any potential policies from the Housing Insecurity Bundle that received support from the Committee
- 3) Short Term Rentals (AirBnB)

September 28, 2016

- 1) Existing Ordinance Bundle
 - a. Amend Housing Replacement Ordinance to allow for developers to make an off-site market rate unit affordable to low income households in lieu of paying a fee.
 - b. Clarify Condo Conversion regulations
 - c. Clarification on existing illegal housing units
- 2) Public Comment

October 12, 2016

- 1) Review potential zoning amendments for Morrill's Corner or a transportation corridor
- 2) Shelter Zoning
- 3) Review of One Page Tenants Handout
- 4) Public Comment

October 26, 2016

- 1) Capitalization of Housing Trust Fund
 - i. Analysis of Portland, OR's TIF policy for funding their Housing Trust Fund
 - ii. Analysis of Brookline, MA policy to annually contribute any unexpected funds at the end of the fiscal year into the Housing Trust Fund

November 9, 2016

TBD

November 23, 2016 (Day before Thanksgiving)

December 14, 2016

- 1) Examine potential means of creating more Housing First development projects
- 2) Analysis of Pro's and Con's of long term ground leases vs the sale of City owned property
- 3) Annual Report

December 28, 2016

- 1) Annual Report
- 2) TBD

**Health & Human Services Department**

Dawn Stiles, Director

Oxford Street Shelter

Robert Parritt, Director

Social Services Division

David MacLean, Director

Date: August 4, 2016

**Housing Committee Presentation
Oxford Street Shelter Services Overview****Overview/Program Description**

The City of Portland operates the Oxford Street Shelter (OSS) located in the Bayside neighborhood of Portland. OSS is the largest homeless shelter in the state of Maine and is the second largest shelter in New England; only the Pine Street Inn in Boston serves more people than OSS. OSS operates as a low barrier, co-ed adult shelter serving individuals 18 and over. The term low barrier illustrates that in order to access shelter or housing services at OSS, one does not need to be sober, medicated, participating in mental health treatment or any other requisite programming. Maine is home to 3 low barrier shelters, OSS, Milestone and PCHC Hope House in Bangor.

Besides providing emergency overnight shelter services for our most vulnerable neighbors, OSS also provides a range of housing focused support services. OSS has fully embraced the Housing First model of services. Housing First basically means that services are provided to our guests with no strings attached. We do not ask people to be sober, find employment or be participating in any other form of treatment. Instead, we focus on getting people into housing as fast as possible and then addressing other needs such as substance abuse treatment, medical care, employment or other needed services.

Housing Services Details

All new guests or those who have been gone for more than 90 days are assessed when they present, this is called an intake. At intake, OSS staff records guest information as required by HUD as well as several additional questions programmatically pertinent to OSS. Additionally, shelter guests are assessed for vulnerability using the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT). This assessment gives a numeric score that determines the vulnerability of that particular guest. All guests who score greater than three complete a housing stability plan and are assigned a Housing Counselor (HSC). Those who score less than three are assigned to our Rapid Rehousing Program or, referred to other community resources.

Once guests are assigned to the appropriate program, the housing search begins. OSS staff have historically worked closely with community landlords and other service providers to build a base of affordable, available housing options as possible for our guests. We still do this today and have numerous landlords who we work closely with and have tremendous relationships. We have had to aggressively expand our landlord base and apartment search areas because of the very low vacancy rate in Portland as well as rising rents. We have had to branch out into surrounding communities and are regularly housing people in York County, Lewiston, Rumford and other communities. This is problematic for many reasons, mainly due to the time commitment of physically moving someone that far and following up is logistically challenging. Moving someone into an apartment on Forest Avenue may take a few hours, physically relocating someone and all their possessions to Mexico takes days. Currently, our main source of vouchers (Shelter Plus Care) has been put on hold due to the fact they are not turning over. We are doing such a great job keeping people housed, new vouchers are not coming available.

One of our biggest selling points to our landlords is our proactive approach towards trouble shooting any issues that arise with the landlord's interests in mind. We are committed to being available seven days a week including evening hours to field calls and mediate conflicts or address safety concerns that may come about when one of our guests moves into housing for the first time in what is often many years. This follow up work can be extensive and time consuming. All of our housing staff support each other with follow up and outreach visits. OSS also has a full time position dedicated to following up with former long term stayers who have recently procured housing.

We are currently focusing most of resources on our most chronic and vulnerable population using metrics of longest time residing in the shelter (long term stayers) and vulnerability (high scores on the VI-SPDAT). Over the last year we have housed approximately 80 long term stayers/chronically homeless individuals and a very small percentage (<10%) have returned to homelessness. This is because of the outstanding follow up services and appropriate housing matches that our housing professionals facilitate.

What Resources are used to House People from Oxford Street?

A wide variety of housing resources and subsidies are accessed by OSS staff in order to move folks from homelessness and into permanent housing. OSS staff is strategic in their approach and whenever possible match our guests with appropriate subsidies, vouchers and housing.

Shelter Plus Care – Guests must pay 30% of their income (0 if they have no income). You must have a documented mental health diagnosis. Long term shelter stayers are prioritized for this voucher. This is a lifetime voucher administered by Shalom House, Inc. Shelter Plus is by far and away our most successful voucher. This is an example of scattered site permanent supportive housing.

Bridging Rental Assistance Program (BRAP) – Guests must pay 51% of their income (must access GA if they do not have any income). You must have a documented mental health diagnosis. This is a two year program designed to bridge the gap to Section 8. However, due to unavailability of Section 8, people are staying on BRAP longer.

Housing Choice Vouchers (MaineHousing set aside) – Vouchers set aside by MaineHousing that must be accessed through their homeless programs. To receive one of these vouchers, the applicant must score greater than 4 on the VI-SPDAT and agree to one year of follow up services. These vouchers are only able to be used in towns without housing authorities. HCV vouchers are lifetime and recipients must pay 30% of their income towards rent (0 if they have no income).

Public Housing Authority Set Asides – Several Housing Authorities including Portland, South Portland and Westbrook have set aside a number of vouchers to be awarded to chronically homeless people. These are Section 8, lifetime vouchers.

Veteran's Affairs Supportive Housing (VASH) – Essentially Section 8 for veterans who are eligible to receive services through the VA.

HPWA (Housing for People with Aids) – HPWA vouchers are essentially Section 8 vouchers for people with HIV/AIDS.

Project Based Subsidized Buildings – These buildings have Section 8 or other subsidies funding attached directly to units in the building (whereas other Section 8 vouchers can be ported to other locations). These buildings generally have restrictive application factors such as age requirements, disability verifications, criminal background checks, credit checks and rental history background checks.