1. Housing Committee Agenda 9/28/2016

1.I. Housing Committee Agenda 9/28/2016

Documents:

HC AGENDA 9.28.2016.PDF

2. Housing Committee Minutes 8/24/2016

2.I. Housing Committee Minutes 8/24/2016

Documents:

MINUTES HOUSING COMMITTEE 8.24.PDF

3. Housing Committee Minutes 9/14/2016

3.I. Housing Committee Minutes 9/14/2016

Documents:

MINUTES HOUSING COMMITTEE 9.14.2016.PDF

4. Housing Insecurity Package Memo 9/23/2016

4.I. Housing Insecurity Package Memo 9/23/2016

Documents:

HOUSING INSECURITY PACKAGE MEMO 9.23.2016.PDF

HOUSING COMMITTEE

DATE: **September 28, 2016 (Wednesday)**
TIME: **5:30 p.m. – 7:30 p.m.**
LOCATION: **City Hall, City Council Chambers**

A G E N D A

1. Review and accept Minutes of previous meeting held on August 24 and September 14, 2016.

2. Housing Committee Discussion of Housing Insecurity Package for recommendation to the City Council – Please see memorandum from Housing Planner, Tyler Norod. Public comment will be taken as this is an actionable item.

3. Housing Committee member discussion and next steps.

Councilor Jill Duson, Chair

Next Meeting Date: **Thursday, October 13, 2016 at 7:00 PM***
Location – City Hall, City Council Chambers
*Please note the new date and time

Housing Committee

Minutes of August 24, 2016 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, August 24, 2016 at 5:30 p.m. in the City Council Chamber in Portland's City Hall. Councilors present at the meeting included Mayor Ethan Strimling, Councilor John Hinck, Housing Committee Chair Councilor Jill Duson, Vice Chair Councilor David Brenerman, and members Councilor Spencer Thibodeau, Councilor Belinda Ray, and Councilor Nick Mavodones. City staff present included Corporation Council Danielle West-Chuhta; Director of Planning & Urban Development, Jeff Levine; Housing Planner, Tyler Norod; HCD Program Manager, Kristin Styles.

Item 1: Review and accept Minutes of previous meeting held on August 10, 2016.

Councilor Ray commented that Alex Landry was quoted incorrectly and he would like it changed, she will send along the change to Tyler Norod for a minute's correction. Motion to accept the minutes as revised by Councilor Brenerman, motion seconded by Councilor Ray, minutes accepted unanimously.

Item 2: Overview and discussion of a series of memorandums consisting of a bundle of items all connected to the theme of housing insecurity:

a. **Rent Control:** Tyler Norod gave an overview of the Rent Control memo

Councilor Ray: One thing you discussed was some units being rent controlled and some aren't, how does that work?

Tyler Norod- It's usually after a certain date or time frame, the units will no longer be rent controlled.

Councilor Ray- I'm not in favor of blanket rent control. Are they places that have a threshold on rents or rent increases?

Tylor Norod- Yes, some places do 5% or something like that, but usually best practices tie to inflation or some other cost.

Councilor Brenerman- how many states do rent control?

Tylor Norod- there are 4-6 states that allow it, California, NY, New Jersey are the big states that allow it.

Councilor Brenerman- are there places around the size of Portland that do rent control?

Tyler Norod- Berkley California has some version of rent control.

b. **Non- Renewal and Notification Requirements:** Tyler Norod gave an overview of the non-renewal and notification requirements memo

Councilor Duson- any questions from the Committee?

No questions.

c. **Voucher Discrimination:** Tyler Norod gave an overview of the Voucher Discrimination memo

Councilor Ray- You said that conversations with landlords indicated they do not want to participate because of the extra paperwork, etc. Do we have large landlords in the city that are choosing to not participate? At the last meeting, Rob from the shelter suggested that it is hard to find landlords and the application process isn't easy.

Tyler Norod- there are several things that might cause a landlord to choose to not participate, the main being costs to the landlord, their unit might have some building codes issues that would be triggered by the voucher holder, so there are real cost that can be associated with accepting voucher holders.

Councilor Ray- You said that a landlord might adjust the rent to discourage voucher holders, but presumably you would know how much the rent is before you would have to disclose

your source of income.

Tyler Norod- There is a formula for that is used to create the vouchers amounts, so a landlord to figure out how much that is and make their rent outside of those limits.

Council Duson- I would caution the anecdotal, I think the actual problem is that, and I have seen it with family members in Pennsylvania, it is hard to find a landlord that will rent to someone with a voucher. I know in Maine, the Maine Human Rights Committee has had cases where landlords are discriminating against source of income. It is a landlords market. The hard part is finding a landlord that is willing to take the voucher holder over the 20 people standing there ready to pay rent.

d. **Tenant/Landlord Mediation Program:** Tyler Norod gave an overview of the Tenant/landlord mediation program memo

Council Duson- Seeing no questions. Moving on to Item 3.

Item 3: Brief overview and discussion of several policy ideas expressed to the Committee by local electeds.

a. **The Mayor's "Rental Housing Security Ordinance Proposal"**: They Mayor thanked the committee for their work and gave an overview of his updated rental housing security ordinance.

Councilor Duson- What are the differences between this ordinance and the original ordinance?

Mayor Strimling- I can send you a redline version

Councilor Brenerman- have you compared this to state law?

Mayor- yes, we have

Councilor Mavodones - Could you give us the names of the attorneys you worked with?

Mayor- I will get you that list.

Danielle West-Chuhta, gave an overview of Corporation Council's two memos addressing the Mayor's original "Rental Housing Security Ordinance Proposal". In addressing the updated version, West-Chuhta said she received the new version this afternoon and she would like to thoroughly review it before advising.

Councilor Mavodones - Page 5. Under the 90 day notice of rent increase, paragraph three- Do you have any thoughts on this? The intent and purpose may not be in line with the ordinance.

Danielle-West- Yes, I agree

Mayor- should it say going to human rights first?

Danielle West-Chuhta - I have not thoroughly reviewed that, but yes it looks like it is circumventing this.

CB- is there a need to be redundant and repeat state law?

Danielle West-Chuhta - I don't see a need to be redundant; that is why I recommended taking it out

Councilor Brenerman- How does this relate to the state law on tenants at will? Can we do something different?

Danielle West-Chuhta - we can't conflict with state law; that is why I called it out in the proposal

Councilor Duson- my initial read is that a tenancy at will would not be permitted, but if you and a landlord could agree on it, you can do something shorter, which falls under the tenant at will, which means it's circular? Is that right?

Danielle West-Chuhta - that was my thought.

Councilor Duson- if my lease it up and I have not signed a new lease, I become a tenant at will and would need a 30 day notice to evict or 45 days for rent increase?

Danielle West-Chuhta - Correct

Councilor Duson- I'm trying to put this all in the mix. If we went forward with an ordinance with fees and penalties attached to it, could those fees be used to fund things like our next two items?

Danielle West-Chuhta - the answer would be yes, we have done that in other circumstances.

Tylor Norod gave an overview of the memo addressing the Mayor's original "Rental Housing Security Ordinance Proposal". In addressing to the new ordinance, he would like to take a closer look before addressing anything specific.

In response to part of Tyler Norods comments, Councilor Duson said that when the unit is registered we know the owner, so I don't think that is a question.

Tyler Norod- it can be owned by an LLC or if someone has a small stake in a company, the name on the registration form may not be the only owner.

b. **<u>Tenant Relocation Assistance Program</u>** Tyler Norod gave an overview of the Tenant Relocation Program memo

Councilor Duson: are there any in the HRO or Condo conversion ordinance, are there fees in place

Tyler Norod- ???

Councilor Mavodones- Under our TBRA, would we go to Biddeford or Lewiston to inspect the unit?

TN- Yes

Councilor Brenerman- are you aware of any city other than Seattle that do something similar to this?

Tyler Norod- I'm not sure if there are others, Seattle's is more defined

Councilor Hinck - briefly framing, I'm very impressed by the testimony that has been presented. I support the Mayors proposal and I support this proposal. I have looked at Seattle's ordinance, and I really appreciated Tyler's memo. The ordinance was adopted in 1990, so I think it shows that it is working there. They were in a major housing shortage, and we are to. Most municipalities are not going through what we are going through. I pause over the additional line item in the budget, I am ok with making the landlord pay for it. I think it is only fair for the landlord to pay the low income people being evicted while the landlord makes a lot of money. 5 years after the Seattle ordinance was adopted, Michael (something) a PHD economist believes that this ordinance is very successful. But he did right this in response to another economist saying the opposite. I would be fine going forward and voting for it.

Councilor Ray- TBRA program- 138 families have been helped so far, is that this year?

Tyler Norod- I'm not sure, I will find out.

Councilor Ray – TBRA funds could these be used for tenant relocation?

Tyler Norod- these are home funds, so there are many regulations attached around them. They can overlap but they don't have to.

Councilor Ray- could these funds be targeted to a certain area of the City.

Tyler Norod- I'm not sure about the legality of that, but I can check into it

c. **The "Leeway Program"** : Tyler gave an overview of the Leeway Program Memo

Councilor Thibodeau- this effects tenants at will only, not tenants with a current lease. This

is a landlord option, just like the condo conversion ordinance, which I hope we model. If the landlord elects to allow the 30 day notice period, they will have to pay ½ months rent or security deposit. We didn't want to prohibit people from getting a loan to rehab a property. The overall goal is to provide flexibility for the tenant to find another place to live, if the landlords elects to let them stay, or pay to leave after the 30 day notice. We need to allow for renovation to our aging housing stock. In sum, this applies to at-will tenants.

Councilor Duson- I am leaning toward this proposal, so thank you

Mayor- can we find out how long it takes to get someone out of an apartment.

Tyler Norod- that date might be tricky. I will try to find something.

Item 4: Public comment.

Jim Devine – homeless voices for justice, having this group come together shows the importance of the housing issues. There are a lot of details. I agree with Councilors Thibodeau's proposal. I think the Mayor's proposal would help a lot of these issues.

Robert Haines- 44 years in Portland, 30 as a landlord. This is the 4th cycle I've seen where housing has been a problem. In 1986 there was a housing crisis, then a month later they were giving away a free months of rent. The crisis is only on the peninsula. In Thompsons point, they have a housing component, I spoke with Mr. Thompson and the housing first part is going in last. The city never seems to come out whole on any parcel they touch. There is very little more room on the peninsula, but there are 20 acres in my backyard, there are areas zoned for housing but only single family, if you want

development, then allow for 10-12 story buildings to be built. Common law, statutory law, much of what you have before you will end up in court.

Marget Lammey- I use to have a shelter care voucher. I tried to find a place to live in my price range. I am going to move to Rumford because I can't find a place to live. I've been camping outside because it feels safer than the shelters. Westbrook police slashed our tents, now I'm back at Oxford Street shelter. As leaders of our city I ask for your help, I ask you to support the Mayor's ordinance. There isn't even enough room at the shelters for everyone. Please don't take too long to do something.

Mathew Raymond- I am here to support they Mayors ordinance. I am the student president at USM. Banning mass evections, and creating an advocate for tenants would benefit students. It would also help a metropolitan city by supporting the young adults.

Sheree Ambersha – I am experiencing homelessness for the first time in my life. This is a cultural shock for me. I have suffered from cancer and a severe brain hemorrhage. I support they Mayor's ordinance. Thank you for taking the time to listen tonight

Nick Hoffman- There is not a lot of information that is not anecdotal to Portland, not other City's, but here. We need to think about what we are going for, a better housing stock, or better rents? We need to keep in mind the idea of an inclusive community. The housing Committee is the only one who has the power to take the tenants side, the developers have their own money. But we are still not thinking for the tenant's perspective. When you are paying to move people, where are you paying to move them to? Westbrook? Then you are just unloading your problems on to someone else. There is a value on allowing people to live on the peninsula, looking at density can help in the long run. I hope we can come up with a better information system.

Stephanie Mergin- My family has been in the city for many year. My father was even on the council. I never thought I would be homeless. I lost my hair from chemo, and lost a friend, I then had a no cause eviction, and got my security deposit back, but pine tree legal doesn't like to take on no cause evictions. I looked at 4-6 places a day, looking for a place to live. This is not just a peninsula problem, this is an everywhere problem. Port Property management, they get the LIHTC, it says they can't turn away section 8, but they make it impossible to look at an apartment. The fees landlords are charging are not reasonable. There are places listed on craigslist since February, taking fees from every applicant and never filling the apartment.

Mary Jo Stoffield- Homeless voices for justice- recently there are too many people who are being evicted from their homes in South Portland and in Portland. The new owners wants to renovate and charge more rent. There are many people who are worried about being evicted for no reason. I have been in my home for more than 16 year, I would have to pay a lot more rent if I were to move from my apartment. If I had to leave my apartment, I would have to get crisis help. This is what forces people with mental illness onto the streets.

Sheryl Homegren- We do have a crisis, it is in the City's best interested to house people instead of having them in a shelter. It is in your best interest to be unique and do what needs to be done to get people housed. You are dealing with homeless veterans that have HUD vouchers. I hope you are serious about addressing this crisis. But there are many loop holes that will invalidate the entire ordinance if it is left as it is. The loophole allows any discrimination, not just housing vouchers. I would suggest, it's not just high rent, there are a lot of taxes involved to the landlord that the city is making the landlord pay.

Charles – the landlord sold my building to port property management. I was given a 30 day lease, I was then given a notice to quit. I was not given a reason why I was being evicted. I became homeless. 15 other people also received a notice and many more are getting notices next month. I am

limited by my voucher and the bus. I am good enough to serve your coffee and mop your floors but not good enough to live in your City? I am terrified my voucher will expire before I find a place and I'll remain homeless even longer. This has paralyzed Portland for more than three decades. Rental caps are going to help some part of the problem. It is vicious cycle. I am mad as hell.

Michael Anthony- I am director of a peer support and advocacy group. If a cruise ship crashed in the harbor, we would find a place for those people to live really fast, so why wouldn't we do the same for the people already living here? We have a housing access crisis, not a housing crisis. Seattle still has a huge homeless problem. I think we need to decriminalize homelessness. We need to put the funds into housing and not into homeless resources. I have squatted all over this town, there are plenty of places that are empty all over the place. Put these places in the houses of poor people. Squatting is not a crime.

Medazul Hareem – Councilor Duson, you are right it is a landlords market. The voucher discrimination, is a great proposal. Even on craigslist it will say no section 8 vouchers. I think 90 days is a good idea as long as you have something saying failure to pay rent is cause for eviction. We need to have language about having bilingual mediators to be more welcoming to people from my country.

Gwen Williams- I agree with Councilor Hinck's proposal and Mayor Strimling. I think they are good. I hope you will use their good research. I liked the rent control and rent stabilization. I would like to ask Tyler Norod for a list of the sources that were used to come up with the memo tonight. The Leeway is for the landlord not the tenant. The landlord could negotiate.

Tiffany Grapes- I am a recovering addict, I have been an addict since I was 6 years old. I have been living in shelters my whole life. Change doesn't happen overnight. The homelessness and evections are not giving us an adequate chance in life. I too was wrongfully evicted and been facing the same issues as many of the other people in Portland.

Shawn burton- I am homeless at the moment. The homeless people here have no voice. As for housing, you have places like Kennedy Park that is underdeveloped. Density development is what needs to be done. At the shelter, I asked for a housing councilor, and they sent me to Preble Street, we get pushed from one place to the next without anyone helping.

John Massy- I want to talk about the economics going on around Portland. The average cost for a house is 400,000. There is a lot of money coming from the stock market, the housing market, and the bond market. The housing prices increased by 2% which beats the stock market and bonds, so why not come up here and buy housing stock. It's not just housing for people, it's an investment. At some point it is the greater fool, but who cares if the greater fool buys your house. The average cost in NY is $800,000 so we have a long way to go before the market gets too high for people to buy.

Unnamed Person- Everyone is going to jail for being homeless. People are getting kicked out of the shelter for augments with other people. It is not safe for us.

Katrina- resident and landlord in Portland. Currently landlords and tenants can give a 30 day notice. I own a multifamily and work for a property management company. These proposed changes would not help if the tenant won't leave. We gave the 30 days notice. We filed and got the last court date of month. During court the tenant said I did not deliver the notice by hand. After it was all said and done, we had $3000 in loss. For a small time landlord this is detrimental. Instead of 75 days it took 90.

Councilor Duson- We will close the meeting at 9:00 pm and reserve the first ½ hour at the beginning of the next meeting.

Sonia Enoa?- New Mainers Tenant Association was created in order to respond to the need of New Mainers today. We are one of the most vulnerable groups in the community. We need the support of the Council to help us find housing.

Mrs. Chavez- we are homeless and this is who it effects (pointing to her daughter). I filed an application in July and it is still sitting on a desk at Preble Street. I didn't not want to take my child out to the Pine Tree tents, but I also did not want her to sleep on the hard chairs at the shelter. The Mayor has put together a great proposal. Maybe if we get a helping hand we could contribute to solving the problem.

Jobi doule- Maine Equal Justice Partners- on a daily bases we hear from people who are struggling to find housing. Housing is the platform on which everything else depends, education, employment, health, etc. We have been working on increasing the number of vouchers, but the vouchers don't help if they can't find housing. We conducted a focus group, a major theme was unsafe housing. People often have to choose between housing affordability and housing safety. There is also a crisis with people losing housing do to markets. The Mayors two prong approach addresses both of these issues. We ask you to take direct action to address this issue.

Bill Stauffer- I support the Councilor Thibodeau proposal, I do not support the Mayors proposal. I provide affordable and safe apartments. I do have two tenants on public assistants. I've also had public assistants tenants that I let in as a favor and they destroyed by property. As a landlord we need the ability to do background and credit checks. If I can't run a credit check, I'm ready to sell and you will lose a good landlord. We already get hit with a bunch of taxes.

Normal Maze- Shalom Housing- Many in Portland have been urging action. One of the major reasons people move to Portland is the great people and rich diversity of amenities. Unfortunately there are some people who seek to profit from Portland's desirability. Without more than a month to month lease, many live in fear of no cause evections. Still many apartments are much higher than the standards set by HUD on the housing vouchers. The Shalom house supports Mayors Strimling's ordinance.

Bianca – I work in the apartment rental market. We manage a property that was in the worse condition I have ever seen. We have been told by local police that the tenant was dealing heroin. Despite our best efforts, people kept breaking to shoot up. It has now been 70 days, and will be at least 2 more weeks before the court date. We are worried about our tenants, we need the tools to allow are tenants to be safe.

Jane Biscuneii- Advocacy director Preble street. At Preble Street, we find housing for the next 5 tenants, then the next 5, then the next 5 and so one, we are spinning are wheels. The housing prices in Portland have gotten so high that elders move into the shelter looking for a new place to live. Young family's packet up and leave, but we can't wait any longer for a solution. We want to see bold action, the council should support the Mayor's proposal. It's bold.

Sister Patricia Cora- we work with people that have high anxiety because they are worried about losing their housing. A lot of the people are dish washers and cleaners who do not get the raises needed to meet the rise in rental rates. We are going to lose are service workers if they have no place to live. Women with children are an added challenge without proper transportation.

Luis Sevato- I would ask the council to reissue a moratorium of evections. It would not harm anyone if it was done for 2-3 months. It was not slow down the growth rate, but it would give you a chance to take a breath and get the wording correct in these proposals.

Len Freemen- you are wrestling with so many complex topics. But I would like to draw your attention to a segment of the population that is not being addressed. The population over 65 will double over the next few years and this is has already become a housing issue, the city needs to recognize and address this growing population.

Drew Christopher Droy? – Southern Maine workers association supports the Mayor's proposal. We see that there is a housing issue, everyone talks about housing, in every job in every industry.

Ned Paine- I purchased my first building as an investment. One of my first tenants was a Shalom house tenant. I have never had a more rewarding experience. There is a difference between meeting code and having a

nice apartment. Why would an investor want to have all these restrictions put on them? Landlords are limited on how much they can collect, and if more damage is done, there is not much they can do to reclaim their loses. People don't want a voucher person because they get a lot more money with a non-voucher person. An apartment in Portland is going for $1100 but the voucher is only $880.

Liz Mclaine- I support the overall framework of the Mayors proposal. Have you looked at increasing the capacity of rooming housing here in Portland? Have you considered talking with the banks? I think they are part of this housing crisis. If you put money into your house you are taking a big risk.

Mark Wefer- I have lived in Maine my whole life. I work for the City of Portland. I see people on the street every single day.

Item 5: Housing Committee member discussion and next steps.

Council Duson: My sense is the committee is not ready is to declare their position on these proposals. But I hope you will be by next meeting.

On a motion made and seconded the meeting was adjourned at 9:14 PM.

Respectfully,

Kristin Styles

Housing Committee

Minutes of September 14, 2016 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, September 14, 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 Spencer Thibodeau, Councilor Belinda Ray, Councilor Nick Mavodones, and Mayor Ethan Strimling. City staff present included Planning & Urban Development Director, Jeff Levine; Housing Planner, Tyler Norod; Senior Accountant, Cathy Kilburn; and Corporation Counsel Danielle West-Chuhta.

Item 1: Review and accept Minutes of previous meeting held on August 24th, 2016.

Minutes from the previous meeting held on August 24th will be available for review and acceptance at the next HC meeting to be held on September 28th.

Item 2: 1. Public Comment: The Committee will hear from members of the public who signed up to speak at the previous Housing Committee meeting on August 24th but were unable to contribute their testimony due to time constraints.

a. Frank D'Alessandro – Pine Tree Legal (PTL): In 2015, PTL provided legal assistance to 7,550 cases related to landlord tenant issues. PTL in favor of the Mayor's proposal. The 2015 trust fund plan MSHA received $3 million to construct 15-20 units in Maine. Discrimination and rent raising needs to be eliminated. Need prevention of no cause eviction. Need to increase City's own ordinance from 30 to 90 days. Families should not be evicted w/o cause. Cost of provided services should not be shifted to public sector if people have done no wrong and have to live in the homeless shelters instead of private housing.

b. Crandall Toothaker – Has been a landlord for 40 years and has a large number of apartments in safe buildings with good policies. Credit checks are good tools and should be able to be used to ensure good tenants. Landlords need to minimize risk. He stated that landlords should honor leases and tenants should honor responsibilities. He feels a 90 day notice is reasonable. He is not in favor of rent control. There have been times when there has been too much housing. Long-term policies could hurt the landlord in a recession when it is a renter's market. Landlords take risks and pay more for taxes and improvements.

Over the next two years, building projects will increase with hundreds of units being built. He thinks there is not a reason to panic and that a stop gap measure is needed and not a policy with long-term consequences.

c. Crystal Cron – Portland Tenants Union: Not present.

d. Cate Vaughan – Hope Acts: Talked about residents deserving what is possible and what can be done to stop homelessness. People can't find places to live with general assistance vouchers, and she feels there is discrimination with people with vouchers. People are trying to build a new life but can't. She expressed the need for better policies that work.

e. Brit Vitalius – Southern Maine Landlords Association (SMLA): Expressed that there is no discrimination. People that do not have jobs are not as attractive tenants as people with jobs. Housing is a market cycle. Laws that are being proposed are not needed and illegal. Good landlords are not kicking out tenants for no reason. Grant Street was a problem building where more notice than required was given. Tenants should be educated to know what "tenant at will" means.

f. Tom Watson – Port Property Management: has 1,000 units. 56 units Bayside Longfellow. He showed pictures of a damaged apartment on Grant St. Housing is obligation to get along with neighbors. He stated that the pictures are the norm and not exception. Building wide infestation and walls are dripping with nicotine. Living room floor is burned and bedbug feces is evident on the mattress causing building to be uninhabitable. It took 180 days to get tenant out. Average time to get people out through the current process is 60-90 days. It will cost $60,000-90,000 to get the building back to rentable shape once vacant. There is a need to create safer communities. He is urging against the Mayor's proposal.

g. Chris Quint – Regional Chamber: He is against the Mayor's proposal as it will negatively affect economic health of the city. But hopes Committee can develop comprehensive strategy to improve our housing problem.

f. Carl Winslow: Mr. Winslow is a long time landlord. He has never had a no cause eviction except when couldn't get witnesses to testify. He follows advice of a legal team. He feels the Mayor's proposal has legal problems. If the proposal passes, it will not win in court.

Item 3: Brief update by City Staff on revisions made to the Housing Committee work plan.

David Brenerman stated that we move forward with these issues. Change zoning issues to encourage development. There are several more months of activity.

Tyler Norod wants to work to inform public of key changes. Next meeting Thursday 13th at 7PM instead of the regularly scheduled meeting on Wednesday October 12th. The meeting date was changed due to the Jewish holiday Yom Kippur. On the 13th the Committee will discuss short term rentals, like AirBNB. The Committee will also discuss zoning considerations for transportation corridors and shelters. Nothing has changed on agenda besides that.

Councilor Brenerman asked about public hearing comments on regulation for AirBNB on 10/13 at 7:00 on September 28th. He thinks we need a discussion of where we stand or documents before we are ready to notify public on Airbnb. Councilor Mavodones thinks they cannot have something for September 28th and should prepare for a longer meeting if we are going to discuss Airbnb.

It was ultimately decided that Airbnb would be discussed on October 13th.

Item 4: Brief overview of "Tiny Home policy challenges in Portland – See enclosed memorandum from Housing & Community Development staff Tyler Norod, Housing Planner.

Staff presented a brief overview of the submitted memo outlining the policy and zoning challenges associated with allowing tiny homes to be developed in Portland.

Councilor Brenerman talked about Tiny Houses and Tyler Norod talked about people using these as cheaper homes and a lifestyle choice. It doesn't meet Portland's current standards for zoning. But the biggest problems have to do with state building code and certification for manufactured homes. To allow tiny houses on wheels the City would need to lobby the State regarding regulations.

Councilor Brenerman asked what defines a tiny home. There was a discussion about what characteristics a tiny home has. Most of them are small, efficient, some have wheels, are on slabs, or have special plumbing. There are a wide variety. People use them to simplify their lives. People desire to build with creative use of space and efficiency. There was a discussion about what the issues were and why they wouldn't fit into our building code. Jeff Levine stated that it wasn't the size of the house it was that the problem but the fact that it was built somewhere else. The problem is that the houses are constructed offsite. The contractor that builds the houses is the off-site contractor that constructs the houses.

Item 5: Review of revisions made to the Mayor's proposed Rental Housing Security Ordinance – See enclosed memorandums from Corporation Counsel, Danielle P. West-Chuhta and Housing & Community Development staff Tyler Norod, Housing Planner.

Tyler Norod gave a brief overview of the memo submitted to the Committee. He highlighted several issues for the Committee to consider.

Section 13-724-f. Proposing that larger apartment buildings be limited in the percentage of units that can turn over in any 12 month period. Regulating landlords of larger buildings appears to run into similar legal issues that were cited in previous memos from Corporation Counsel relating to constructive leases. Although well intentioned this section appears to have several logistical and practical problems that may make it difficult to enforce. With Maine's housing stock amongst the oldest in the nation, it is not uncommon for our buildings to often be in need of significant repairs. Placing limitations on how a building of a certain size may be vacated would likely place significant hurdles in terms of construction logistics and financing that would disincentivize the maintenance and upkeep of our City's aging housing stock. In addition, the City currently does not track how many units in buildings are turned over at any one time. Doing so would likely require additional oversight and be difficult to effectively enforce as it is unclear how the City would accurately track how many units were not renewed within any time frame other than a 100% complaint based system.

Division 6 proposes the creation of a new Office of Ombudsperson within City Hall. Tyler Norod noted that it was unclear what the costs of this position would be but given previous analysis for a potential mediation program it would likely be more than $47,000-$59,000 in salary and could potentially include other expenses related to funding a new office within City Hall. This proposal also does not clarify who the Office would report to and lacks a clear framework for responsibilities, budget, and oversight.

According to the proposal the Office would be a "clearinghouse of information regarding applicable laws, ordinances, and rules regarding residential tenancies in the City of Portland". The job responsibilities and capacity noted in the revised ordinance are already possible and often occur within both existing City departments and outside organizations. The creation of this new office as proposed appears to be redundant. The City may be better served by simply working to improve communication with interested members of the public and relevant city departments or focus more on mediation services.
In past discussions it was assumed that the role of any ombudsman would be to serve as a mediator in tenant/landlord disputes.

Corporation Counsel, Danielle West-Chuhta also briefed the Committee. Danielle talked about changing rental notice from 30 to 90 days. Landlords would still be able to follow the states eviction process with 30 day notice. The City would have to institute a separate process for pursuing a fine for lack of sufficient notice to the tenant. This money if received would have to go to the City and not the tenant as we cannot institute a private right of action. She also said that a similar measure hasn't been tested yet in Maine's courts so it is unclear whether or not this would be upheld.

Item 6: HOME Fund Development Applications – See enclosed memorandum from Housing & Community Development staff Tyler Norod, Housing Planner. Public comment will be taken as this is an action item.

Director Levine spoke about the annual RFP's for HOME funds that the City. The City received three very good applications. Developers Collaborate is submitting an application requesting $254,000 to renovate St Dominic's Apartments located on Gray Street in the West End. Developers Collaborative have proposed setting aside 25% of the units for people living in the City shelter. Staff is recommending a 0%, $191,000 loan, deferred for 30 years or until the sale of the property. The City's investment per unit is $15,916.67.

Staff have reviewed the proposal which and the project can be achieved quickly as it does not rely on other subsidy layers.

The second project staff recommends for funding is 58 Boyd Street located in Bayside. Portland Housing Development Corp. has a project that needs $64,000 on 58 Boyd St. for project. This project has already received $136,000 in funds.

The third project is a project that Avesta is doing on Brighton Avenue. This is a housing project for seniors earning up to the 50% median income and ten units would be reserved at 60% AMI. Staff do not recommend funding at this time as the project did not score as high as the other two applicants based on the application criteria. The project lost points due to the project's readiness to proceed and the high cost per unit compared to the 58 Boyd Street project.

The item was opened up for public comment:

Carelton Winslow expressed outrage over the St Dominic's plan. This building was previously owned by Learning Works who took tax credits. He feels their deferred maintenance and mismanagement is part of the problem.

Councilor Mavodones thinks Planning should ask Corporation Counsel about Mr. Winslow's concerns.

Councilor Mavodones motions to recommends the sending the funding for St. Domonic's and 58 Boyd Street to the Council. Councilor Ray seconds. Vote passes 4-0 in favor.

Item 7: Housing Committee member discussion and next steps

On a motion made and seconded the meeting was adjourned at 7:58 PM.

Respectfully,

Cathy Kilburn

TO: Councilor Duson, Chair
Members of the Housing Committee

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

DATE: September 23, 2016

SUBJECT: Housing Insecurity Package

Over the past few months the Housing Committee has gathered public feedback and reviewed potential policy directions to recommend to the City Council. Recently the Committee has focused on similarly themed policy ideas associated with housing insecurity. A variety of policy elements were discussed including but not limited to items listed below:

1. Rent control/Rent increase limitations
2. Increases to notification minimums for rent increases and non-renewal of leases
3. Voucher discrimination
4. Tenant/Landlord mediation/ombudsman
5. Tenant relocation payments
6. Restrictions on unit turn over in large buildings

Attached to this memo is also a chart outlining Corporation Counsel's past legal analysis to the Committee on many of the items listed above. The chart is intended to serve as a general reference to help the Committee keep in mind the various legal issues associated with each element as the discuss a possible package to recommend to the Council. For more detailed information about this legal analysis please see past memos written by Corporation Counsel to the Committee over the last several meetings.

The Committee received analysis and public testimony on these general topics. The next step is for the Committee to formulate a final package on housing insecurity issues to recommend to the Council for their consideration. To that end, the Committee Chair and Vice Chair have assembled a proposed package containing various elements of the items above aimed at mitigating concerns related to housing insecurity. The package is outlined below for further discussion and input by Committee members.

1. Increase notification for rent increases from 45-60 days.
2. Landlords and tenants must sign a document to be drafted by the City explaining tenancy-at-will.
3. Creation of a leaflet outlining tenant/landlord rights and responsibilities that must be distributed to all tenants.
4. Establish a tenant/landlord commission comprised of 6 members and co-chaired by one landlord and one tenant representative.
5. Incorporation of Maine Human Rights Act prohibition against income discrimination into City ordinance.

The Chair and Vice Chair also propose that the Committee take time to further study the potential implications and feasibility of instituting a Tenant Relocation Assistance Fund for households earning below 50% of Area Median Income (AMI) that are asked to relocate due to substantial rehabilitation or renovations to their unit. Outstanding questions that would need to be considered would include possible funding amounts/sources, definitions that trigger "substantial renovation", income thresholds, enforcement, and payment amounts.

The chart below represents a brief outline of Corporation Counsel's opinion as to the potential legal issues to be considered for any of the general proposed policy ideas described during recent public discussions. Please refer to Corporation Counsel's prior legal memos to the Housing Committee on each proposed ordinance provision mentioned in this chart for more specific information and legal research about each provision.

Most Likely Legal Under Maine Law (i.e. Maine law seems to specifically allow enactment of these possible ordinance requirements)*	**Maybe Legal Under Maine Law (i.e. these possible ordinance requirements have not been tested yet under Maine law)***	**Most Likely Not Legal Under Maine Law (i.e. the City Council does not have home rule authority to enact these possible ordinance requirements)***
Rent Control (i.e. similar to Westbrook's Ordinance for mobile home parks).	Extend Notice Provisions for Evictions and Rent Increases. (Please note that any violation of the proposed increased notice requirement would not impact an Forcible Entry and Detainer ("FED") action filed by a landlord, but would instead be enforced by the City through fines or some other penalty in a separate City-initiated court action).	Some of the Enforcement Provisions including the private right of action (since anything enacted would need to be enforced by the City itself), and anything that attempts to circumvent the Maine Human Rights Commission's required process for discrimination complaints.
Mediation Program (but may be redundant and unnecessary with other existing programs).	Requiring Acceptance of Housing Vouchers (including, but limited to, section 8 vouchers).	Entire Constructive Lease Section in the proposed ordinance.
Prohibit Discrimination based on source of income (but is redundant and unnecessary given the existing requirements in Maine law).	Tenant Relocation Payment Ordinance.	