



City of Portland Rental Housing Advisory Committee Agenda

City Hall Room 24, Monday, December 16, 2019, 5:30 pm - 7:30 pm

Co-Chairs: Meredith Cook, Tenant Representative and Regan Sweeney, Landlord Representative

Next Meeting Date: Monday, January 27, 2019, 5:30 pm, City Hall Room 24.

1. Review and Approval of the Minutes of the November 25, 2019 meeting.
 - a. Draft Minutes of the November 25, 2019 meeting
2. Announcements:
 - a. Update from City staff re: advertising and applications for replacement tenant committee member
 - b. Rental housing-related community meetings and/or events past and upcoming.
3. Public Comment
 - a. Members of the public will be given an opportunity to address the committee. Any person wishing to address the Committee shall give their name and address, and, if applicable, organization represented, and restrict comments to three (3) minutes.

NOTE: The Rental Housing Advisory Committee is not a grievance committee or complaint forum for landlord-tenant issues or dispute resolution. The duties of the Committee are (1) To Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and (2) Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.
4. Rules:
 - a. Draft committee rules from Regan Sweeney; and
 - b. Discussion and voting on draft rules.
5. Continued Discussion of Rental Application Fees
 - a. Reports from various Committee members on research and findings;
 - b. General discussion re: rental application fees and potential committee recommendations; and
 - c. If applicable, voting on recommendation(s) to Housing Committee.

6. Discussion of Committee Work Plan / Agenda
7. Other Business

Rental Housing Advisory Committee Minutes of November 25, 2019 Meeting

A meeting of the Rental Housing Advisory Committee (RHAC) was held on Monday, November 25, 2019 at 5:30 P.M. in City Hall Room 24. RHAC Committee Members present at the meeting included Aaron Berger, Meredith Cook, Nora Graves, Wendy Harmon, Travis Heynen, Katherine McGovern, Crow Norlander and Regan Sweeney. City staff present included Mary Davis, Housing and Community Development Division Director.

Item 1: Review and Approval of the Minutes of the October 28, 2019 meeting

On motion made and seconded, the Minutes of the October 28, 2019 meeting were unanimously approved.

Item 2: Announcements

Staff: Mentioned that a committee member has submitted resignation to the City Clerk, who will be advertising the open position in December. Applicants would be interviewed by City Council's Nominating Committee and then approved by City Council. Outlined process for recommending policy proposals to the Housing Committee. Proposals should be routed through city staff who will coordinate with the chair of the Housing Committee to incorporate it into the committee work plan. A member of the RHAC should be present at Housing Committee meeting to present the proposal.

Members: Reported on YIMBY event; Mentioned that City is taking comment on the Recode process; Jim Devine mentions 12/20 Winter Solstice Vigil.

Item 3: Rules, update on and draft committee rules from Regan Sweeney; discussion and voting on draft rules

Regan recommended adopting city council rules with minor adjustments specific to RHAC. Some questions need to be discussed, for instance what constitutes a quorum.

The group agreed that at least 5 members would need to be present including at least 2 landlords and 2 tenants voting at each meeting including legal representatives of both groups. Aaron – simple majority with at least two from each side (landlord/tenants); minimum of 5 members at least two tenants or legal rep (same for landlords)

Members agreed that a specific attendance policy was not necessary at this time.

A draft of the committee rules will be available for review prior to the next meeting. The committee will vote on the adoption of the rules at the December meeting.

Item 4: Continued Discussion of Rental Application Fees

Meredith reported on an email she received from Rep. Kessler about the bill he is sponsoring at the state house regarding prohibiting application fees and limiting security deposits. Meredith shared a copy of the email with the committee.

Mary indicates that Social Services has seen issues with application fees.

Katie reviews some examples that she found when she researched this topic – State of Minnesota, City of Minneapolis and State of Oregon.

Wendy reviewed the member survey done by SMLA and confirmed with Tenant Net that they cannot share their reports.

Katie also shared fair credit reporting act that contradicts information from Tenant Net

Opened public comment on application fees:

Jim Devine – make rules easy to understand and coherent.

Elisa Floyd – Maine Peoples Housing Coalition – fees at Bayside Village were minimal \$40; when looking for apartment in Old Orchard Beach she paid \$50 and did not get the apartment and never found out why she didn't get apartments.

Jenna Dorr – renter since 2005; in May were scrambling to find a place to live; contacted more than 40 landlords over two week time period; spent over \$500 for application fees/credit & background check fee with no feedback on whether reports were pulled, etc.

Closed public comment on this issue

Several committee members have seen these issues in their professional work.

Nora thinks it is odd that the city doesn't have any written guidelines on this topic; believes the committee should strong recommendation to Housing Committee that they address this issue; she informally surveyed landlords in her neighbor and found everyone she talked to said they would not rent without doing a background check but most said they do not charge a fee.

Aaron believes the committee can look at the issue and make recommendations; wondering if these costs have to be covered by the tenant.

Katie stated that these kinds of tenant screening services fall under the fair credit reporting act and believes Tenant Net is wrong when they say the report cannot be shared.

Meredith indicates she believes the role of committee might be to educate landlord/tenants.

Aaron states that that application fees are not the only barrier for tenants, there are other types of fees being charged, move in fees for example; agrees with Nora that it is neglectful for such a competitive market to not have guidelines for these fees.

Travis states that there are different types of fees, which are separate but related issues.

Katie indicates it will be important to define the types of fees the committee is trying to address when proposing any policy.

Aaron states his proposal choices as (1) refund everyone who doesn't get apartment; (2) tenant gets a copy and if they have a copy less than 30 days old landlord must accept it; (3) prohibiting application fees. For enforcement, prohibiting is the simplest option.

Wendy believes landlords should be educated about what they should be charging.

Nora believes that fee should not be refundable if service of running background/credit check has been completed.

Meredith is concerned about creating a policy that somehow encourages landlords to charge fees.

Regan asks whether these discussions have identified the problem, which he believes is tenants spending way too much money on application fees for background/credit reports that are not being run.

Crow states that that these are the costs of doing business as a landlord and should be part of their due diligence.

Aaron prefers other alternatives instead of just education.

Travis indicates these fees would have to be absorbed by landlords and would most likely show up in higher rents.

Katie indicates she would be in favor of a limitation on the amount that could be charged or in the alternative a prohibition.

Members were in agreement that the committee can make recommendations to the Housing Committee and it would be up to the Housing Committee to decide what happens after that.

Travis would be in favor of a reasonable fee, but not a cap on the allowable amount due to issues regarding adjusting fees in the future as costs go up.

Members will follow up on issues with Tenant Net; caps on fees; and sharing of reports.

Item 5: Public Comment

Carol McCracken – Portland renter; hoping this group will take up more issues than application fees; Alexandria VA a very progressive city; appalled by lack of policies in Portland and lack of protections for tenants; clear that city of Portland has ignored rental issues, because real estate industry owns the city;

Jim Devine – mentions the Greater Portland Community Land Trust; concerned that next meeting is on a council meeting night;

Elisa – likes idea to share reports; smaller landlords are more lax; seems like fees can be biased and change depending upon applicant; suggested that landlords could charge fee after the reports are received; if paying fee to move in there should be standards to meet re: how clean unit should be and painted every time;

Jenna – reviewed minutes from last month’s meeting and noticed concern re: whether tenant knows if any checks were ever done; concerned that tenants/applicants don’t know if these are being done. Landlords absorbing costs somewhere else doesn’t make sense when they can write off these fees on taxes; perhaps rules may result in fees only being charged for those actually being used; knows that some large management companies charge per person fee as well as fee for each unit applying for.

Nick Schroeder, with Bangor Daily News asked if there were parameters for landlord survey included in committee backup; Wendy Harmon outlined the information for him.

Katie McGovern proposed something for work plan, mentions the eviction issue with the Woodwinds on Harvard Street; suggested that RHAC may want to consider talking about and proposing something regarding prohibiting discriminating against rental vouchers, similar to what the Housing Committee considered in 2016.

On motion made and seconded the Committee voted unanimously to adjourn the meeting at 7:10 P.M.

Respectfully submitted,

Mary Davis



CITY OF PORTLAND

Planning & Urban Development Department

Housing and Community Development Division

TO: Members of the Rental Housing Advisory Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: December 12, 2019

SUBJECT: Update from City Staff
Rental Housing Advisory Committee Membership

The City Clerk has advertised for membership on the Rental Housing Advisory Committee. Current committee members with expiring terms should receive an email from the City Clerk regarding the expiring term and option to apply to be reappointed to a new term. In addition the vacant tenant position has also been advertised.

Committee members with expiring terms in March are noted here.

Nora Graves (neither tenant nor a landlord)
Aaron Berger (Tenant)
Crow Norlander (Landlord)

The application deadline for these positions are December 28, 2019. Applicants will be contacted for interviews with the City Council's Nominating Committee.

RENTAL HOUSING ADVISORY COMMITTEE RULES OF PROCEDURE

For its Rule of Procedure, the Rental Housing Advisory Committee (“RHAC” or “Committee”) hereby adopts the following, modeled from the Rules of Procedure of the City Council:

1. Regular Meetings.
The RHAC has agreed to meet on a monthly basis, on the fourth Monday of each month, from 5:30 p.m. to 7:30 p.m. In the event of holiday or other City Hall closures, meetings may be moved to a different Monday from time to time as required. The exact location at City Hall may change, but will be posted in advance.
2. Quorum.
For the purpose of conducting official Committee business, at least five (5) members must be present, with at least two (2) tenant representatives and two (2) landlord representatives (which, for the purposes of quorum, includes the tenant and landlord legal representatives, respectively).
3. Recommendations.
Recommendations to the Housing Committee require at least five (5) affirmative votes, and are to be made to the Housing Committee in writing. If an item fails to obtain the requisite five (5) votes to be recommended to the Housing Committee, and is not otherwise disposed of, said item shall be placed on the agenda as Unfinished Business for the RHAC’s next meeting.
4. Public Comment.
The RHAC will make all best efforts to take public comment at each meeting, but reserves the right to limit each commenter to three (3) minutes, and requests that commenters limit their comments to the issue(s) before the RHAC.
5. Parliamentary Procedure.
The RHAC will observe Roberts Rules of Procedure for the order of procedure.
6. Confidentiality.
No Committee Member shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, “information known to be confidential” includes information in any form that has been designated, to the knowledge of the Member, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of “public record” in the State’s Freedom of Access law. Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session,

unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

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