

Excerpt from Housing and Community Development Commission January 4, 2006  
Meeting Minutes

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1. Marian Drake, apartment resident

Ms. Drake shared her experiences as a resident in three different apartment units and the difficulties she experienced with each landlord. She expressed concerns that some residents are not always coming forth with complaints because they do not know enough information to help themselves.

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1. Rachael Langford, advocate

Ms. Langford, a ex-volunteer of the American Lung Association, shared concerns of the air and general quality of low income rental units. She noted that several units she was asked to look at had significant mold issues and residents felt threatened if they should report it. She recommended that interior habitability codes be created to provide higher quality units.

**Benson, Ruth**

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**From:** Pegge McGuire [pmcguire@fhco.org]  
**Sent:** Thursday, January 05, 2006 4:54 PM  
**To:** Tracy Lehto  
**Subject:** HCDC

Tracy:

I got stuck in my office until 7 last night wasn't able to be at the meeting as I had intended. I had some remarks prepared that I hope you can pass on to the commission. Would you mind??

To HCDC Chair and Commissioners via email:

I had intended to be at the HCDC meeting last night, but was unexpectedly detained at my office. Therefore, I would like to share this information with you via email. I apologize for not presenting this in person.

Dr. Sheehan and the staff of all three jurisdictions have done a marvelous job in gathering, analyzing, and evaluating data for the Analysis of Impediments. The A/I shows a thorough and sophisticated understanding of the issues that create barriers to fair housing choice, the forces that impact these barriers, and the way in which victims of discrimination react to their experiences.

You may have been told by members of the community that discrimination is not a common problem and many of the issues reflected in the A/I are not widespread in our community. I believe individuals making this claim have done so because they would not conduct themselves in a discriminatory manner and therefore cannot believe that others like them would discriminate. These community members would also have you believe that because hundreds of victims of illegal discrimination have not come forward to speak out in public forums such as the HCDC meetings....the problem is miniscule.

National studies of discrimination in housing have identified discriminatory practices varying between one out of every two to one out of every four or five housing transactions, depending on the protected class of the individual involved. These studies were not determined by complaint statistics, but by testing...which is like secret shopping, or police undercover investigations. Testing is used to determine how people conduct their ordinary business practices. Further, a statewide random, statistically significant survey of Oregonians living in non-entitlement areas of the state reflects one in ten Oregonians believe they have been victims of illegal housing discrimination...yet only 22% of those individuals took any action to enforce their rights. Most victims simply sought other housing opportunities. There is absolutely no reason to believe the statistics are any better in the joint communities involved in this A/I. And, in case you do not believe there is illegal discrimination in our community, a few recent examples are listed:

- Last week the FHCO and HUD were in the news when a Portland landlord was formally charged with refusing to rent to African Americans because they felt the other tenants would not like it. They didn't just tell the applicants they didn't want African American tenants, they told several successive sets of testers from FHCO.
- Two days ago a woman attempted to rent an apartment from a Gresham landlord. When she and her Latina friend and roommate returned with their completed applications, the landlord said "oh no, there has been a mistake, we only rent to whites, you two cannot live here". She

tore up their applications. FHCO received supportive testing results.

- Recently, we received a call from a person with disabilities who wanted to install a ramp to their apartment (at their own expense) and were told by their landlord that they don't want a ramp because it will give people the wrong idea about the class of people living in the apartments. FHCO received supportive testing results.
- Just the other day, a woman responded to an ad for an apartment near Cleveland High. The landlord, when told the woman had children who would attend the high school, said "that won't work here, we don't rent to people with children". FHCO is has obtained supportive testing results.

These are not isolated events. We receive thousands of calls from Portland, Multnomah County, and Gresham area housing consumers and housing providers annually. Many times we are able to prevent the discriminatory acts from taking place, by educating the housing providers. Because we know that there are also professional, non-discriminating, honest and decent housing providers, we have not lost our faith that collaboratively we can join together as a community to remove the barriers that have been identified. We believe that the recommendations you have before you are a product of this spirit of community dialogue and collaboration.

The Fair Housing Council of Oregon is fully in support of the recommendations that staff have brought to you and encourage you to support and adopt those recommendations.

Sincerely,

*Pegge*

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1. Richard Ellmyer, citizen advocate

Mr. Ellmyer presented testimony, requesting HCDC to support two of the recommendations. The location policy and healthcare cost recommendations. He hoped for the need for an analysis of public housing data and a public discussion.

January 4, 2006

To: Housing and Community Development Commission  
From: Sam Chase, Executive Director  
Community Development Network

Re: Analysis of Impediments to Fair Housing and Staff Recommendations

Thank you for the opportunity to make comments regarding the draft 2005 Analysis of Impediments to Fair Housing and Staff Recommendations. Housing gives people an opportunity to build better lives. To succeed you need a place to call home. The completed analysis and recommendations address the impediments and many needed steps to make this vision a reality in the Portland area.

Please accept the following input as you consider the BHCD Staff Recommendations:

**1. Fair Housing Services**--Resources should continue and even increase to organizations that effectively organize, defend, or otherwise assist tenants in their rights. The costs and lack of awareness prohibits low-income people from accessing legal defense or organizing on their own community's behalf.

**2. New RFP Selection Criteria for Affordable Units**—Criteria should not be adjusted until clear market assessments are made that include input from a broad range of nonprofit housing providers. In many cases, these providers have direct and relevant experience in addressing the recommended selection criteria.

An assessment should include many 2 plus bedrooms accessible units exist and are not marketed well to disabled tenants in the existing nonprofit and housing authority portfolios. The staff recommendations rightly identify a need determination strategy before requiring roll in showers. Smoke free housing should be evaluated with a broad range of tenant groups including drug and alcohol recovery populations, those with mental health disabilities, and others. Finally, an understanding of what vacancy requirements for accessible units would do to underwriting, and to voluntary development of accessible is needed. Accessibility issues should be addressed through support for programs that provide low-cost accessibility accommodations and for the Housing Connections program to market vacancies.

**3. Increased Code Enforcement and Fines**—These are important tools to support existing laws and codes that are in place. Increasing enforcement and fines that target unsafe living conditions for tenants is needed in many cases and additional resources for this work may be needed.

**4. Landlord Tenant Issue Workgroup**—Strategies that work for both these groups are worth exploring. The recommendations from this group that apply on a statewide level should be forwarded to and coordinated with the work of the Housing Alliance, a statewide alliance of affordable housing proponents working to generate new housing resources and pass progressive housing policies through the state legislature. The scope of the Landlord Tenant Workgroup is broad. Work could be broken up or prioritized by those that are most resolvable first. Nonprofit developers are reluctant to support landlord licensing and restriction on their ability to use no cause eviction, but could begin working on issues of housing violations, education efforts, tools to remove drug dealing and prostitution, proactive unit inspections etc.

**5. New Funding**, Recommendations Not Forwarded by Staff--Include "new funding" recommendations as an action item. Contrary to the staff recommendation that this falls outside the scope of the analysis, funding is perhaps the most significant and effective way to address housing fairness. As CDN and AHN! testimony outlined in their AI testimony, there is an overwhelming correlation between the groups protected by fair housing laws and groups that are economically disadvantaged. Addressing this issue in a significant way can't be done without a strong resource component. Adequate resources would effect thousands of individuals including physically and mentally disabled, seniors, families with children, and people of color.

The resource strategies addressed in the recommendations should be forwarded along with three additional local strategies. These are strategies that have proven to be very successful in other jurisdictions: 1) Support the Portland Housing Investment Fund with city general fund and other dollars. 2) Require that 30% of all Tax Increment Funds in Urban Renewal Areas be spent on affordable housing. 3) Consider referral of an affordable housing bond measure to voters.

## Benson, Ruth

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**From:** Sarah J. Stevenson [sstevenson@innovativehousinginc.com]  
**Sent:** Tuesday, December 20, 2005 7:52 PM  
**To:** tlehto@ci.portland.or.us  
**Subject:** Impediments to Fair Housing

I am writing to comment on the draft Analysis of Impediments to Fair Housing and staff recommendations on the BHCD website. My comments will be broad because I have not had time to fully read the analysis. That relates to my first comment - it feels like a very short turnaround from the time I heard the draft was available (December 6) and the close of the public comment period (December 21). This timing, particularly around the holidays, does not give people much time to read and deliver thoughtful feedback, particularly if they have not been involved in the inquiry process and the information is new.

I support the staff recommendations in that they advocate funding for organizations that help educate tenants and enforce fair housing laws. In my opinion, helping tenants protect and exercise their rights is preferable to taking tools away from landlords. As a mission-driven landlord, I am absolutely against discrimination and pro housing choice, but the most effective way to achieve our mutual goals may not be broad brush strokes like eliminating no-cause evictions. One responsibility that I take very seriously as a landlord is to provide a safe living environment for our residents. When we evict someone there is a good reason for it and we need the tools to be able to do this effectively. Unfortunately, it is often very difficult to document and prove that a tenant is dealing drugs or engaging in other illegal activities. In buildings where we are restricted to for-cause evictions, we have failed at several attempts to evict dangerous individuals that prey on other tenants and seriously damage the housing.

I would further caution against making policy decisions without full economic analysis of the issue - one example of this is a requirement that owners hold accessible units vacant for a period of time. Depending on the "period of time" selected, this could be very costly and dissuade developers from building more accessible units than they otherwise might. The economic analysis should include input from developers and owners in addition to tenants' rights advocates.

Finally, I believe that most landlords support the fair housing goals of this analysis. I think many of us would also support penalizing landlords that do not follow the law and/or engage in discriminatory practices - taking a targeted approach and providing funds to enforce existing fair housing laws will be more effective than broad landlord licensing requirements. The majority of us work hard to provide safe, high-quality housing without discriminating and would be willing to work with you to achieve these goals and address identified problems. Please keep this in mind and do not hesitate to engage more of us in efforts to make housing in the Portland region accessible to all of our citizens.

Sarah Stevenson  
Innovative Housing, Inc.