

DRAFT
Feedback Summary on Initial Draft of the Analysis of Impediments to Fair Housing Report
August 31, 2005

General comments from Technical Committee:

- Some of these impediments could be combined.
- Concerns about impediments that appear to be identified only by one interviewee, without substantive data that the issue is of significant scale.
- Discussion about how to categorize impediments based on severity of impact or scope.
- Terms like “many” need to be clarified with a more specific description.

General comments from Advisory Committee:

- The landlord and property management perspective is not captured in the initial draft report.
- Substandard housing is not currently listed as an impediment, nor are limitations and resources for repair of rentals.
- Surprising that there are no impediments tied specifically to discrimination based on race/color (denying housing based on race/color). The discussion including the following that suggests this is an issue:
 - data from FHCO and Legal aid, discrimination based on color/race #3 issue they receive complaints about;
 - FHCO reports that race/color #1 complaint in unincorporated Multnomah County;
 - there have also been reports of property managers/landlords applying different tenant rules to protected classes.
- More discussion regarding housing choice which may result in concentration of protected class vs disbursement attempts, no resolution.
- Concern that accessible units are not inventoried, advertised, or available to people with disabilities.
- Concern that local developers are not complying with fair housing and ADA design/build accessibility regulations, need data to substantiate this.

Comments Regarding Specific Impediments or Recommendations

Impediment	Technical Committee Feedback	Advisory Committee Feedback	HCDC Feedback
1 – Unjust “no cause” evictions	HOME and Tax Credit funded properties do now allow “no cause” evictions. CAT has collected ordinance language from other cities for “good cause” rather than “no cause” evictions. Change would have to come through state law.		
2 – Hispanics paying higher mortgage rates	Suggest that Mike to get more data from Peg Malloy at Portland Housing Center to substantiate this.		
3 – Hispanics at risk of abuse of unscrupulous landlords			
4 – Abuse against undocumented Hispanics greater	Disparate impact issue. SSN not required for credit check, but makes it easier, lack of SSN therefore barrier.		
5 – Refusal to rent to undocumented parents.	There are cities who have licensed landlords, so there are models. A group discussed this 10 yrs ago, but met landlord opposition. Need to look at how it is working in other cities doing this before deciding to move forward.	Property management is one of the few unregulated businesses and licensing would provide some oversight.	
6 – How children’s behavior is addressed		Reports of different tenant rules for members of protected classes.	
7 – Rejecting applications on police contacts			

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8 – Poor landlord training	Clarification requested is the training poor quality or there is not enough training, Mike said not enough training.	Lack of training noted repeatedly, Metro Multifamily Housing Association does many trainings in conjunction with FHCO. Training seems to be a greater issue for smaller “mom and pop” landlords who do not belong to associations, or who do not hear about trainings or do not believe they need to attend training.	
9 – Language Barrier	Potential response for subsidized properties would be to require all docs translated if certain % of renters non-English speakers.	Metro Multifamily Housing Association has developed a Spanish application and property rules that any landlord can purchase. Considering translating into other languages based on need.	
10 – Affects of second hand smoke in multifamily housing	This is a complex issue with potential fair housing impacts if smoking is limited or not limited. For example, nicotine addiction could be considered a disability for some. There needs to be more research on this issue before recommendations made. Easier to address in new properties like at New Columbia where some buildings are non-smoking, Harder to address in building with existing tenants.	Large debate regarding this issue at this meeting. While issue is complex, there is a feeling of need for more smoke free building options in Multnomah County.	
11 – HAP locational decisions	Many locational decisions are made based on available, affordable land and locations that allow the development of multifamily.		
12 – Tenants forced to live in high			

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crime areas			
13 – late rent subsidy results in late payments for tenants	Clarification that this is not an issue for Section 8 rental subsidy. It is believed this was a problem for other rental assistance available in the community. It is expected the rent assistance redesign will address this issue.		
14 – limited funding for provision of low income housing			
15 – largest category of discrimination complaints at legal aid involves disabilities	It needs to be more clear what that impediment is, what is the cause of complaints, should be more clearly tied to the recommendation.		
16 – Metro’s fair share housing provision	Needs to be more specific on the what Metro has tried to do and barriers they have faced in working with the jurisdiction. Mike to follow up with Margaret Bax for more information.		
17 – Accessible units disproportionately one bedroom	Is the data source comprehensive? Can Mike not the source of data. Need to find more statistics on this issue.	An Advisory Committee member agreed with this impediment based on her current search for an accessible unit.	
18 – Landlords can refuse to rent based on section 8 as source of income	State law does not prohibit Portland changing its law.		

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19 – refusing housing based on criminal record tied to disability	Need clarification on types of crimes. Mike said in many cases it is things like littering or loitering that makes it difficult to move the homeless into housing. Is this really discrimination? Does the applicant need to request reasonable accommodation? Is property management “obliged” to make reasonable accommodation in all cases?(minor crimes vs. something like arson that endangers other tenants)		
20 – old criminal records used to deny housing			
21 - \$6 OHP payment jeopardizes housing	Is this a fair housing barrier, and if so, why is the elimination/reduction of this benefit called out and others not referenced.		
22 – HAP waitlist structure	HAP feels its new waitlist reform should address this. Micky Ryan said this was primarily her concern, and that while HAP had made many good changes, she was still concerned about this specific issue. Overall, the various issues (timing of choice and priorities) need to be broken out and have more clarification.		
23 – Renting accessible units to non-disabled	Need clarification if it is purposeful to avoid dealing with disabled tenants or it is happening because need to fill vacancies. Also need to know how broad this issue is.		
24 – Supply of DV short term housing/shelter	How does increasing short term housing fit with movement to the “housing first” model?		

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25 – Billing batteree for apartment damage.			
26 – Prioritize funding for short term emergency needs			
27 – Two families share housing	Need to clarify it is two “head of households” with children coming together. Agree needs more research due to issues listed in the response.		
28 – code enforcement	Mike needs to talk with code enforcement staff at City of Portland for more information. It should be listed a separate impediment that there is no code enforcement outside of City of Portland.	Should have stronger code enforcement with greater fees, fees can provide income for stronger code enforcement. There is also the receivership option.	
29- HAP slow in proving accessibility improvements	Need clarification, is it slow on general improvements or reasonable accommodation requests? HAP felts it was addressing this. This was also addressed in a recent HUD audit.		
30 – Townhouses	Barbara Sack from City of Portland Planning Department could not identify how code is incenting townhouse development or how townhouses. In most cases they incent multi-floor multifamily to increase densities, which is more likely to include elevators. It is possible the market is incenting townhouses because developers can build more units on infill and it is more affordable for builders/buyers.		
31- Refusing teen boys in shelters			
32- need for legal backup			

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33 – lack of accessible showers	Have PDC asset managers investigate in subsidized housing.	Property managers often do not know which units have roll in showers when potential renter calls. Asking for a reasonable accommodation to add a roll-in shower is not feasible for most renters due to cost and time to make the change, and potential cost to return to original set up. Also many property managers do not know when they are responsible for paying for modifications based on subsidy in property, often not cooperative in seeking info, hard for tenants to advocate for selves without assistance from someone knowledgeable in ADA.	
34 – encouraging protected class homeownership			
35 – lack of funding			
36 – drug abusers preying on SSDI recipients	Committee felt this was one of many impacts of lack of services tied to housing, and that is the greater impediment to be addressed.		
37 – medical marijuana			
38 – younger disabled in nursing homes	Issue here is two different systems, can funds used to pay for nursing homes be converted to housing dollars?		
39 – development activities produce results adverse to fair housing	Need to be specific about activities, incentives or policies before they can be addressed		

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40 – subsidized housing in enrollment areas where students not doing well			
41 –lack of health insurance			
42 – appointive boards and commissions not inclusive	Need to get Mike info about representation of protected classes to further assess.		
43 – low income housing occupied by higher income residents			
44 – affordable housing in high crime areas			
45 – overcrowded housing			