

FAIR Amendments

MAYOR WHEELER

AMENDMENT 1:

C. Tenant Application Process; Generally.

2. Order of Processing Applications.

a. Applications Received in Response to an Advertised Notice.

~~(2) With regard to any applications received earlier than the Open Application Period, Landlord must digitally or manually record the date and time of such complete applications as 8 hours after the start of the Open Application Period.~~

Motion to remove Code Section 30.01.086 C.2.a.(2) : Moved by Wheeler and seconded by Hardesty. (Y-2 Fritz, Wheeler; N-3 Eudaly, Fish, Hardesty. Motion failed)

AMENDMENT 2:

C. Tenant Application Process; Generally.

2. Order of Processing Applications.

a. Applications Received in Response to an Advertised Notice.

4. (3) A Landlord owning any ~~50 or fewer~~ any Dwelling Units within the City of Portland, may refuse to process the application of an Applicant who has verifiable repeated Rental Agreement violations with this Landlord if the most recent violation occurred within 365 days before the Applicant's submission date.

Motion to amend Code Section 30.01.086 C.2.a.(4) : Moved by Wheeler and seconded by Fritz.(Y-5)

AMENDMENT 3:

C. Tenant Application Process; Generally.

2. Order of Processing Applications.

c. Applications for Accessible Dwelling Units.

~~(2) If there are multiple Applicants for an Accessible Dwelling Unit with a family member who self-identifies as Mobility Disabled, the Landlord must accept, conditionally accept, or deny such applications in order of receipt, but prior to processing completed applications for Applicants without household members who self-identify as Mobility Disabled.~~ Preferential access for the accessible dwelling units will be given to people with mobility disabilities.

Motion to amend Code Section 30.01.086 C.2.c.(2) : Moved by Wheeler and seconded by Fritz. (Y-5)

AMENDMENT 4: WITHDRAWN

D. General Screening Process.

Landlords must apply the General Screening Process described in this Subsection D but may screen Applicants using additional Screening Criteria. If applying additional Screening Criteria,

the Landlord must: 1) use a Screening Criteria no more prohibitive to the Tenant than the low-barrier (“Low-Barrier Criteria”) described in subsection E; ~~or 2) use a Screening Criteria of the Landlord’s choosing (Landlord’s Screening Criteria); however, when using the Landlord’s Screening Criteria, Landlord must conduct an individual assessment (“Individual Assessment”) in accordance with the requirements of Subsection F, before denying an Applicant.~~

AMENDMENT 5:

2. Financial Responsibility of Applicant.

d. If an Applicant does not meet the minimum income ratios as described in Subsection 2.a. and 2.b. above, a Landlord may require additional and documented security from a guarantor, or in the form of an additional security deposit pursuant to Subsection 30.01.087 A. Landlord shall communicate this conditional approval to the Applicant in writing and indicate the amount of the additional security. Applicant will have no less than 48 hours to accept or decline this opportunity. ~~If Applicant chooses to provide additional security, it may select between obtaining a guarantor or posting an additional security deposit and for the latter, may pay the security deposit in installments and within the timeframe established in Section 30.01.087.~~

Motion to amend Code Section 30.01.086 D.2.d: Moved by Wheeler and seconded by Fritz. (Y-5)

AMENDMENT 6:

2. Financial Responsibility of Applicant.

e. If a landlord chooses to require additional documented security from a guarantor, ~~If Applicant elects to provide a guarantor,~~ Landlord may require the guarantor to demonstrate financial capacity. If the guarantor is a friend or family member, Landlord cannot require the guarantor to have income greater than 3x the Rent amount. Landlord may not require an Applicant’s guarantor agreement to exceed the term of the Rental Agreement.

Motion to amend Code Section 30.01.086 D.2.e: Moved by Wheeler and seconded by Fritz. (Y-5)

AMENDMENT 7:

G. Exemptions

d. Tenancies where the Applicant would occupy one Dwelling Unit in a Duplex where the Landlord’s principal residence is the second Dwelling Unit in the same Duplex; or

e. Tenancies where the Applicant would occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site.

Motion to add Code Section 30.01.086 G.2.d and e: Moved by Wheeler and seconded by Hardesty. (Y-2 Fish, Wheeler; N-3 Eudaly, Fritz, Hardesty. Motion failed.)

Motion to reconsider vote: Moved by Fritz, seconded by Fish. (Y-5)

Action: Fritz changed vote on amendment to add Code Section 30.01.086 G.2.d and e: No objection. Approved. (Y-3 Fish, Fritz, Wheeler; N-2 Eudaly, Hardesty)

COMMISSIONER EUDALY

AMENDMENT 1:

For Items 512 and 513, amend ordinance language to change the implementation date from October 1, 2019 to March 1, 2020.

Rationale: We are determined for this item to be successful in practice and for the Housing Bureau to have plenty of time to create the administrative rules and provide training to landlords and tenants. We have been told that moving the date to March will provide the time necessary to accomplish those tasks.

Motion to amend ordinance language for items 512 and 513 to change the implementation date from October 1, 2019 to March 1, 2020: Moved by Eudaly and seconded by Fish. Y-5)

AMENDMENT 2:

For Exhibit A of Item 512, Under Subsection E.2. Evaluation Denial; Low-Barrier, amend to include, “b. Before denying an Applicant for criminal history using the Low-Barrier criteria described in this Subsection, a Landlord must consider Supplement Evidence provided by the Applicant if provided at the time of application submittal.”

Rationale: This language was included in the previous draft of the policy that came to council in April. We made a policy decision to remove it for a variety of reasons including administrative burden, but since releasing the substitute draft, we have heard from our close community partners that they are very concerned we would not be supporting Federal Fair Housing Law by leaving it out. As this policy is designed to further Fair Housing Law, we are requesting it be put back in.

Motion to add Code Section 30.01.086 E.2.b: Moved by Eudaly and seconded by Hardesty. (Y-4; N-1 Fritz)

AMENDMENT 3:

For Exhibit A of Item 513, Under Subsection F, amend to say, “Within 5 business days of receiving a request from a Tenant or giving a notice of intent to terminate a tenancy...”

Rationale: It was our intent to change this language when we were working on the substitute, but it got lost in translation. The intent of the requirement is to give tenants the information they need to successfully apply to new units, and therefore would need to be made available to tenants while they are filling out applications, not after they found a place and are moving out.

Motion to amend Code Section 30.01.087 F: Moved by Eudaly and seconded by Fish. (Y-5)

COMMISSIONER FISH

AMENDMENT 1:

Require annual reports to Council on this policy.

“e. the Portland Housing Bureau shall annually report to City Council on the progress and implementation of this policy, including recommendations for any changes that may be needed.”

Motion to require annual reports to Council on this policy: Moved by Fish and seconded by Hardesty. (Y-5)