

## Rental Services Commission – Proposed Bylaws (Outline)

### I. **MISSION:**

- a. The City of Portland’s Rental Services Commission (RSC) is tasked with making recommendations to the City Council and the Mayor regarding legislative changes to City Code that concern housing equity in the following areas:
  - i. Landlord-Tenant Policy Initiatives
  - ii. Landlord-Tenant Regulation and Programs
  - iii. Budget
  - iv. Community Involvement

### II. **BYLAWS:**

#### i. **Membership and Sub-Committees**

1. The Rental Services Commission shall consist of no more than thirteen (13) members appointed by City Council
  - a. **Executive Committee:** The Executive Committee shall consist of three members of the RSC, and shall be appointed by the Mayor
  - b. **Rules Sub-Committee:** The Rules Sub-Committee shall consist of five members of the RSC, and shall be appointed by the Mayor
  - c. **Public Engagement Sub-Committee:** The Public-Engagement Sub-Committee shall consist of two members of the RSC, and shall include one tenant advocate and one housing provider. Both members of the Public Engagement Sub-Committee shall receive approval from a majority of RSC membership prior to assuming their posts.

#### ii. **Meeting Categories**

1. RSC meetings shall be classified into four separate categories
  - a. **Initial Hearing:** Meetings classified as Initial Hearings will serve as introductory sessions for RSC members to be exposed to topics related to the RSC mission. These meetings will tend to be overviews of broader issues pertaining to equity in the rental market, and will provide background context to the RSC about why a particular issue has come to their attention. Generally, these meetings will not have votes cast on substantive matters.
  - b. **Listening Sessions:** Following an initial hearing on a stated agenda topic or set of topics, a listening session will be organized by PHB staff and approved by RSC membership on that same topic or set of topics. PHB staff shall be responsible for identifying a location, time and date for all listening sessions, but must obtain prior approval from a majority of the RSC membership. Once approval from RSC members is obtained by PHB Staff for each specific listening session and a topic has been designated, the Public Engagement Sub-committee shall be responsible for

recruiting/organizing members of the general community to discuss the impact that a particular topic has on individuals living and/or conducting business in the City of Portland. The Tenant Advocate member of the Public Engagement Sub-Committee shall be responsible for organizing renters to testify on the issue at hand during the scheduled listening session. The Housing Provider member of the Public Engagement Sub-Committee shall be responsible for organizing testimony from housing providers on the issue at hand.

**i. Public Testimony at Listening Sessions:**

1. Public testimony shall be given at each listening session and must relate to the approved topic of that listening session. The listening sessions shall be open to the public, and all members of the public are welcome to testify. The order of testimony for each listening session shall be determined as follows:
  - a. The tenant advocate member of the Public Engagement Sub-Committee shall select up to three individuals that they wish to speak first.
  - b. The housing provider member of the Public Engagement Sub-Committee shall select up to three individuals that they wish to speak first.
  - c. As many as six individuals who have been selected by the tenant advocate and housing provider members of the Public Engagement Sub-committee shall have priority in delivering testimony. The first six speakers shall alternate between a tenant advocate and housing provider. Once all six individuals selected by the Public Engagement Sub-committee have delivered testimony, testimony shall open up to the general public. The general public shall have the opportunity to sign up at the listening session to testify.
  - d. Any member of the general public shall reserve the right to deliver anonymous verbal testimony focusing on the

predetermined topic of discussion at any given listening session.

- c. **Work Session:** A work session shall follow each listening session. The work session will be an opportunity for RSC members to discuss the evidence and testimony that has been presented to the RSC during the listening session, and additionally participate in dialogue concerning their own opinions about a particular topic. Work sessions will also be an appropriate venue to invite experts to discuss a particular matter before the committee, if the RSC determines that the opinion of a specific professional is necessary to move forward on a specific topic. The final twenty-five minutes of each work session shall be devoted to RSC membership compiling a list of “action items.” The term “action item” refers to a specific policy proposal or recommendation that concerns the topic at hand. Any RSC member shall reserve the right to add an action item to the list without any additional support from other RSC members. When a RSC member places an action item on the list, it will be treated as a request for the specific policy proposal to come before the entire RSC and be voted on by membership during a Final Hearing. A final list of action items shall be compiled at the end of each Work Session, and each list of action items shall be referred to the Rules Sub-Committee.

i. **Inter-Work Sessions:**

1. The members of the Rules Sub-Committee shall be responsible for collectively gathering in between work sessions and final hearings when votes will take place. These gatherings shall be termed Inter-Work Sessions, and will be scheduled to take place immediately before each monthly RSC Executive Committee meeting at PHB. During an Inter-Work Session, the members of the Rules Sub-Committee shall discuss each action item added to the list created at the previous Work Session. Rules Sub-Committee members shall review each proposed action-item individually according to the following criteria:
  - a. Does the proposed action-item, if implemented, constitute a substantive policy proposal AND

- b. If the proposed action-item is deemed a substantive policy proposal, does it constitute a Landlord-Tenant Policy Initiative, a Landlord-Tenant Regulation and Program, Advise or provide feedback for the budget of PHB's landlord-tenant funding priorities, or relate to community involvement of landlord-tenant housing needs and priorities.
2. The Rules Sub-Committee must unanimously approve any specific action-item, by taking it through the above-referenced two-prong analysis, in order for it to be released for a vote by the entire RSC membership during a final hearing.
  - a. A unanimous vote is required in an effort to make sure that members of the Rules Sub-Committee review each action-item in an objective fashion according to the two-pronged analysis above. No Rules Sub-Committee member shall base any vote pertaining to any proposed action item on their personal opinion regarding the impact that a specific action item may have. Instead, the role of each Rules Sub-Committee member shall simply be to determine if the action-item is a substantive policy proposal that relates to the RSC's mission. The purpose of this Inter-Work Session is simply to make sure that an orderly list of substantive recommendations relating to the mission of the RSC can be presented to RSC membership for a vote at the final hearing stage.
3. In the event that the Rules-Subcommittee cannot come to a unanimous agreement on any particular action-item, then that item will automatically be referred to an appeals process in order to determine if a specific Action-Item shall be placed on the list of proposals up for a

vote at the Final Hearing Stage. The Appeals Process shall consist of the following:

- a. All Action-Items failing to obtain unanimous approval from the Rules Sub-Committee shall be automatically referred to the three members of the RSC's Executive Committee. The three members of the RSC's Executive Committee shall meet at each monthly Executive Committee meeting and review specific action items failing to receive unanimous approval from the Rule Sub-Committee. The standard of review utilized by the Executive Committee shall be the exact same standard of review utilized by the Rules Sub-Committee. If a specific action-item receives a majority of the three total votes from the members of the Executive Committee based on that standard of review, then that action item will be released for vote during the final hearing stage. If an action item fails to receive a majority of three possible votes, then the item will not be referred to the RSC for a vote during the final hearing stage.
- d. **Final Hearing:** All action items that have been approved by the Rules Sub-Committee, or properly appealed and passed by a majority of the Executive Committee, shall come before the entire RSC membership for an up or down vote. Each individual action item that has made it to the final hearing stage shall be debated. The debate shall focus on the need for a specific proposal and how it will bring greater equity to Portland's rental market. In addition, the RSC shall debate the possible economic consequences that a particular proposal may have on the rental market. Once debate on a specific action item has concluded, the RSC will bring the matter up for an up or down vote. The RSC shall record the vote tally of each individual action-item at the final hearing, and the results of the vote shall be referred to PHB staff in order to begin the process of writing up an opinion.

- iii. **Formal RSC Opinions:** PHB staff shall draft a majority and minority opinion incorporating the views and perspectives expressed during debate at the Final Hearing on a particular action item.
  1. **Majority Opinion:** The majority opinion shall consist of the perspectives and opinions supported by a majority of the RSC. The names of all individual commissioners who voted in the majority shall be presented at the top of the opinion. The majority opinion must include the following:
    - a. A detailed summary of the substantive policy proposal and the manner in which it will alter current ordinances, rules, regulations and/or industry custom.
    - b. A detailed summary of how the substantive policy proposal relates to the current state of Portland's rental market and the mission of the RSC.
    - c. A detailed analysis of why those who voted in favor of recommending a specific action item believe that the proposal in question shall bring greater equity to Portland's rental market. This detailed analysis shall include information on how a specific proposal improves housing choice for those individuals who are negatively affected by the current rental market, and how the specific proposal will decrease barriers to entry for renters and prospective renters. In addition, the opinion shall include a statement on the perceived Fair Housing impact of any proposal that receives a majority of votes.
    - d. A brief analysis on the potential economic consequences that the proposed action item will have on the Portland's rental market, including but not limited to ramifications for prospective/current renters, housing providers and property managers.
    - e. Budget Impact Analysis
    - f. Bureau Coordination
  2. **Minority Opinion:** The minority opinion shall consist of the perspectives and opinions supported by a minority of the RSC. The names of all individual commissioners who voted in the minority shall be presented at the top of the opinion. The minority opinion must include the following:
    - a. A detailed summary of the substantive policy proposal and the manner in which it will alter current ordinances, rules, regulations and/or industry custom.
    - b. A detailed summary of how the substantive policy proposal relates to the current state of Portland's rental market and the mission of the RSC. If the policy proposal arguably fails to relate to Portland's rental market and the mission of the RSC according to the views of the minority, the opinion must explain why that is the case.

- c. A detailed analysis of why those who voted against recommending a specific action item believe that the proposal in question will fail to bring greater equity to Portland's rental market. This detailed analysis shall include information on how a specific proposal fails to improve housing choice for those individuals who are affected by the current rental market, and how the specific proposal may increase barriers to entry for Portland's renters and prospective renters. In addition, the opinion shall include a statement on the perceived Fair Housing impact of any proposal.
  - d. A brief analysis on the potential economic consequences that the proposed action item will have on the Portland's rental market, including but not limited to ramifications for prospective/current renters, housing providers and property managers.
  - e. Budget Impact Analysis
  - f. Bureau Coordination
3. **Draft Opinion:** Any majority or minority opinion shall be drafted by PHB staff, and shall include the criteria listed above. Once an initial draft is completed, PHB shall send the opinion to those individuals whose name is included on it for review. Individuals whose names are included in a majority or minority opinion shall have 72 hours to review the draft and make suggestions for changes to the language. PHB staff reserves the right to reject any recommended changes made during this final 72 hour period.
- a. If PHB rejects a recommended change made during this 72 hour period, the individual making the suggested change has the right to draft their own individual opinion. Any individual who wishes to draft their own opinion has 72 hours from the moment they are informed by PHB that their language has been rejected to draft a separate opinion, which will then be included as a separate opinion to City Council and the Mayor's Office.
4. **Final Opinion:** Final majority, minority and individual opinions shall be sent by PHB staff directly to the City Council and the Mayor's office as a single packet of documents pertaining to a specific proposal voted on by RSC membership. The final packet shall be sent to City Council and the Mayor's Office no later than 10 business days following the issuance of the draft opinion.