

Summary of Feedback - Draft Bond Resident Screening Criteria Guidelines

Comments on the Draft Resident Screening Criteria were received by the Portland Housing Bureau from January 17 to February 23, 2018. More than 150 comments were submitted by 25 agencies and entities. Information was organized into four categories: (1) Policy; (2) Legal/Fair Housing; (3) Logistical; and (4) Language/Formatting. The table below summarizes five major and seven minor issues from the Policy and Legal/Fair Housing categories.

Major Issues

No.	Requested Change/Clarification	Staff Recommendation	Reason/Rationale	Legal Review?
1	<p><u>Criminal background screening:</u> Determine/clarify:</p> <ul style="list-style-type: none"> • Should criminal history even be considered as reason(s) for denial? • When in the application process that criminal backgrounds will be reviewed. Recommend review to be conducted <u>after</u> applicant has met all other criteria. • Clearly indicate felonies or misdemeanors that will be reviewed and lookback periods; suggest matrix (New Orleans): <ul style="list-style-type: none"> ○ Based on data; research of effective practices ○ Remove: cannabis-related felonies, manufacture of methamphetamines, drug possession ○ Distinguish sex offenses and individuals on the registry by risk level (not lumped all into one category of offenses) • Lookback periods: <ul style="list-style-type: none"> ○ Reduce to 1, 2 (or 3) years ○ Increase at least 5 years ○ Ensure lookback period is from date of release from prison • Clarify individualized assessment process: the responsibility of conducting assessments should be on owner/agent, not the applicant. 	Currently under review.		Yes
2	<p><u>Non-smoking policy:</u> Comments include: differentiate between inside/outside (smoking); remove medical/recreational marijuana phrase (just do not inquire) due to conflicting state/federal laws.</p>	Revise policy to read: "Owner/Agent will enforce a nonsmoking policy."	Revised wording allows Owner/Agent to not have to inquire. Not necessary to state reasonable accommodations can be requested, as the process is always available to applicants.	Yes

No.	Requested Change/Clarification	Staff Recommendation	Reason/Rationale	Legal Review?
3	<p><u>ID Requirements:</u> Determine/clarify:</p> <ul style="list-style-type: none"> • Is government ID going to be required? If so, this poses barrier. <ul style="list-style-type: none"> ○ Will only U.S. be accepted, or other countries ok? • Is a photo ID required? If so, this poses barrier. • Will expired ID's be ok? • Allow notarized identification? • Provide a list of acceptable ID's 	<p>Staff will seek legal counsel to draft wording with goal to offer most expansive list of acceptable ID sufficient to confirm identify and conduct screening.</p> <p>Look to LIHTC as an example. Review notary ID list and Disability Rights Oregon proposed language as well.</p>	<p>Requiring government-issued, photo- and other ID can pose significant barriers, particularly for people who are undocumented, experiencing homelessness, are survivors of domestic violence and/or experiencing other barriers to housing.</p> <p>Legal review needed for language to convey need for ID which confirms identify and is sufficient for conducting screening, without posing undue hardship on applicants.</p>	Yes
4	<p><u>Rental history requirements:</u> Determine/clarify:</p> <ul style="list-style-type: none"> • If third party is required for a landlord reference: <ul style="list-style-type: none"> ○ Will not meeting this result in automatic denial? ○ Allow family members or friends? ○ Allow other parties? (e.g. agency staff) • Remove negative landlord history, and FED/evictions from requirements, as they are not low barrier. • Modify treatment of negative landlord references, FED's, evictions to be lower barrier. • Increase past debt allowed to be up to \$3000 (up from \$1,500). 	<p>Increase allowable unpaid balance amount from prior landlord(s) to \$3,000 incurred within the last five years (instead of \$1,500).</p> <p>Seek legal review regarding:</p> <ul style="list-style-type: none"> • Potential modifications to treatment of negative landlord references, and FEDs or eviction; • Impact on removing "not a friend or family member" phrase, to allow for more expansive definition 	<p>Information on past rental history is important and informative in assessing ability to pay rent. No rental history will NOT in and of itself be cause for denial.</p> <p>Legal review required to make determination on requested changes.</p>	Yes
5	<p><u>Third party verification/Income:</u> Determine/clarify:</p> <ul style="list-style-type: none"> • If third party is required • Recommend adding "program income affidavit" as acceptable documentation. 	<p>Currently reviewing alternatives to third party verification; this includes possibility of accepting "Program Income Affidavit" in certain situations.</p>	<p>Requiring third party income verification can cause access barriers for households; alternative options need to be explored, while also maintaining a certification standard.</p> <p>PHB policies currently in development regarding over-income tenants may impact documentation processes.</p>	Yes

Minor Issues

No.	Requested Change/Clarification	Staff Recommendation	Reason/Rationale	Legal Review?
6	<p>Single set of criteria: Request to have a single set of criteria, which is the less restrictive of the two current policies (30% AMI and 60% AMI)</p>	<p>Maintain two sets: one for Affordable Housing (not differentiated by income level); one for Supportive Housing (SH)</p>	<p>The Bond goals include 300 Supportive Housing units. Households eligible for Supportive Housing often have multiple barriers to accessing rental housing. Lower barrier criteria, esp. rental and criminal background, is necessary to support lease-up and tenancy.</p> <p>Clear instructions and training will be needed with property management on implanting SH criteria.</p>	No
7	<p>Full time students: Clarify whether GO bond is subject to Low Income Housing Tax Credit (LIHTC) standards. If so, criteria will need to state full time students are not eligible.</p>	<p>No change to existing draft. Full time students should NOT be categorically ineligible.</p>	<p>Bond housing should not exclude income-qualified full-time students.</p> <p>Need clarification from Bond Counsel if LIHTC standards apply to general obligation bond.</p>	Yes
8	<p>0-30%/Supportive Housing Waitlist:</p> <ul style="list-style-type: none"> Limit use of MOU's only for services connected to Supportive Housing units (instead of 30% AMI units) 	<p>Currently under review.</p>		Yes
9	<p>Application Process: Determine/clarify:</p> <ul style="list-style-type: none"> Whether OneApp Oregon is required, and if so, process for using it; wait until site has been tested and fully functional Allow longer timeframe to provide documentation & verifications (14 days); allow opportunity (e.g. 10 days) to cure Expand eligibility to include applicants under age 18 who are emancipated minors, married, or are primary custodian Provide notification of move-in date to referring partner, along with applicant 	<p>Currently under review.</p>		Yes

No.	Requested Change/Clarification	Staff Recommendation	Reason/Rationale	Legal Review?
10	<p>Co-Signers: Determine/clarify:</p> <ul style="list-style-type: none"> • Whether co-signers need to meet all criteria (e.g. criminal history,) or just financial. • If co-signers will always be allowed, or are there any limiting circumstances 	Currently under review.		Yes
11	<p>Extenuating Circumstances: Determine/clarify:</p> <ul style="list-style-type: none"> • Need clear and specific guidance for property management; such as does allowing excessive rent burden (as extenuating circumstance) allow tenants who are non-income qualified or have poor rental history to move in? • Include rent cost increase as a burden? • Review and assessment of professional references section is potential Fair Housing concern (how to implement consistent review and decision-making) 	Currently under review.		Yes
12	<p>Process for Reconsideration: Determine/clarify:</p> <ul style="list-style-type: none"> • Recommend aligning process more closely with Home Forward's Grievance Procedure for Public Housing Residents • Need to the parties and responsibilities in overseeing the process; where to applicants to do file a request for reconsideration? Who will conduct the review and make the final decision? 	Currently under review.		Yes