



Portland Housing Bureau

Mayor Ted Wheeler • Interim Director Shannon Callahan

Rental Services Commission (RSC)

1/16/2018

2:30 – 5:00 p.m.

Portland Housing Bureau, Suite 500

421 SW 6th Ave.

Portland, OR 97204

- ✓ = RSC public member action item
- ▶ = PHB staff member action item

January 16, 2018 Meeting Minutes (approved)

***Note:** Meeting minutes are intended as a meeting summary that records the members present, all motions, resolutions, votes taken, and the general substance of any discussion. If a more detailed record is necessary, full audio recordings of all RSC meetings are available upon request.*

Members Present: Margot Black, Christian Bryant, Nicholas Cook, Ian Davie, Christina Dirks, Ron Garcia, Laura Golino de Lovato, Allen Hines, Katrina Holland, Deborah Imse, Yoni Kahn-Jochnowitz

Members Excused: Raul Preciado Mendez, Michael Nuss

Staff Present: Andrés Oswill, Anthony Bencivengo, Stacy Jeffries

Guests Present: Nathan Howard, Jamey Duhamel

All RSC meeting materials are archived on the website at <https://www.portlandoregon.gov/phb/75702>.

Agenda Item	Discussion Highlights	Outcomes / Next Steps
Call to Order, Roll Call, Minutes	<p>Katrina Holland, Co-Chair of the Rental Services Commission, called the meeting to order at 2:33 p.m.</p> <p>Katrina introduced Stacy Jeffries, new admin staff for the Bureau providing administrative services to the RSC.</p> <p>Quorum was reached; Laura Golino de Lovato moved to approve the December minutes, Deborah Imse seconded the motion, and the minutes were unanimously approved.</p>	
Agenda and Executive Committee Report	<p>Katrina Holland presented the Commission’s agenda as follows:</p> <ul style="list-style-type: none"> (1) Executive Committee Report (2) Screening Criteria Introduction from Andrés Oswill and Anthony Bencivengo (3) Introduction of Screening Criteria Legislation: Jamey Duhamel, Commissioner Eudaly’s office 	

	<p>(4) Public testimony (if the 30 minutes allotted does not suffice, an additional listening session will be scheduled to give the community opportunity to give testimony on the issue of screening criteria)</p> <p>(5) Discussion of Screening Criteria</p> <p>Ian Davie delivered the Executive Committee report:</p> <ul style="list-style-type: none"> • The biggest item was direction to Bylaws & Rules Committee regarding public testimony. There was a discussion about how and when public testimony happens in meetings, and the decision was made to hold public testimony after the topic overview, but before the Commission holds discussion, so that members of the public can give input before the Commission discusses the issue. • The schedule was set for future meetings (see table here). • A discussion of the 2018-19 budget will take place in the February or March meeting. <p>Co-chair Christian Bryant joined the meeting and introduced himself.</p> <p>Yoni Kahn-Jochowitz interjected to stress that there is information in the screening criteria introduction attributed to the Fair Housing Council of Oregon that may or may not be accurate; he hasn't yet had time to review it all. He will review it with his enforcement team this coming Tuesday and report back to the Commission if there are inaccuracies.</p>	
<p>Screening Criteria Introduction</p>	<p>7:32:</p> <p>Topic Overview by Anthony Bencivengo, who led the research on screening criteria. The introduction is a summary of key equity barriers that exist in current screening criteria used in Portland, as well as commonly used local screening practices that may create equity barriers; current state, local, and federal tenant protections; model legislation from other jurisdictions; and suggested practices for reducing equity barriers. Anthony reiterated Yoni's point that information attributed to the FHCO was taken from their website and other sources, but has not been thoroughly vetted and should not be considered an official FHCO position on any legislation.</p> <p>Note on presentation: the information in the PowerPoint presentation is the same information in the equity barriers handout sent to the Commission; it's just broken out to be more digestible.</p>	

Note on methodology: Data on screening practices is informal and should be considered preliminary. The Bureau examined 15 locally-operating property management companies that provide screening criteria descriptions and/or rental applications on their websites, and used that information to provide a general sense of current practices.

10:24 – 39:30:

An in-depth overview was conducted of screening process elements (initial application & screening fees, ID requirements and credit screening, rental history screening, criminal background checks, and reasonable accommodations), equity barriers, relevant local screening practices, current protections in Oregon, and suggested practices/model legislation. (See [PowerPoint presentation](#) and [equity barriers handout](#).)

Key discussion points raised during the overview:

Regarding federal and local protections: if an application fee is charged and information in a credit report leads to an applicant being rejected, the applicant is entitled to a copy of their credit report and contact information for the screening company that produced it.

Q: Does the applicant get the entire credit report, or just a notice of adverse action and the items that caused the adverse action?

Clarification from **Christian Bryant**: When you do screenings as a landlord/property manager, you own the credit reports and are required to keep copies. Christian's understanding is that while you can give out verbal information, you can't let the credit report leave the office. You have to tell the applicant what agency you got the credit report from, and how to contact them. The bureaus are required to give them at least one free copy (per year).

Q: **Yoni Kahn-Jochowitz** asked for an explanation of credit score v. credit report.

Christian Bryant said that in his experience (he's owned a management company for the past ten years, and worked as an account executive at a bank handling residential and commercial lending for 5 years before that), credit scores are arbitrary—you can have different scores depending on what algorithm is used by the screening company. He said the score is a barometer at

	<p>best, but the report has the nuts and bolts—everything the applicant has done as far as managing debt.</p> <p>Allen Hines joined the meeting and stated his name for the record.</p> <p>Nicholas Cook joined the meeting and stated his name for the record.</p> <p><u>Additional discussion points:</u></p> <p>There was a request from Christina Dirks to clarify what Minnesota law requires to be reported (see Rental History Screening / Suggested Practices and Model Legislation in the equity barriers handout).</p> <p>In response to Christina’s request, Anthony Bencivengo explained that the Bureau will produce a memo that will go into greater detail about laws like Minnesota’s, but as far as he can recall, the law requires clear information about the applicant—full name and d.o.b., if it’s recorded in the court records—to make sure the applicant isn’t being confused for someone with a similar name. It also requires a description of the facts of the case, the reason for eviction, and the result of the case. Tenants can call rental screening companies and request that they be allowed to add up to 100 words explaining their side of the story (loss by default, successful eviction, etc.), and the screening company is then required to contact all past agents the tenant applied to within the last 6 months, so that the tenant can reapply if they choose.</p> <p>Q: In terms of suggested practices: How are they vetted against what is in the state law with respect to what might be preempted by that, or in accordance with it?</p> <p>Anthony clarified that he can’t say what’s preempted in every case (he’s not a lawyer).</p> <p><u>39:30:</u></p> <p>Andrés Oswill concluded the overview and turned the discussion over to Jamey Duhamel to present Commissioner Eudaly’s approach to screening criteria, which will lead to legislation. He stressed that the Bureau is not drafting policy, but rather providing research intended to inform the RSC.</p>	
<p>Screening Criteria Legislation Overview</p>	<p>Jamey Duhamel distributed a draft of a screening criteria point system. The current idea could be scaled up or down, and would not require landlords to change their screening</p>	

	<p>mechanisms, criteria, or approaches. Commissioner Eudaly’s office aims to eliminate areas of discrimination, and give renters an opportunity to counter any negative impacts of their history, since that channel isn’t always provided. (Renters would do this by giving evidence of recent credit counseling or a positive rental payment history, for example.) The handout lists additional equity barriers that Jamey’s team hasn’t yet figured out how to put into the draft point system, including application/screening fees; ID/SSN requirements; income requirements; and criminal history. She noted that whatever screening criteria legislation is passed, it will require landlords to provide full documentation within 2 weeks if they reject a tenant, or refund the full fee. Enforcement mechanisms will probably be attached to that legislation as well. Jamey noted that landlords have explicit legal rights to access credit histories and credit scores, and credit reporting agencies claim that having a government-issued ID is the only reliable way to make sure the applicant and the credit history/scores match. Commissioner Eudaly’s office has explored the idea of making immigration status a protected class, and has met with Legal Aid lawyers and the city attorneys. So far, they’ve run up against a wall, since people would have to “out” themselves in order to enforce that protection.</p> <p>Jamey asked the Commission for assistance in finding a way to weight and scale the proposed system that would apply to a variety of screening practices. What they <i>don’t</i> want to do is create a set, 10-point scale that every landlord has to use for screening. What they <i>would</i> like to create is a system that landlords can overlay onto what they’re already doing. They would like to minimize change, but still be fair and equitable to all tenants.</p> <p>Christian Bryant urged Commissioner Eudaly’s office to exercise caution with this approach, stating that the proposed point system would cause him to deny more tenants than he does now.</p> <p>Katrina Holland noted that we have about 2 minutes per person for public testimony. (15 people signed up; if we don’t have enough time, we’ll create a meeting dedicated to 1.5 – 2 hours of public testimony)</p>	<p>✓ Jamey Duhamel asked for the Commission’s help in finding a way to weight and scale the proposed point system that would apply to a variety of screening practices.</p>
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Public Testimony

53:33 – 1:23:06: Testimony on screening criteria and equity barriers was received from the following individuals:

Coya Crespín:

Searching for housing after a no-cause eviction; her credit isn't very good, and she's been rejected twice despite a positive 6-year rental payment history in the same apartment. Current landlord is also not giving a rental reference. Potential landlords are requiring applicants to earn 3x the monthly rent, and one property requires a cosigner to make 5x the monthly rent.

Ethan Harrison:

(Portland Tenants United) Urged the Commission to recognize/address the power imbalance in these discussions and consider who's in the room. Regarding the requirement that applicants earn 3x the rent, Ethan pointed out that he's lived in NE Portland since 2013; rent for a 2-bedroom at that time was \$850/month and is now \$1,215/month, due to a discount—other units are renting for \$1400. After 5 years at the same job, Ethan's monthly income is \$1,400, so he technically wouldn't qualify for his current housing. Feels that 1.5x the rent is a better approach.

Heidi Piercey:

Cited the barrier of a \$2,000 deposit. She is concerned about the issue of repeated background checks for people with no criminal history. Heidi also raised the issue of discrimination, and the concern that marginalized communities don't always have the know-how and the tools to advocate for themselves.

Moises Ceja:

(Attorney with the Oregon Law Center, which represents low-income Oregonians and handles housing issues) Mr. Ceja spoke about barriers his clients face; specifically, ID requirements, SSN requirements, and past criminal history (no matter how small, how remote in time). He pointed out that credit checks can be run with individual taxpayer identification numbers, or with name, date of birth, and past address. He suggested that prospective tenants be able to prove their suitability through past rental payment history in addition to credit reports. He also raised concerns about blanket denial based on criminal history, though HUD has declared this unlawful.

Darrell White:

(Street Engagement Specialist with the Urban League of Portland) Mr. White helps find housing for the homeless in collaboration with Cascadia, Portland PD, and NARA. He stressed the need for greater consistency in the application of screening criteria, citing personal experience with the unpredictability of who gets housed and who doesn't. Stated the need for landlords to be educated along with tenants, and to make applications, criteria, and fees more consistent.

Marih Alyn-Claire:

Ms. Alyn-Claire is a tenant advocate, and raised the issue that there is too much room in the current application system for abuse, citing a personal experience in which a property manager accepted (and kept) her application fee for a unit that was already rented. She feels that past rental payment history should count as renters' equity, and that we should get rid of the current reliance on credit checks. In a high-rent market, renters run up credit card bills for necessities like groceries and transportation in order to pay rent, which is why she feels there should be a clearinghouse for renters where equity is in rental history, and any information, positive or negative, can be collected. (Marih documented her ideas in writing, and presented the Commission with a printed handout.)

Barry Joe Stull:

Mr. Stull's comments were related to a no-cause eviction against him in August of 2005, in which a PCRI landlord delayed the payment of damages related to that eviction until 2010. His testimony recounted the specifics of this case and his continued frustration that the unit he used to live in is considered affordable housing and continues to sit vacant.

Pam Phan:

(Community Alliance of Tenants) Ms. Phan read a statement written by a CAT member who is an Asian immigrant and was looking for housing in 2015 for herself and her disabled son. The woman cited barriers to finding housing due to collections on her credit report, as well as possible discrimination on the basis of national origin and disability. She says she found affordable housing only when she found property managers who used more lax screening criteria, specifically for collection amounts. The tenant faces constant fears of rising rent, discrimination based on her son's disability, and complaints from the neighbors.

Since January 2016, the tenant has had her rent raised by only \$100; however, she realizes this could change at any time. She expresses being essentially stuck in her current unit, because she can't afford to move.

Quinn Colling:

Mr. Colling has been an outreach coordinator at JOIN for the past year, and has worked as an outreach coordinator for about 12 years total, helping people who live outside and in their cars find housing. In his experience, screening criteria have provided a barrier for people just trying to get inside. He would like to see better education for landlords around reasonable accommodation process, and fair and consistent application of fair housing laws, and laws that are already on the books. Another issue is providing documentation that noise violations or fees at previous units were the result of domestic violence. Finally, Mr. Collings cited the example of someone who has been living in low-income housing for 6 years and has been unsuccessful in finding a new unit for the past 6 months due to a lack of credit history, despite a 6-year history of on-time rent payments.

Dan Valliere:

Mr. Valliere is the director at REACH Community Development, a nonprofit that manages affordable housing. He thanked the Commission for creating this forum, which he sees as an important way to share information about challenges related to screening criteria. He commended the creation of additional listening session, and thanked the Commission again for providing the community with the space and opportunity for further testimony and discussion.

Emily Rena-Dozier:

Ms. Rena-Dozier is an attorney at Legal Aid who primarily does housing work. Her comments focused on credit reports; namely, their unreliability, and the difficulty of disputing them. She cited a 2013 study from the FTC showing that at least 21% of all credit reports had at least one "material error." She often sees clients whose applications have been denied based on inaccurate information in credit or screening reports. She cited the example of a client who was denied housing because of information on a prior roommate that was included in her report. She says the other part of the problem is that disputing these reports is cumbersome and time-consuming; typically the screening company has 30 days to respond, so the unit is gone by the time the report is cleared up.

	<p><u>Areli Lopez:</u> <i>(Portland Tenants United)</i> Ms. Lopez’s comments focused on her experience with screening criteria as a victim of fraud/identify theft. She is also currently suing her landlord, and feels this would make it difficult for her to get another apartment. She feels the mayor has not kept his promise of increasing affordable housing, and asks that the Commission consider policies that will guarantee safe, healthy, affordable housing like the mayor promised. She stressed that subsidized housing is not affordable for everyone.</p> <p><u>Ruth Ann Barrett:</u> Ms. Barrett is a renter in Old Town/Chinatown. Her comments on screening criteria focused on the issue of domestic violence, which she feels is more prevalent than we realize among women in homeless shelters.</p> <p><u>1:23:06:</u> Public testimony concluded.</p>	
<p>Screening Criteria Discussion</p>	<p><u>1:23:40:</u> Katrina opened the floor to discussion.</p> <p>Yoni Kahn-Jochowitz asked if the Commission could think of workable criteria to replace a credit score and/or report; from the business perspective of those in attendance, is there a way someone could be proven to be a quality applicant without providing a credit score?</p> <p>Nick Cook answered that they’re not looking at scores per se, but at negative inquiries (payments more than 60 days past-due, charge-offs, write-downs, debt that’s been forgiven). It’s a sliding scale, and more negative inquiries trigger a larger deposit, but at some point, they are no longer able to accommodate a really bad credit report. They have to consider the other side of the equation, which is protecting the property for themselves or the owner they’re managing it for, and having a reasonable guarantee that rent will be paid. It’s more expensive to have the wrong person in a unit and face damages or legal processes than it is to let the unit sit vacant.</p> <p>Christian Bryant reiterated his earlier point that credit scores are a starting point at best; he says that, in his operation, looking deeper into the credit report more often gets a tenant approved (rather than denied).</p>	

Margot Black noted that she had a list of 21 equity barriers that weren't brought up in discussion. She stressed that getting people into housing should be a high priority. She noted that barriers are present even before the application process begins, citing potential tenants who are dissuaded from even filling out an application because they feel the screening criteria are ambiguous, or too high, or because the \$45 fee per adult is prohibitive. She pointed out that this affects people before they've even begun their housing search, because they fear retribution from a current landlord if they voice complaints or ask for relocation assistance for a rent increase of more than 10%. She noted that a bad reference from a landlord can follow tenants for at least 3 housing situations. She recognized that landlords want good tenants, and they want the metrics to help find tenants who pay rent on time and don't damage the property. She also raised the question of where "bad" tenants get to go when so much of our housing is provided by the private market. She suggested framing the discussion in a way that asks if the process gets "good" tenants (those who pay rent on time and don't damage the property) with high barriers into housing, and if it prevents "bad" landlords from bringing discriminatory bias to the process. She pointed out that tenants also want good landlords, but have no way to screen them.

Christian Bryant suggested to Margot that she may want to spread out the discussion of the 21 other equity barriers she identified, because bringing them all up at once will make it hard for people to remember them all.

Adding to Margot's points and in response to Yoni's question, **Katrina Holland** asked what other ways a renter could be evaluated, and why credit screening is relied on so heavily. If someone can't pay their credit card bills because their income goes down (loss of a job, going from two-income household to a one-income household), and they prioritize rent, how can we make sure their rental payment history is weighted more heavily than their credit history?

Laura Golino de Lovato expressed a desire to move the conversation to the application of the current screening criteria; specifically, the inconsistent application of those criteria, the lack of communication if an applicant is denied, and comments from property managers that may be at odds with what the screening criteria states. She said it would be nice to fix the system we've already got while we're trying to figure out a system that works better. She then gave comments about reasonable accommodations, stating that they have become part and parcel of an application at her organization

	<p>because of the number of denials they end up dealing with, so it would be preferable to avoid having to do a reasonable accommodation every time.</p> <p>Christian Bryant asked if Bureau staff could research laws in California that prohibit discrimination based on immigration status between now and the work session. In particular, he wants to know if any part of that law addresses the landlord’s ability to collect a debt from a bad tenant who has left. He pointed out that the best collection agencies only have about a 25% collection rate for tenant debt, which is far below the rate for other collections, and that’s for tenants with a social security number, and the ability to try to garnish wages. Has CA addressed the issue of debt collection from tenants without a SSN, or will the state go after the tenant, and provide landlords reimbursement?</p> <p>He went on to state that landlords want to rent their properties. He said he couldn’t speak for bad landlords, but in general, landlords like the idea of being able to thoroughly vet a group of potential tenants they might not otherwise have considered.</p> <p>He then asked what ability the city might have to incentivize landlords (1% off your property taxes?) to abide by the new city-wide screening criteria. He suggested that incentives would be more effective than mandates in getting landlords to cooperate.</p> <p>Margot Black spoke on a variety of topics. She started with comments on the “first in line” application process, pointing out that the system still favors certain demographics—namely, people who have access to technology, transportation, and time. Folks who have barriers to being able to work fast and collect the required documentation—in addition to language and literacy barriers—are never going to be “first in line.” She suggested that the Commission consider a lottery system. Additionally, she suggested the Commission consider what is allowed/required to be advertised or asked on a rental application. She then moved on to no-cause evictions and evictions that don’t lead to an eviction judgement, and how that box on applications is checked more often than it should be, and causes tenants not to apply, because they think their response will prevent them from getting approved. Regarding ID and credit screening, she pointed out that there are companies that require a photo ID before a prospective tenant can even make an appointment to see the unit. She stated that existing literature indicates credit scores discriminate against POC and those who use the secondary credit and finance market, so having a conversation about what we can use instead of credit is important; for example, looking at a 5-year ledger of rental payment history in combination with other indicators. Regarding income criteria, she pointed out that more</p>	<p>► between now and the work session, Christian asked if staff could research laws in California that prohibit discrimination based on immigration status; specifically, does any part of that law address a landlord’s ability to collect debts?</p>
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people are relying on “grey market” income, which is often difficult to document. She stressed again that rental history is such a big deal, and we should be looking at what questions can be asked in a landlord reference, what information can be given to the tenant, and how the tenant can dispute it. Right now, you can just ask “Would you rent to this tenant again?” and the landlord can answer “no” without providing clarification. Tenants do not have access to these references, and therefore can’t dispute them. She said that folks who are couch surfing, houseless, or under-housed should also be considered in the discussion on rental history. She mentioned the city’s unauthorized roommate problem. Regarding criminal background checks, she cited the example of a woman who ultimately lost her Section 8 housing because of an 18-year-old felony charge for check forging when she was a teenager. Margot urged the Commission to do everything in its power to limit how criminal background checks are used to systematically deny housing.

Christina Dirks urged the Commission to be mindful of what’s preempted under state law. She expressed the opinion that credit scores are meaningless, and emphasized that people meet their housing costs first, and let other debts go unpaid. She stated that, if we’re looking at whether or not someone is likely to be a good tenant, what’s important is whether or not they’ve met their housing costs in the past. In terms of landlord references for tenants, she described this as a “black box,” pointing out that tenants don’t know what’s exchanged during those references. She also mentioned that some landlords will only give references in writing, and only agree to answer prescribed questions, which she sees as a step in the right direction. If the RSC has a role, and if it’s permissible, she’d like the Commission to create that script and determine what questions can be asked. The question of “would you rent to this person or not” without context is impossible for the tenant to dispute. Christina shifted focus to the timing of reasonable accommodations, noting that her clients have lost a unit because the landlord didn’t process reasonable accommodations or didn’t consider the evidence of domestic violence. She stated her appreciation for the city’s recommendation to limit the look-back into criminal histories to 3 – 5 years, which she sees as reasonable and supported by the data on how useful criminal histories are in predicting future behavioral issues.

Jamey Duhamel wanted to bring the Commission back around to the proposed point system she presented earlier. Starting with the example of credit history, she raised the issue of state law precluding some of the changes that both the RSC and Commissioner Eudaly’s office would like to see, noting that Commissioner Eudaly’s office has had

multiple conversations with city attorneys about the specifics. For example, they wanted to explore the idea of using something other than credit history for screening tenants, or even preventing credit history from being applied to screening criteria, but state law gives explicit rights to landlords to be able to access that information. She says the beauty of the point system is that state law doesn't have to be changed; we can simply change the way credit history is weighted. Tenants would also have the opportunity to provide offsets, like a full accounting of their rental payment history. The same concept would apply to criminal history: While the state law gives landlords broad discretion on how they can apply criminal history, it may be (and she'll have to talk to city attorneys) that we could weigh the type of criminal offense and how much time has passed since the last offense. Something Commissioner Eudaly's office would like to do that isn't included in the point system handout is to mandate that landlords provide tenants with a full accounting of their rental history. (This would be included in the security deposit policy coming out of Commissioner Eudaly's office.) Finally, Jamey addressed the issue of a lottery system v. "first in time," noting that while the latter does have equity issues, a lottery system is unenforceable. Landlords can say they did a lottery, but just continue to choose the applicant they want. A "first in time" count comes with a time stamp on the application with a receipt to the tenant.

Ron Garcia stated his agreement with many of the ideas presented, but stressed that there's no magic bullet for screening who's a good tenant. He summarized that what all parties are looking for is a way to have safe, affordable, consistent housing where everybody plays fair. He disputed the idea that all landlords are just out to make money on fees and are working against tenants. He commended Margot's point that there's no system to evaluate who's a good landlord, acknowledging that some are responsible and accommodating and take care of repairs, and some don't do anything, and there's no way for a prospective tenant to identify good or bad landlords unless someone tells them. As to why credit scores are used, he pointed out that they're the one consistent mechanism out there that landlords/property managers didn't invent. He acknowledged the shortcomings of credit scores, but stressed that it's a third-party measure that landlords can't manipulate. His last point concerned risk and reward: How do landlords get a do-over if a tenant doesn't pay rent, damages the property, or threatens a neighbor? He stressed the need of having some mechanism in place to protect the community, the owner, and the property. He expressed concern over having this discussion *before* a discussion on security deposits. If landlords have to limit security deposits to almost nothing, and open their risk to almost everything, it's putting them in a difficult position. He expressed praise for Rent Ready programs that teach people how

to be responsible residents, turn off the water if there's a leak, etc. He reiterated the need for some way to manage risk, stressing that there are tenant behaviors no profile can accurately predict.

Apropos of Ron's comments, **Nicholas Cook** stressed that screening criteria are a response to risk. He addressed the need for a balance between access and safety, pointing out that the discussion has focused primarily on credit, but that there are issues around criminal history and rental history as well. He pointed out that residents expect to move into a safe community, and it's worth discussing the possibility that lax screening criteria could jeopardize their safety. He mentioned insurance-related products used in other markets (Texas, Georgia) to manage risk. One is Liberty Rent Guarantee, where an insurance company essentially gambles on someone's credit. He noted that we don't report rent payments to credit bureaus, and stressed the possible negative effects of doing that. He moved on to a discussion of reasonable accommodations, saying the reason it's become standard is that it's a legal cover for landlords; if they don't go through that process, they open themselves up to negligence claims. Property managers and real estate licensees have a higher burden than most professions because of fiduciary obligations requiring them to act in the best interest of their clients at every turn. He said a point about screening criteria that's being left out of the discussion is their role in protecting management company employees who interact with tenants; if a tenant makes it past the screening criteria and signs a year lease, the company is committed to working with that person, and they don't want to accept someone who will be abusive to staff. If landlords can't do no-cause terminations and have low screening criteria, they are in a difficult position vis-à-vis situations like these, and it affects their ability to retain qualified staff.

Katrina Holland proposed that the Commission take each screening process element outlined in the document (along with some of Margot's, which the Commission would vote on to include in the list) and recommend 1 – 3 policy suggestions for each. She suggested they talk about standardized criteria or a weighted option. She requested that city attorneys join the RSC at their work session to field questions about preemptions.

Matt Tschabold interjected that attorneys won't give legal advice on the fly. Katrina wanted the Commission to agree on a format to help frame their discussion so that they can give a policy recommendation/recommendations to the mayor.

The Commission did not come to a consensus on Katrina's suggestion. No motion was made, and the discussion was tabled.

	<p>The Commission will check with the city attorney regarding Allen Hines's suggestion that disability be weighted like race or other criteria for purposes of waiting lists for housing access.</p> <p>Deborah Imse said that many of her members already use a time stamp process for rental applications. Regarding criminal history, she said she did a study several years ago on recidivism and submitted it to her attorneys, which resulted in a substantial loosening of screening criteria. They also ran it by the FHCO, which made additional recommendations, some of which the attorneys agreed with, and some of which they didn't. She mentioned landlord liability if they don't screen applicants, or if they reduce their criteria and then a crime is committed by that tenant against another tenant. She wanted clear guidelines for what to do when applicants fall below the 50% mark, to avoid fair housing issues. She also pointed out that sex offender registries are often not kept up to date. She requested that any scoring system be as clean and easy as possible from an administrative standpoint, so that everybody can understand it.</p> <p>Margot Black asked if they could get some information on the state law, and an expert on what's preempted. Regarding the lottery system, she feels a registration system <i>could</i> make a lottery enforceable. She raised the possibility of a screening criteria subcommittee. She suggested someone come to the work session with a proposal for how to structure the conversation.</p> <p>Jamey Duhamel asked for clarification; she thought the Commission would be evaluating the framework from Commissioner Eudaly's office, as opposed to creating its own policy. Her suggestion (also made to the EC) was that the Commission could form an official subcommittee to liaise with Jamey's committee, which meets every other Friday. They would provide input to Jamey's committee, and report back to the RSC. That way, the Commission would be freed up to do other things, and the subcommittee could do the bulk of the work on screening criteria. Jamey extended the invitation again for anyone at the table to join her and her equity stakeholder group. She would really like the Commission to focus on whether or not the point system is a viable solution. If it isn't, then they can talk about other alternatives.</p> <p>A suggestion was made that the Commission would like to wait for the security deposit piece before they create a subcommittee.</p> <p>Yoni Kahn-Jochowitz referenced the HUD guidelines as a useful framework for assessing criminal history, and requested research on the New Orleans Housing Authority's individualized assessment. He stressed the need to find a fair way to offset a</p>	<p>► Check with the city attorney re: Allen's comments.</p> <p>► Deborah requested (1) current information on recidivism, if available; and (2) Information on whether a state or local jurisdiction has addressed the liability of landlords if a tenant they didn't screen (or screened with lax criteria) commits a crime against another tenant.</p> <p>► Look up Vancouver, BC's process; Margot believes they have both standardized criteria and a standardized app.</p> <p>► Yoni: a summary on the HUD guidelines (he says he's happy to provide that); (2)</p>
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	<p>bad credit score or a criminal history in a way that isn't detrimental to a business model, but at the same time makes sure vulnerable populations have access to housing.</p> <p>Matt Tschabold suggested the Commission stay true to the workplan adopted at the last meeting, which was structured in detail by the EC and allows Bureau staff time to compile feedback. He suggested the Commission wait until they get the briefing on security deposits at the February meeting, which would give staff time to highlight all of the other policy questions/considerations/positions and find some way to structure them into categories that could be used as a lens to examine the legislation coming out of Commissioner Eudaly's office. This would also allow the RSC to take a position on that legislation and provide information to the mayor's office.</p> <p>Katrina Holland asked if the Bureau could work with Commissioner Eudaly's office to flesh out more detail on the proposed point system. She's looking for the Bureau to comment and bring back something more substantive.</p> <p>Matt Tschabold pointed out that any recommendation the Bureau issues on legislation would be a joint recommendation with the mayor's office. To the extent that the Bureau makes the determination that it would like the legislation structured in a certain way, that determination is made with the Housing Commissioner's office.</p>	<p>New Orleans Housing Authority's individualized assessment</p> <ul style="list-style-type: none"> ▶ A request was made to look into Rent Well programs that might address the risk-reward issues that Ron and Nick raised. ▶ Katrina requested to see the policy recommendations that have been "thrown out on the table," or fair ways to assess each item based on a weighted system, available for the work session.
<p>Good of the Order</p>	<p>Katrina Holland adjourned the meeting.</p>	