



Portland Housing Bureau

Mayor Ted Wheeler • Interim Director Shannon Callahan

Rental Services Commission (RSC)

March 20, 2018

2:30 – 5:00 p.m.

Portland Housing Bureau, Suite 500

421 SW 6th Ave.

Portland, OR 97204

March 20, 2018 Meeting Minutes (Approved)

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

***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, Christina Dirks, Yoni Kahn-Jochowitz, Michael Nuss, Raul Preciado Mendez

Members Excused: Ian Davie, Laura Golino de Lovato, Allen Hines, Katrina Holland, Deborah Imse

Staff Present: Andrés Oswill, Anthony Bencivengo, Stacy Jeffries

Guests Present: Jessica Greenlee (future RSC commissioner)

All RSC meeting materials are archived on the website at <https://www.portlandoregon.gov/phb/76347>.

Agenda Item	Discussion Highlights	Outcomes / Next Steps
Call to Order, Roll Call, Minutes	<p>Christian Bryant, Co-Chair of the Rental Services Commission, called the meeting to order at 2:44 p.m.</p> <p>Quorum was reached; Christina Dirks moved to approve the January minutes, Margot Black seconded the motion, and the minutes were unanimously approved. (Note: the January minutes had not been approved because the RSC’s February meeting was canceled due to inclement weather.)</p>	
Staff Update	<p>Andrés Oswill addressed questions about the makeup of the commission and announced that two new members would soon be joining the group: Jessica Greenlee (present) and Leah Sykes. The goal is to have a council date of April 11, and have Jessica and Leah as official members in time for the next RSC general meeting (on April 17, 2018).</p> <p>Christian Bryant asked that RSC members check their city email accounts and RSVP for meetings. Andrés assured commissioners that they were allowed to have their email on their phone without the phone being public record, as long as they used the email for all</p>	<p>✓ Commissioners: please check city email account, and RSVP for general meetings.</p>

	<p>correspondence with the RSC/PHB. He clarified that, while it’s okay to <i>receive</i> emails at a personal email address, it becomes a problem when they start <i>replying</i> from that personal email address.</p> <p>Deborah Imse will be co-chairing the Rules and Bylaws Committee with Yoni Kahn-Jochowitz, and Mike Nuss has agreed to join as well, bringing the group to 5 members.</p>	
Relocation Assistance Interim Administrative Rules	<p>Andrés Oswill gave an overview of the interim administrative rules PHB has developed to process exemptions to the renter relocation assistance ordinance. Landlords seeking an exemption are now required to apply to the Housing Bureau, instead of being granted an exemption outright.</p> <p>There is no timeline yet for permanent administrative rules, but the process will include at least two public hearings to gather feedback on the draft permanent rules.</p> <p>Andrés pointed out that the Housing Bureau has been struggling with capacity, and has requested two additional staff positions to field questions related to relocation assistance (via phone, email, and walk-in), and to process exemptions.</p>	
Public Testimony	No members of the public wished to give testimony.	
Interim Administrative Rules Discussion	<p>Commissioners flagged some potential issues with the interim administrative rules that they would like to see addressed before those rules become final. (The issues raised concern exemptions to mandatory renter relocation assistance, listed on pages 3 – 6 of the interim rules document.)</p> <p>Christina Dirks had questions and comments regarding the following:</p> <ul style="list-style-type: none"> • Exemptions #3 and #4: How will “principal residence” be defined? • Exemptions #5 and #6: Will there be a requirement for how long the landlord should have to live there? • Exemption #7: Clarify if “once a year” means once in a 12-month period, or once during the remainder of a calendar year. She raised the possibility of requiring the family member moving in to the unit to submit a declaration. • Exemption #10: Several commissioners have issues with what constitutes “uninhabitable”. 	

- Exemption #11 and #12: She feels it would be best to require the landlord to provide written notice to the tenant, and also to provide the date the property was listed for sale (if the landlord claims they're selling it).
- Exemptions #1-2 and #8-10: Where no form is required, there should still be a requirement to provide notification to the tenant that an exemption is being claimed (excluding those in week-to-week tenancies).
- What is done if the landlord doesn't comply?

Raul Preciado Mendez would like a standardized tenant notice from the Housing Bureau or the City, which would be available in multiple languages and would be sent to the tenant notifying them that their landlord was seeking an exemption.

Christian Bryant feels exemption #7 shouldn't require both the "natural person" and the "4 units or less" qualifications, pointing out that having your rental property in an LLC (instead of in your name) is what you should be doing if you want to run it like a business. He would like to find a way to qualify owners who do this for the exemption.

Andrés Oswill provided clarification on the thinking behind this exemption, which had to do with properties that were owned by entities comprised of multiple people.

Jessica Greenlee pointed out that asking for last year's K-1 accounting form for SPE's (single purpose entities) would be one way to verify single-owner LLC's. However, this approach would *not* include estates.

Margot Black requested some way for tenants to be informed of any relocation exemptions that apply to them in instances that do not require their landlord to file for an exemption. For Exemption #12, she would like landlords to provide *written* notice to tenants, and be required to provide a copy of that notice. The goal of this is to make sure the tenant has been explicitly informed that they are not eligible for relocation assistance. She would like to collect demographic information to determine which populations are being affected by relocation: parents with school-age children; seniors, people with disabilities; representatives of minority groups, etc. **Christian Bryant** agrees with the idea of having the City collect this information, but was strongly opposed to having landlords request it of their tenants, as it could appear to be the basis for discrimination.

Yoni Kahn-Johnowitz asked some questions about who (landlord or tenant) was required to take action regarding relocation assistance, and **Andrés** referred the

	<p>Commission to this graphic on the PHB website, which outlines the responsible parties for each triggering event.</p> <p>Yoni asked what happens if the tenant accepts the money, the 90 days are up, and the tenant has not left. There was some discussion about whether or not the situation then became a for-cause eviction, and what recourse the landlord would have.</p> <p>Andrés confirmed that the Commission would be provided with a copy of the draft permanent rules as soon as they are available.</p>	
Upcoming Meetings	<p>Andrés Oswill briefly discussed the RSC workplan. There was consensus that no additional meeting should be held to discuss the interim administrative rules. Security deposits (which were supposed to be discussed during the canceled February meeting) will be moved to the April meeting.</p> <p>Christian noted that there was the option to include the draft permanent rules on the agenda when those rules are available, if the Commission feels the need to discuss.</p>	<p>✓ Commissioners not present for the March 20th meeting should provide any comments on interim rules directly to Andrés.</p>
Good of the Order	<p>Christian Bryant adjourned the meeting at 4:05 p.m.</p>	