



## Housing Workgroup Minutes

**DATE:** Thursday, May 10, 2018  
**TIME:** 1:00 PM – 3:00 PM  
**LOCATION:** Portland Housing Bureau  
Steel Conference Room  
421 SW 6<sup>th</sup> Avenue, Suite 500  
Portland, OR 97204

**ATTENDEES:** Regina Amodeo, Liora Berry, Maggie Black, Heather Brown, Ryan Deibert, Kim Gerharff, Jessica Mathis, Megan O'Keefe, Neisha Saxena, Matthew Serres, RJ Stangland, Becky Straus, Shelby Trinh, Margaux Weeke, Bobby Weinstock

### MEETING DISCUSSION

- Welcome and Introductions
  - Ryan Deibert, Joint Office of Homeless Services, called the meeting to order and facilitated introductions.
- Tenant Screening Policy Proposal
  - Jamey Duhamel, Office of Commissioner Eudaly, reminded the group that implementation is deeply flawed, and they are looking to actively improve.
  - Native Americans are 400% more likely to experience homelessness and Pacific Islanders are 200% more likely. These numbers are under-represented.
  - Ryan Deibert asked the workgroup to commit to keeping the conversation about equity at the forefront, and make it a point to address race and keep it present in the conversation.
  - The goal for Jamey Duhamel is to receive real feedback on the Tenant Screening Policy. Nothing is set in stone. She has worked on the policy proposal with many groups in the county to hear what does and does not work.
  - Jamey Duhamel reported that Commissioner Eudaly is committed to tenant issues and tenant rights.
  - Jamey had worked 5 to 6 months on security deposit policy reform, but needed to work on supporting tenants first.
  - The security deposit policy reform unintentionally created additional risk so the Commissioner Eudaly's Office pulled back and started working on Tenant Screening Policy.
  - The policy needs to set a framework for what is going to be accomplished, and the purpose is to create clear channels to access housing of choice for all renters of all backgrounds.
  - Any renter can be denied housing for any reason, even just one reason.
  - With this new policy, property owners and landlords are being asked to review potential tenants in an objective, measurable, framework and not as they do now with subjective standards and decision-making.
  - Comes from housing law and expanded it with credit, rental, and criminal history.
  - What works for one landlord may not work with another landlord.
  - The goal of this policy is to be scalable for both large and small landlords and have them follow the policy.
  - Incentivizes tenants to be better renters and allows them to know exactly what they need to do to improve.

- It also incentivizes landlords to support more people.
- First-come, first-serve has equity and legal challenges, and skews towards white affluent renters.
  - Jamey Duhamel is wide open to other ideas besides a lottery system as it would not be enforceable.
  - Landlords already do this by taking a large number of applications, charging application fees, and picking their favorite without refunding application fees.
- Who would be covered under this?
  - Every private landlord is covered.
- There is a section in the policy that includes the ability to make reasonable accommodations requests.
- If there is a requirement or posting to allow reasonable accommodations or arrange transportation, it can be more equitable to those with disabilities.
- If the Portland Housing Bureau is required to fall under this policy, it should be a lottery-system because housing is already subsidized and below market pricing.
  - The policy should be based on market-level rent.
- Having a timeline is a good idea to make sure it is not fully biased.
- Enforcement: What does it look like?
  - Unfortunately, housing law is subjective and hard to prove.
  - We do rely on complaints and the courts to hear issues.
  - Currently in the process of developing a registration system.
  - Mechanisms to navigate conflicts are being developed.
  - The policy is still in need of ensuring that there are enough monetary damages that are worth actually taking up.
- There are worries about prior relationships and the aim is not to create disruption.
- Partnership agreements between landlords and service providers were a well-received idea.
- With fair notice to put their application in, it could add to the applicants' agency by being in the process the whole time rather than not knowing or not being ready.
- Obtaining a paper copy or having to access an application from a digital database both have their own challenges.
- The policy should require some kind of proof that an applicant that was turned down was discriminated against/actually applied.
- The policy will give landlords two weeks to give applicants a full assessment to show that they did the research on the applicant and if they do not, the landlord must refund all application fees.
- The screening criteria has to be publicly noticed so applicants know what they are walking into and have those positive offsets landlords are looking for ready and available.
- Jamey Duhamel is planning on a delayed implementation of about 6 to 9 month so training can be incorporated, including a notice to landlords and tenants.
- There is currently no data on how many units landlords own.
- Community Alliance of Tenants
  - Many people who do not speak English or are disabled may not be able to fully understand.
- Programmatically, in terms of training for tenants, it is important to offer failsafe to smaller property owners.
  - "If they do this they comply with the law."
- Citizenship status should be labelled as a protected class.
  - One of the barriers is government identification and would prefer that landlords take multiple forms to prove the identity of an applicant.

- Income Ratio is challenging and will clearly be one of the biggest pushbacks.
- The policy needs to write in a requirement for nonsubsidized income.
- Could food stamps be included as income?
- Screening Criteria Scales:
  - Tried to weigh each scale according to what could be screened.
  - Landlords determine what low credit is, but it has the least weight.
  - Screening companies assess if they do not have a social security number or credit history, but there are many problems with that.
  - Add subsidy or support in the positive offset potentials
- If you have a rental subsidy, anything related to not paying rent is null and void.
- None of these issues should bring 3 or 4 offsets to deny housing opportunities
- A lot of the information may burden immigrants to understand everything.
- Normally when working with an undocumented worker, landlords do not worry about credit history because they have subsidies.
- Young adults may not know that having credit history or rental history brings positive offsets
- Alternative Framework:
  - Starts to answer concerns about institutionalizing what does not or does matter.
  - Doing away with scales, and being low, medium, or high
  - “Undeniables” acknowledge what is relevant to tenancy
    - High deniability is very relevant and very obvious
  - Landlord still has to draw a line between conviction and tenancy
    - Arson and sexual offenses are the highest negative offsets for tenancy
- Credit history is an exclusionary tactic that tries to show who can or cannot pay their rent.
- “Documentation is not credible” is an excuse from landlords used to deny a tenant.
- How do tenants find out the need for positive offsets?
  - Delayed outreach to train and teach people
  - Notice of rights including positive offsets are a part of the application in multiple languages
  - Landlord is required to plot applicants on the scale to show you where you fall and what positive offset you could provide to get housing
- Rent control
  - Income is lower than rent
  - Credit is not relevant, how do we take steps around this
- The alternative assessment is better because the first one has math and the second one is more understandable.
- First scale: explanation for no credit history is there, but no explanation for positive offset of criminal history on a case-by-case basis.
- Violent crime offenders would be based on date of release.
  - Scales are based on New Orleans’ tiered lookback
  - Prisoners can be assessed on 3 year scales from 1 year before release
  - Not incumbent for somebody to label somebody low, medium, or high.
    - It is just the spot where they are placed and can be worked on from there.
- Old bankruptcy is a low-risk. Landlord can see that that is not something to deny housing for.
- Can not deny housing with low-risk, but medium-risk is labeled as “should not”.
  - Medium risk will need an additional deposit with a maximum amount specified or include positive offsets
- The City would like to use cannabis tax to further offset high risk as a pilot program.
  - City would pay relocation fees for no-cause evictions within the first year.

- The City wants to prove that a dangerous criminal does not mean that they are bad tenant.
- SE Works had a certificate of good standing that goes through a process to earn it.
  - Partnering with the program
- For cause eviction versus no cause eviction.
  - No-cause used as a for-cause is deeply troubling.
- Landlords may/will add to turnover because the regulations may be too much.
- It is concerning that there is so much documentation that it could be too burdensome for a landlord.
- Most landlords are not doing their own screening which may actually bring costs down for screening companies.
- The need for screening companies will be met by the market.
- The biggest issue with this policy is that landlords would only look to this if they are going to deny an applicant.
- If you charge an application fee, you must provide a written reasoning for why the applicant was denied.
  - There may be a pre-emption issue.
- Agency Updates
  - Central City Concern: The waitlist is open for Hazel Heights at SE 127<sup>th</sup> and Stark, pre-application starts Monday morning.

## NEXT MEETING

Thursday, June 14, 2018  
1:00 PM – 3:00 PM  
Portland Housing Bureau  
Steel Conference Room  
421 SW 6<sup>th</sup> Avenue, Suite 500  
Portland, OR 97204