

October 24, 2016

Planning and Sustainability Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

RE: Testimony on Inclusionary Housing Zoning Draft Proposal

Commissioners:

I served as a member of the Mixed Use Zones Policy Advisory Committee where I advocated for inclusion of affordable housing and for provisions respectful of historic preservation and neighborhood character. My professional background is in affordable housing, particularly housing for very low income persons with special needs. I live in a historic district in Northwest Portland and believe affordable housing and historic preservation can work well together.

I'd like to express enthusiastic support for the Inclusionary Housing Zoning proposals in general, but ask that you fine tune how these provisions work in relation to historic preservation so resources such as federal historic tax credits and federal affordable housing funding can be utilized effectively to support such affordable housing.

Please note the following:

- There are many examples of successful projects that both provide affordable housing and preserve a historic structure; attached are links to examples from all over the country.
- There is a federal 'Policy Statement on Affordable Housing and Historic Preservation'. I've attached a copy, as published in the Federal Register.
- Any project receiving federal funds for affordable housing must comply with environmental regulations. A review for historic and cultural significance is included as part of the required environmental compliance review. Information available online summarizes the requirements: <https://www.hudexchange.info/environmental-review/historic-preservation/>.
- There are opportunities to enhance affordable housing funding while preserving historic buildings. For example, there is a program in Washington DC that promotes pairing historic tax credits with low income housing tax credits to achieve this end (<http://planning.dc.gov/release/historic-tax-credits-create-new-opportunities-affordable-housing-dc-5>).
- A recent review of 21 historic properties renovated to accommodate affordable housing in Seattle concludes "Using historic buildings for affordable housing is one of the many ways that we can provide more affordable housing for Seattle."¹ This could work in Portland, too!

¹ *Adaptive Reuse and Rehabilitation: Connecting Historic Preservation and Affordable Housing Developments In Seattle, Washington* by Monica Joe. Downloaded from https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/34199/Joe_washington_02500_14677.pdf?sequence=1

I urge you to consider these requirements and ensure that the affordable housing density bonuses work in concert with historic preservation goals so available tax credits and other federal resources can be used effectively.

To avoid possible conflicts and encourage affordable housing in a historic district or building, the code should be revised: Affordable housing density bonuses should only be allowed to an extent found to be appropriate by the Historic Landmarks Commission design review and the Section 106 historic preservation consultation process.

The preservation and re-use of existing buildings is an environmentally responsible practice. Such endeavors take advantage of a building's 'embodied energy' and prevent adding unnecessary debris to landfills. As architect Carl Elefante noted, "The greenest building is the one that is already built."

Thank you for your time and consideration.

Respectfully submitted,

Vicki Skryha
1728 NW Hoyt Street
Portland, OR 97209

Attachments

Examples of affordable housing in historic buildings:

Woodbury, New Jersey: G.G. Green Senior Residences Revitalize Historic Building

https://www.huduser.gov/portal/casestudies/study_02192015_1.html

Cleveland, Ohio: Preservation Anchors Sustainable Community Development

https://www.huduser.gov/portal/casestudies/study_06132013_1.html

Historic Police Station Converted to LGBTQ-Friendly Senior Housing in Chicago

https://www.huduser.gov/portal/pdredge/pdr_edge_inpractice_102615.html

Historic Fire House in Duluth Renovated through Local Collaboration

https://www.huduser.gov/portal/pdredge/pdr_edge_inpractice_041913.html

San Francisco, California: Transforming an Historic YMCA into Supportive Housing and a Health Clinic for the Homeless

https://www.huduser.gov/portal/casestudies/study_04062015_1.html

St. Louis, Missouri: Crown Square Historic Rehabilitation in Old North St. Louis

https://www.huduser.gov/portal/casestudies/study_01112012_1.html

3010 Apartments - St. Louis, Missouri

<https://www.huduser.gov/portal/about/ExcellenceHistPres-2015-1.html>

Providing Affordable Housing and Cultural Assets in Harlem

https://www.huduser.gov/portal/pdredge/pdr_edge_inpractice_060115.html

Affordable Housing Revives Historic Neighborhood

http://archives.huduser.gov/periodicals/ResearchWorks/julaug_09/RW_vol6num7t3.html

Robert R. Taylor Homes/NorthSide Revitalization - Wilmington, North Carolina

https://www.huduser.gov/portal/about/OppEmpowerAward_2012_1.html

Pacific Hotel – Seattle WA

www.historycolorado.org/sites/default/files/files/OAHP/.../1600.pdf

Maydestone Apartments – Sacramento CA

<http://maydestone.com/about.html>

Washington DC projects – pairing historic tax credits with low income housing tax credits

<http://planning.dc.gov/release/historic-tax-credits-create-new-opportunities-affordable-housing-dc-5>

Many more examples are available if you google ‘affordable housing and historic preservation’!

Notices

Federal Register

Vol. 72, No. 31

Thursday, February 15, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Final Advisory Council on Historic Preservation Policy Statement on Affordable Housing and Historic Preservation

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Final Policy Statement on Affordable Housing and Historic Preservation.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) adopted a "Policy Statement on Affordable Housing and Historic Preservation," on November 9, 2006.

DATES: The final policy went into effect upon adoption on November 9, 2006.

FOR FURTHER INFORMATION CONTACT: Blythe Semmer, 202-606-8505. Electronic mail: affordablehousing@achp.gov

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency, created by the National Historic Preservation Act, that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. 470f, requires Federal agencies to consider the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment with regard to such undertakings. ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800.

I. Background

In 1995, the ACHP adopted its first "Policy Statement on Affordable

Housing and Historic Preservation" (1995 Policy) to serve as a guide for federal agencies and State Historic Preservation Offices (SHPOs) when making decisions about affordable housing projects during review of federal undertakings under Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. 470f (Section 106), and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). The ACHP adopted the policy to guide federal agencies and SHPOs at a time when conflicts between the dual goals of providing affordable housing and preserving historic properties was making the achievement either more difficult. After a decade, the provision of affordable housing has developed into an even more pressing national concern, prompting a reconsideration of the principles in the policy statement.

In 2005, the ACHP Chairman convened an Affordable Housing Task Force to review this policy statement in light of changes to the Section 106 regulations in 2001 and 2004 and other ACHP initiatives. Members of the Task Force included the U.S. Department of Agriculture, U.S. Department of the Interior, the National Conference of State Historic Preservation Officers (NCSHPO), the National Trust for Historic Preservation, citizen member, Emily Summers, and expert member, John G. Williams, III, Chair. The U.S. Department of Housing and Urban Development (HUD) participated as an ACHP observer.

The Task Force developed the Policy Statement with input from the public. An online survey of state and local government officials and affordable housing providers about their awareness of and use of the 1995 Policy was conducted in August-September 2005. Links to the survey were distributed to approximately 12,000 individuals representing State and Tribal Historic Preservation Officers, local historic preservation commission members, Certified Local Government staff, HUD staff and grantees, state community development agency staffs, and affordable housing providers.

Following development of a draft, the ACHP posted the proposed revised draft policy statement in the **Federal Register** on July 17, 2006 (71 FR 40522), and comments from the public were accepted through August 16, 2006.

Information about the July 17, 2006, **Federal Register** notice was distributed by members of the Task Force to their respective constituencies through electronic LISTSERVs including communities receiving HOME program and Community Development Block Grant funds from HUD, members of the National Trust for Historic Preservation's Forum, and members of the NCSHPO. Additionally, the ACHP provided information about the comment period directly to Tribal Historic Preservation Officers, the National Alliance of Tribal Historic Preservation Officers, and over a dozen organizations with an interest in local community development activities and the provision of affordable housing, as well as on the ACHP Web site.

Comments on the new policy statement generally supported the revision effort. Specific comments frequently requested detailed guidance on applying the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards) to affordable housing projects. While the Task Force recognized that specific comments on the application of the Secretary's Standards were outside the scope of its mandate, additional language highlighting the distinction between review for the Historic Rehabilitation Tax Credit and Section 106 compliance was included in the policy statement. Commenters further requested the development of case studies that would illustrate the successful integration of historic preservation and affordable housing on a variety of topics including accessibility, use of modern building materials, and lead paint abatement requirements. It is anticipated that such case studies will become an important component of materials developed by the ACHP and Task Force in implementing the revised policy statement.

Responsiveness to local conditions emerged as a recurring theme in the Task Force's deliberations. Members recognized that affordable housing can include housing for a specific constituency, such as Native American housing programs. Federal assistance for affordable housing can also be directed to specific geographic areas with distinctive physical characteristics. Just as affordable housing programs serve

unique local needs, so should historical preservation reviews, since “one-size-fits-all” approaches are unlikely to produce a successful balance for these projects. Given our national diversity, the majority of Task Force members embraced and encouraged creativity in local solutions while federal agency members emphasized the value of consistency and predictability.

The importance of developing and utilizing tailored guidance also shaped the Task Force’s deliberations and its preparation of a set of recommendations for how the policy statement can be put into practice. Direction from both the ACHP and federal agencies was seen as critical to achieving the goals of the Task Force, but members recognized that private and non-profit partners with experience piecing together the resources required for planning and funding affordable housing projects could provide examples of success stories and best practices.

The policy statement, which represents the conclusion of the research and public outreach efforts of the Affordable Housing Task Force and the deliberation of its members, was adopted by the ACHP on November 9, 2006. The final text of the policy statement is provided in Section II of this notice.

II. Text of the Policy

The following is the text of the final policy statement:

Advisory Council on Historic Preservation (ACHP) Policy Statement on Affordable Housing and Historic Preservation

Historic buildings provide affordable housing to many American families. Affordable housing rehabilitation can contribute to the ongoing vitality of historic neighborhoods as well as of the businesses and institutions that serve them. Rehabilitation can be an important historic preservation strategy. Federal agencies that help America meet its need for safe, decent, and affordable housing, most notably the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture’s (USDA’s) Rural Development agency, often work with or near historic properties.

The ACHP considers affordable housing for the purposes of this policy to be Federally-subsidized, single- and multi-family housing for individuals and families that make less than 80% of the area median income. It includes, but is not limited to, Federal assistance for new construction, rehabilitation, mortgage insurance, and loan guarantees.

National policy encompasses both preserving historic resources and providing affordable housing. The National Historic Preservation Act (NHPA) of 1966, as amended, directs the Federal government to foster conditions under which modern society and prehistoric and historic resources can exist in productive harmony and “fulfill the social, economic, and other requirements of present and future generations.” Similarly, affordable housing legislation like the Cranston-Gonzalez Act of 1990, which aims to “expand the supply of decent, safe, sanitary, and affordable housing,” anticipates historic preservation as a tool for meeting its goals. Actively seeking ways to reconcile historic preservation goals with the special economic and social needs associated with affordable housing is critical in addressing one of the nation’s most pressing challenges.

Providing affordable housing is a growing national need that continues to challenge housing providers and preservationists.

In issuing this policy statement, the ACHP, consistent with Section 202 of the NHPA, offers a flexible approach for affordable housing projects involving historic properties. Section 106 of the National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of their actions on historic properties and afford the ACHP a reasonable opportunity to comment. This policy provides a framework for meeting these requirements for affordable housing.

Federal tax incentives provide opportunities for historic preservation and affordable housing to work together, including the Low-Income Housing Tax Credit and the Historic Rehabilitation Tax Credit. Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service (NPS) for adherence to the *Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary’s Standards) in a separate and distinct process. Review of these projects is more comprehensive than Section 106 review and necessitates early coordination with NPS and the State Historic Preservation Officer (SHPO) since work must adhere to the Secretary’s Standards to obtain the tax credit. Nonetheless, coordination with Section 106 consultation and these reviews frequently occurs.

In an effort to better focus Section 106 reviews for affordable housing, the ACHP encourages Federal and State agencies, SHPOs, Tribal Historic Preservation Officers (THPOs), local

governments, housing providers, and other consulting parties to use the following principles in Section 106 consultation.

Implementation Principles

- I. Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.
- II. Federal agencies and State and local government entities assuming HUD’s environmental review requirements are responsible for ensuring compliance with Section 106.
- III. Review of effects in historic districts should focus on exterior features.
- IV. Consultation should consider the overall preservation goals of the community.
- V. Plans and specifications should adhere to the Secretary’s Standards when possible and practical.
- VI. Section 106 consultation should emphasize consensus building.
- VII. The ACHP encourages streamlining the Section 106 process to respond to local conditions.
- VIII. The need for archeological investigations should be avoided.

I. Rehabilitating Historic Properties to Provide Affordable is a Sound Historic Preservation Strategy.

Continued investment in historic buildings through rehabilitation and repair for affordable housing purposes and stabilization of historic districts through the construction of infill housing should be recognized as contributing to the broad historic preservation goals of neighborhood revitalization and retention.

II. Federal Agencies and State and Local Government Entities Assuming HUD’s Environmental Review Requirements Are Responsible for Ensuring Compliance With Section 106.

Federal agencies, notably USDA Rural Development and HUD, provide important funding for affordable housing. These Federal agencies, and funding recipients assuming HUD’s environmental review requirements, must comply with Section 106. SHPOs, THPOs, and local historic preservation commissions provide expert opinions and advice during consultation. Consultation should be concluded and outcomes recorded prior to the expenditure of funds.

III. Review of Effects in Historic Districts Should Focus on Exterior Features.

Section 106 review of effects focuses on the characteristics that qualify a property for listing in the National Register of Historic Places. The significance of historic districts is typically associated with exterior features. Accordingly, unless a building

is listed or considered eligible for listing in the National Register as an individual property or specific interior elements contribute to maintaining a district's character, review under Section 106 should focus on proposed changes to the exterior. In all cases, identifying the features that qualify a property for inclusion in the National Register defines the scope of Section 106 review.

IV. Consultation Should Consider the Overall Preservation Goals of the Community.

When assessing, and negotiating the resolution of, the effects of affordable housing projects on historic properties, consultation should focus not simply on individual buildings but on the historic preservation goals of the broader neighborhood or community. If the affected historic property is a historic district, the agency official should assess effects on the historic district as a whole. Proposals to demolish historic properties for new replacement housing should be based on background documentation that addresses the broader context of the historic district and evaluates the economic and structural feasibility of rehabilitation that advances affordable housing.

V. Plans and Specifications Should Adhere to the Secretary's Standards When Possible and Practical.

Secretary's Standards outline a consistent national approach to the treatment of historic properties that can be applied flexibly in a way that relates to local character and needs. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions in affordable housing projects associated with historic properties should adhere to the recommended approaches in the Secretary's Standards when possible and practical.

Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service for adherence to the Secretary's Standards in a separate and distinct process that benefits from early coordination. The ACHP recognizes that there are instances when the Secretary's Standards cannot be followed and that Section 106 allows for the negotiation of other outcomes.

VI. Section 106 Consultation Should Emphasize Consensus Building.

Section 106 review strives to build consensus with affected communities in all phases of the process. Consultation with affected communities should be on a scale appropriate to that of the undertaking. Various stakeholders,

including community members and neighborhood residents, should be included in the Section 106 review process as consulting parties so that the full range of issues can be addressed in developing a balance between historic preservation and affordable housing goals.

VII. The ACHP Encourages Streamlining the Section 106 Process To Respond to Local Conditions.

The ACHP encourages participants to seek innovative and practical ways to streamline the Section 106 process that respond to unique local conditions related to the delivery of affordable housing. Programmatic Agreements often delegate the Section 106 review role of the SHPO to local governments, particularly where local preservation ordinances exist and/or where qualified preservation professionals are employed to improve the efficiency of historic preservation reviews. Such agreements may also target the Section 106 review process to local circumstances that warrant the creation of exempt categories for routine activities, the adoption of "treatment and design protocols" for rehabilitation and new infill construction, and the development of design guidelines tailored to a specific historic district and/or neighborhood.

VIII. The Need for Archaeological Investigations Should Be Avoided.

Archaeological investigations should be avoided for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance.

Authority: 16 U.S.C. 470j

Dated: February 12, 2007.

Ralston Cox,

Acting Executive Director.

[FR Doc. 07-703 Filed 2-14-07; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory

Board. This meeting is open to the general public.

DATES: The National Agricultural Research, Extension, Education, and Economics Advisory Board will meet March 7-9, 2007.

The public may file written comments before or up to two weeks after the meeting with the contact person.

ADDRESSES: The meeting will take place at the Mandarin Oriental Hotel, 1330 Maryland Avenue, SW., Washington, DC 20024. Written comments from the public may be sent to the Contact Person identified in this notice at: The National Agricultural Research, Extension, Education, and Economics Advisory Board; Research, Education, and Economics Advisory Board Office, Room 344-A, Jamie L. Whitten Building, United States Department of Agriculture, STOP 2255, 1400 Independence Avenue, SW., Washington, DC 20250-2255.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Dunn, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720-3684; fax: (202) 720-6199; or e-mail: JADunn@csrees.usda.gov.

SUPPLEMENTARY INFORMATION: On Thursday, March 8, 2007, from 8 a.m.-5:30 p.m. the full Advisory Board Meeting will meet beginning with introductory remarks provided by the Chair of the Advisory Board, and the Under Secretary for Research, Education, and Economics (REE), USDA. This meeting will have two focus sessions, one on "Farm Bill" topics and the other on the subject of "Food Safety and Human Health". An evening session beginning at 6:30 p.m., and adjourning at 8:30 p.m. with a guest speaker who will present remarks on food safety. On Friday, February 9, 2006, the meeting will reconvene at 9 a.m. to hear recap highlights from the previous day's focus sessions followed by overall Board discussions. You will hear remarks from within and outside the USDA pertaining to the agency prospective on the individual topics. An opportunity for public comment will be offered after the meeting wrap-up. The Advisory Board Meeting will adjourn by 12 (noon).

Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting (by close of business Friday, March 21, 2007). All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file