

ORDINANCE NO. 189580 As Amended

Add Evaluation of Applicants for Dwelling Units to include renter protections in the form of screening criteria regulations (Ordinance; amend Code Section 30.01.086)

The City of Portland ordains:

Section 1. The Council finds:

1. At least 47% of the population of Portland are tenants.
2. The City of Portland recently extended its declaration of a housing emergency for an additional 2 years.
3. Access to housing is a fundamental human need and a basic human right.
4. A lack of access to housing creates greater negatives impacts on social and economic outcomes for individuals and for Portland.
5. Affordable housing providers can only provide a fraction of the housing need in Portland and have long waiting lists.
6. While rents in 2016 increased an average of 7%, median incomes decreased for African-American, Hawaiian-Pacific Islander, and Native American populations.
7. Best practices suggest a tenant pay only 30% of their income in renting costs. However, due to ever increasing wage gaps, more and more renters are unable to meet that standard.
8. Research supports that screening barriers including credit history and criminal history disproportionately impact people of color including:
 - a. A 2019 study conducted by Wilder Research found that misdemeanor offenses that occurred more than 3 years ago and felony offenses that occurred more than 5 years ago have no significant effect on rental housing outcomes.
 - b. The National Fair Housing Alliance reports that current credit scoring systems have disparate impacts on people of color and were designed to support housing discrimination.
 - c. National Health Care for the Homeless Council found that formerly incarcerated individuals are subject to public policies that impede successful reintegration into society, especially housing, leading to higher rates of recidivism and homelessness.
9. Research supports that renting to people with criminal histories does not put housing providers or properties at risk including:
 - a. A research report published in the NYU Journal of Legislation and Public Policy found that past criminal history is not predictive of future criminal behavior.
 - b. This same study finds because future criminal behavior cannot be predicted based on past criminal behavior, housing providers cannot be held legally liable for criminal behaviors of their tenants based on past criminal history alone.

- c. Criminal recidivism research shows that juvenile offenders pose little to no risk of going on to become long-term recidivists of criminal behavior.
 - d. Criminal recidivism research also shows that recidivism rates decrease to almost the rates of non-offenders after approximately 7 years.
 - e. Research has shown that recidivism rates double for formerly incarcerated adults who do not have stable housing.
10. A 2018 audit report from the Fair Housing Council of Oregon found that nearly 1 in 4 prospective renters in the City of Portland face disparate treatment based on their race/color and nation of origin.
 11. The City of Portland is obligated to further federal fair housing law to address racial discrimination.
 12. The US Department of Housing and Urban Development (HUD) has identified individualized assessments as the preferred mechanism for housing providers to fairly screen individuals with criminal history barriers.
 13. To address the disparate impacts of current screening practices, the City should require a first-come, first-served screening model and expand the use of individualized assessments to address all barriers.
 14. To address the disparate impacts of current income inequalities, the City should set a standard income to rent ratio that allows the greatest amount of housing access.
 15. To address the disparate impacts of criminal histories, the City should suggest appropriate low-barrier look back periods.
 16. To address the disparate impact of credit histories, the City should suggest appropriate low-barrier credit conditions.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 30.01 is amended by adding a new section 30.01.086 as provided in Exhibit A.
- b. The Portland Housing Bureau is directed to promulgate administrative rules that will create forms, materials, and trainings related to the implementation of this Ordinance and to establish a delayed implementation plan.
- c. If any section, subsection, sentence, clause or phrase of this Ordinance, or any of the code amendments it adopts, is for any reason held to be invalid or unconstitutional, that shall not affect the validity of any of the remaining portions of the Portland City Code, including but not limited to [any remaining provisions of Portland City Code Chapter 30. Council expressly declares that it would have passed the Portland City Code, and each section, subsection, sentence, clause, and phrase thereof, including but not limited to [any remaining provisions of Portland City Code Chapter 30, regardless of the fact that any one or more sections,

subsections, sentences, clauses, or phrases of this Ordinance may be found to be invalid or unconstitutional.

- d. This ordinance shall be in effect beginning March 1, 2020.
- e. The Portland Housing Bureau shall report to City Council on the progress and implementation of this policy, including recommendations for any changes that may be needed, within one year of implementation."

Passed by the Council, JUN 19 2019

Commissioner Eudaly
Prepared by: Jamey Duhamel
Date prepared: 03/25/19

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

~~294 365 489 512~~
~~558 613~~

Agenda No. **ORDINANCE NO. 189580 As Amended**

Evaluation of Applicants for Dwelling Units

Add ~~City Code Chapter 30.01.086~~ to include renter protections in the form of screening criteria regulations. (Ordinance); *add code section 30.01.086*

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Eudaly</p>	<p>CLERK USE: DATE FILED <u>MAR 26 2019</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Hardesty</i></p> <p>Position 4/Safety - Eudaly <i>[Signature]</i></p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p>	<p>ACTION TAKEN:</p> <p>APRIL 03, 2019 CONTINUED TO APRIL 4, 2019 AT 2:00 PM TIME CERTAIN</p> <p>APRIL 04, 2019 CONTINUED TO APRIL 25, 2019 AT 2:00 PM TIME CERTAIN</p> <p>APRIL 25, 2019 RESCHEDULED TO MAY 23, 2019 AT 3:00 PM TIME CERTAIN</p>
<p>Prepared by: Jamey Duhamel Date Prepared: 3/25/19</p>	<p>MAY 23 2019 Rescheduled to May 29, 2019 at 6:00 pm Time Certain</p>
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	<p>MAY 29 2019 Continued to June 12, 2019 at 9:30 am</p>
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>JUN 12 2019 PASSED TO SECOND READING <i>As Amended</i> JUN 19 2019 4:15 pm Time Certain</p>
<p>City Auditor Office Approval required for Code Ordinances <i>[Signature]</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date April 3rd, 2019</p>	

AGENDA

TIME CERTAIN
Start time: 3pm

Total amount of time needed: 2 hours
 (for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	<i>[Signature]</i>		✓
2. Fish	2. Fish	✓	
3. Saltzman <i>Hardesty</i>	3. Saltzman <i>Hardesty</i>	_____	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	