

IMPACT STATEMENT

Legislation title: *Amend Portland Renter Protections to clarify the exemption for affordable housing providers. (Ordinance; amend Code Section 30.01.085)

Contact name: Victoria James

Contact phone: 503-823-3607

Presenter name: Victoria James

Purpose of proposed legislation and background information:

This amendment will clarify the exemption for the conditions under which affordable housing providers are exempt from paying mandatory relocation assistance for rent increases that may exceed 10%. These conditions include an increase that does not increase the tenants portion of the rent (i.e. when a Section 8 voucher is being used); or a rent increase that is required due to a change in the tenant's income or due to requirements of a regulatory agreement. The exemption does not apply to no cause evictions.

Financial and Budget Impacts:

N/A

Community impacts and community involvement:

Portlanders with extremely low to moderately low incomes—which include seniors, people with disability, and Communities of Color in large numbers—who receive housing through City subsidized providers will now be protected from no-cause evictions and increases to their portion of the rent of 10% or more.

100% Renewable Goal Impacts:

N/A

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES**

Please complete the information below.

☒ **NO**

You can skip this section

30.01.085 Portland Renter Additional Protections.

(Added by Ordinance No. 187380; amended by Ordinance Nos. 188219, 188519, 188558, 188628 and 188849, effective March 7, 2018.)

- G.** After a Landlord completes and submits the required exemption reporting forms to PHB, the provisions of this Section 30.4001.085 that pertain to Relocation Assistance do not apply to the following:
1. Rental Agreements for week-to-week tenancies;
 2. Tenants that occupy the same Dwelling Unit as the Landlord;
 3. Tenants that occupy one Dwelling Unit in a Duplex where the Landlord's principal residence is the second Dwelling Unit in the same Duplex;
 4. Tenants that occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site property;
 5. a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence of not more than 3 years;
 6. a Landlord that temporarily rents out the Landlord's principal residence during the Landlord's absence due to active duty military service;
 7. a Dwelling Unit where the Landlord is terminating the Rental Agreement in order for an immediate family member to occupy the Dwelling Unit;
 8. a Dwelling Unit regulated as affordable housing by a federal, state or local government for a period of at least 60 years; is exempt from paying Relocation Assistance for a Rent increase of 10 percent or more within a rolling 12-month period:
 - a. so long as such increase does not increase a Tenant's portion of the Rent payment by 10 percent or more within a rolling 12-month period;
 - b. in Lease Agreements where the Rent is periodically calculated based on the Tenant's income or other program eligibility requirements;
 - c. for a Dwelling Unit where Rent is calculated based on the requirements of a regulatory agreement; or
 - d. for a Dwelling Unit that is currently receiving or approved to receive a property tax exemption through the Nonprofit Limited Tax Exemption in accordance with ORS 307.540-548 and PCC 3.101.

This exemption does not apply to no cause evictions;

9. a Dwelling Unit that is subject to and in compliance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
10. a Dwelling Unit rendered uninhabitable not due to the action or inaction of a Landlord or Tenant;
11. a Dwelling Unit rented for less than 6 months with appropriate verification of the submission of a demolition permit prior to the Tenant renting the Dwelling Unit;
12. a Dwelling Unit where the Landlord has provided a fixed term tenancy and notified the Tenant prior to occupancy, of the Landlord's intent to sell or permanently convert the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.

A Landlord that authorizes a property manager that is subject to, and manages property in accordance with ORS 696, to manage ~~only one~~ a Dwelling Unit, does not waive ~~the one~~ an otherwise applicable Dwelling Unit exemption ~~as a result of the collective number of Dwelling Units managed by such a property manager.~~ For purposes of the exemptions provided in this Subsection, "Dwelling Unit" is defined by PCC 33.910, and not by ORS 90.100. For purposes of the exemptions provided in this Subsection, "Accessory Dwelling Unit" is defined by PCC ~~33.205~~910. For purposes of the exemptions provided in this Subsection, "Duplex" is defined by PCC 33.910.

ORDINANCE No.

*Amend Portland Renter Protections Code to clarify the exemption for affordable housing providers. (Ordinance; amend Code Section 30.01.085)

The City of Portland ordains:

Section 1. The Council finds:

1. In February 2017, the Council passed an amendment to the Affordable Housing Preservation and Portland Renter Protections code via Ordinance 188219 that added mandatory relocation assistance requirements for involuntary displacement of tenants.
2. The mandatory relocation assistance policy came as a response to Portland's shortage of rental housing, continued rent increases of 10 or more percent, and concern over the displacement of residents living in Portland.
3. The relocation assistance policy was amended via Ordinance 188519 in July 2017 to include various technical changes proposed by the technical advisory group.
4. The relocation assistance policy was amended via Ordinance 18628 to decouple the sunset of the policy from the October 2017 expiration of the state of housing emergency and extended the policy until April 2018.
5. The relocation assistance policy was amended via Ordinance 188849 in March 2018 to make the policy permanent. During the hearing City Council asked the Housing Bureau to work with affordable housing providers and tenant representatives to clarify the exemption extended to affordable housing providers.

NOW THEREFORE, the Council directs:

- a) City Code Chapter 30.01 Affordable Housing Preservation and Portland Renter Protections is hereby amended to clarify under what conditions affordable housing providers are exempt from paying relocation assistance, as provided in Exhibit A, attached hereto.
- b) If any portion of this Ordinance or the relocation assistance is ruled invalid, void or illegal by an order of the court, the remainder of this Ordinance and the relocation assistance shall remain in full force and effect.

Section 2. The Council declares that an emergency exists to prevent delays in implementing the extension of the mandatory relocation assistance therefore, this ordinance shall be in full force and effect from and after its date of passage by Council.

Passed by the Council:

Mayor Ted Wheeler
Prepared by: Victoria James
Date Prepared: July 12, 2018

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO.
 Title

*Amend Portland Renter Protections to clarify the exemption for affordable housing providers. (Ordinance; amend Code Section 30.01.085) *code*

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>OCT 09 2018</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>MT</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Luxan Parsons</i></u> Deputy
BUREAU APPROVAL Bureau: Portland Housing Bureau Bureau Head: Shannon Callahan <i>SCallahan</i> Prepared by: Victoria James Date Prepared: July 12, 2018 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances <i>Diane</i> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>2</i> Council Meeting Date 10/17/2018	ACTION TAKEN: OCT 17 2018 <i>Referred to the Commissioner of Finance & Administration</i>

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 20 minutes (for presentation, testimony and discussion)	1. Fritz 2. Fish 3. Saltzman 4. Eudaly Wheeler	1. Fritz 2. Fish 3. Saltzman 4. Eudaly Wheeler	