



RENTAL SERVICES COMMISSION BYLAWS

Rental Services Commission (“Body”)

I. Body created on October 4, 2017 by Council Ordinance 188633

A. Purpose

The City of Portland’s Rental Services Commission is tasked with making recommendations to the City Council and the Mayor regarding legislative changes to City Code that concern rental housing equity in the following areas:

1. Landlord-Tenant Policy Initiatives
2. Landlord-Tenant Regulation and Programs
3. Budget
4. Community Involvement

B. Sponsor Bureau: Portland Housing Bureau (“PHB”)

C. Bureau liaison: Rental Services Policy Coordinator

II. City Role

The Bureau will provide staff to assist with technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Body. The Bureau will also provide public notice of all meetings, post materials to a webpage, and prepare meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.

III. Frequency of Meetings

The Body shall meet at least 6 times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

IV. Membership and Term

A. Membership

Total membership of at least 7 members and no more than 13 members.

For the initial appointments to the Body, the following terms will apply: five to seven members shall be appointed for a term of 2 years; and six to eight members for a term of 3 years. All subsequent appointments to the Body shall be for terms of 2 years.

Membership appointment shall take into account the socio-economic, gender, racial, ethnic, cultural, and geographic diversity of the City of Portland.

Membership appointment shall achieve a balanced citizen-based perspective encompassing knowledge of fair housing, rent-regulated and market-rate rental housing, landlord-tenant law, property management, renter-owner advocacy, rental housing access, and rental housing health & safety.

Members shall not simultaneously serve on the Portland Housing Advisory Commission and the Body.

Members may not have alternates. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Elected-in-Charge and subject to Council approval.

B. Terms will be staggered.

C. Term Limits

1. Members may serve any number of terms not to exceed 8 years of total consecutive service. Completion of an unexpired term does not apply toward the eight-year cumulative.
2. Members must reapply to continue services upon the completion of 2 terms, if two terms total less than eight years.
3. At the completion of each term, regardless of term length, incumbents are required to discuss the mutual benefits of continuing on the body with the Commissioner-in-Charge or designee.
4. Members interested in continuing service beyond eight years must sit out for 2 years before applying and potentially returning to a seat on the same advisory body.

D. Quorum

One-half plus one of all appointed members, per the authority of PCC 3.133.060.

A quorum shall be necessary of voting members to make decisions that represent the position of the Body and to fulfill any other responsibilities.

E. Voting

- Majority of the members present per the authority of PCC 3.133.060.

V. Officers and Committees

The officers of the Body may consist of Co-Chairpersons (Co-Chairs) and a Vice-chairperson (Vice-Chair) appointed by the Elected-in-Charge.

The Co-Chairs shall be responsible for conducting the meetings of the Body. The Vice-Chair shall act as Chair when the Co-Chairs are not available. The Co-Chairs and Vice-Chair will be active and voting members. The Bureau liaison may serve as Chair in the absence of the Chair and Vice-Chair, but shall not have a vote on any matters.

The Co-Chairs will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Body's operating procedures. The Co-Chairs will also serve as liaison between the members of the Body and the City.

A. Standing Committees

The Body will have the following standing committees, whose membership shall be determined by the Co-Chairs and the Elected-in-Charge:

1. Executive Committee
2. Rules and Bylaws Committee

In consultation with the Bureau liaison, the Executive Committee will develop meeting agendas, establish non-standing committees if needed, and ensure an efficient advisory process.

The Body may divide its members into non-standing committees authorized to act on behalf of the full Body for an assigned purpose to address issues within the parameters of the Body's duties and responsibilities. Non-standing committee membership will be determined by the Executive Committee. Non-standing committee meetings are also subject to Oregon Public Meetings Law and must abide by quorum requirements when voting. While non-standing committees may engage non-members, only members may vote to approve reports and recommendations to be forwarded to the full Body.

VI. General Operating Procedures

- A. Disclosure of Conflicts of Interest [or other connection]

1. A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
2. The announcement needs to be made on each occasion when the public official is met with the conflict of interest. Each time a public official is met with a conflict of interest the nature must be disclosed.
3. For example, an elected member of the City Council would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the City Council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
4. Another example would involve an employee in a city planning department who would have to give a separate written notice before each occasion they encounter a matter that gives rise to a conflict of interest. [ORS 244.120(3)]

- B. Meetings will be conducted to foster collaborative decision-making using:
1. Consensus decision making: a creative and dynamic way of reaching agreement between all members of a group. Instead of simply voting for an item and having the majority of the group getting their way, a group using **consensus** is committed to finding solutions that everyone actively supports, or at least can live with.
 - a. Still requires a quorum
 - b. Still requires a final vote

VII. Meeting Categories

Meetings shall be classified into four separate categories. Members reserves the right to extend any given meeting into an additional session if deemed appropriate by a majority of members present. As such, no function is required to be completed in any one calendar meeting so long as a majority of members support extension.

A. Initial Hearing

Initial Hearings will serve as introductory sessions for members to be exposed to topics related to the Body. These meetings will tend to be overviews of broader issues pertaining to equity in the rental market, and will provide background context to the Body about why a particular issue has come to their attention. Generally, these meetings will not have votes cast on substantive matters.

B. Listening Sessions

Following an initial hearing on a stated agenda topic or set of topics, a listening session will be organized by PHB staff and approved by the Body on that same topic or set of topics. PHB staff shall be responsible for identifying a location, time and

date for all listening sessions, but must obtain prior approval from a majority of the members. Once approval from members is obtained by PHB Staff for each specific listening session and a topic has been designated, members shall be responsible for recruiting/organizing people from the general community to discuss the impact that a particular topic has on individuals living and/or conducting business in the City of Portland.

1. Public Testimony at Listening Sessions

Public testimony shall be given at each listening session and must relate to the approved topic of that listening session. The listening sessions shall be open to the public, and all members of the public are welcome to testify.

The general public shall have the opportunity to sign up at the listening session to testify. PHB staff will do their best to provide a handout for each listening session, which can be made available to all members of the general public who attend.

Any member of the general public shall reserve the right to deliver anonymous verbal testimony focusing on the predetermined topic of discussion at any given listening session.

- C. Work Session

A work session shall follow each listening session. The work session will be an opportunity for the Body to discuss the evidence and testimony that has been presented to the Body during the listening session, and additionally participate in dialogue concerning their own opinions about a particular topic. Work sessions will also be an appropriate venue to invite experts to discuss a particular matter before the Body, if the Body determines that the opinion of a specific professional is necessary to move forward on a specific topic. The final twenty-five minutes of each work session shall be devoted to the Body compiling a list of "Action Items." The term "Action Item" refers to a specific policy proposal or recommendation that concerns the topic at hand. Any member shall reserve the right to add an Action Item to the list without any additional support from other members. When a member places an Action Item on the list, it will be treated as a request for the specific policy proposal to come before the entire Body and be voted on by membership during a Final Hearing. A final list of Action Items shall be compiled at the end of each Work Session, and each list of Action Items shall be referred to the Rules and Bylaws Committee.

1. **Inter-Work Sessions:**

The members of the Rules and Bylaws Committee shall be responsible for collectively gathering in between work sessions and Final Hearings when votes will take place. These gatherings shall be termed Inter-Work Sessions, and will be scheduled by members of the Rules and Bylaws Committee in compliance with public notice requirements. During an Inter-Work Session, the members of the Rules and Bylaws Committee shall discuss each Action Item added to the list created at the previous Work Session.

Rules and Bylaws Committee members shall review each proposed Action Item individually according to the following criteria:

1. Does the proposed Action Item, if implemented, constitute a policy proposal and,
2. If the proposed Action Item is deemed a policy proposal, does it constitute a Landlord-Tenant Policy Initiative, a Landlord-Tenant Regulation and Program, advise or provide feedback for the budget of PHB's landlord-tenant funding priorities, or relate to community involvement of landlord-tenant housing needs and priorities.

The Rules and Bylaws Committee must unanimously approve any specific Action Item, by taking it through the above-referenced two-prong analysis, in order for it to be released for a vote by the entire Body during a Final Hearing.

A unanimous vote is required in an effort to make sure that members of the Rules and Bylaws Committee review each Action Item in an objective fashion according to the two-pronged analysis above. No Rules and Bylaws Committee member shall base any vote pertaining to any proposed Action Item on their personal opinion regarding the impact that a specific Action Item may have. Instead, the role of each Rules and Bylaws Committee member shall simply be to determine if the Action Item is a policy proposal that relates to the Body's mission. The purpose of this Inter-Work Session is simply to make sure that an orderly list of recommendations relating to the mission of the Body can be presented to the Body for a vote at the Final Hearing stage.

In the event that the Rules and Bylaws Committee cannot come to a unanimous agreement on any particular Action Item, then that item will automatically be referred to an appeals process in order to determine if a specific Action Item shall be placed on the list of proposals up for a vote at the Final Hearing Stage. The Appeals Process shall consist of the following:

1. All Action Items failing to obtain unanimous approval from the Rules And Bylaws Committee shall be automatically referred to the the Executive Committee. The members of the Executive Committee shall meet and review specific Action Items failing to receive unanimous approval from the Rules And Bylaws Committee. The standard of review utilized by the Executive Committee shall be the same standard of review utilized by the Rules And Bylaws Committee. If a specific Action Item receives a majority of the total votes from the members of the Executive Committee based on that standard of review, then that Action Item will be released for vote during the Final Hearing stage.
2. If an Action Item fails to receive a majority of votes, then the item's

original sponsor reserves the right to attempt to overturn the decision of the Executive Committee by motioning to bring the matter before the entire Body and obtaining approval from 2/3 of the Body. In such a case, the original sponsor may only overturn the decision by obtaining approval of 2/3 of the Body who cast their decision based on the identical aforementioned two-prong standard; it will not be sufficient to obtain support from 2/3 of the members present at any given meeting unless the approving members make up 2/3 of the entire Body.

D. Final Hearing

All Action Items that have been approved by the Rules And Bylaws Committee, or properly appealed and passed by a majority of the Executive Committee, shall come before the Body for an up or down vote. Each individual Action Item that has made it to the Final Hearing stage shall be debated. The debate shall focus on the need for a specific proposal and how it will bring greater equity to Portland's rental market. In addition, the Body shall debate the possible economic consequences that a particular proposal may have on the rental market. Once debate on a specific Action Item has concluded, the Body will bring the matter up for an up or down vote. The Body shall record the vote tally of each individual Action Item at the Final Hearing, and the results of the vote shall be referred to PHB staff in order to begin the process of writing up an opinion.

VIII. Formal Opinions

PHB staff shall draft a majority and minority opinion incorporating the views and perspectives expressed during debate at the Final Hearing on a particular Action Item.

A. Majority Opinion

The majority opinion shall consist of the perspectives and opinions supported by a majority of the Body. The names of all individual commissioners who voted in the majority shall be presented at the top of the opinion. The majority opinion must include the following:

1. A summary of the policy proposal and the manner in which it will relate to current ordinances, rules, regulations and/or industry custom.
2. A summary of how the policy proposal relates to the current state of Portland's rental market and the mission of the Body.
3. An analysis of why those who voted in favor of recommending a specific Action Item believe that the proposal in question shall bring greater social equity to Portland's rental market. This analysis shall include information on how a specific proposal improves housing choice and reduces displacement for those individuals who are negatively affected by the current rental market, and how the specific proposal will decrease barriers to entry for renters and prospective renters. In addition, the opinion shall include a statement on the perceived Fair Housing impact of any proposal
4. A brief analysis on the potential economic consequences that the proposed Action Item will have on Portland's rental market, including but not limited to ramifications for prospective/current renters, housing providers and property managers.

5. Budget Impact Analysis
6. Bureau Coordination

B. Minority Opinion

The minority opinion shall consist of the perspectives and opinions supported by a minority of the Body. The names of all individual commissioners who voted in the minority shall be presented at the top of the opinion. The minority opinion must include the following:

1. A summary of the policy proposal and the manner in which it will alter current ordinances, rules, regulations and/or industry custom.
2. A summary of how the policy proposal relates to the current state of Portland's rental market and the mission of the Body. If the policy proposal arguably fails to relate to Portland's rental market and the mission of the Body according to the views of the minority, the opinion must explain why that is the case.
3. An analysis of why those who voted against recommending a specific Action Item believe that the proposal in question will fail to bring greater social equity to Portland's rental market. This analysis shall include information on how a specific proposal fails to improve housing choice for those individuals who are affected by the current rental market, and how the specific proposal may increase barriers to entry for Portland's renters and prospective renters. In addition, the opinion shall include a statement on the perceived Fair Housing impact of any proposal.
4. A brief analysis on the potential economic consequences that the proposed Action Item will have on Portland's rental market, including but not limited to ramifications for prospective/current renters, housing providers and property managers.
5. Budget Impact Analysis
6. Bureau Coordination

C. Draft Opinion

Any Majority or Minority opinion shall be drafted by PHB staff, and shall include the criteria listed above. Once an initial draft is completed, PHB shall send the opinion to those individuals whose name is included on it for review. Individuals whose names are included in a majority or minority opinion shall have 3 business days to review the draft and make suggestions for changes to the language. PHB staff reserves the right to reject any recommended changes made during this final 3 business day period.

1. If PHB staff rejects a recommended change made during this 3 business day period, the individual making the suggested change has the right to draft their own individual opinion. Any individual who wishes to draft their own opinion has 3 business days from the moment they are informed by PHB that their language has been rejected to draft a separate opinion, which will then be included as a separate opinion to City Council and the Mayor's Office.

D. Final Opinion

Final majority, minority and individual opinions shall be sent by PHB staff directly to the City Council and the Mayor's office as a single packet of documents pertaining to a specific proposal voted on by the Body. The final packet shall be sent to City Council and the Mayor's Office no later than 10 business days following the issuance of the draft opinion.

IX. Removal of Members

- A. All members serve at the discretion of the Elected-in-Charge of the Bureau and the Elected-in-Charge may rescind the appointment of a member if the duties and responsibilities of appointment are not being fulfilled.
- B. Any member who does not give notice that they intend to be absent from a scheduled meeting three times or for more than 50 percent of the meetings in any year (counted from beginning of term) will be removed by the Bureau Director.
- C. Process for removal
 1. For unexcused absences: Bureau liaison keeps attendance and informs Bureau Director of absences, who in turn informs the member in writing that they have been removed as a member of the Body.
 2. By Elected-in-Charge: Elected informs the member in writing that they have been removed as a member of the Body.

X. Communications

Members agree that transparency is essential to all deliberations. In that regard:

- A. Members are requested to copy the Bureau liaison on all communications from/to interest groups (other than a group specifically represented by a member) commenting on the Body's deliberations. These communications will be included in the public record as detailed below and copied to the full Body as appropriate.
- B. While not precluded from communicating with the media, members agree to generally defer to the Bureau liaison to field and route all media communications related to the Body's processes and recommendations.
- C. Members agree to not negotiate through the media, or to use the media to undermine the work of the Body.
- D. Members agree to raise all their concerns, especially those being raised for the first time, at a meeting and not in or through the media.

XI. Public Meetings and Records

Meetings of the full body and committee meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). The Bureau liaison will provide notice to the public regarding the dates, times and locations of all meetings.

All records of the Body, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications among members related to the subject matter of this Body should not be treated as confidential and may be subject to public records requests.

“Communications” refers to all statements and votes made during meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal, private notes of individual members taken at public meetings might be considered to be public to the extent they “relate to the conduct of the public’s business,” (ORS 192.410(4)).

XII. Amendment of Bylaws

The Body may vote to recommend to the Bureau Director amendment or repeal of these Bylaws. The Bureau Director must sign off on original bylaws and any amendments to the bylaws. Members have no authority to amend bylaws without approval.

Original Bylaws Created by: _____, on _____.
(name/title) (date)

Approved by: _____, on _____.
(Elected/Bureau Director) (date approved)

Amended: _____, on _____.
(name, title) (date amended)

Approved by: _____, on _____.
(Elected/Bureau Director) (date approved)

Amended: _____, on _____.
(name, title) (date amended)

Approved by: _____, on _____.
(Elected/Bureau Director) (date approved)