

# QUALITY RENTAL HOUSING WORKGROUP

## Final Recommendations

*Adopted September 22, 2008*

---

This document contains the final recommendations adopted by consensus of Workgroup members following a year long process that included extensive outreach and public input.

---

## Acknowledgements

The Quality Rental Housing Workgroup received support and guidance from many people in the fifteen months from initiation to vetting proposed recommendations. We appreciate the time and effort contributed by the following community members:

Diane Betcher, Auditor's Office

Gary Blackmer, Auditor

Jim Brooks, Beaverton Dispute Resolution Center

Ross Caron, Bureau of Development Services

Betsy Coddington, Resolutions Northwest

Greg Frank, Code Hearings Officer

Randy Golding, HARBO construction

Elshad Hajiyeve, Bureau of Development Services

Janice Hammond Janice Hammond

Denise Kleim, Bureau of Development Services

Sue Klobertanz, Revenue Bureau

Thomas Lannom, Revenue Bureau

Kari Lyons, Multnomah County Environmental Health

Marco Maciel, Auditor's Office

Margaret Mahoney, Bureau of Housing and Community Development

Tom Neltner, National Center for Healthy Housing

Paul Scarlett, Bureau of Development Services

Reva Schippers, Code Hearings Office

Eric Schmidt, City of Gresham

Stan Sitnick, Portland State University Conflict Resolution Graduate Program

Bryan Swisshelm, Bureau of Housing and Community Development

George Tsongas, Portland State University (emeritus)

Greig Warner, Multnomah County Environmental Health

Terri Williams, Revenue Bureau

Barbara Zeal, Oregon Department of Human Services

# Bureau of Housing and Community Development Quality Rental Housing Workgroup

## Participants

Elisa Aguilera	Community Alliance of Tenants
Larry Bricker	American Property Management
Norton Cabell	Oregon Rental Housing Association
Mary Carroll	Commissioner Sten's Office
Mark Fulop	Multnomah County Health Department
Renee Hackenmiller-Paradis	Oregon Environmental Council
Michael Havlik	Housing Authority of Portland
Deborah Imse	Metro Multifamily Housing
Alison McIntosh	Impacted Tenant, CAT board member
Erin McNally	Josiah Hill Clinic
Phil Owen	Rental Housing Association of Greater Portland
Anna Rivas	Housing Authority of Portland
Micky Ryan	Oregon Law Center
Ian Slingerland	Community Alliance of Tenants
Sarah Stevenson	Innovative Housing Inc.
Joice A. Taylor	County Healthy Homes Consultant
Jonathan Trause	Impacted Tenant, CAT board member
Jeremy Van Keuren	Mayor's Office
Bruce Whiting	Housing and Community Development Commission
Lila Wickham	Multnomah County Health Department

## Staff

Steve Kass	Bureau of Development Services
Tracy Lehto	Bureau of Housing & Community Development
Ed Marihart	Bureau of Development Services
Andrea Matthiessen	Bureau of Housing & Community Development

## Facilitators

Joe Hertzberg	Decisions Decisions
Carri Munn	Decisions Decisions

# Table of Contents

---

Executive Summary .....	1
Introduction .....	3
I. Code Change Recommendations.....	7
1. Distinguish in Code between rental housing and owner occupied housing. ....	7
2. Define lead hazards in Title 29, require remediation using safe work practices and increase lead awareness among tenants and property owners. ....	7
3. Provide standards and education for effective remediation and prevention of pest infestation and sanitation violations. ....	10
4. Amend the City of Portland Maintenance Code to more precisely define and eliminate excessive moisture that creates conditions conducive to mold growth.....	12
5. Increase tenant accountability for habitability.....	14
6. Support policy changes related to enforcement of new Code language.....	16
7. Provide training and equipment related to enforcement of new Code language.....	17
II. Enforcement Recommendations .....	19
A. Adequate and Stable Funding for Neighborhood Inspections .....	19
1. Increase allocation of funds for inspection services.....	19
2. Adopt a time-limited per-unit fee to fund implementation of recommendation.....	20
3. Restructure fines for non-compliance with Title 29.....	22
4. Strengthen collections .....	24
B. Improve Enforcement Tools .....	25
1. Adopt the Enhanced Complaint Model for inspections.....	25
2. Consistently implement Code hearings policy .....	28
3. Eliminate the Business License provision that exempts properties of 9 or fewer units...	28
C. Establish a Solid Understanding of Incidence and Impacts of Retaliation.....	31
1. Require landlords to send copies of all termination notices to the City of Portland once the tenant has requested an inspection.....	31

2. Study the incidence of retaliation in coordination with legal assistance to qualified tenants.....	32
III. Education Recommendations.....	33
1. Implement a grassroots education campaign for landlords and tenants.....	33
2. Develop and implement training modules to bring essential rental education to the community .....	35
3. Leverage existing systems as distribution points for landlords and tenant educational resources .....	36
IV. Recommendations for Public Transparency.....	39
1. Establish a Stakeholder Advisory Committee for Neighborhood Inspections .....	39
2. Make code enforcement policies and outcomes publicly accessible via a user-friendly Portland Maps interface.....	40
V. Recommendations for Enhancing Community Support Systems.....	43
1. Provide increased education and support to both landlord and tenants to reduce home-based health hazards including lead, mold, pests, chemical hazards, and indoor air quality. ....	43
2. Fund a dedicated community mediation program .....	44
3. Increase capacity of critical organizations and programs serving tenants. ....	45
4. Make inspectors accessible in court without a subpoena. ....	46
5. Seek public investment to provide tenants with heat assistance to reduce mold growth and improve liability in rental units. ....	47
VI. Recommendations to the Oregon Landlord-Tenant Coalition.....	49
1. Consider a quick process for tenants to obtain court orders for repairs .....	49
VII. Funding Recommendations.....	51
Appendices Table of Contents .....	53

## Executive Summary

In July 2007, the City Council created the Quality Rental Housing Workgroup to tackle longstanding health and safety problems in Portland's rental housing. Some of these problems are caused by landlords who defer maintenance and neglect hazards; others result from the household practices of tenants. While some of these breaches are deliberate, many result from a lack of essential information and awareness about household health and safety.

The Workgroup's diverse members—including landlord, tenant, and public health advocates—have worked together for more than a year to craft a robust set of recommendations. Debate has been vigorous, and innovative thinking has been cultivated. Consulting regularly with our own constituencies as the process unfolded, Workgroup members built full consensus around a comprehensive package of strategies to strengthen the public-private partnership that promotes safe and healthy rental housing.

This report to the City Council describes in detail the Workgroup's recommendations and process. These entail complex solutions to complex problems, and even the highlights would take several pages. The purpose of this brief summary is to call attention to the most essential headlines.

The Workgroup's recommendations are grounded in four underlying principles:

- Bad actors should be held accountable for their behavior.
- Rental housing must be distinguished from owner-occupied housing. Owners of rental housing are engaged in a serious business activity that impacts public health. Code enforcement and nuisance abatement in rental housing have broad public benefits.
- Landlords and tenants need education about their rights and responsibilities.
- Funding required to enforce healthy rental housing should be largely provided by bad actors, with start-up support from the rental housing industry and the public.

Key Workgroup recommendations include:

- Update the City's Housing Code (Title 29) to reflect current best practices regarding lead, mold, pests, and sanitation.
- Create a new inspection model to enhance the current complaint-driven system. This innovative approach increases the likelihood that problems are identified and addressed while minimizing the risk that well-meaning landlords and tenants are exposed to retaliation and unnecessary intrusion.

- Restructure fines and strengthen collections. Align penalties and incentives to encourage code compliance and healthy rental housing.
- Present multiple ways for tenants and property owners to learn about their rights and responsibilities. Design materials and strategies to take advantage of moments when they are most receptive. Utilize existing community resources whenever possible.
- Offer opportunities for landlords and tenants to resolve disputes without having to resort to the court system.
- Provide balanced and stable funding to sustain efforts in the future: Increase revenues from enforcement, collect an annual per-unit fee (\$8-10) for rental housing (exempting nonprofit owners), and commit general funds to nuisance abatement so that rental housing collections are dedicated to rental housing purposes.
- Ensure transparency and stakeholder oversight.

Workgroup members are committed to the common goal of safe and healthy housing for renters in the city of Portland. We went to great lengths to engage stakeholders and the public throughout our process. Draft recommendations were reviewed with multiple City bureaus.

We believe this is a unique moment of opportunity, and we hope that City Council recognizes the unprecedented collaboration and consensus reflected in this comprehensive, integrated package of recommendations.

Over the course of this process, we have developed collaborative working relationships with one another and with public agencies responsible for executing healthy housing policies. We anticipate that this cooperation will continue and grow. We understand that ultimate success will require ongoing support and commitment, and we intend to continue working together to advocate with our own memberships, fill in details as needed, and oversee implementation, evaluation, and refinement over time.

## Introduction

## Background

Everyone deserves a safe and healthy home, but many renters in Portland live in units suffering from lead, mold, pests, sanitation, chemical hazards, and indoor air quality problems.

Some of these problems are caused by landlords who defer maintenance and neglect hazards, others result from the household practices of tenants. While some of these breaches are deliberate, many are probably caused by landlords and tenants who lack essential information and awareness about household health and safety.

In July 2007, the City Council created the Quality Rental Housing Workgroup to explore substandard housing, habitability, and environmental hazards in rental housing in Portland. Its diverse membership includes representatives of tenants, landlords, public health advocates, and community organizations.

All participants are committed to the common goal of safe and healthy housing for renters in the city of Portland. All recognize that landlords and tenants share responsibility for problems and the solutions. All have communicated with their constituencies as the process unfolded.

Working closely with Portland's Bureau of and Housing & Community Development (BHCD) and Bureau of Development Services (BDS), the Workgroup has evaluated existing data, conducted original research, adopted a problem statement, and studied approaches utilized in Portland and other cities. Specifically, the Workgroup process has included:

- Presentations from landlord and tenant organizations, City bureaus, and experts in public health and Landlord-Tenant law.
- Survey and focus groups with property owners and managers.
- Crafting a problem statement and an inventory of solution strategies to explore.
- Subcommittees to address Enforcement, Education, Dispute Resolution, Finance, and Health (which further divided into groups dedicated to Mold, Lead, and Pests & Sanitation).
- Exploration of the policies and practices of BDS, Revenue Bureau, Auditor's Office, and Office of Management & Finance.
- Research on strategies in other cities and national best practices.



Debate has been vigorous, and innovative thinking has been cultivated. Workgroup members have built a consensus around a package of recommendations to strengthen the public-private partnership that promotes safe and healthy rental housing. Elements include community education, strengthened enforcement, expanded opportunities to resolve landlord-tenant disputes, and a balanced approach to funding.

## Health and Housing Connection

According to The Centers for Disease Control and Prevention (CDC), housing conditions can significantly affect public health. Childhood lead poisoning, respiratory diseases such as asthma, and quality of life issues have been linked to more than 6 million substandard housing units nationwide. Residents of these units are also at increased risk for fire, electrical injuries, falls, rodent bites, and other injuries. Concerns also include exposure to pesticide residues, indoor toxicants, tobacco smoke, and combustion gases.<sup>1</sup>

Locally, Bureau of Development Services, rental housing inspection data and qualitative data from the Multnomah County Health Department, Community Alliance of Tenants, and other organizations indicates that Portland is not immune from the negative health impacts caused by inadequately maintained rental housing. While the science and research to support precise definitions of what constitutes healthy homes is still emerging, there is agreement upon a number of core indicators, most particularly that a healthy home is one that's dry, well-ventilated, comfortable, energy efficient, free of pests and physical hazards, and safe from harmful levels of toxins, allergens, dangerous gases and other contaminants.

A commitment to quality, safe, healthy rental housing in Portland serves as the basis of the efforts of this committee.

## History

Concern about the condition of the Portland rental housing stock is not a new issue for the City of Portland. In 1992, City Commissioner Gretchen Kafoury convened the Citizens Advisory Committee on Quality Rental Housing to review the condition of rental housing and evaluate the City's efforts to enforce the City's Housing Maintenance Code (Title 29). Many of the issues identified and the proposed recommendations included in the final report of that group are still relevant over 15 years later. In 2005, the City again became increasingly engaged in landlord tenant issues relating to the safety and habitability of affordable rental housing. Increasing media coverage of conditions in several local rental properties as well as research and evaluation conducted by several local government and nonprofit organizations resulted in

---

<sup>1</sup> <http://www.cdc.gov/healthyplaces/healthyhomes.htm>

Portland City Council passing a Resolution directing the Bureau of Housing and Community Development to convene the Quality Rental Housing Workgroup in 2007.

## Underlying Principles

Throughout the course of its deliberations, the Workgroup has been guided by a set of clear principles:

- Hold people accountable for their behavior, both landlords and tenants.
- **Balance carrots and sticks.** Encourage the behaviors we wish to see—especially with market-based incentives—rather than rely solely on enforcement.
- **Education drives behavior change.** People need to understand the impact of their choices rather than act solely to avoid punishment.
- **Flexibility to acknowledge individual circumstances is important.** Small landlords are widely seen as different from corporate property owners. Tenants have a variety of life and health circumstances. Inspectors work at the intersection of landlord, tenant, and public interests.
- **Seek to impact the key factors that underlie problems.** Level the playing field as much as possible and avoid "easy" solutions.
- **Recommend a viable funding plan.** While it is not the Workgroup's responsibility to fund its policy and program recommendations, we recognize that healthy rental housing must compete with many other important public goals. To be realistic, we must consider a funding strategy drawn from multiple sources.
- **Distinguish rental housing inspections from those associated with owner-occupied housing and nuisance abatement.** NIT's rental housing activities should be treated as an independent cost and revenue center. Rental housing should neither subsidize nor be subsidized by other NIT activities.

## The Problem

Based on background research and the professional experience of its members, the Workgroup developed a detailed problem statement (Appendix III). Its major headings are:

- Evidence suggests that the health and safety of some renters is compromised by hazards in their housing units. The number of people affected and the extent of impacts are not quantified.
- Many landlords and tenants lack essential information regarding rights and responsibilities, Landlord-Tenant Law, code and enforcement processes, and the connections between housing conditions and tenant health and safety.

- The current system of code enforcement for rental units doesn't work very well. Some tenants fear retaliation. Current code language does not specifically address mold, lead, and other health hazards. Enforcement does not consistently result in timely repairs. Staffing is inadequate. Collection mechanisms are insufficient.
- Current support systems designed to help landlords and tenants meet their rights and responsibilities are inadequate. Programs and services are poorly publicized. Coordination across agencies and jurisdictions is lacking. Current capacity is insufficient. Culturally appropriate, multi-lingual information is scarce. Community mediation is underutilized.
- Landlords and tenants lack a simple, quick, affordable, and fair venue to resolve repair and habitability disputes.
- There are many different kinds of data problems.
- Resource constraints of landlords and tenants contribute to these problems.

## Workgroup Recommendations

The following recommendations have been thoroughly considered by all workgroup members and are presented as a comprehensive package to increase safe, healthy rental housing in Portland. The Workgroup went to great lengths to engage stakeholders and the public throughout this process (see Research and Focus Group results, Appendix IV). Draft recommendations were vetted with multiple City bureaus and workgroup members conducted outreach with their constituencies. BHCD staff maintained a website dedicated to this process and a public forum took place in August through the Housing and Community Development Commission (visit <http://www.portlandonline.com/bhcd/index.cfm?c=45357> for public comment summary). We hope that City Council recognizes the unprecedented collaboration and consensus represented in these final recommendations. The long, hard work of all Workgroup members is a testament to their dedication to making lasting change.

## I. Code Change Recommendations

### **1. Distinguish in Code between rental housing and owner-occupied housing.**

#### ***Purpose:***

Align code language and policy with the existing enforcement practices for different types of housing to strengthen enforcement and tracking of habitability problems in rental housing.

#### ***Background:***

The public purpose for inspections is different in many ways for rental and owner-occupied housing, and strategies for compliance should be different. Although the Code does not distinguish between the two types of housing, in practice the current system treats them differently through a system of waivers, administrative rules, and by providing inspectors significant discretion. We believe the failure to explicitly treat owner-occupied and rental housing differently in the Code ultimately weakens enforcement and limits efforts to strengthen the regulatory framework for rental housing. Lack of distinction in data collection also makes it difficult to track the extent of habitability problems in rental housing.

#### ***Action Items:***

The Workgroup recommends that Council:

- A. Direct BDS/NIT to differentiate rental from other housing in Code and policy, craft appropriate Title 29 language as needed, and refer to Council for adoption.
- B. Direct BDS/NIT to make all necessary database changes to effectively distinguish between rental and owner-occupied enforcement activities and create a center code in the City's record-keeping system to account for the costs of rental housing enforcement separately from enforcement for other property types.

#### ***Outcome measures:***

- Within 6 months code language differentiates rental housing from owner-occupied housing.
- Within 3 months BDS implements center codes and time studies to collect accurate financial data for rental housing enforcement revenues and expenses.

### **2. Define lead hazards in Title 29, require remediation using safe work practices, and increase lead awareness among tenants and property owners.**

#### ***Purpose:***

Prevent lead poisoning in children by addressing lead hazards in Portland rental housing through education, identification, remediation, and enforcement of updated code language.

**Background:**

Lead paint and dust are the leading sources of exposure to lead, a heavy metal that can adversely impact health. Over 80% of housing in Portland was built prior to 1978, when lead was banned from residential paint. Over 50% of housing in Portland was built prior to 1950 and is likely to have lead paint. There is a need for objective and evidence-based ways to identify lead hazards in housing and to ensure removal of the hazards. According to the Federal Department of Housing and Urban Development (HUD), identifying and eliminating deteriorated paint helps to reduce the risk that lead poses to children.

There is a gap in the system for families and property owners to gain knowledge of present lead hazards that results in and a missed opportunity to take timely steps to reduce the hazard before someone is harmed by lead exposure. Unfortunately, it is only after a tenant has been diagnosed with an elevated blood lead level that an inspection by the Multnomah County Health Department occurs. The Workgroup is interested in determining a way to no longer use children as a positive indicator of lead paint or lead danger. Prevention is critical. However, due to the nature of the current system, we have little data on the size of the problem of lead hazards in rental housing.

Currently, if an inspector sees deteriorated, chipping or peeling paint during an inspection or receives a complaint about chipping or peeling paint, the condition of the paint is cited in accordance with Title 29, but the paint is not tested for lead. If the tenant is concerned about lead paint, they are referred to an educational hotline through Multnomah County which provides information and referral on lead safety. No inspection occurs through NIT and thus the family and property owner are unaware if a hazard may be present. Under the current services configuration, if a child is identified with an elevated blood lead level, the Multnomah County Health Department can conduct an in-home environmental assessment. If the rental unit is determined to be the source of lead poisoning, the family can receive relocation assistance to move to a property that does not contain lead hazards.

In order to provide tenants with a course of action in situations where children have already been identified with lead-poisoning, or where children are at risk of lead poisoning because of the age and condition of units, we propose to amend current Title 29 language to require property owners to address lead hazards that have been identified by a third party. We also propose the development of a 1 year pilot program to further determine the scope of lead hazards in Portland rental housing, the situations in which they most likely occur, and the best programmatic course of action to address them.

**Action Items:**

The Workgroup recommends that Council:

A. Amend Title 29.30.260 Hazardous Materials using the following language:

“An owner shall remediate any identified lead-based paint hazards, dust-lead hazards, and soil-lead hazards using lead hazard control practices contained in the Federal Lead Safe

Housing Rule 24 CFR Part 35. Remediation has occurred when an identified lead hazard is no longer present as determined by a risk assessor certified by the State of Oregon Department of Human Services. Remediation may include interim controls to temporarily control lead hazards, such as repainting over lead based paint with paint that is not lead based or utilizing window liners. Interim controls require ongoing attention from the property owner and maintenance in order to continue being effective at addressing lead hazards.

- B. "Identification of potential hazards must be performed by a certified lead-based paint inspector or a risk assessor. Standards and definitions of lead-based paint, lead-based paint hazard, and deteriorated paint shall be consistent with current Federal definitions established in the Lead Safe Housing Rule 24 CFR Part 35.<sup>2</sup> Paint that is intact, not deteriorating, and in good condition is generally not identified as a hazard.
- C. "One may choose to temporarily remediate or permanently abate a hazard, although only remediation is required under this revised Title 29.30.260 for identified lead-based paint hazards. Abatement utilizes methods to permanently control lead hazards such as removing a window with lead based paint and replacing it with a new window."
- D. Direct NIT and the Stakeholder Advisory Committee (described in detail in Section IV) to prioritize the development of necessary code language and policy to do the following:
  - 1. Require lead-safe work practices when addressing violations of Title 29.
  - 2. Distribute lead risk and remediation education to landlords and tenants in the enforcement process.
  - 3. Adequately train and equip inspectors to carry out policies and procedures for increased identification and enforcement to prevent lead poisoning.
  - 4. Collaborate with Oregon Department of Human Services, MCHD, and community lead hazard reduction partners for policy development, outreach, education, and testing.
- E. Develop a one-year pilot program to identify lead hazards, determine likely lead poisoning situations, collect data, and develop clearance testing process within NIT or with a non-NIT

---

<sup>2</sup> Current HUD definitions contained in Title 24, Part 35, Subpart B—General Lead-Based Paint Requirements and Definitions for All Programs:

*Deteriorated paint* means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

*Lead-based paint* means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

*Lead-based paint hazard* means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

entity. Present to the Stakeholders Advisory Committee data collected on the number of lead hazards identified prior to documentation of adverse health impacts, the course of action taken, and the result. The pilot program should train one or more inspectors to identify lead hazards if the following are found during inspection:

1. Pre-1950 construction (1950 and older homes have the highest concentrations of lead in paint and the subcommittee feels this is most reasonable for the pilot program.)

AND one of the following:

2. Visual identification of chipping and flaking paint inside the home, particularly original windows;
3. Evidence of remodeling;
4. Complaint/concern related to the potential of a lead-based paint hazard from tenant or other social service agency;
5. Homes where a child or pregnant woman is living or frequently visits
6. Two or more doors/windows are broken, missing, or boarded up OR major porch/steps elements broken, missing, or out of plumb AND roof has missing parts, obviously weathered surfaces, holes or cracks, and/or gutters or broken downspouts.<sup>3</sup>

### **3. Provide standards and education for effective remediation and prevention of pest infestation and sanitation violations.**

#### ***Purpose:***

Change standards, improve enforcement, and provide health education related to pest infestation and sanitation violations.

#### ***Background:***

Title 29 differs from current State pest statutes and inspectors lack adequate standards to effectively enforce the remediation and prevention of re-infestation of pests in residential dwelling units. Many landlords and tenants are unaware of health risks of pest control products. It is common for people to over-apply a remedy when pests are identified in a home. The workgroup seeks to increase the proper use of household pest control products according to the scale of the pest problem to maximize health and minimize the cost of pest control.

---

<sup>3</sup> Criteria based upon conversation with James Krieger, MD, MPH, Chief, Chronic Disease and Injury Prevention Section, Public Health - Seattle and King County, on correlations between external maintenance issues and interior paint issues. The pilot uses the table referenced below as the protocol to test if an external assessment is a valid way of identifying internal paint problems. National Center for Healthy Housing, (n.d.). Relationship Between Interior Problems and Exterior Problems- City of Portland, OR-WA Retrieved October 1, 2001, from [http://www.healthyhomestraining.org/AHS/AHS\\_Int\\_Ext\\_Portland\\_OR\\_2002.pdf](http://www.healthyhomestraining.org/AHS/AHS_Int_Ext_Portland_OR_2002.pdf)

Many pest control techniques have the potential to be harmful to human health. Integrated pest management (IPM) is a process of increasing intervention to manage pests which are a part of life. As defined in ORS 452 and 634, IPM employs appropriate pest control methods in an environmentally and economically sound manner and includes prevention, monitoring, treatment, and evaluation. While IPM is a generally accepted best practice for pest remediation, few landlords and tenants are aware of these pest control options.

Multnomah County's Environmental Health Department and Department of Vector Control have expertise in species-specific integrated pest management approaches that can be shared with NIT inspectors and used to develop remediation protocols for landlords and tenants.

The Workgroup supports increased education and active dissemination of model pest management plans by NIT to landlords and tenants at the time of health sanitation violations. The Stakeholder Advisory Committee should review plans, and modify if needed, to make sure they are reasonable and achievable by both landlords and tenants. The Workgroup recognizes that pest prevention and management requires active collaboration between landlords and tenants. Reviewing educational materials and maintaining an environment that does not encourage pests are important responsibilities of both landlords and tenants.

***Action Items:***

The Workgroup recommends that Council:

A. Adopt the following changes to Title 29:

1. Section 29.30.110 to read as follows:

"Every dwelling shall be kept free from insect and rodent infestation (as defined in Title 29 section 29.10.020 EE), and where insects and rodents are found, they shall be promptly suppressed by using an approved integrated pest management approach that will not be injurious to human health. After implementing integrated pest management strategies, proper precautions shall be taken to prevent re-infestation."

""Integrated Pest Management' means a coordinated decision-making and action process that uses the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet agency pest management objectives. The elements of integrated pest management include: preventing pest problems; monitoring for the presence of pests and pest damage; establishing the density of the pest population, that can be tolerated or correlated with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic or aesthetic thresholds; treating pest problems to reduce populations below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical, and chemical control methods and that shall consider human health, ecological impact, feasibility, and cost effectiveness; and evaluating the effects and efficacy of the pest treatments."

2. Section 29.10.020 X Pest Control Definition to read,



“The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; or by application of approved integrated pest management methods.”

**4. Amend the City of Portland Property Maintenance Code to more precisely define and eliminate excessive moisture that creates conditions conducive to mold growth.**

***Purpose:***

Provide standards that allow housing inspectors to effectively enforce the remediation and prevention of mold growth in residential dwelling units and develop the capacity of NIT to increase effectiveness and consistency of mold-related inspections, enforcement, and remediation requirements in residential dwelling units.

***Background:***

The Workgroup problem statement found that Title 29, City of Portland Property Maintenance Code does “not adequately address mold, lead, and other health hazards.” This is underscored by the fact that CAT’s 2005 Substandard Housing Research Project identified inconsistent mold enforcement as a major reason for tenant dissatisfaction with the City’s housing inspection process.

The recommended changes to the “Interior Dampness” section of Title 29 will provide objective data from moisture detection equipment as a basis to cite excessive interior humidity and dampness in materials and help inspectors identify likely causes of mold growth and to make effective recommendations for remediation.

The recommended changes will also allow inspectors to require mechanical ventilation in bathrooms when they cite mold problems in a dwelling unit. Exhaust fans are one of the most efficient and cost-effective solutions for reducing excessive humidity inside the building envelope.<sup>4 5</sup> While Oregon building codes currently require mechanical ventilation in bathrooms with bathing facilities for new construction, they did not do so in the past. Recommended Code would require installation of bathroom fans in dwelling units where they were not originally

---

<sup>4</sup> The 2005 report, “Clifton Apartments Mold Problems: Assessment and Recommended Solutions” by George Tsongas, Ph.D Professor Emeritus of Mechanical Engineering at Portland State University, identifies mechanical ventilation as an important factor in controlling interior moisture in Portland’s mild, humid climate where natural air infiltration may not be as good as in colder climates.

<sup>5</sup> Tom Neltner, Director of Training and Education at the National Center for Healthy Housing, also recommended requiring mechanical ventilation in all bathrooms when he conducted a review of Title 29 on behalf of the Quality Rental Housing Workgroup.

required.<sup>6</sup> This would only be for units experiencing problems with mold growth or dampness—not a general requirement for all inspected units. BDS will need to apply for an exemption from the State Codes Division based on occupant safety and welfare concerns.<sup>7</sup> The growing evidence of adverse health effects of mold, and the fact that mold is a common complaint investigated by inspectors, justifies such an exemption.

Eliminating and preventing mold in rental housing units is a shared responsibility of landlords and tenants. Cooperation is essential if a rental unit is to remain free of mold problems. It is also important that housing inspectors provide good guidance to both landlords and tenants by 1) helping to identify likely sources of mold and 2) defining actions that each can take to remediate and prevent mold-growth from recurring. Landlords and tenants alike are concerned that inspections and enforcement of mold violations be consistent, as well as commensurate with the severity of the mold problems encountered. Therefore, the NIT will implement a one-year mold pilot test and report the results to the Stakeholder Advisory Committee in order to refine mold-related inspection protocols and achieve consistent, effective, and fair enforcement of the code.

Finally, it is important that the NIT develop a tracking system to evaluate the effectiveness of all inspection practices, including those related to mold, both to determine if it is meeting outcome measures and to improve inspection practices in the future. The Tracs system employed by the NIT (and all BDS staff) does not currently have the capability of reporting on the numbers and nature of specific violations. Developing this capability will require funding to provide IT and other staff time to develop such a system.

### **Action Items:**

The Workgroup recommends that Council:

- A. Adopt Code language for Title 29, Section 29.30.120 “Interior Dampness and Ventilation” to read as follows:

“Every Dwelling, including basements, and crawl spaces shall be maintained free from dampness such that 1) there are no leaks from exterior or interior sources, 2) no significant visible mold growth, 3) the relative humidity of the interior atmosphere shall not exceed 60%, and 4) no interior building surface shall trigger a moisture alarm when tested by a protimeter.

“Where one or more of the dampness conditions specified in 29.30.120(A) exists in a residential unit, an approved ventilation fan for reducing moisture may be required for in

---

<sup>6</sup> The general practice of the State and the City of Portland Bureau of Development Services is not to require updating of facilities that were originally approved under permit.

<sup>7</sup> Both the Oregon Residential Specialty Codes and the Oregon Commercial codes allow more restrictive local ordinances when it is “deemed necessary by the building official for the general safety and welfare of the occupants and the public.”

each bathroom with bathing facilities that does not have approved mechanical ventilation. The new fan shall 1) have a rated flow capacity of not less than 80 cubic feet per minute 2) have a noise rating of 1.5 sones or less.

“Exception: An alternative, permanently installed mechanical method to reduce interior humidity approved by the Bureau Director, and installed under all necessary permits, may be used in circumstances where a fan would be financially or structurally difficult to install due to the construction or layout of the building.

“Where there is an existing, approved ventilation system in a bathroom, it shall be able to properly perform its intended function. If it does not, and cannot be repaired to do so, it shall be replaced according to the specifications listed under 29.30.120 B.”

- Bureau staff shall rely on their professional expertise and judgment to determine the significance of visible mold based on location and amount of mold, relative humidity of the interior atmosphere, and other related living conditions observed in the unit.
  - The Bureau will provide landlord and tenant education on occupant behavior, use of dehumidifiers, and non mechanical ventilation mechanisms prior to requiring the installation of mechanical ventilation in bathrooms or bathing facilities that do not have approved mechanical ventilation.
- B. Direct BDS to seek a variance from the State Building Codes Division for both the Oregon Residential Specialty Code (1 and 2 family dwellings) and the Oregon Structural and Mechanical Specialty Codes (multifamily dwellings of 3 units or more) to require fans in bathrooms with windows when a dwelling is found to be in violation of the revised section 29.30.120.
- C. Direct BDS/NIT to implement a pilot test using the mold protocol developed by the Workgroup (Appendix VIII) for all inspections as soon as Code language is adopted by Council. Review results in one year and finalize the mold inspection protocol and remediation guidelines as needed to provide for the effective, consistent, and fair enforcement the revised section Title 29.
1. Use the Responsibilities Matrix (Appendix VII) to develop a mold component for the City’s current landlord training and any other mold education provided by NIT.
  2. Regularly review and revise the Mold Inspection Protocol and Responsibilities Matrix defining landlord, tenant, and inspector responsibilities with regard to mold remediation and prevention.

## **5. Increase tenant accountability for habitability.**

### ***Purpose:***

Modify Title 29 to identify the responsibilities of tenants with regard to housing conditions and expand the application of the Good Faith waiver to include a landlord fee waiver in instances where tenants have failed to meet their responsibilities.

**Background:**

Landlord/Tenant Law assigns responsibilities to both landlord and tenant for the condition of rental housing. Specific requirements of each are outlined in ORS 90.305 – 90.322 (landlord) and 90.325 (tenant). The current municipal inspections and enforcement process places the entire burden of the housing condition on the landlord contrary to intent of Landlord/Tenant Law. Landlords are accountable to correct all violations, and have tools at their disposal to achieve compliance.

The Workgroup strongly believes it is important to reflect in the Code, and in the actions of the enforcement inspectors, the intent of Landlord/Tenant Law to recognize responsibilities for both landlords and tenants in maintaining the condition of the housing. Clearly defining minimum standards for tenant accountability in Code raises tenant expectations and provides a clear basis for landlords to negotiate behavior change to achieve Code compliance. Reducing landlord reliance on stronger tools such as termination or eviction has a positive effect on tenant stability. The proposed Code language is based upon language used in other jurisdictions. The Workgroup has received one opinion from a City Attorney questioning codifying the administrative policy of granting waivers, duplicating State Statutes, and including language which has no enforcement mechanisms. The Workgroup feels that raising awareness of the intersection of landlord and tenant responsibilities is critical for improved habitability, and this discussion should continue.

The Workgroup supports an expanded application of the “good faith” waiver when responsibility for the violation and remediation are not fully under the landlord’s control and the landlord is actively pursuing remediation in collaboration with the tenant. In situations in which tenant behavior inside the rental unit leads to Fire/Life/Safety or Health/Sanitation violations, i.e. putting furniture directly against exterior walls or not changing batteries as required in smoke detectors, the landlord should be encouraged to work with the tenant rather than be fined immediately for non-compliance. Expansion of the “good faith” waiver to include a fee waiver for landlords reduces or eliminates an incentive for a landlord to terminate the lease of a tenant in response to the assessment of fines.

**Action Items:**

The Workgroup recommends that Council:

- A. Adopt the following Title 29 City Code language under the heading “Obligations of Tenants:”

“Nothing in the following provision absolved the owner of residential property of their duty to maintain their property.

“Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit which tenants exclusively occupy and control. To fulfill this obligation an occupant shall:

1. "As the condition of the premises permits and to the extent that the tenant is responsible, keep all areas of the premises under control of the tenant in every part as clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, or pests.
2. "Maintain smoke detectors in good working order by checking and changing batteries as required and reporting a malfunctioning detector to the landlord immediately.
3. "Establish an account with providers for all essential utilities and any utilities for which they are responsible under the lease. Maintain utility accounts throughout the tenancy to ensure that heat and electricity are supplied to the dwelling.
4. "Not block egress or ingress to windows or doors as to prevent exit or access.
5. "Not cause damage to the dwelling that results in a safety violation.
6. "Not store hazardous materials on the premises."

## **6. Support policy changes related to enforcement of new Code language.**

### ***Purpose:***

Create new administrative policies to support effective implementation of Code changes related to health and housing.

### ***Action Items:***

The Workgroup recommends that Council:

- A. Direct BDS and NIT to enforce the remediation of Title 29.30.260 as a Fire/Life/Safety (F/L/S) citation in accordance with the federal Lead Safe Housing Rule 24 CFR Part 35.
- B. Support the recommendation that Multnomah County Health Department (MCHD) provide written notice to property owners and BDS when a lead hazard has been identified at a property through an Elevated Blood Level environmental investigation.
  1. The letter shall be sent by certified mail within 30 days of an environmental investigation and include a summary of findings in compliance with HIPPA and Centers for Disease Control/HUD recommendations, reference to legal mandate for inspection, and referral to resources to address lead hazards.
- C. Direct BDS/NIT to consistently inspect for garbage dumpster disposal and employ the chronic offender program with summary abatement as a key strategy for reducing the risk of pest infestation created by overflowing dumpsters.
- D. Direct BDS/NIT to expand the Good Faith waiver to include a landlord fee waiver for code violations when responsibility for the violation and remediation is not exclusively under the landlord's control. A fee waiver shall be issued one time per violation and last for 30 days after the first clearance inspection and may be extended for additional 30 day increments to a maximum of 90 days, as warranted by active and ongoing progress toward remediation."

Landlords are eligible to receive the waiver if:

1. They are actively collaborating with the tenant on remediation.
  2. In the case of mold violations, structural improvements have been made and remediation of mold is a behavioral issue that the landlord is pursuing with the tenant under the terms of the lease or the cause of the moisture remains unidentified and behavioral adjustment is needed.
- E. Direct BDS/NIT with its Stakeholder Advisory Committee and the support of Multnomah County's Vector Control to develop approved integrated pest management extermination plans that inspectors can use as a basis to recommend a course of action landlords and tenants can follow that will be appropriate to suppress pest infestation and not injurious to human health.
- IPM plans shall emphasize that pest control sprays are most safely applied by a licensed exterminator. Over-the-counter sprays must be used according to manufacturer's instructions and should be appropriately matched to the level of pest infestation.
- F. Direct the Stakeholders Advisory Committee to develop financial incentives to assist property owners in proactively addressing lead paint. Consider existing models such as Marion County, Indiana, and Los Angeles County, California. [Note: This was not a consensus recommendation. It was supported by a majority of members.]
- G. Direct BDS/NIT in cooperation with its Stakeholder Advisory Committee, to implement an educational inspections model based upon the Mold Responsibilities Matrix (Appendix VIII) that allows inspectors to provide guidance to landlords and tenants on identification, remediation and prevention of mold in residential units.
- H. Fund a one-time budget request of \$45,400 for a limited term training specialist for 6 months beginning January 2009.

## **7. Provide training and equipment related to enforcement of new Code language.**

### ***Purpose:***

Ensure inspectors are adequately trained to consistently and effectively enforce new Code language.

### ***Action Items:***

The Workgroup recommends that Council:

- A. Direct BDS/NIT to develop and implement training protocols for all inspectors.
- B. Fund BDS/NIT budget request for \$4,000 for training on identification of health/sanitation violations and best practices of integrated pest management, and \$4000 to contract for development of best practices materials for landlords and tenants.
- C. Fund a one-time budget appropriation of \$12,000 for the purchase of mold-related inspection equipment and training for NIT and \$57,800 annual appropriation to the NIT to permanently increase Housing Inspector capacity by .5 FTE.

- D. Fund BDS/NIT budget request of \$55,000 to cover purchase of XRF lead detection equipment and lead risk or lead inspector training for each NIT inspector and direct the Water Bureau to allocate funds as available for lead outreach and education

## II. Enforcement Recommendations

### A. Adequate and Stable Funding for Neighborhood Inspections

#### 1. Increase allocation of funds for inspection services.

***Purpose:***

Provide adequate, stable funding for the Neighborhood Inspections Program that reflects a balance of public funding with public benefits, utilizes code enforcement fines collected to fund services rendered, and diversifies revenue streams for long-term sustainability.

***Background:***

Annual funding sources for NIT are highly variable, both General Fund allocations and program revenue. Downward pressure on General Fund allocations has resulted in program reliance on fines and use of reserves. Landlords who fail to comply with Title 29 currently provide funding for both rental housing and nuisance activities through fines. The lack of reliable General Fund support to fully fund the Nuisance Abatement Program creates an incentive to fine for noncompliance rather than pursue customer service and habitability, the primary purpose of Title 29.

Housing inspectors currently spend more than 50% of their time on nuisance cases. Historically about 25 percent of the \$1 million collected annually for housing cases is allocated to support the Nuisance Abatement Program.<sup>8</sup> This reduces the allocation of resources dedicated to code enforcement in rental housing. The 2002 American Housing Survey found 8%, of occupied rental housing in Portland—about 7,000 units—to have severe or moderate physical problems. Currently approximately 1,000 rental housing cases generate 2000 rental unit inspections, significantly less than the number of units suspected to have habitability concerns.

The Nuisance Abatement Program provides a direct public benefit by preserving neighborhood livability, helping to maintain real estate values, and protecting residents from public health and safety hazards. The Workgroup believes that nuisance abatement activities outside of rental housing should be funded by the General Fund rather than private property owners cited for Housing Code violations.

---

<sup>8</sup> BDS estimates that 25% of Nuisance Abatement occurs on rental property. BDS does not currently track housing inspection collections by property type. Therefore an exact dollar figure for the subsidy of nuisance activities on owner-occupied properties from rental housing income is unavailable.



**Action Item:**

The Workgroup recommends that Council:

- A. Fully fund BDS's budget request for \$111,000 additional ongoing General Fund support to adequately fund the Nuisance Abatement Program, eliminating this program's reliance on fee income derived from housing inspections cases.

**2. Adopt a time-limited per-unit fee to fund implementation of recommendations****Purpose:**

Provide limited funding to assist with implementation of Workgroup recommendations connected to the Enhanced Inspection Model.

**Background:**

The Workgroup recognizes that a budget balancing income and expenses is critical to achieving implementation of proposed recommendations. Having considered a wide variety of options and vetted proposals with a variety of City Bureaus, it finally became clear that small per-unit fees are essential to get the package of recommendations initiated. With support and extensive participation from the property management industry, the Workgroup proposes a funding partnership between the City and property owners to implement the recommendations and generate stable ongoing revenue needed to fund NIT's rental housing inspections and related activities.

A commitment from Council to several critical elements of the funding partnership is essential for moving forward. Property owners can agree to a per-unit fee based on a comprehensive financial analysis of NIT activities that clearly distinguish costs of rental housing and nuisance enforcement from enforcement for other types of housing, adoption of aggressive collection policies that generate revenue for NIT within twelve months of assessment, and a commitment of ongoing General Funds dedicated to implementation of the Workgroup's recommendations. The per-unit fee includes defined provisions for reauthorization of the fee in three years when enhanced collections will generate additional funding for the Enhanced Complaint Model.

**Action Items:**

The Workgroup recommends that Council:

- A. Adopt an ordinance to assess all rental property owners an annual fee for each rental unit to cover specific rental housing inspection program costs related to inspector salaries, landlord and tenant education, and mediation services. Include the following program specifications: (see attached budget for specific activities and approved expenses, Appendix XII.)
  1. Exempt from the per-unit fee nonprofit operated units that restrict tenant income and rents affordable to households with incomes at or below 60% MFI, provided the restrictions are legally-enforceable.

2. Per-unit fees may not be used for any unspecified costs or expansion of program activities.
    - a. Fees may not become comingled with general fund revenues or be used to fund NIT reserves.
    - b. Fees may be set at zero if collections of fines and fees assessed cover programmatic expenses for rental housing inspections.
    - c. The fee may be set no higher than \$10/unit per year.
  3. The following activities and expenses are authorized rental housing program expenses eligible for per-unit fee distributions:
    - a. Rental housing inspector salaries and direct support staff.
    - b. Education of landlords and tenants including handbook printing, distribution, website maintenance, and community based training and outreach to raise awareness of rights and responsibilities.
    - d. Partial support for a contract for landlord tenant community mediation program services.
    - e. Partial support for facilitation of the NIT Stakeholders Advisory Committee.
  4. The following activities and expenses are excluded from the program:
    - a. Equipment and training for inspectors
    - b. Start up costs to develop Landlord and Tenant Handbooks and website.
    - c. Expenses related to database design, BDS accounting, auditing, and reporting of NIT and rental housing program performance.
    - d. Associated funding or contracts to other agencies and community organizations to provide tenant support services.
    - e. Administrative expenses associated with collection and management of per-unit fees, including notification, billing, and accounting services performed by the Revenue Bureau.
- B. Fund an \$85,000 request from the Revenue Bureau to update database for collections and print notification materials.
- C. Direct the Revenue Bureau to aggressively collect fees from rental property owners, similar to collection of business licensing fees, and distribute funds to an independently monitored program account.
1. Interest on the account shall accrue to the program.
  2. Funds collected and designated for approved activities may be rolled over from one year to the next.
  3. The program budget will include reserves of approximately \$150,000 in 2010-2011 and \$300,000 in 2011-2012 to yield an operating balance of \$450,000 for 2012-2013.
- D. Direct BDS to implement center codes to accurately track inspections and nuisance revenue and expenses in rental housing separately from owner-occupied and other categories of housing.

- E. Request the Auditor's Office to review NIT tracking and accounting procedures within the first year of the per-unit fee and to perform an audit and submit a report to Council at least six months prior to reauthorization of the fee.
- F. Direct BDS/NIT to create a dedicated oversight committee, with significant landlord representation and advice from the Revenue Bureau and Office of Management and Finance, to set the per-unit fee on an annual basis based on the gap between designated ongoing General Fund revenue to NIT, BDS's rental housing revenue estimates, existing cash balance for current fiscal year programmatic activities, and expected program costs for specified activities in the next fiscal year. The oversight committee shall have some formal relation to the proposed NIT Stakeholder's Advisory Committee.

**Outcome Measures:**

- Replenishment of program reserves.

**3. Restructure fines for non-compliance with Title 29.**

**Purpose:**

Increase equity in the fine structure and motivate compliance.

**Background:**

The Workgroup aims to protect health and improve the stock of rental housing while generating programmatic funds as a byproduct of sound policies that promote education and compliance. Current fines are often inadequate to motivate compliance, the current fine structure fails to distinguish penalties based on the extent of problems, and the lien process impedes reliable collection of assessed fines.

In conjunction with BDS, the Revenue Bureau, and the Auditor's Office, the Workgroup recommends changes that will increase compliance with the Code while increasing the collections rate from 20% to 40% of assessed fines collected each year. The Workgroup believes that all of these recommendations represent sound public policy. In addition, they are in alignment with a Budget Note adopted as part of the 2007-08 Budget: "Council directs BDS to prepare and present a proposal to change the existing fine structure and policies on granting waivers in the Neighborhood Inspections program during the FY 2008-2009 budget process. The new fine structure and waiver policies need to be comprehensive and flexible to not only provide assistance to those in need, but also to provide sufficient resources to sustain program activities with minimal support from the General Fund."

The following fine structure recommendations apply only to rental housing and include clear policies to waive fines assessed to landlords in the event that responsibility for violations and remediation is not exclusively under the landlord's control.

NIT currently assesses fines progressively based on the number of units at the property rather than the number of units with violations. A single-family home with code violations for more

than 30/60 days is assessed \$95 per month while a single unit in a 20 unit building with the same code violations is assessed \$500 per month. It is fundamentally inequitable to fine the landlord of a single-family structure less for non-compliance than the owner of an apartment complex with one unit out of compliance. The impact of non-compliance on tenants and the public is the same regardless of the number of units in the structure. The Workgroup believes the fine structure should apply equally to all rental units with habitability issues; and the Workgroup is sensitive to BDS' preference for progressive fines.

The small fines within the current graduated structure do not motivate repairs because they represent only a small portion of the monthly rent in single-family homes and duplexes. The HUD-established fair market rent is \$757 for a two-bedroom unit. A \$95 fine provides little incentive to make repairs compared with \$500, a significant portion of rental income. NIT inspectors report that owners charged small fines sometimes continue to pay the fines as a cost of doing business rather than make repairs. Raising the monthly fines and reducing the disparity among small and large properties will motivate repairs and increase NIT revenue while reducing inequities among landlords of different property types.

If a unit cited for noncompliance becomes vacant, there are currently penalties for reoccupying it. However, inspectors often do not know if the unit has been turned over when they re-inspect. We recommend that the City develop a system for tracking when this problem occurs.

### **Action Items:**

The Workgroup recommends that Council:

- A. Adopt the following structure proposed to BDS to assess fines for rental property by individual units with violations, assess administrative inspection fees, and change the frequency of the re-rental fee from one time to monthly. Estimated annual revenue increase \$814,000.<sup>9</sup>

# of units in bldg.	Current fine	BDS & Workgroup proposed fines	
		Base fine, 1 <sup>st</sup> unit	Add'l fine, 2 <sup>nd</sup> unit +
1-2	\$95	\$300	\$150
3-10	\$200	\$400	\$200
11-19	\$315	\$400	\$250
20+	\$500	\$500	\$250
Combine Use (residential/commercial)	\$500	\$500	\$250

<sup>9</sup> Estimate based on current number of rental properties with outstanding violations, plus average number of additional units out of compliance, multiplied by average number of months outstanding, less current fee income from rental units, less current rental fee income. Initial expected revenue of \$1.23 million reduced by less 33% to account for improved compliance timelines under the new system.

- B. Reduce the period in which fines double from 6 months to 4 months. If violations remain at 8 months, double fines again.
- C. Direct BDS/NIT to assess administrative fees to the property owner to cover the actual cost of each additional code violation inspection beyond the clearance inspection at the end of the first 30/60-day correction period until all violations are remedied. Current estimate of actual cost for each inspection is \$100 per unit. (Advisory inspections for purposes of consulting with landlords on code issues would continue to be provided at no charge.) Estimated annual revenue \$200,000.
- D. Direct BDS/NIT to change the one-time re-rental violation fine to a monthly fine of \$550 in cases where a property owner re-rents a unit with existing code violations. Create a formal exemption when only exterior violations are unresolved and the habitability of tenant living spaces is not compromised. Estimated annual revenue \$55,000.
- E. Direct BDS/NIT to increase enforcement of the prohibition on re-renting while code violations exist, by tracking tenant data at inspections.<sup>10</sup>
  - 1. Provide an entry space on the inspections checklist for tenants' name(s).
  - 2. Instruct inspectors to request tenant names and inform tenants that providing names is voluntary.
  - 3. Instruct inspectors to formalize a policy to collect and cross-reference tenant data at inspection and any subsequent re-inspections.

**Outcome Measures:**

- Reduction in number of days to resolve housing code violations cases.
- Increased compliance within 30/60-day grace period prior to fines being assessed.

**4. Strengthen collections.**

**Purpose:**

Motivate compliance and provide a mechanism for prompt, reliable collection of fines, fees, and liens.

**Background:**

The Workgroup aims to protect health and improve the stock of rental housing while generating programmatic funds as a byproduct of sound policies. The current process impedes prompt and reliable collection.

---

<sup>10</sup> In order to re-rent a unit, interior violations *and* all exterior F/L/S and H/S violations must be resolved.

Code violators do not have strong incentives to bring properties into compliance and pay off their liens. Some owners treat charges as a cost of doing business, paying current charges but never bringing their property into compliance or cutting into the underlying lien. Others are beyond the tipping point because the value of the lien is greater than the value of the property. These people are not even responsive to increased penalties because they feel that the property is already lost.

The collection process is spread over three bureaus—BDS, the Revenue Bureau, and the Auditor’s Office—currently reporting to three different elected officials. All are committed to strengthen compliance and collection, and all recognize the opportunities that could arise from greater collaboration. While numerous ideas have been suggested, it is difficult to think globally and sustain momentum.

**Action Item:**

The Workgroup recommends that Council:

- A. Create a multi-bureau task force (including BDS, Revenue Bureau, Auditor’s Office, and BHCD) to design and implement an integrated, comprehensive, coordinated system to maximize compliance and increase timely collections of fines, fees, and liens assessed through the code enforcement process.

**Outcome Measures:**

- Increase collections from 20% of assessed fines annually by at least 5% per year for the next five years to a rate of 50%.
- Reliable and predictable revenue stream from fines and fees.

## B. Improve Enforcement Tools

### 1. Adopt Enhanced Complaint Model.

**Purpose:**

Increase tenant health and safety and rates of compliance with Title 29 by identifying units with potential habitability violations, prioritizing compliance during the initial remediation period, and utilizing strong enforcement tools to effectively motivate repairs while offering additional protection to the tenants. (Appendix IX)

**Background:**

The current complaint-driven system is an established model for identifying landlords responsible for substandard housing. The enhanced complaint model will leverage fire, police, and social services to identify habitability concerns and problem landlords. It creates compliance-based triggers for additional inspections of units with potential violations and steps

up identification and enforcement for bad actors. Enhancing the current system will reduce the barriers perceived by vulnerable tenants.

**Action Items:**

The Workgroup recommends that Council:

A. Direct BDS/NIT to adopt a four-stage inspection process and to strictly adhere to it.

1. Stage 1 inspections are initiated by:
  - a. Tenant complaint.
  - b. Social Service Agency.
  - c. Police referral.
  - d. Fire Inspector referral.
  - e. Unit-specific exterior violations observed by NIT.
  - f. Significant level of crime associated with the property as identified in the monthly NIT meeting with police precincts' Neighborhood Response Teams (per existing procedure) or the newly created Police and Fire Service Coordination Team.
  - g. Other cited property maintenance complaints/violations including work without permit (VI), dangerous buildings (DB), nuisance (NU), code complaint/zoning (CC), or a site complaint (SC) on a specific property.

Stage 1 inspections involve either an exterior property inspection, using current NIT inspection process, or an interior inspection of a specific unit with a complaint. The threshold criteria below apply to either the exterior or interior inspection in Stage 1.

2. Stage 2 inspections are initiated if threshold numbers of non-tenant caused violations are found in two or more of the following categories during a Stage 1 inspection:
  - a. Health/Sanitation – 2.
  - b. Fire/Life/Safety<sup>11</sup> – 1
  - c. Improper egress – 2
  - d. Electrical – 2
  - e. Lack of utilities – 1
  - f. General maintenance – 5 or more

Stage 2 involves inspection of additional units:

- a. Additional 50% of the units on the property will be inspected, up to a maximum of 20 units. In calculating 50%, NIT will round up to determine the number of units to be inspected.
- b. For 3- and 4-unit complexes, inspect all remaining units in the property.

---

<sup>11</sup> For the purposes of triggering a Stage 2, Stage 3, or Stage 4 inspection, Fire/Life/Safety violations shall not include fixtures of the property that are reasonably observed to be original to the construction of the structure and are in good operational condition. Specifically including, 29.30.090 (D) windows, 29.30.070 stairs, 29.30.080 (c) guardrail.

- c. For a duplex (where both units are rented), inspect the remaining unit, and inspect exterior of one additional unit owned by same landlord, if applicable.
  - d. For a single-family home, inspect exteriors of two additional units owned by the same landlord, if applicable.
- 3. Stage 3 inspections are initiated if the following is found during a Stage 2 inspection:
  - a. 50% or more of the units inspected find two or more of the trigger categories meet the threshold number of violations.
  - b. Stage 3 involves inspection of all remaining units at the property.
- 4. Stage 4 inspections are initiated if the following is found during a Stage 3 inspection:
  - a. 50% or more of the units inspected find two or more of the trigger categories meet the threshold number of violations.
  - b. Stage 4 involves an exterior inspection at one additional property owned by that landlord and is selected at random. If the exterior condition meets specific criteria identified by NIT, then one interior inspection will follow. Stage 2, 3, and 4 will follow if applicable.
- B. Direct BDS/NIT to gain access to units for inspections, using the current protocol for personal contact (door knocking). If access to units becomes a barrier, NIT shall refer the issue to the NIT Stakeholders Advisory Committee to develop a policy for respectful, efficient access.
- C. Direct BDS/NIT to establish policies and relationships that improve coordination with social services and newly developed fire and police service coordination team and address concerns about perceived level of interaction between police and inspectors.
- D. Direct BDS/NIT to establish 30-day remedy timelines for all Health/Sanitation violations.
- E. Direct BDS/NIT to assess administrative fees (based on actual costs) for inspections conducted in Stage 3 and beyond.
- F. Direct NIT, in concert with the Stakeholder's Advisory Committee, to implement and monitor the effectiveness of the Enhanced Inspections Model.
  - 1. Devise a staged implementation plan with corresponding financial projections.
  - 2. Identify program performance measures and develop a data collection plan for regular evaluation of the Enhanced Complaint System.
  - 3. Based on initial evaluation, consider whether a separate Chronic Offender program for rental housing should be created in the future to address repeat offenders.

### ***Financial Impact of Recommendation:***

Costs for the Enhanced Complaint System will be dependent on the number of inspections it triggers. Experienced NIT staff estimate that the program would increase initial inspections by over 50%, depending on the outcome of the Stage 1 inspections.



The NIT Director estimates that 3.5 housing inspectors<sup>12</sup> plus 1.0 FTE support staff would be required to adequately staff the Enhanced Complaint System, effectively doubling NIT's capacity to do rental housing inspections. The estimated annual cost for inspectors, one support staff, and overhead is \$468,500.<sup>13</sup>

**Outcome Measures:**

- Reduction in percentage of units identified with severe or moderate physical problems in next American Community Survey.
- Reduction in number of days to resolve Housing Code violations cases.
- Increased number of inspection referrals from social services, fire, and police.
- Over 50% of triggered inspections identify units with habitability issues and 100% of units identified are brought to compliance within 6 months.
- Social services, tenant advocates, and public agencies report a reduction in frequency of retaliation reports and fear of eviction as a reason not to request a housing inspection.
- Within 5 years, overall compliance improves, resulting in reductions of stage 2 and stage 3 triggered inspections.

**2. Consistently implement Code hearings policy.**

**Purpose:**

Consistently employ existing enforcement tools to reduce outstanding violations and increase capacity of inspectors for new levels of enforcement.

**Background:**

Code hearings are an important tool for moving unresponsive owners towards compliance. In the past year, NIT has used code hearings more aggressively to achieve timely compliance. Policy exists but it is not followed due to lack of inspector capacity.

**Action Items:**

The Workgroup recommends that Council:

- A. Direct NIT to implement existing code hearings policy and build capacity to bring practice in line with existing policy.

---

<sup>12</sup> NIT currently does approximately 1,500 cases with 5.5 FTE of housing inspectors. Roughly two-thirds of these cases are in rental/vacant housing. On average rental housing cases involve inspections in two units (2,000 units) so currently housing inspectors have capacity to do inspections in roughly 450 units per year.

<sup>13</sup> Per NIT, the full average cost to add an additional inspector is \$115,578. This includes: \$69,023 average personnel cost and \$46,555 average overhead cost (includes support staff, Internal Services, External Material & Services, and Bureau charged overhead) allocated per Inspector.

- B. Direct NIT to create a position that specializes in preparing cases for code hearings, trains inspectors on the hearing process, and with the inspector represents the City at hearings. NIT estimates one additional Senior Housing Inspector will be needed to consistently implement this policy, at an annual cost of \$118,600.<sup>14</sup>
- C. Direct BDS/NIT, in concert with the Stakeholders Advisory Committee, to consider requesting authority for NIT to issue vacate orders, levy increased fines, and pursue summary abatement in housing cases using clear administrative rules, and use the hearings process for appeals rather than complaints.
- D. Fund BDS/NIT budget request for ongoing operating funding of \$364,500 over 4 years to cover increased filing fees associated with consistent implementation of code hearings policy and cash flow shortfalls related to catching up on the backlog of cases. Filings expected to increase by 25 per month at a cost of \$1,215.

***Outcome Measures:***

- Increase in number of eligible cases taken to code hearing.
- Reduction in number of days to resolve housing code violations cases.
- Consistent application of policy in practice.

**3. Eliminate the Business License provision that exempts properties of 9 or fewer units.**

***Purpose:***

Emphasize that ownership of rental property is a serious business activity involving real responsibility, regardless of the number of rental units, and improve collection of information identifying rental units within the City of Portland.

***Background:***

Under the current system, owners of properties with 9 or fewer units must register with the Revenue Bureau, but they are eligible to file for an exemption from the tax. In addition, all businesses with gross annual revenues below \$50,000 may file for exemption. It has not been a priority of the City to closely monitor and follow up on exempt businesses.

The Workgroup's research indicates that small property owners are often less informed about landlord and tenant rights and responsibilities than larger property owners. Many of them think of rental property ownership as a sideline, not as a business activity.

---

<sup>14</sup> Estimated annual cost of Senior Housing Inspector \$76,770 salary plus \$61,419 in overhead (including vehicle).

**Action Items:**

The Workgroup recommends that Council:

- A. Adopt an ordinance eliminating the business license exemption for residential property owners. (Currently, owners of 9 rental units or less are exempted.) While it is difficult to estimate actual collections, this change will generate revenue for the General Fund.<sup>15</sup>
- B. Direct the Revenue Bureau to increase enforcement of the City's business license requirement (including fines) and explore additional enforcement tools.

---

<sup>15</sup> Based on 2003 American Housing Survey data, there are approximately 25,000 rental properties of 9 units or less. If one quarter of these properties are currently in exempt ownership portfolios of 9 units or less, 6,250 owners would become obligated to pay the initial \$100 license fee. Assuming a collection rate of 75%, this change generates \$468,000 annually.

## C. Establish a Solid Understanding of Incidence and Impacts of Retaliation.

### 1. **Require landlords to send copies of all termination notices to the City of Portland once the tenant has requested an inspection.**

#### ***Purposes:***

- Obtain data to help determine the incidence of retaliation when tenants initiate the code enforcement process.
- Remind landlords to use terminations in accordance with Landlord-Tenant Law.

#### ***Background:***

Anecdotal evidence suggests that retaliation and, equally importantly, fear of retaliation keep many tenants from reporting problems to landlords and public authorities, seriously weakening the effectiveness of a system dependent on complaints. This is especially said to be true of vulnerable populations, including tenants with immigration issues, marginal histories, and breaches of their occupancy agreements. On the other side of the coin, landlord advocates say that some tenants “game” the complaint-driven system to extend their occupancy without paying rent. Reliable data are scarce.

Requiring landlords to submit to the City copies of all termination notices to tenants after the Code enforcement system has been engaged will provide important data on the type or frequency of notices of termination provided to tenants. It may also shed light on the extent to which tenants may game the inspections process to extend an unpaid tenancy.

#### ***Action Items:***

The Workgroup recommends that Council:

- A. Adopt a requirement that landlords submit to NIT copies of all 30-day no cause termination notices once the owner is informed that a case has been opened and for a period of three months following the closing of the case. Request that NITSAC consider adopting a fine for failure to comply.
- B. Direct BDS/NIT to inform landlords and tenants of this requirement in writing on the first contact regarding the opening of an inspection case and on owner-requested notices of case closure.
- C. Direct BDS/NIT to scan notices upon receipt and make accessible in the case file in Tracs.
- D. Direct BHCD to study collected data to examine the issue of retaliation and report results to NIT and the Stakeholder Advisory Committee. Estimated cost \$6,000.

## **2. Study the incidence of retaliation in coordination with legal assistance to qualified tenants.**

### ***Purposes:***

- Obtain data to help determine the incidence of retaliation.
- Provide qualified tenants with the means to defend against retaliation.

### ***Background:***

Data are scarce on the frequency and impact of retaliatory evictions and eviction threats. Throughout the Workgroup's process, this gap repeatedly surfaced in discussions of how to craft appropriate solutions to habitability problems.

Tenants face numerous barriers limiting their ability to exercise their rights. Filing an affirmative case is expensive and time-consuming. So is mounting a legal case in the face of an unexpected move. With legal services in short supply, retaliation cases are often pushed aside for easier cases. Private attorneys willing to take an affirmative case of retaliatory use of 30-day termination are hard to find.

### ***Action Items:***

The Workgroup recommends that Council:

- A. Fund BHCD request for \$200,000 over two years to contract with an attorney to provide advice and representation to tenants living at 80% median family income and below.
- B. Direct BHCD to contract with CAT to select appropriate calls from their hotline, conduct screening interviews, keep statistical information on retaliation issues, and refer appropriate cases to the attorney.

### III. Education Recommendations

#### **1. Implement a grassroots education campaign for landlords and tenants.**

##### ***Purposes:***

- Reduce expenses and negative outcomes by increasing landlord and tenant access to essential information that emphasizes the connections between health and housing.
- Maximize awareness of landlord-tenant resources and improve coordination among social service and community agencies working to increase tenant health and stability.
- Deliver culturally appropriate materials at times and places where landlords and tenants are most likely to need and utilize information.

##### ***Background:***

Proactive education of landlords and tenants is critical in setting and raising expectations for health, safety, habitability, and conduct in the rental housing marketplace. Our vision is to create centralized access points to proactively deliver consistent prevention-based education to all landlords and tenants in the community. A broadly recognizable, well-coordinated outreach campaign supported by a handbook, trainings, and an online clearinghouse of local landlord and tenant resources will fill critical gaps in knowledge by utilizing existing community resources and strengthening communication networks. These materials and tools will be the vehicle to publicize all relevant changes made by the Workgroup to increase safe, healthy housing in Portland.

The Workgroup defined three critical factors that contribute to gaps in landlord and tenant education: 1) lack of access to essential information, 2) lack of capacity among agencies to deliver information, 3) lack of connections between health, housing code, rights and responsibilities, and community resources for problem-solving.

Many landlords and tenants lack essential information about their rights and responsibilities, maintenance codes and enforcement processes, and the connections between health and housing. They need more than a copy of the Landlord-Tenant Law to understand their obligations, avoid unnecessary health and financial risks, and communicate effectively. Easy-to-understand, culturally appropriate, and multi-lingual information is especially scarce.

Current support systems designed to help landlords and tenants meet their rights and responsibilities are inadequate. Existing programs are often at full capacity and poorly publicized; coordination across agencies is lacking. As a result, landlords and tenants struggle to put together pieces to a large, complex puzzle. Lacking the big picture, they are often unaware of what they need to know or where to get help. The knowledge gap is costly for both landlords and tenants.

The Workgroup recommendations seek to provide consistent, reliable information by bringing together existing resources under the umbrella of a broadly recognized website and producing associated handbooks. A central access point for existing scattered resources will create a community reference point and serve as a lightning rod for outreach and training.

The Workgroup views these education recommendations as critical strategic investments (Appendix VI). Wide distribution of essential prevention-based information is a high priority.

**Action Items:**

The Workgroup recommends that Council

- A. Direct BHCD, in consultation with the Healthy Homes Partnership Group, to contract for development of:
  1. Broadly recognized unified visual identity (including logo) and effective core messages that equally appeal to landlords and tenants. Our placeholder theme is “Rent Right.” Core messages will address landlord and tenant rights and responsibilities; maintaining healthy, safe, homes that meet maintenance standards; and community resources for conflict resolution, health, and housing. (Appendix VI)
  2. A community dissemination plan including outreach to rental and property management associations, community based nonprofit social service, health and housing agencies, and appropriate government organizations.
- B. Direct BHCD to hire or contract a project coordinator for Year One to implement the grassroots campaign.
  1. Manage the development and production of landlord and tenant handbooks and supporting website in collaboration with Multnomah County Health Department and other stakeholders. (Appendix VI)
  2. Oversee production of handbooks and an introductory brochure (directing people to distribution locations and website) using visual identity and core messaging.
  3. Organize existing content from community organizations and agencies—particularly Multnomah County Environmental Health—and share with NIT for use in inspections. Include essential rental information and resources on rights and responsibilities, Landlord-Tenant Law, maintenance codes, connections between health and housing, educational opportunities, and community support systems related to health and housing stability.
  4. Supervise website production to provide linked content and additional resources on the Rent Right website, including an up-to-date calendar of landlord and tenant training opportunities.
  5. Form relationships with identified community locations for distribution.
  6. Make Rent Right handbooks available for free at public locations, social service providers, community organizations, and courts.

7. Support BHCD's efforts to collaborate with Multnomah County and local nonprofits to approach local and national foundations for the funding of a public relations campaign with collateral promotional and education materials that will bring Rent Right and Healthy Homes concepts to a wider community audience.
  8. Initiate development of an evaluation plan to measure program effectiveness at improving tenant education and stability.
- C. Fund an allocation to BHCD to implement the plan. \$178,500 includes \$30,000 for campaign development, logo, and messaging; \$103,500 one-year salary for a project coordinator at BHCD (including overhead); and \$35,000 for initial development of Rent Right handbooks and website in English and Spanish. (see attached budget)

***Outcome measures:***

- Within 9 months, begin distribution of handbooks through Revenue Bureau to landlords upon receipt of business licensing.
- Within 9 months website, will be live, handbooks will be available for download and distribution to tenants, and comprehensive landlord and tenant training list will be available.
- Within 12 months, conduct 20 outreach activities to affected landlords informing them of code changes.

**2. Develop and implement training modules to bring essential rental education to the community.**

- A. Direct BHCD to expand outreach to landlords and tenants in Year Two:
1. Develop and make available to key audiences (landlord associations, tenant educators, health care providers, NIT, and students) training modules that addresses landlord and tenant rights and responsibilities and how both parties can impact tenant stability and health by improving and maintaining good housing conditions.
  2. Provide training on Rent Right Handbook contents to key line staff in public, social service, and community organizations.
  3. Conduct an assessment and identify agencies that have specific ties to various community groups and can customize and deliver the training module to meet the education needs of under-represented and vulnerable populations. Award micro-grants to implement a community liaison outreach model to provide culturally appropriate training to specific populations.
- B. Direct BHCD to develop partnerships with Portland area public school districts to implement the training module as part of coursework.
1. Expand access to Ready to Rent curriculum to students planning on living on their own in the near future (alternative high school students, youth in foster care system).
  2. Explore schools (SUN program) as access point for parents to Ready to Rent classes.



3. Deliver renter education as part of life skills coursework at all high schools.
  4. Integrate the impacts of poor housing quality into health education.
- C. Fund BHCD to implement year two of the plan. \$169,500 includes \$103,500 second year salary for project coordinator (including overhead); \$25,000 in micro-grants to fund community liaisons for culturally-specific training; and \$31,000 ongoing annual printing of handbooks and maintenance of website.

***Outcome measures:***

- Within 3 months, training module developed.
- Within 12 months, training module incorporated into 10 existing trainings held by landlord associations, NIT, and tenant educators.
- 12 trainings for line staff in social service and community organizations.
- Partnerships established with 4 high schools.
- Within 2 years, culturally appropriate trainings delivered to 500-plus community members.

**3. Leverage existing systems as distribution points for landlord and tenant educational resources.**

***Purpose:***

Deliver appropriate materials at times and places where landlords and tenants are most likely to need and utilize information through improved coordination with public agencies and existing landlord and tenant contact points in the community.

***Background:***

People typically seek out information when they are in transition and need to solve problems. Several opportunities along the continuum of prevention, problem solving, and dispute resolution have been identified by the Workgroup as critical junctures ripe for dissemination of essential information for both landlords and tenants. Leveraging existing systems as distribution points for resources that support landlord and tenant compliance with Title 29 offers an efficient and effective means of educating the target population.

Survey research conducted by the Workgroup and feedback from inspectors indicates that landlords who own fewer than 10 rental units are less likely to know their responsibilities under Title 29 than professional property managers and large owners. The Revenue Bureau is a natural distribution point of essential information for landlords. The Workgroup would like to align its educational goals with current efforts in the Revenue Bureau to better document all businesses in the city.

BDS and NIT are in the process of piloting handheld technology for use in the field. The Workgroup wants to capitalize on this technology and provide Inspectors with the means of

distributing violation-specific educational materials at inspections. On-demand printing linked to the inspections checklist could increase compliance rates and reduce tensions between landlords and tenants.

When eviction papers are posted on the door, many tenants need advice about how to proceed. Access to resources in times of instability is critical to preventing negative outcomes. The Rent Right handbook and website will provide landlords and tenants with resources that explain the eviction process, offer contact information for mediation and legal services, and inform tenants about credit risks in addition to basic rights and responsibilities.

**Action Items:**

The Workgroup recommends that Council:

- A. Direct the Revenue Bureau to document all landlords and rental units and mail all landlords a copy of the Rent Right handbook upon receipt of the business license or exemption application and every third year thereafter.
- B. Adopt an ordinance to require landlords or their agents to make available to tenant households one copy of the handbook at the time the household enters into a rental agreement.
- C. Direct BDS/NIT to distribute Rent Right handbooks to affected landlords and tenants in conjunction with the opening of a rental housing inspection case.
- D. Direct BDS/NIT to utilize an educational inspection model that prioritizes compliance through interactive case management and provides best practices resources to landlords and tenants to prevent and remediate health and habitability issues identified during inspections.
- E. Fund BDS budget request for acquisition of laptops and capability for on-demand printing of materials associated with identified or potential habitability violations.
- F. Support the Workgroup recommendation that Multnomah County Courts expand the Tenant Information section on the Residential Eviction Summons to include a single line reference to the Rent Right website as a tenant resource for eviction information.
- G. Support the Workgroup recommendation that Multnomah County Courts act as an information distribution point for Rent Right handbooks.
- H. Direct NITSAC to consider methods for BDS to distribute the EPA “Protect Your Family from Lead in Your Home” brochure to the owner or his agent at the time a residential permit is issued for housing built before 1978. [Note: This was not a consensus recommendation of the subcommittee. It was supported by a majority of subcommittee members.]

**Outcome measures:**

- Within 3 years, 8,000 newly registered landlords will receive a Rent Right Handbook.

- Landlords and tenants involved in complaint-generated inspection cases at NIT will receive the Rent Right Handbook with rental best practices.
- Any tenant experiencing an eviction process will have access to the Rent Right Handbook and resource list.

## IV. Recommendations for Public Transparency

### **1. Establish a Stakeholder Advisory Committee for Neighborhood Inspections.**

#### ***Purposes:***

Provide affected groups and related agencies a direct voice in the development and implementation of proposed Workgroup recommendations that affect NIT's policies and procedures.

Provide long-term guidance and recommendations on the development of inspection and enforcement protocols, training, data collection and analysis, funding, and organizational structure.

#### ***Background:***

Stakeholder advisory committees provide valuable advice to public agencies and minimize conflict associated with industry regulation. Having a balanced body of stakeholders engaged with an agency is essential in times of significant policy change and will be critical for ongoing implementation of the agreements produced by the Quality Rental Housing Workgroup.

#### ***Action Items:***

The Workgroup recommends that Council:

- A. Direct BDS to establish a Neighborhood Inspections Team Stakeholder Advisory Committee (NITSAC) and begin conducting regular meetings beginning in November 2008.
  1. Include representatives of Community Alliance of Tenants, Community Development Network, Legal Aid Services of Oregon/Oregon Law Center, Metro Multifamily Housing Association, Oregon Rental Housing Association, Housing Authority of Portland, Multnomah County's Healthy Homes Project, BHCD, and Portland Development Commission.
  2. Consider hiring a neutral facilitator to structure meetings, provide notes, and coordinate with members and staff between meetings. Staff with a Senior Housing Inspector and NIT support staff. Budget estimate for facilitation and support of monthly meetings \$25,000 per year.
- B. Direct BDS and NITSAC to establish priorities among recommendations and implementation schedules, review and provide comment on policy changes, and advise NIT on customer service, outreach, and public relations matters related to the implementation of Workgroup recommendations. The comprehensive list in Appendix X collects all advisory functions that appear throughout the Workgroup's recommendations.

**Outcome Measures:**

- Establish NITSAC by October 2008 and conduct regular meetings beginning November 2008.
- Within 3 years, implement Council-approved Quality Rental Housing Workgroup Recommendations.

**2. Make code enforcement policies and outcomes publicly accessible via a user-friendly Portland Maps interface.****Purposes:**

Improve NIT data collection procedures to make information on enforcement outcomes available for program evaluation and increase public understanding of maintenance code and enforcement policies and processes, and outcomes.

**Background:**

Current NIT enforcement practice is little understood, even by stakeholders active in the rental housing industry and participating on the Workgroup. Current timelines for enforcement have been found to be at odds with clear language of Title 29. Consistent enforcement is further undermined through a complex system of policy waivers, “customer service” waivers, and lien reductions. The incidence and purpose of waivers and lien reductions are not clear. Landlords, tenants, and other stakeholders need easy access to public information concerning the development and adoption of policies and practices, and outcomes of the Code enforcement process. The workgroup recommends providing clear, concise information that minimizes the administrative process detail that is often confusing to the public.

A website providing accurate information to the public regarding housing violations at rental properties is an important tool for gaining improved compliance with the City of Portland’s property maintenance standards. In other jurisdictions the Workgroup researched, potential tenants can search for possible lead hazards in units before they sign a lease. Currently in Portland, this reporting function is provided by Portland Maps. However, this website does not provide information about specific violations found at properties. Furthermore, Portland Maps reports initial case complaints that may, or may not be accurate, and also includes the status of many administrative processes that confuse, rather than inform, prospective tenants and home buyers. Efforts to improve the site would create a powerful consumer service that would help inform tenants, and also create a powerful incentive to landlords to maintain their property in good condition.

In order to conduct adequate program evaluation and make enforcement outcomes available to the public NIT’s inspections database (Tracs) needs to be improved. Currently, inspectors write inspection reports as MS-Word Documents. Collecting data in this format is time consuming for inspectors, and the individual records make the data difficult to analyze. In the future, as

inspectors move to using handheld devices in the field, they should access the database remotely to create or monitor cases and enter data directly into one system.

**Action Items:**

The Workgroup recommends that Council:

- A. Direct BDS/NIT to make all necessary database changes to effectively distinguish between rental and owner-occupied enforcement activities and track violations according to the property and unit in which they were cited.
  - 1. At minimum the database should have the capacity to report number of inspections, violations found, status of remediation/enforcement actions, inspection schedules, fines assessed, and fees collected for property tax ID and the particular units at each property.
- B. Direct BDS to make all database changes necessary for Tracs data to be exported and viewable through a mechanism such as Portland Maps.
- C. Direct BDS/NIT to make all waiver and lien reduction policies easily accessible and available for public review prior to implementation. Provide public access to a searchable internet database of code violations history for Portland rental units through a mechanism such as Portland Maps.
- D. Direct the appropriate bureau to improve Portland Maps—or to develop another public information website—to provide accurate and current information regarding Title 29 enforcement activities at rental properties within the City of Portland including:
  - 1. Specific violations listed by unit number.
  - 2. Case status, including appeals.
  - 3. Ownership at the time of violation,
  - 4. Waiver and lien reductions issued, recipients, and value of reduction (including notation of non-landlord violations that qualify for good faith waivers)
- E. Fund a one-time appropriation of \$60,000<sup>16</sup> and an annual appropriation of \$8,000 to support the development of Tracs database, communication and search interface for Portland Maps, and analysis of data that allows NIT to evaluate the effectiveness of inspection and enforcement practices as they relate to case outcomes. (Appendix V)

**Outcome Measures:**

- Within 1 year, NIT will have developed the capability to analyze inspections data to link inspection practices and case outcomes.

---

<sup>16</sup> Funding for technology development can be difficult to estimate. Projected costs are high to prevent a budget gap in the event of unforeseen difficulties. If the database and Portland Maps functionality can be achieved for less than the estimate, remaining funds should be allocated to populating Portland Maps with 2008 case data on violations.

- Within 2 years, document positive health outcomes linked to the health inspections program.
- Within 1 year, NIT will have developed the capability to link inspection data to a web tool allowing public access to housing inspection information.
- Within 2 years, conduct a web survey to identify if consumer behavior changes as a result of providing inspection information.
- Improved understanding of Portland Title 29 enforcement process and procedures.
- Reductions in annual fines waived by customer service waivers.

## V. Recommendations for Enhancing Community Support Systems

### **1. Provide increased education and support to both landlords and tenants to reduce home-based health hazards including lead, mold, pests, chemical hazards, and indoor air quality.**

#### ***Purpose:***

Reduce health disparities by linking health and housing inspections, providing education to landlords, tenants, and property owners regarding health issues related to housing, and facilitating the remediation of home-based health hazards that negatively impacting the health of children.

#### ***Background:***

In the past several years, awareness of the relationship between health and housing has grown. For example, three of the leading pediatric health concerns—asthma, lead poisoning, and household injury—are all linked to housing conditions. In 2006, Multnomah County began utilizing a grant from HUD to provide support and education services to families that had children with asthma. Evaluation of findings from the first two cohorts of 92 children demonstrated that education around home-related health issues and practices make a significant difference in the health of tenants. Expanding this informational outreach to landlords and homeowners, as well as tenants could significantly increase awareness of the links between home maintenance and health.

Current state law provides for a health inspection of homes where a child is identified as having an elevated blood lead level. Remediation may include encouraging changes in lifestyle and/or household management practices, control or abatement of lead risks, or relocation of the family. The Portland Regional Lead Hazard Control Program of BHCD and PDC currently contribute resources related to remediation and/or relocation. Expanding this program to also include other home-based health hazards including mold, pests, chemical hazards, and indoor air quality, would contribute to the protection of vulnerable children.

#### ***Action Items:***

The Workgroup recommends that Council:

- A. Fund an annual appropriation of \$78,000 to be matched by Multnomah County Commission to create an expanded regional rental housing health inspection program to reduce home-based health hazards and support vulnerable families. Funds would support expansion of the lead hazard health inspection program to address other risk factors including mold, pests, chemical hazards, and indoor air quality. The new program shall include:



1. Criteria for medical care providers to be able to refer clients to a Health Inspection program.
2. The development of a Health Inspection Program Protocol.
3. An outreach strategy to make health care providers aware of the program.
4. An interagency coordination plan to ensure non-duplication of services.

**Outcome Measures:**

- Within 1 year, expansion of Healthy Homes Inspections Program will be complete and a capable organization will be selected and funded to perform inspections.

**2. Fund a dedicated community mediation program.**

**Purpose:**

Provide a simple, quick, affordable, fair, and culturally appropriate venue to resolve repair and habitability disputes.

**Background:**

The vision of community mediation is based on national best practices:

Early intervention prevents damaged relationships, retaliation, and court filings. Parties are more amenable to resolution before they are locked into their positions and impatient for closure. It is important to move ahead quickly so disputes do not fester.

Outreach to landlords, tenants, and inspectors is needed to ensure that everyone is aware that mediation is available as an option and understands when it is most likely to be effective. Marketing and education should utilize multiple media, with particular attention to different cultures, learning styles, and windows of opportunity. Cultural sensitivity is demonstrated through attention to cross-cultural issues, bilingual mediators whenever possible, and translation services. Alternative dispute resolution models from other cultures should be explored.

“Case development” by trained mediators to educate parties, refer them to resources, and help them understand their alternatives is an essential part of successful dispute resolution. Mediators must understand the basics of Landlord/Tenant Law, Title 29, rights and responsibilities, and available resources. CAT and landlord associations can help develop training.

It is important that the mediation program include access to multi-party mediation for times when there are related problems between multiple tenants and a single landlord.

The program needs to be coordinated with the FED system and related programs and stakeholders. At minimum, information about mediation should be available at the courthouse before filing. Ideally, inspectors provide referrals to mediation which allows them to focus on the inspections process and avoid being drawn into landlord/tenant conflicts. In practice, community mediation, FED mediation, and litigation would offer a continuum of alternatives. Coordination with related programs in Gresham, Beaverton, and other jurisdictions will lead to ongoing learning and best practice development. Collaboration with neighborhood associations, Housing Authority of Portland, and other community-based organizations will build organizational capacity to address conflict arising from health and housing issues.

**Action Items:**

The Workgroup recommends that Council:

- A. Fund a dedicated landlord/tenant mediation service, including outreach, education, and training with an annual appropriation of \$100-120,000 per year from the general fund. [A description of services and costs from the City's current community mediation contractor, Resolutions Northwest, appear in Appendix XI. ] Maximize effectiveness and efficiency by:
  1. Funding this service as an addition to the City's existing community mediation contract.
  2. Utilizing trained volunteers.
  3. Partnering with PSU's Conflict Resolution Program.
  4. After one year, comparing the participation rate with Beaverton to consider whether the program should be brought within BHCD.
  5. Exploring prospective long-term funding sources, which might include a surcharge to the FED filing fee and fee for service.

**Outcome Measures:**

- Track and report the number of inquiries.
- Track and report proportion of cases resolved successfully at the time of mediation and follow-up to determine whether agreements were adhered to.

**3. Increase capacity of critical organizations and programs serving tenants.**

**Purpose:**

Match increased demand for education with community capacity to adequately respond to tenant inquiries.

**Background:**

While many people will reap benefits from the new handbooks and website, others are likely to seek personalized support to communicate effectively and resolve issues when they arise. Ensuring capacity for service providers working to support landlords and tenants is essential to achieving the goals of housing stability, health, and habitability in the community.

**Action Items:**

The Workgroup recommends that Council:

- A. Direct BHCD, in conjunction with MCHD, to collaborate with nonprofits on funding applications that will leverage public support with private dollars for community-based programs that will carry out the educational objectives of these recommendations.
- B. Fund \$40,000 to be matched by Multnomah County to provide 1.0 FTE Environmental Health Educator to provide educational outreach and community trainings to reduce home-based health hazards and inform landlords and tenants about changes to Title 29 code and enforcement processes.
- C. Fund a BHCD budget request for \$200,000 in annual Tenant Relocation Program Funding to increase capacity from 46 to 90 families to accommodate increased inspections and enforcement.
- D. Fund BHCD with \$200,000 to contract for services related to additional inquiries associated with these recommendations with organizations such as:
  - 1. Community Alliance of Tenants for the education hotline.
  - 2. Josiah Hill Clinic for home health assessments and blood lead level testing.
  - 3. The Fair Housing Council for education of families with young children at risk of displacement/discrimination due to lead issues.
  - 4. Legal Aid/Oregon Law Center.
- E. Direct BHCD and Portland Development Commission (PDC) to actively explore opportunities to expand eligibility for Portland's lead hazard reduction HUD grant program for remediation of lead hazards to owners of unsubsidized rental housing upon condition that unit affordability is maintained. [Note: This was not a consensus recommendation of the subcommittee. It was supported by a majority of subcommittee members.]

**Outcome Measures:**

- Landlords and tenants will receive educational outreach and community trainings to reduce home-based health hazards and obtain information about changes to Title 29 code and enforcement processes.
- Individuals will receive personalized support to communicate effectively and resolve issues when they arise.
- More families will receive relocation assistance.

**4. Make inspectors accessible in court without a subpoena****Purpose:**

Reduce barriers that impact the ability of tenants and landlords to exercise their rights and resolve habitability and repair disputes.

**Background:**

Under the current system, landlords and tenants often end up in court to address habitability concerns. It is difficult to use information from the inspections systems to document their cases, and the court requires a person be available who can be cross-examined.

Inspectors are currently subpoenaed several times each month to appear in court. This provision would increase their accessibility to both landlords and tenants.

**Action Items:**

The Workgroup recommends that Council direct BDS/NIT to:

- A. Provide written information to tenants as to how to contact inspector to appear in court, with initial list of violations.
- B. Adopt a consistent policy to allow, with reasonable notice, inspectors to testify without subpoena.
- C. Fund ongoing BDS/NIT request for \$57,800 to provide an additional .5 FTE inspector capacity.
- D. Establish an annual review and budget impact statement.

**5. Seek public investment to provide tenants with heat assistance to reduce mold growth and improve livability in rental units.**

**Purpose:**

Promote health by reducing mold growth.

**Background:**

Heat maintained below 68o can support mold growth. As the average percentage of monthly income spent on rent has increased to more than 50%, less income is available for heat. The need for assistance outstrips demand reported by Multnomah County Weatherization, PGE HEAT Assistance. In Program Year 2006, Oregon LIEAP provided \$15,946,465 in total client assistance, serving 57,874 households with approximately \$276 per household. Approximately 70% of these households live at or below the federal poverty mark (about \$775 per month for an individual). The number of households with income levels that would qualify for assistance is increasing, as are heating and oil prices. More than 9,000 households are on a waiting list for assistance, and many of these households are currently disconnected from utility service or have received a shutoff notice.

***Action Items:***

The Workgroup recommends that Council:

- A. Support and collaborate with Multnomah County Public Health to convene stakeholders to prioritize the provision of heat as a health issue and develop additional heat assistance options.

***Outcome Measures:***

- Increased number of referrals of identified households suffering from heat insecurity to heat assistance programs.
- Increased overall capacity of programs and partnerships to address heat insecurity.
- Reduced waiting list for heat assistance.
- Fewer mold complaints and violations associated with mold growth variables, such as humidity violations in housing inspections that reflect heat that is not maintained at or below 68°.

## VI. Recommendations to the Oregon Landlord-Tenant Coalition

The Workgroup adopted two recommendations requiring changes in state law. The statewide counterpart of Portland's Workgroup is the appropriate body to consider the issues and make detailed recommendations to the Legislature.

### **1. Consider a quick process for tenants to obtain court orders for repairs.**

#### ***Purpose:***

Eliminate the need for disputes over repairs to be handled in eviction court because the tenant has withheld rent as the means of obtaining a hearing for their claims.

#### ***Background:***

ORS 105 outlines a very quick process for a landlord to evict a tenant. The FED process takes weeks while most court processes take months if not years.

In 1989, Chapter 105 was amended to provide for a process for a tenant to use a similarly quick process to sue their landlord if the tenant believed the landlord was holding the tenant's possessions. The process allows a tenant to get a court order quickly and easily.

The proposal for quick repairs would require a change in ORS to create a process that would function as much like an eviction as possible. It could be written so that counties could opt in or out. The Workgroup encourages the Landlord-Tenant Coalition to work out the details of a quick repair process.

#### ***Action Items:***

The Workgroup recommends that the Landlord-Tenant Coalition place this issue on its agenda for the next Legislative session.

### **2. Consider an alternative FED process for affirmative retaliation cases.**

#### ***Purpose:***

Create a process to allow tenants an opportunity to affirmatively defend against suspected cases of retaliatory use of 30-day terminations of tenancy by a landlord prior to the FED being filed and becoming part of tenant's rental history.

***Background:***

As noted previously, data are scarce on the frequency and impact of retaliatory evictions and eviction threats. Throughout the Workgroup's process, this gap repeatedly surfaced in discussions of how to craft appropriate solutions to habitability problems.

Tenant advocates proposed an alternative process to extend the timeline in FED cases where a tenant filed an "affirmative retaliation defense" after receiving the 30-day termination notice. They see the extension as a means of providing tenants the ability to have claims of retaliation heard in court prior to the FED being filed and becoming a part of the tenant's rental history. They believe that the burden of simultaneously preparing a court case and locating new housing is too great and prevents tenants from exercising their rights. Landlord representatives expressed serious concerns about opportunities for tenant abuse of the proposed system and the financial impact of extending the FED possession timeline.

***Action Items:***

The Workgroup recommends that the Landlord-Tenant Coalition place this issue on its agenda for further exploration.

## VIII. Funding Recommendations

While it is unusual for a volunteer workgroup to go beyond programmatic recommendations and a few observations about funding, we recognize that we are suggesting a substantial package and that healthy rental housing must compete with many other important public goals. Our recommendations provide adequate, stable funding for the Neighborhood Inspections Team that reflects a balance of public funding with public benefits, utilizes code enforcement collections to fund services rendered, and diversifies revenue streams for long-term sustainability.

The Workgroup also recognizes that funding should come from several different sources: Landlords who consistently violate the Code and those who fail to respond to citations should bear the costs they impose on the inspection system, General Funds should be contributed in recognition of the public benefits provided by healthy rental housing, and the rental housing industry should pay a fair share of program expenditures. (Appendix XIII & XIV) Every major element of our funding model has been developed in consultation with relevant City bureaus.

Many recommendations of the Workgroup primarily designed to support good public policy will also bring revenue to the City:

- A. The Workgroup recommends that the Council adopt an ordinance eliminating the business license exemption for property owners of income producing residential rental housing. Currently, owners of 9 rental units or less are exempted. While it is difficult to estimate actual collections, this change will generate revenue for the General Fund. (See page 29.)
- B. The Workgroup's recommendation to increase enforcement of the City's business license requirement (including fines) and to explore additional enforcement tools will generate revenue for the General Fund. (See page 30.)
- C. The recommended new fine structure (to assess fines for rental property by individual units with violations rather than by property size, and assess administrative inspection fees) would generate annual revenues estimated at approximately \$814,000. (See page 23 and Appendix XIV)
- D. Assessing cost-recovery administrative fees to the property owner to cover the actual cost of each additional code violation inspection beyond the clearance inspection until all violations are remedied would generate annual revenues estimated at approximately \$200,000. (See page 24.)
- E. Changing the one-time re-rental violation fine to a monthly fine of \$550 in cases where a property owner re-rents a unit with existing code violations would generate annual revenues estimated at approximately \$55,000. (See page 24.)



F. Strengthening the collections process could increase and greatly accelerate revenues. (See page 24.)

The Workgroup believes that revenue produced by these recommendations is in alignment with a Budget Note adopted as part of the 2007-08 Budget: "Council directs BDS to prepare and present a proposal to change the existing fee structure and policies on granting waivers in the Neighborhood Inspections program during the FY 2008-2009 budget process. The new fee structure and waiver policies need to be comprehensive and flexible to not only provide assistance to those in need, but also to provide sufficient resources to sustain program activities with minimal support from the General Fund."

In addition, the Workgroup recommends that all owners of rental property in Portland be assessed a per-unit fee to support healthy rental housing programs. It is essential that the proceeds of this fee be clearly earmarked for specific purposes, that these uses be tracked and reported annually, and that the fee be adjusted to provide for actual costs. (Appendix XII)

Finally, the Workgroup proposes a funding partnership between the City and rental property owners to implement an integrated package of recommendations. Our goal is to protect health and improve the stock of rental housing while generating funds as a byproduct of sound policies that promote education and compliance. The recommendations form a complete, interconnected package. Landlord representatives have taken the lead in crafting a per-unit fee to support specific activities recommended by the Workgroup. Adoption of the fee is based on a reciprocal commitment from City Council to provide ongoing General Fund support and to significantly increase revenues from fines.

## Quality Rental Housing Workgroup Appendices Table of Contents

---

<u>Appendix I</u>	City Council Resolution Number 36498
<u>Appendix II</u>	BHCD Quality Rental Housing Workgroup Problem Statement
<u>Appendix III</u>	Quality Rental Housing Workgroup Scope of Work
<u>Appendix IV</u>	Summary of Landlord Focus Group Discussions; Summary of Owner & Manager Survey Results
<u>Appendix V</u>	Office of Neighborhood Involvement NIT Database Development Report
<u>Appendix VI</u>	Education Recommendations Support Materials <ul style="list-style-type: none"><li>◆ Landlord/Tenant Outreach Best Practices Research</li><li>◆ Education Campaign Budget</li><li>◆ Landlord and Tenant Handbook Outlines</li><li>◆ Rent Right Brochure &amp; Logos</li></ul>
<u>Appendix VII</u>	Mold Control Best Practices for Landlords, Tenants, and Housing Inspectors
<u>Appendix VIII</u>	Mold Inspections Protocol for NIT Pilot Test
<u>Appendix IX</u>	Summary of Enhanced Complaint Model
<u>Appendix X</u>	Neighborhood Inspections Team Stakeholders Advisory Committee Task List
<u>Appendix XI</u>	Landlord/Tenant Community Mediation Program Proposal
<u>Appendix XII</u>	Components and Structure for Per Unit Fee
<u>Appendix XIII</u>	Budget Summary
<u>Appendix XIV</u>	Five-Year Budget Projections

**RESOLUTION NO. 36498**

Support the creation of the Quality Rental Housing Work Group to explore the issue of environmental health and substandard housing conditions that threaten the health and safety of low-income tenants and develop corresponding policy and program recommendations (Resolution)

WHEREAS, a small percentage, but significant number of units do not meet property maintenance standards as defined in Title 29. The 2000 census states that there are 98,970 units of rental housing (including both multi and single family units) within the Portland city limits and the 2002 American Housing Survey of the US Census found that nearly 7,000 households in Portland live in units with multiple or repeated problems with heating, plumbing, electrical systems, or kitchen equipment;

WHEREAS, the Multnomah County Office of Legal Aid estimates that it receives an average of 600 calls a year (approximately 65% of total calls) from low-income tenants with habitability concerns and/or seeking repairs to their unit; and

WHEREAS, volunteers from the Community Alliance of Tenants Renter's Hotline counsel an average of 550 callers a year from tenants in Portland (approximately 30% of total calls) with habitability concerns and/or seeking repairs to their unit; and

NOW THEREFORE, BE IT RESOLVED that the Portland City Council intends to explore the issue and extent of substandard rental housing conditions in Portland and the role of public policies and programs in addressing incidents of substandard housing; and

BE IT FURTHER RESOLVED that the Council directs the Bureau of Housing and Community Development to convene the Quality Rental Housing Work Group to explore this issue, determine the scope of substandard housing in Portland and identify how to ensure policies and programs effectively increase the likelihood that rental housing (both private and subsidized) within the City complies with all pertinent housing codes and is maintained in habitable conditions; and

BE IT FURTHER RESOLVED that the Quality Rental Housing Work Group shall include individuals representing the interests of low-income tenants, property managers and property owners, local housing enforcement agencies, and public health officials; and

BE IT FURTHER RESOLVED that items for the Quality Rental Housing Work Group's consideration shall include, but not be limited to, the following:

- Examining, to the extent reasonable, the scope of the issue of substandard housing in Portland by reviewing existing data and available information on the issue;
- Developing a list of specific problem statements associated with substandard housing and habitability.

- Examining current housing maintenance standards included in Title 29 and current code enforcement procedures to ensure that indoor environmental hazards are adequately addressed and that effective administrative procedures are in place to significantly reduce incidents of substandard housing in Portland;

BE IT FURTHER RESOLVED, that BHCD will report back to City Council within six months of this date on the findings and recommendations of the Quality Rental Housing Work Group.

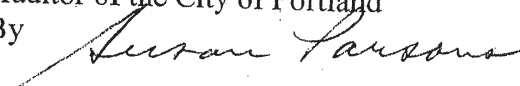
Adopted by the Council: APR 11 2007

Mayor Tom Potter  
Commissioners Erik Sten and Randy Leonard  
Prepared by: Andrea Matthiessen  
April 4, 2007

**GARY BLACKMER**

Auditor of the City of Portland

By



Deputy

## BHCD Quality Rental Housing Workgroup Problem Statement

Over the past several years, public agencies and community organizations have raised concerns about the quality of rental housing in Portland and questioned how housing quality impacts the health of tenants. The following problem statement developed by the workgroup identifies the critical issues and challenges to a well-functioning public-private system that ensures safe, healthy, and habitable rental housing in Portland.<sup>1</sup>

### **1. Evidence suggests that the health and safety of some renters is compromised by hazards in their housing units.**

- a. The number of people affected and extent of impacts are not quantified.
- b. Some problems are caused by landlords' deferred maintenance and some by tenant household practices and in some cases both tenant and landlord contribute to the problems.
- c. The underlying scientific evidence varies by content area. For example, the relationship between home hazards and compromised health is strong and established for lead, while evidence on the health impacts of mold is emerging.

### **2. Many landlords and tenants lack essential information.**

- a. Awareness of rights and responsibilities is needed by both landlords and tenants.
- b. Landlord-Tenant Law is hard to understand without assistance.
- c. Maintenance codes and the enforcement process are not well understood.
- d. Tenants and landlords may not be aware of or understand the connections between housing conditions and impacts to tenant health and safety.
- e. Culturally appropriate, multi-lingual information is scarce.

### **3. The current system of code enforcement for rental units doesn't work very well.**

- a. In the current complaint-driven system, some tenants fear that reporting repair issues will lead to retaliatory eviction or other kinds of exposure.
- b. Current housing code language does not specifically address mold, lead, and other health hazards. In the absence of code language, code enforcement is not available as a tool to assure a safe, healthy rental housing as it relates to these issues.
- c. Current enforcement of fines and penalties do not consistently result in timely, quality repairs.
- d. Inspectors are unable to employ existing enforcement tools due to inadequate staffing.
- e. Current collection mechanisms are insufficient. \$5 million in liens are outstanding.

---

<sup>1</sup> In addition to the expertise of workgroup members, the following work informed the development of the problem statement: Multnomah County's Healthy Homes Project and Summit, the Community Alliance of Tenant's Substandard Housing Report, BHCD's Analysis of Impediments to Fair Housing, and interviews with workgroup members conducted by Decisions Decisions.

- f. Current enforcement mechanisms do not ensure tenant action for tenant responsibilities or require education for landlords and tenants.
- g. Lack of coordination and information sharing among inspecting agencies (HUD, HAP, PDC, OHCS) leads to multiple inspections and inconvenience for tenants living in publicly funded and/or regulated units.<sup>2</sup>

**4. Current support systems designed to help landlords and tenants meet their rights and responsibilities are inadequate.**

- a. Programs and services are poorly publicized to potential participants and referrals.
- b. Coordination across agencies and jurisdictions (City/County/nonprofits, etc.) is lacking.
- c. Current program capacity is insufficient to meet the needs of landlords and tenants.
- d. Culturally appropriate, multi-lingual information is challenging and expensive to produce. These materials are not widely disseminated.
- e. Community mediation, a voluntary process for resolving landlord-tenant disputes, is underutilized, misunderstood, and possibly under-resourced.<sup>3</sup>

**5. Landlords and tenants lack a simple, quick, affordable, and fair venue to resolve repair and habitability disputes.**

- a. Tenants face numerous barriers that impact their ability to exercise their rights.
- b. Filing an affirmative case is very expensive and slow for a tenant.
- c. In order to take repair issues to a judge quickly, tenants may withhold rent and go to evictions court.<sup>4</sup> However, the FED eviction process is costly for landlords and tenants and can be high-risk for both parties.
  - i. Once a landlord files an FED against a tenant it becomes a permanent part of the tenant's rental history and can make it more difficult to rent in the future.
  - ii. The losing party in evictions can be required to pay the court and attorney fees of the prevailing party, as well as their own costs and attorney fees.
  - iii. Court practice is inconsistent, though judges generally instruct parties to try to settle the case with the help of a court mediator. Tenants requesting trial must pay filing fees. Unless a tenant is aware that this fee can be deferred or waived, the filing fee may be a barrier to a tenant requesting a trial, and a tenant may feel forced to accept an unfavorable settlement.
  - iv. Landlords believe the ability of tenants to use habitability claims as defense in non-payment of rent evictions enables tenants who haven't paid rent to unreasonably extend their tenancies by taking the FED process through to trial even in cases where habitability violations do not exist.
- d. Repair and deduct provisions in Landlord Tenant Law are complex. Recent revisions may or may not make this tool easier to utilize. Provisions have a financial cap that may

---

<sup>2</sup> These include units constructed or rehabilitated using City, County, State, or Federal funds as well as units with either tenant or project-based Section 8 rental assistance.

<sup>3</sup> Resolutions NW, funded in part by ONI, handles landlord-tenant mediation.

<sup>4</sup> Oregon Law allows tenants to withhold rent and have their habitability claims decided in eviction court. The court can also order the landlord to make repairs.

not adequately cover all safety and habitability repairs. Tenants may make repairs that cost more than landlords would pay if they had done the work themselves.

- e. The Code Enforcement process allows the landlord 30 days to make fire, life, and safety repairs before receiving a fine.

**6. There are many different kinds of data problems.**

- a. Existing local data and research has not been combined to create a complete local picture of the connections between health and housing.
- b. Emerging National data demonstrate clear connections between health and housing, but questions remain about how to apply these to local policies and practices.
- c. There is incomplete data and tracking of rental housing conditions and the frequency and impact of retaliatory evictions and eviction threats.
- d. There is no direct method for identifying landlords who own fewer than ten units in Portland.

**7. Resource constraints of landlords and tenants contribute to these problems.**

- a. Small landlords often lack capital to undertake major repairs and necessary renovations.
- b. Landlords may not understand that the future costs of deferred maintenance are higher than present cost of prevention or repairs.
- c. Tenant actions are limited by their lack of choices in the marketplace.
- d. Some tenants lack the resources to adequately address their responsibilities (e.g. buy a vacuum to eliminate dust and allergens).
- e. Major repairs may lead to increased rent and/or tenant relocation.

## Draft for Workgroup Review October 23, 2007

### QRHWG SCOPE OF EXPLORATION

The workgroup's exploration of quality of rental housing issues in Portland will focus within the bounds of the topics that follow. In recognition of capacity and time, the workgroup may choose to prioritize a more narrow agenda.

References correspond to specific issues identified in the Problem Statement.

#### **Existing System**

##### ***Examine existing programs and services across institutions so that they function better as a system.***

- ◆ What related programs exist at the City, County, and local nonprofits? What is their capacity? How are they marketed? (2c, 4a, 4b, 4c, 4d, 5d)
- ◆ What data are currently collected and how is it used? What data could be collected and shared to improve evaluation and feedback loops? (1a, 6a, 6c, 6d)
- ◆ How might City code inspections and other inspection processes be coordinated? (3g)

##### ***Review Title 29 to determine if it adequately protects the health and safety of tenants.***

- ◆ Are there any gaps related to significant tenant and community health issues? (1c, 2d, 2e, 3b, 3f)
- ◆ Are rental units adequately differentiated from owner-occupied units? (3)
- ◆ Does Title 29 require any changes to align with revisions to Landlord-Tenant law that go into effect in January 2008?

##### ***Review Neighborhood Inspections Program Enforcement.***

- ◆ How well does the current complaint-based system achieve the goals of Title 29? (3a, 3b, 3c, 3d, 3e)
- ◆ Are landlords and tenants able to hold each other accountable? (2, 3a, 3f, 5, 7)
- ◆ Is the waiver system implemented equitably and with accountability? (3c, 3e)
- ◆ Does the current inspections process include sufficient attention to health related conditions? (1b, 3b, 3d, 6b)
- ◆ Does the current fee structure adequately prioritize and encourage critical repairs? (3c, 7d)
- ◆ How can collection of enforcement fees be increased? (Over \$5 million is currently outstanding in liens against properties cited for violations.) (3e)
- ◆ What level of staffing is required to achieve a level of enforcement to achieve the goals of Title 29 and how could it be funded? (3d)



**New initiatives that address gaps**

***Identify opportunities for market-based incentives to promote healthy homes and code compliance.***

***Determine what basic level of education landlords and tenants most need.***

- ◆ Content (2a, 2b, 2c, 2d)
- ◆ Delivery (2e)

***Consider the role of government regulation and public investment in meeting the goals of Title 29***

- ◆ Evaluate the intersections of Landlord-Tenant Law with Title 29 goals and explore changes. (2b, 3a, 5a, 5b, 5c)
- ◆ How can public funds be leveraged to impact the greatest unmet needs of landlords and tenants? (2, 4, 5c, 6, 7a, 7b, 7c)

***Evaluate alternative regulatory mechanisms.***

- ◆ Enforcement mechanisms to ensure tenant actions for tenant responsibilities. (3f)
- ◆ Specific venue to resolve repair and habitability issues. (5)
- ◆ Direct method for identifying all landlords and rental units. (6d)

**Proposals should incorporate the shared values of the workgroup:**

- ◆ Seek to impact key factors that underlie problems.
- ◆ Keep the playing field level.
- ◆ Hold people accountable.
- ◆ Acknowledge individual circumstances.

## Summary of Landlord Focus Group Discussions

Produced by: Decisions Decisions

January 8, 2008

On November 6 and 7, 2007, Decisions Decisions conducted two discussions with 15 small landlords and onsite property managers working directly for property owners. The 90-minute discussions expanded on issues covered in the Landlord and Property Management Survey conducted in September and October of 2007. Participants were recruited via participation in the survey, supplemented by outreach through Housing Connections and Community Nonprofit Resource Group (CNRG). All participants received a background letter on the nature of the Work Group and how focus group feedback would be used.

### Major Themes

#### **Property management is relationship management.**

*"A big portion of owning and managing property is people management. If you can work with people, the other parts of it become quite easy."*

*"Letting tenants know you're paying attention changes their behavior."*

*"It's in our own best interest to fix problems so that our tenants are safe, happy, and our investment is taken care of."*

#### **Education is important for tenants and crucial for landlords. Better resources are needed.**

*"Laws change and people change. You always have to be educating yourself."*

*"Make available a single repository of education events for landlords."*

*"Tenant education is one of the problems I have. They don't know how to live healthy and keep their apartment clean."*

*"People don't think that a little drip is going to make a big difference, but if it goes on for a few months, it can be a big deal."*

*"We need a 'who to contact for what' resource list. Making that better known for both landlords and tenants would be helpful."*

#### **Regular, thorough inspections are valuable.**

*"We annually do an inspection to find the leaks that they aren't telling us about. We want the building fixed up; it's part of our strategy."*

*"HUD does random inspections that keep us really aware. That's a benefit. You know that this guy is going to come and he's going to look at everything. ... You begin to notice everything and you don't have to wait for the black wall of mold."*

*"I would like to have inspections on demand that would help us enforce health and safety issues with tenants."*

## The Business of Owning Property

Participants ranged from those who owned just a few units to those who owned many units throughout Oregon and Washington. Some had decades of experience and were slowly increasing the size of their portfolios over time. Several were real estate professionals. Reasons for owning property included allowing other residents to support them by paying the mortgage, diversifying their investment portfolio, retirement planning, and inheriting family property.

Owners expressed care about the property and the business. Different owners have different philosophies and expectations for their properties. Some are very interested in day-to-day management, others are hands-off. Most agreed that good owners understand the need to spend money to keep up their properties.

Site managers working for small owners value their flexibility and autonomy in selecting tenants and making decisions. They felt that big management companies tend to micromanage and can focus on the business to the detriment of tenants.

*"You're selling a commodity that everyone needs. Everybody needs housing."*

*"Part of running it like a business is following things to the letter and constantly educating tenants about what they agreed to. We're dealing with this more frequently than anything else."*

### **Good tenants are what it's all about.**

Landlords recognize that having good tenants is key to both their current cash flow and their long-term investment. Several mentioned having pride in their properties and the importance of showing tenants that they can trust you.

*"My belief is that most landlords want to have happy tenants. So, in general, we will do (almost) whatever it takes to keep them content."*

### **The number and type of units make a difference**

Multi-family properties provide more cash flow and require a different level of attention than single-family homes. People who rent houses are different from those who rent apartments. They treat their rental more like their own home. People in multi-family units expect more maintenance service.

Multifamily onsite managers wear many hats, and they need help accessing and referring tenants to resources.

*"Multifamily housing is a vastly different life than a single-family or duplex."*

*"You can have two roommates and all of a sudden you're a counselor. Sometimes it's a financial issue and you're a financial advisor. Maybe you're a psychiatrist or a policeman for a little bit."*

## **Evictions**

## *Quality Rental Housing Workgroup Recommendations Appendix IV*

Most participants had done for-cause evictions as well as 30-day terminations. They reported that 30-day terminations were rare and reserved for problem tenants and drug-related activity. They demonstrated different understandings of what constitutes retaliatory use of no-cause eviction. Some suggested tactics for removing tenants that others warned could be considered retaliation.

Landlords agreed unanimously that it is best to persuade tenants to leave on their own. Part of the “people business” of property management is the ability to be frank and treat tenants with respect.

*“If you can’t find something that they haven’t violated the rental agreement on, you need to read your agreement better.”*

*“The one that I have a [mold] problem with wants to throw it back at me, talking about a lawsuit.... That’s what they make 30-day no-cause notices for.”*

*“If they complain about something and you give them a notice, then that’s retaliation. You can get in trouble for that.”*

*“A 30-day notice doesn’t follow the tenant. It’s not an eviction. So it’s good for them and it’s good for me.”*

## **Maintenance and Housing Codes**

Educating tenants about what requires attention and overcoming their fear or disinterest in reporting problems are top challenges. All mentioned lack of tenant accountability as a challenge. Managers noted cultural differences among tenants and indicated that certain groups are less likely to report repair needs. Most managers charge tenants for damages and unauthorized repairs.

Active owners and managers try to educate tenants about what constitutes a maintenance problem, invite tenants to report problems, and inspect their units regularly according to the level of perceived risk. Small property owners use various techniques to encourage tenants to report repair needs including letters, email, phone calls, and visiting the property.

We heard differences between owners who like to do things themselves and those who hire professional contractors. Both managers and owners mentioned difficulties finding qualified people to make repairs.

*“It’s our job [to know the housing code].... There’s no real excuse not to know enough to keep yourself out of trouble.”*

*“Fixing things that break is just like paying rent. If I’m going to ask them to pay rent on time, they should expect repairs to be taken care of in a timely fashion. Those two things go hand in hand.”*

*“If you look at the Landlord Tenant Law in Oregon there’s like a billion things the landlord has to do and there’s like three that the tenant has to do.”*

*“The owner gets blamed and has all of the consequences and the tenant has none.”*

## Quality Rental Housing Workgroup Recommendations Appendix IV

*“Some people don’t want to report out of fear that either when it’s fixed their rent will go up or because this has happened they’ll be evicted. So they say nothing.”*

*“We annually do an inspection to find the leaks that they aren’t telling us about.”*

*“I drill my tenants all the time: you’re never going to get in trouble if you come and ask me, but if you do it, you’re held financially responsible.”*

### **Mold**

Participants reported that mold is more common in lower-income units. Cultural practices and language barriers make it difficult to educate tenants and change behaviors linked to mold. Owners acknowledged that mold is hard to deal with if you do have it, and waiting for the unit to turn over can be the best time to address mold issues.

*“I don’t know how to educate [tenants] about mold because they don’t see a problem with it. To them a dirty shower is better than no shower at all. ...They have bigger problems than worrying about mold on the windows.”*

*“I’ve had classes on mold, what it does, what it comes from, how to get rid of it.”*

*“My Spanish-speaking tenants are the ones with the mold problems. I can tell them and they look at me and nod and smile, but I don’t know if they understand.”*

*“If people have got mold, it’s generally their own fault.”*

### **Inspections**

Owners and managers reported that they look for creative ways to gain access to tenants’ apartments by asking about potential problems and offering assistance. They conduct regular inspections on their own in addition to those of oversight agencies.

Though they were not always satisfied with the quality of outside inspectors, managers noted several benefits of third party inspections: helping to resolve tenant health and safety issues, keeping managers on their toes, opportunities for tenant education, and catching unreported maintenance problems.

Participants had varied levels of awareness of the proposed inspections program in Gresham. We heard concerns about the cost of mandatory inspections, that tenants may actively sabotage their apartments to fail inspections, and that violations leading to subsequent inspections and violations may be overwhelming. Participants agreed that it is important to identify bad landlords without burdening responsible landlords.

*“That [Gresham inspection process] sounds kind of scary, but it also can be helpful too, if you have a leak that you’re not aware of, or water is dripping down on the foundation.”*

*“Professional tenants that are trying to get out of paying rent will actually cause that p-trap to start leaking. They unhook it, take the tape off from around the threads, and put it back together and it will leak.”*

## Quality Rental Housing Workgroup Recommendations Appendix IV

*"I am in compliance. As a taxpayer I don't want to pay for a system that I don't need. We already have a complaint driven system and we should just use that."*

*"With Section 8 I've had very thorough ones, and ones that walk through and say, 'OK.'"*

### Landlord Training and Education

All owners and managers had been through some training and recognized the need for ongoing education. When they discussed training opportunities, it was clear that different participants had very different pieces of information. They enthusiastically supported compiling a list of resources and mailing it to all landlords as well as providing it online. The City of Portland's landlord training was generally highly regarded, and participants suggested an advanced or follow up session for updated information.

Owners wanted future trainings to address the advantages of DIY vs. contracted maintenance and how real estate investment and financing relates to the owner's ability to make tenant improvements. Both owners and managers expressed significant interest in peer-to-peer learning. They liked the idea of mentoring, and a few were aware of RHAGP's new program.

*"Everybody should go the City's landlord-tenant class."*

*"If you've been to one, you've been to all of them. They don't teach you the really hands-on stuff that you need to be successful."*

*"There's a huge difference between professional trainers and learning from your peers."*

*"Much too much is about Landlord-Tenant Law."*

### The benefits of associations

Association members appreciated access to good, up-to-date Information, as well as books, forms, and other instructional materials. Access to telephone advice and guidance on Landlord-Tenant Law were also cited as benefits of joining an association. Those who didn't belong mentioned either the cost or their own self-confidence in understanding statutes and learning the details of the profession.

*"We bought this 9-plex two years ago and we had police action onsite six times in the first two weeks...I kept talking to RHA and they were very knowledgeable about how I could handle the situation and who could give me advice....They were priceless."*

### Tenant Education

Most tenant education occurs at move-in, but participants recognized that during this time of transition, people are not apt to retain much. Education requires follow-up after tenants move in and throughout their tenancy. The most common topic of tenant education was fire safety and smoke detectors, but there was general consensus that tenants have a lot to learn, especially about their obligations under the rental agreement. However, landlords were cautious about "overeducating" tenants.

## *Quality Rental Housing Workgroup Recommendations Appendix IV*

Barriers to tenant education include lack of resources. Multi-lingual materials and training with visual and audio components topped the list of recommendations. The EPA Lead Pamphlet with cartoons and HUD's Tenant Rights and Responsibilities were cited as examples of effective materials. Participants also suggested onsite classes and online trainings accessible at public libraries.

We heard negative feedback about the effectiveness of Ready-to-Rent in general, and specifically that the \$1000 guarantee was not enough to cover tenant damages.

*"Some people have no judgment and have water running everywhere. Others call you about a bee."*

*"I think the City would be better off if we took the money we spend doing inspections and use it to educate tenants. We'd have a lot better outcomes."*

*"We need materials particular to the property and demographic that we're serving."*

*"Empowering them [tenants] to be smarter than us so that they know the law better is not where I want to go."*

### **Community Development and Social Concerns**

Property managers, especially onsite managers of multi-family housing, often function as grassroots community development professionals. They care about their tenants and their communities, and they wear many hats. At the most basic level, they help people learn "how to live," tracking the pulse of their community, identifying needs, and directing folks to supportive programs and services.

Participants raised concerns about the increasing lack of affordable and subsidized housing. Both groups mentioned problems and risks associated with mentally ill tenants living independently without adequate support.

*"Tenants should have training classes on how to live."*

*"With mentally ill clients there is just no one to help you, and you turn into their resource manager, keeping them off the streets."*

*"Getting together with your neighborhood association is very valuable."*

## Recommendations for Work Group Consideration

Following is a summary of responses to the question: “If the Work Group could do one thing to improve your situation with regard to healthy, safe housing, what would it be?”

### ◆ **Education:**

- Increase tenant recognition of repairs and encourage reporting.
- Better, free education and booklets describing landlord and tenant rights and responsibilities.
- Ongoing informal landlord networking group.
- Initiate landlord-tenant groups at the community level to unite and solve common problems and learn from each other.
- Improve tenant education of Landlord-Tenant Law (e.g. via monthly mailings).

### ◆ **Resources:**

- Website listing all the resources for landlords in one place:
  - Trainings and education.
  - Meetings.
  - Contractors for repairs and upgrades.
  - Social services and tenant support programs.
- Mail a comprehensive list of resources to all landlords.
- Hotline for City code information (Title 29).

### ◆ **Address issues of tenant responsibilities and balance consequences.**

- Enact tenant code of behavior to ensure basic knowledge in tenants.

### ◆ **Inspections:**

- Initiated by landlords to help with health and safety issues related to tenant behavior
- More inspections for Section 8 tenants (by Section 8 or other agencies).
- Regular maintenance inspections to improve habitability.

### ◆ **Speed up the eviction process.**

- Reduce options for tenants to request hearings.
- Look at Clackamas and Washington county examples, e.g. night court.

### ◆ **Increase repairs that qualify for energy tax credits, especially around mold prevention measures.**



# Summary of Owner & Manager Survey Results

Produced by: Decisions Decisions

January 8, 2008

During September and October 2007 Decisions Decisions conducted an online survey to collect information related to the workgroup's problem statement from small owners and managers. The questionnaire was designed by the steering committee of the Quality Rental Housing Work Group. A total of 233 surveys were submitted, though some were only partially completed.

Respondents were recruited by email to owners registered with Housing Connections, postings to the community listserv of the Community Nonprofit Resource Group (CNRG), outreach to members by Metro Multifamily Housing and the Rental Housing Association of Greater Portland, and a mailing to 150 randomly chosen owners of ten or fewer units with a recently closed housing case with Neighborhood Inspections.

Because there was no systematic way to sample from the full population of owners and managers, it is impossible to know how representative these results are of the general population of owners and managers.

## Profile of Respondents

### Respondents included property owners and managers:

- ◆ "I manage my own rental units" 53% (121)
- ◆ "I manage rental units for the property owner" 18% ( 41)
- ◆ "I work for a property management company" 22% ( 50)
- ◆ "I own...units and use a property manager" 7% ( 16)\*

*\*Note: The number of owners who use property managers was too small to support further analysis, and these respondents are not included in the comparisons that follow.*

Respondents who owned and managed their own units tended to represent small holdings, while most who worked for property management firms managed more than 100 units. Managers who worked directly for property owners fell in between.

	1-20 units	21-100 units	>100 units
Self- Manage	99	13	8
Manage for Owner	9	12	20
Work for Management Company	5	14	31

## Quality Rental Housing Workgroup Recommendations Appendix IV

Owners who self-managed were also skewed toward single-family rentals and plexes, though a considerable number own multi-family units.

	Single-family units	2-4 plexes	Multi-family
Self- Manage	72	59	38
Manage for Owner	20	17	32
Work for Management Company	12	12	45

*Note: Multiple responses were accepted.*

A large majority of managers belonged to one or more associations, while self-managers were evenly divided. (Keep in mind however that the sample was by no means random. We cannot draw conclusions for a larger population.)

Most respondents reported that their portfolios include subsidized units in some form:

Section 8 vouchers	53%	<i>Note: Percentages add to more than 100% because multiple responses were accepted.</i>
Low-Income Housing Tax Credit	12%	
Owned by Community Development Corp.	5%	
Other subsidized housing	9%	
No subsidies	44%	

Among owners who self-manage, 62% have no subsidized housing compared with only 22% of respondents who worked for management companies and 37% of those who manage directly for an owner.

### Self-Inspection

More than three quarters of all respondents (78%) reported that they inspect the interior condition of their units at least once per year, while 20% inspect units only when needed.

Virtually all professional managers said they inspect at least annually—98% of those who worked for management firms and 85% of those who worked directly for property owners. One third of self-managers reported that they inspect less frequently.

### Mold

Overall, 44% of respondents had heard from tenants regarding mold problems. Three quarters of those who work for management companies reported experience with mold, and those who work directly for owners were evenly divided. Meanwhile, two thirds of self-managers reported that they had never heard from tenants about mold. A small majority of 1-4 unit owners and managers reported that they had not experienced mold problems, while two thirds of multi-family managers reported that they had.

## Quality Rental Housing Workgroup Recommendations Appendix IV

89% of all respondents said they had educated tenants about mold prevention, but this includes less than half of self-managers. Because so many 1-4 unit rentals are self-managed, this implies that tenants of these units are far less likely to get information about mold from their landlords. Fewer self-managers than professionals had cleaned, painted, or replaced moldy areas, but this largely reflects their report that they had not heard about mold from tenants.

### Pest Control

Two thirds of respondents had experienced pest control problems in their units, but once again self-managers were far more likely (almost half) to report no problems. Overwhelmingly, landlords reported that the most common cause of pests was that the units had not been kept clean.

### Lead Paint

Perhaps the most important finding in this area was that a full quarter of respondents did not know whether they had problems with lead paint or lead soldered plumbing. This result held true even for association members, who might be expected to be better informed than their peers. Only 6% of respondents had ever heard from a tenant about lead hazards.

The following table shows the frequency of responses among those with units built prior to 1978:

Notified tenants as required	92%	<i>Note: Percentages add to more than 100% because multiple responses were accepted.</i>
Tested for lead	17%	
Provided training for maintenance staff	17%	
Replaced plumbing or paint	34%	
Responded to tenant complaints & questions	21%	

### Landlord Knowledge and Training

Respondents were asked to assess their level of awareness of City Codes related to housing:

"I know very little"	10%
"I know the basics"	47%
"I am familiar with details"	23%
"Fully aware" and "actively self-monitor" units	20%

54% of those working directly for owners reported being familiar with details or fully aware of maintenance codes. Less than 40% of both self-managers and those working for management companies reported this level of awareness.

82% reported that they had received training or education in property management. This included virtually all professional managers, and 71% of self-managers. Following is the distribution of the 137 respondents who indicated the source of their training:

Association trainings	28%	<i>Note: Percentages add to more than 100% because multiple</i>
Licensing programs	21%	
City landlord tenant law training	20%	
Other local trainings	28%	

## Quality Rental Housing Workgroup Recommendations Appendix IV

National programs	12%	<i>responses were accepted.</i>
Self-study	7%	
Other, nonspecific	17%	

132 respondents suggested training or education that would be most effective for property owners and managers:

Landlord tenant law, legal issues	46%
Day-to-day management	19%
Codes and regulations	14%
Fair housing	11%
Effective screening	10%
Community resources to solve problems	11%

### Tenant Education

Most landlords provide some form of education about safe and healthy housing to tenants:

	Lease signing	Newsletter	Info sessions	Other
Lead	87%	5%	4%	4%
Mold & mildew	71%	16%	6%	6%
Fire safety	66%	22%	7%	5%

As one would expect, self-managers were far less likely to provide education than professionals and those who worked for management companies were most likely to produce newsletters and informational sessions.

### Eviction Experience

Respondents were evenly divided between those who had and those who had not removed a tenant in the past two years for reasons other than condo conversion or inability to pay rent on time. 57% of owners who self-managed had never evicted a tenant and almost all of those who had reported 3 or fewer evictions. In contrast, professional managers had far more experience with 30-day no-cause evictions.

Those who had experience cited a number of reasons for issuing 30-day terminations. Not one respondent reported using a 30-day notice because they did not want to make requested repairs.

Suspected drug activity	56%	<i>Note: Percentages add to more than 100% because multiple responses were accepted.</i>
Noise	53%	
Harassing other tenants	53%	
Other suspected illegal activity	41%	
Failing to maintain a clean apartment	38%	
Harassing management	15%	
“Requesting repairs I did not want to make”	0%	

## Quality Rental Housing Workgroup Recommendations Appendix IV

These respondents were also asked how the eviction process could be improved. Note that their responses were broader than “no-cause” evictions.

### **Streamline the process** 42%

- ◆ Fewer trips to the courthouse
- ◆ Fewer hoops to jump through
- ◆ Quicker timeframe from 72-hour notice to eviction
- ◆ Limit trial options
- ◆ Create alternative process outside of court
- ◆ Once the landlord prevails, have a quicker move-out process

### **Make it easier to file** 14%

- ◆ Online filing and payment system
- ◆ Make the forms less complicated and easier to complete
- ◆ Simply language for the benefit of both landlords and tenants
- ◆ Provide a landlord helpline and education for managers on how to file

### **Improve police process for drug evictions** 9%

## Experience with City Inspections

Three quarters of respondents had not had a unit inspected at tenant request in the past five years. 16% had had one inspection and 7% had experienced several. Most of those with inspection experience were professional managers rather than self-managing owners. In two thirds of the cases, respondents reported that they had not been aware of the repair issue prior to the inspection.

Those who had experience with inspections were asked to respond to a series of statements about them. In the following table, “average” is calculated by scoring each “strongly agree” as a 4, each “somewhat agree” as a 3, each “somewhat disagree” as a 2, and each “strongly disagree” as a 1. This might be loosely compared with a grade point average.

	STRONGLY AGREE	SOMEWHAT AGREE	SOMEWHAT DISAGREE	STRONGLY DISAGREE	AVERAGE
Inspectors were impartial in their enforcement of the City Code	14%	52%	16%	18%	2.6
I received adequate notice of code violations	17%	60	14%	10%	2.8
I was given adequate time to correct violations	26%	50%	7%	17%	2.9
The fines motivated me to address violations quickly	28%	33%	23%	15%	2.7
Inspectors were willing to be flexible if mandated corrections posed a financial hardship	9%	37%	26%	29%	2.3

*Quality Rental Housing Workgroup Recommendations Appendix IV*

The inspection process helped protect the health and safety of tenants	5%	46%	34%	15%	2.4
The inspection process helped protect my investment in the property	9%	42%	28%	21%	2.4
The inspection process helped make me aware of my obligations	12%	41%	29%	19%	2.5

**Office of Neighborhood Involvement  
Neighborhood Inspections Program  
Database Development**

Prepared by Multnomah County Health Department  
Environmental Health  
May 2005

*Funding provided by:  
The National Environmental Public Health Tracking Program  
Centers for Disease Control and Prevention  
and  
The Oregon Environmental Public Health Tracking Program  
Oregon Department of Human Services*

## **BACKGROUND: Agency profiles and partnership**

### **Neighborhood Inspections Program**

The Office of Neighborhood Involvement's Neighborhood Inspections Program enforces Title 29, the Property Maintenance Code of the City of Portland. This Code is designed and was passed by City Council to reflect the wishes of the neighborhood and the goals of Portlanders. This Code covers the maintenance of residential dwellings, accessory structures and the land on which they sit. This Title is set up to establish and enforce minimum standards only. Codes are enforced through incremental enforcement. More than just formal enforcement, inspectors and staff provide education and referrals to assist the homeowner toward the common goal of better housing. In the event of non-compliance this department is set up with tools to gain compliance. While primary efforts are toward public safety, part of the mission is the protection of property and contributions to neighborhood livability.<sup>1</sup>

### **Multnomah County Health Department (MCHD)**

The MCHD recently completed a county-wide environmental health needs profile driven by community participation and coalition support using an assessment tool called the Protocol for Assessing Community Excellence in Environmental Health (PACE EH). The PACE EH assessment tool was developed by the Centers for Disease Control and Prevention and the National Association of County and City Health Officials to help communities identify both environmental health concerns and solutions at the local level. Through multiple strategies of area data analysis and mapping, neighborhood gatherings, focus groups, and surveys, a cluster of Portland residents with specific needs surfaced. Eight properties in N/NE Portland participated in the assessment which revealed environmental health and housing issues of concern to them. These included mold/mildew, lead exposure, trash/debris, and the overarching theme of not having a community voice. Recognizing that residents and affordable housing properties have a critical need for interventions that support healthy living environments, as the occupants generally have limited means to reduce their exposures to indoor health hazards and with the knowledge that the association between substandard housing and health has been well established<sup>2,3,4,5,6</sup>, the MCHD Environmental Health (EH) has begun to take multiple avenues towards improving environmental health awareness, practices, and building principles in low income housing.

One of these approaches stemmed from an interest in exploring local trends around complaint driven inspections. MCHD EH hypothesized that by understanding the root of these trends, a link between structural/building code violations and poor health outcomes might surface and be used as evidence for intervention. As ONI's Neighborhood Inspections Program is the entity responsible for building code enforcement, a partnership was sought to explore their processes for documenting inspections and to explore the option for a retrospective look at recent housing inspection trends. It was then discovered that a database that enabled more advanced functions for review and trend analysis might benefit ONI



and the general public. At this time, the Oregon Department of Human Services released a notice of funding for projects that supported their vision of a statewide effort working to connect environmental hazards with human health outcomes in Oregon.<sup>7</sup> This obvious link resulted in a one year grant funded project who's goals aim to 1) develop and implement culturally specific outreach strategies to communicate indoor Environmental Health data to the North/Northeast Portland community in order to improve community awareness, input and reporting, and 2) to develop a plan to use ongoing housing inspections to track health-related environmental conditions in a uniform way and maintain an electronic database of this surveillance. This report focuses on the methods and results of a project under goal 2.

## DATABASE DEVELOPMENT

### Methods

223 MS-Word documents were obtained from the Office of Neighborhood Involvement. The documents represented inspections of multi-family dwellings in Multnomah County between 7/1/2003 and 6/30/2004. Each document was in a similar general format, allowing the capture of address, case number, tax lot number, and date of inspection. In some cases, when an inspection was for more than a single unit, a specific unit or apartment number was specified. By searching the keywords "Unit" and "Apartment", an attempt was made to further delineate inspections to individual units. Approximately 188 of the inspections contained no evidence of multiple unit inspections. Of the remaining 35 inspection documents, somewhere in the range of 95-123 units were inspected. The approximate total of units inspected was in the range of 286-311

Accompanying the documents was a spreadsheet containing 223 rows of data, one row for each inspection. The spreadsheet contained a field indicating the size category of the multifamily building. Only two categories were specified "3-10" and "11+". Of the inspections represented, 100 were in the category "3-10", and the remaining 123 were in the category "11+".

An MS-Access process was created to generate a list of violations and/or statutes cited from the inspection documents. Each violation record contains the identifying case/address information, and the original text of the citation and the specific Title 29 statute cited. A total of 1,781 statutes were cited in the 223 inspections. A list of keywords was constructed (Table. 1),

**Table. 1 Keywords**

Category	Keyword
AQ	crawl space wet
AQ	faucet leaks
AQ	lines leak
AQ	mildew
AQ	moisture
AQ	moisture penetration
AQ	mold
AQ	plumbing leak
AQ	toilet tank leaks
AQ	ventilation
AQ	ventilation fan
AQ	water damage
AQ	water is leaking
lead	bare wood
lead	peeling paint
pest	ant
pest	cockroach
pest	infestation
pest	insect
pest	mouse
pest	rodent
trash	debris
trash	dumpster
trash	garbage
trash	trash

and a process created to search the text of each citation for the keywords. Each keyword was assigned a category designator (AQ = Air quality, Lead, Pest, or Trash).

## Results

Key Findings - Specific to the Indoor Air Quality (IAQ) issues of interest, mold/mildew, lead, and trash/debris, 173 units had *one or more* violations relating to water leakage, mold/mildew, lead, trash or insect/rodent infestation, resulting in 55% - 60% of all units cited with a violation containing an IAQ keyword. When broken down by IAQ:

- 121 units had citations involving severe water leakage which could lead to or there already existed mold/mildew problems
- 17 units had citations involving exterior bare wood exposed and evidence of peeling paint (potential lead issues)
- 71 units had citations involving insect or rodent infestation
- 52 units had citations involving trash/debris/unsanitary conditions

619 (or 35%) of the total 1781 violations cited contained a keyword indicating a potential IAQ problem. This revealed that approximately 35% of the 1781 total violations for that fiscal year may yield a potential health association.

Table 2 presents the summary of keywords by frequency in 1,781 citations.



**Table 2 Keyword Summary**

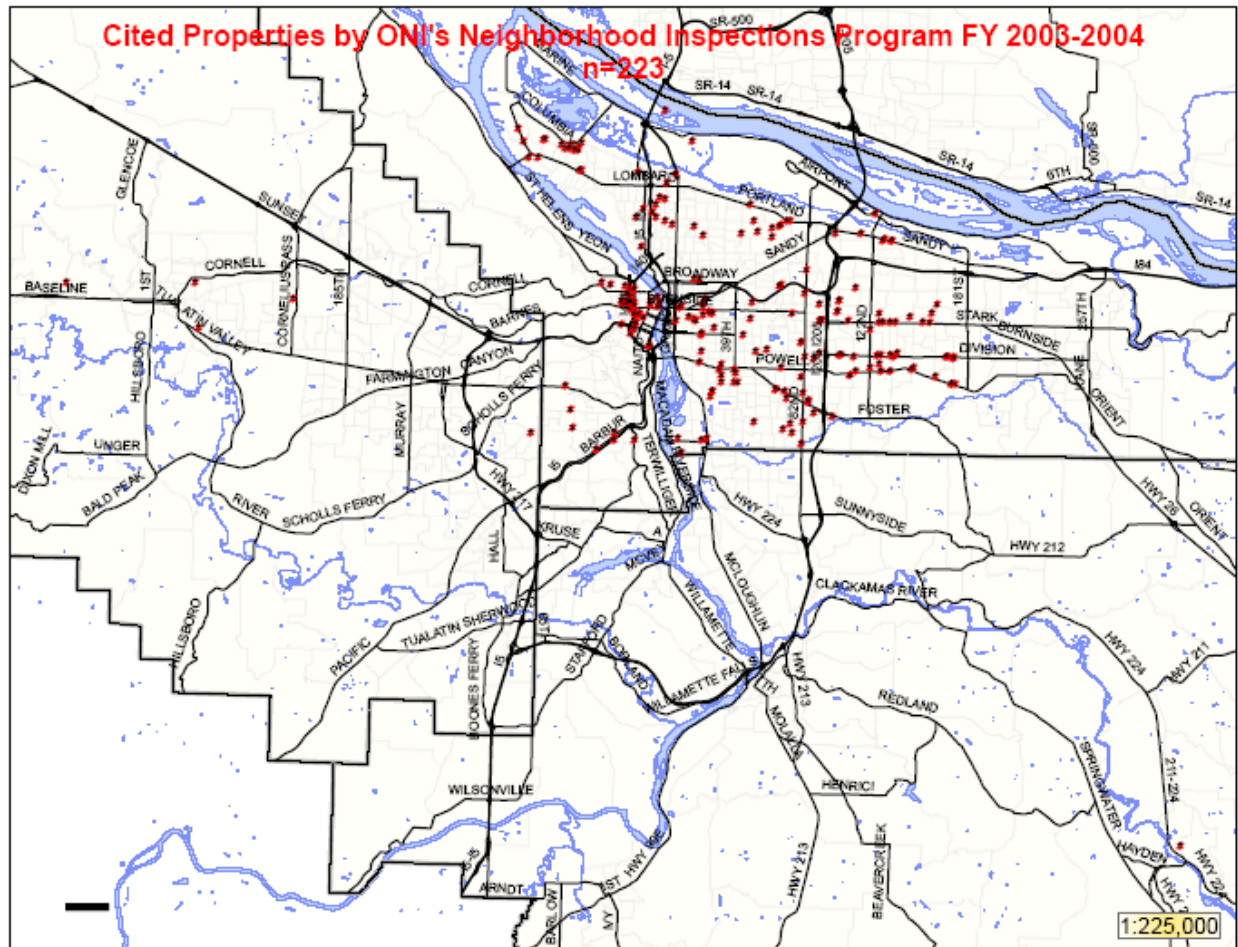
Category	Keyword	Count
AQ	faucet leaks	19
AQ	lines leak	22
AQ	mildew	18
AQ	moisture	73
AQ	moisture penetration	23
AQ	mold	67
AQ	plumbing leak	9
AQ	toilet tank leaks	1
AQ	ventilation	68
AQ	ventilation fan	2
AQ	water damage	19
AQ	water is leaking	7
lead	bare wood	18
lead	peeling paint	7
pest	ant	67
pest	cockroach	15
pest	infestation	33
pest	insect	9
pest	mouse	10
pest	rodent	21
trash	debris	54
trash	garbage	12
trash	trash	45

The primary statute cited was isolated from the text of each citation and summarized in order of statute number (Table 3) *Note: some statutes have been omitted either because of lack of relevancy or an incorrect/unknown statute was cited.*

**Table 3 Primary Statute Summary**

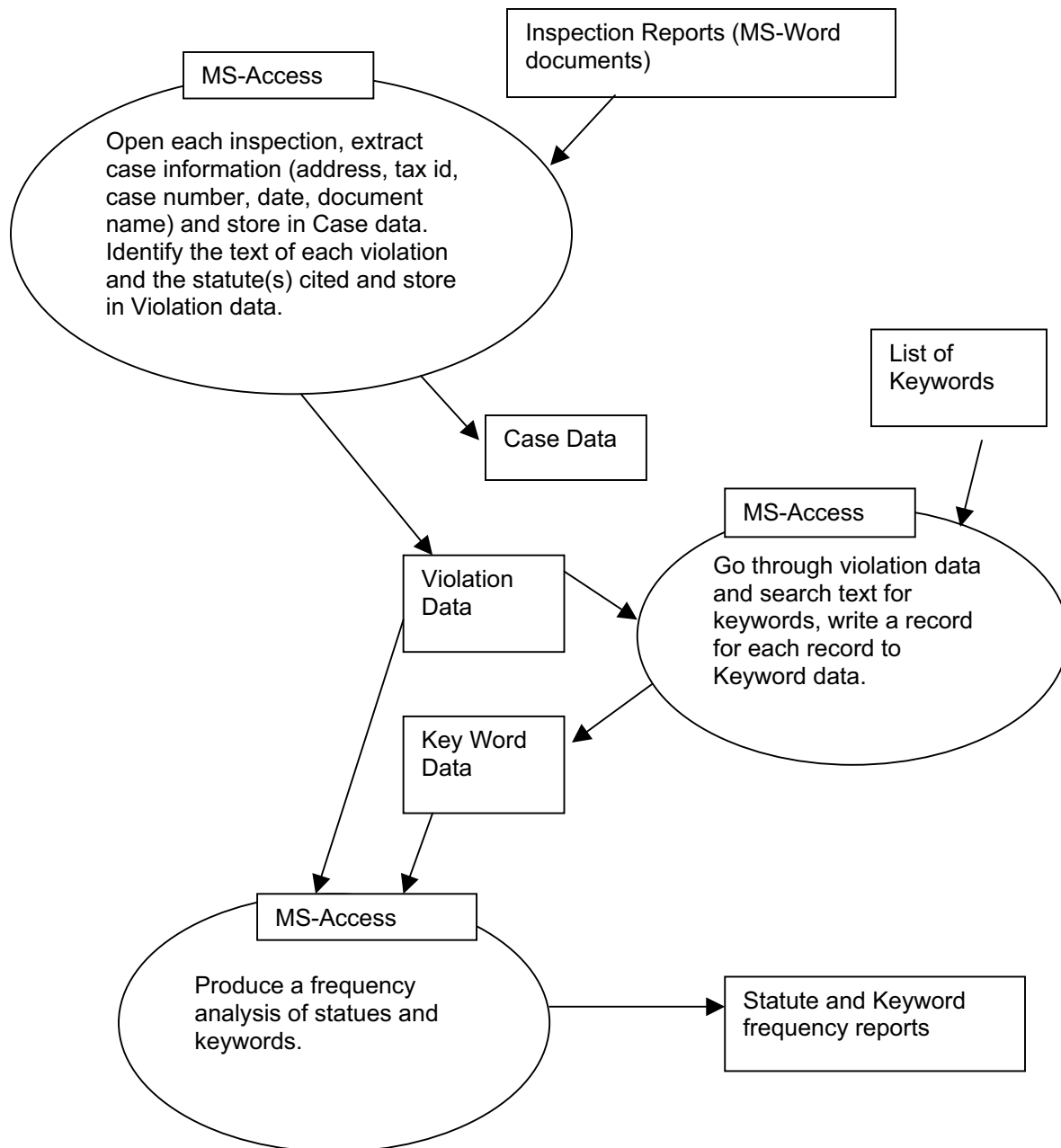
Primary Statute	Description	Count
29.20.010	Outdoor Maintenance Requirements	1
29.20.020	Other Endangering Conditions	1
29.30.020	Accessory Structures	10
29.30.030	Roofs	81
29.30.040	Chimneys	4
29.30.050	Foundations and Structural Members	15
29.30.060	Exterior Walls and Exposed Surfaces	74
29.30.070	Stairs and Porches	27
29.30.080	Handrails and Guardrails	37
29.30.090	Windows	129
29.30.100	Doors	115
29.30.110	Interior Walls, Floors, and Ceilings	242
29.30.120	Interior Dampness	54
29.30.130	Insect and Rodent Harborage	36
29.30.140	Cleanliness and Sanitation	58
29.30.150	Bathroom Facilities	2
29.30.160	Kitchen Facilities	1
29.30.170	Plumbing Facilities	230
29.30.180	Heating Equipment and Facilities	100
29.30.190	Electrical System, Outlets, and Lighting	152
29.30.200	Ceiling Heights	3
29.30.220	Overcrowding	1
29.30.230	Emergency Exits	46
29.30.240	Smoke Detectors	120
29.30.250	Fire Safety Conditions for Apartment Houses	39
29.30.260	Hazardous Materials	11
29.30.270	Maintenance of Facilities and Equipment	73
29.40 of the City Code	29.40 of the City Code	10
29.50.010	Permits Required	12
29.50.020	Inspections Required	1

## Exhibit 1



## Next Steps

To date, the project staff have developed a process to analyze one fiscal year's worth of citations with a specific focus on citations/violations that may have an associated environmental health threat, though general key word search capabilities are readily available for broader searches. This diagram describes the current functionality of the Inspections Database. The database was designed to extract inspection data from MS-Word documents.



MCHD recognizes the power and usefulness of an enhanced tracking system for ONI and proposes the development and sustainability of a housing inspections database for future housing inspections. This database could provide timely and accurate data for the Office of Neighborhood Involvement, their funders, and the public, with immediately available information such as the number of inspections performed over time, the most common violations, where the predominant housing violations are occurring, which cited properties have paid their violations fee and who is outstanding, total citation revenue and other useful information.

### *Proposed Housing Inspections Database*

The database developed to extract data from the inspection reports could be extended to eliminate the need to write the inspection reports as MS-Word documents. By adding a lookup table of statutes, a screen could be constructed that is similar to the present inspection MS-Word document, but with the advantage of recording violations in a format that can be analyzed and manipulated by reporting or inspection management applications. Functions could easily be added to create inspection and re-inspection schedules and inspection history query screens and reports.

### *Example Inspection Screen*

**Microsoft Access - [ViolationData]**

File Edit View Insert Format Records Tools Window Help

**Housing Inspection Entry** [Print Inspection] [Close Form]

Lookup existing inspection: 03-145766-HS  
Start new inspection from complaint: [ ]

Tax ID: R13390-4110 Case Nbr: 03-145766-HS Address: 1234 NE ANY STREET Date Posted: 7/14/2003

Description of Complaint  
Caller states apartment building is infested with cockroaches, leaky plumbing, interiors in disrepair.

**Violations**

Statute	Violation Text
29.30.110 Subsection: a Unit Nbr: UNIT# 103:	The missing base molding in the kitchen allow food and dirt to collect in the cracks. 29.30.110(a)
29.30.090 Subsection: b,f,h Unit Nbr: UNIT# 103:	The west living room window(s) are in disrepair with damaged rails. 29.30.090(b,f,h)
29.30.130 Subsection: [ ] Unit Nbr: UNIT# 203:	Dwelling unit shows evidence of insect infestation, resulting in a health hazard to the occupants. 29.30.130

### *Description of Proposed Database Operation*

Incoming complaints could either be logged in a complaint table, or if the information already exists in the TRACS database, it could be linked (provided TRACS supports ODBC data links) and the inspection generated from the existing complaint information.

Statutes cited can be selected from a pick list. Specific relevant subsections are noted in a separate field, allowing more flexibility for analysis. A unit number within an address can be attached to each violation.

When a statute is selected, the text is copied into the "Violation Text" field. Inspectors can modify the text as required.

Other tracking data could be added to this model, for example, a re-inspection date or information about fines levied, allowing follow-up schedules, reports and analysis.

The main advantage of moving the inspection report function from MS-Word documents to a MS-Access database is the resulting uniformity and immediate availability of the data. For example, an inspector may wish to print an inspection history for an address in preparation for conducting an inspection.

### *Development Costs*

Development of a simple database like the one described would cost approximately \$2000-3000. Development tasks would include: Construct main inspection screen, complaint screen or linkage. Create inspection report, inspection and re-inspection schedule, basic quarterly report on inspections performed, statutes violated. Optionally add capability to track fines levied and perform follow-up functions.

### *Ongoing Support Resources*

Ongoing support costs and resources should be minimal. The initial development cost would include installation of the system and creation of links to the TRACS database, if appropriate. Each PC to access the database will need to have MS-Access (2000 or greater) installed. The central data will be on a shared server. The application will use the MS-Access database engine, although SQL server could be used if desired. In that case a SQL database administrator would need to be available for support.

Ongoing annual support for the first year might be \$500, decreasing to a few hundred dollars annually. Existing PC support staff should be able to do required support after the first year.

### *Finding Additional Support Resources*

MCHD EH has two financial support options for ONI, should they decide to pursue the database recommendations.

1. If ONI Housing Inspections agrees to maintain a database once developed, MCHD EH will pay for and create the database as described above to suit their needs. Consultation with a database programmer would take place among housing inspectors and management to create the most beneficial and efficient design. A MS-Access training for housing inspectors to learn how to manipulate and create new query screens and reports would also be provided.
2. Should additional funds be necessary to maintain start up efforts, the 2006 notice of funding availability will be released in June 2005 for new applicants from Oregon Department of Human Services' Environmental Public Health Tracking Program. The ONI Housing Inspections database project would be an eligible applicant. Assistance with grant writing and partnership development would be provided to ONI by MCHD EH.

#### References:

1. Portland Online. Office of Neighborhood Involvement, Neighborhood Inspections Program website. <http://www.portlandonline.com/oni/index.cfm?c=28397> Accessed 5/10/05
2. Rosen G. *A History of Public Health*. New York: MD Publications; 1958:225.
3. Hyndman S. Making connections between housing and health. *Putting Health into Place*. Syracuse, NY: Syracuse University Press;.1998:191-207.
4. Wood RA, Eggleston PA, Lind P, et al. Antigenic analysis of household dust samples. *Am Rev Respir Dis*. 1988;137:358-363.
5. Gelber LE, Seltzer LH, Bouzoukakis JK, et al. Sensitization and exposure to dust mite allergens as risk factors for asthma among patients presenting to hospital. *Am Rev Respir Dis*. 1993;147:573-578.
6. Robinson T, Russell P. Healthy indoor environments for energy efficient housing: Proceedings of the 9th World Clean Air Congress. Montreal, Canada. 1992;7:IU-12B.11.
7. Oregon Department of Human Services, Environmental Public Health Tracking Network website. <http://www.oregon.gov/DHS/ph/epht/index.shtml> Accessed May 30, 2005.

*Questions?*

Please contact:

Andrea Greiling, MPH  
CDC Prevention Specialist  
Multnomah County Health Department  
503. 988. 3663 X 22552  
[andrea.k.greiling@co.multnomah.or.us](mailto:andrea.k.greiling@co.multnomah.or.us)



**BHCD Landlord/Tenant Outreach**  
**Best Practices Research**

**April 2008**

**Bryan Swisshem**

## **Literature Review and Research of Best Practices –HUD Healthy Homes Grantees Abstracts & Jurisdictions that Conducted Broad Community Outreach Efforts around Housing**

This report summarizes a literature review of HUD grant abstracts from 2000-present that included broad community outreach projects associated with *Healthy Homes* initiatives and a broader research of community outreach best practices and methods. Individuals were contacted at various jurisdictions to gather information on best practices and general experiences around conducting outreach to tenants, landlords, community members, and the public at large. A summary of HUD grantee information is located in Appendix 1.

From a review of best practice research<sup>12</sup>, it is recommended that communication and outreach strategies should attempt to:

- Communicate through multiple channels
- Develop a central clearinghouse for information (Rental Housing Handbook)
- Develop Strategic partnerships with other organizations including community based organizations
- Deliver information tailored for the specific audience
- Develop a community “participatory action” approach—train and build capacity of community outreach workers living in the community to “get the word out”
- Develop and Implement Social Marketing Campaign—BHCD branding/logo<sup>3</sup>

Two common themes stand out from the community outreach programs that were researched: one where the community participates in the work of government and another in which government participates in community-driven processes that are in place, such as in the case of community based organizations. All of the education outreach efforts surveyed in this report used multiple channels for getting the word out; broad outreach efforts were not conducted by one organization and with one modality for disseminating information. Outreach efforts often target diverse populations and address multiple contextual and cultural dimensions.

Another common theme from a review of successful outreach efforts, showed widespread utilization of partnerships with nonprofits and community members to do grass-roots outreach and education can boost the efficacy of the intervention/outreach. It was strongly suggested by individuals interviewed at various jurisdictions that a simple “community-connector” model be developed, using a “phone-tree” of pre-existing resources that local residents can use at different service points to receive information about housing services and landlord/tenant rights (as echoed in a phone interview with Kari Lyons with the Multnomah County Health Department)<sup>4</sup>. For example: neighborhood coalitions such as the Southeast Uplift could have a part-time community liaison that conducts targeted education outreach efforts, and can be utilize

### **Grassroots Efforts**

Educating tenants about rights, responsibilities, and “healthy homes” topics is sometimes difficult as tenants are often not as organized as landlords. Government may be intimidating

to some tenants/residents; as such, use of peer educators to “get out the information” has been employed in some jurisdictions with some success.<sup>5</sup> Door-to-door campaigns have been successful in low-income areas of South Central Los Angeles as a method of educating hard-to-reach-tenants. The City of Los Angeles partnered with The Strategic Action for a Just Economy (SAJE) organization to reach tenants had little access to otherwise “readily available” information because of language, cultural, and immigrant status issues; this project was funded by a HUD “healthy homes” grant in 2005 (See abstract and summary in Appendix 1).

It was noted that educating landlords could be equally difficult. Large management companies may be well organized and have access to important information, but smaller land owners/groups may be unaware of the laws, regulations, and resources available<sup>6</sup>. Partnerships with successful landowner advocacy groups and associations that provide training, and publish informational brochures have been shown to be effective tools for disseminating information to landlords.<sup>7</sup> Portland is endowed with a deep array of community organizations where partnerships and synergies can be developed. Some local organizations have a long history of working with government, on outreach projects are:

- Economic Justice Action Group (EJAG)--- <http://www.ejag.org/history.html>
- Immigrant and Refugee Community Organization--- <http://www.irco.org/>
- Metropolitan Group--- <http://www.metgroup.com/content/index.php?pid=15>
- Housing Development Corporation of N.W. Oregon-  
<http://www.farmworkerhousing.org/news.htm>
- Community Development Network-- [http://www.cdnportland.org/cdc\\_guide.html](http://www.cdnportland.org/cdc_guide.html)

Additional (and exhaustive) resources can be reached from the Multnomah County PACE-EH Community Coalition Community Action Plan (CAP)-- Inner North and Northeast Portland, 2005-2006.<sup>8</sup>

The City of Los Angeles’ Department of Housing is a recognized leader in educating both landlords and tenants on rights and responsibilities, and has one of the strongest rental housing inspection programs to date<sup>9</sup>. Harvard University’s Kennedy School of Government awarded the City of Los Angeles with the 2005 “Innovations in American Government Awards” for its code enforcement program and education/outreach program around landlord & tenant rights/responsibilities. The strong outreach effort that accompanied the code enforcement process has allowed “Los Angeles tenants and owners are better educated on their rights and the remedies available to them and possess greater confidence in the Housing Department's ability to provide these services effectively,<sup>10</sup>” according to the caption on the Harvard award.

Training of Community outreach workers to “get the word out” can be an effective method for any sustained outreach effort. Outreach efforts that use local residents to “bridge the cultural gaps” have been shown to have sustainable outcomes.<sup>11</sup> Community outreach workers come from the community that they serve and may be more trusted than government agents/inspectors/coordinators. As members of the communities they serve, community outreach workers provide culturally, linguistically, and otherwise appropriate outreach services, which are based in, and reflect, the value systems of the community. The

[Multnomah County Health Department](#) has staff on hand who specialize in working with participatory outreach efforts ([Nöel Wiggins](#)/[Kari Lyons](#)—see contacts) and may be a resource if this strategy is adopted.

## Social Marketing

Social marketing can be a good “intervention” and “education” technique. Sally Richman from the City of Los Angeles recommended using marketing tools, developed by industry as one of the best ways to “get the word out.” Social Marketing, when done right, can ameliorate the barriers of getting information that many groups have. The use of media, kitsch and logo-oriented messages on public transportation and billboards can help to deliver information, at the right time, to the right people. Successful social marketing campaigns help to reduce various “costs” that individuals incur when seeking information. Costs can be economic, psychological, social, and environmental. “The overarching goal of a successful social marketing campaign should minimize barriers to getting appropriate information. The more that costs of information can be reduced or eliminated, the greater the likelihood that members of the target market will assimilate the information”<sup>12</sup>.

## Web-Based Resources

It has been suggested that, while web site informational portals are a good base to get the word out, they are often not utilized by those who need the information the most (tenants and landlords who do not have internet or do not know where to go online). All jurisdictions contacted did have a comprehensive web site portal for information that serves as a base for which all information is readily available. The Cities of Boston and San Francisco both developed comprehensive handbooks that were easily accessible and downloadable. A comprehensive and exhaustive landlord/tenant rights & responsibilities handbook should form the basis of any/all ongoing outreach and education efforts. The handbook should be easy to understand, be translated in key language for all end-users, and be freely accessible in electronic and print format. The City of Boston has an excellent example of an easy to use and freely accessible rental housing handbook located on the City of Boston Rental Housing Resource Center web site<sup>13</sup>.

## Some Examples of Successful Outreach Efforts & Education Programs:



### Community Outreach at SAJE—Strategic Actions for a Just Community

*Outreach facilitators speak to South Central Los Angeles Residents about tenant rights and issues around tenant advocacy. The scale and scope of displacement (due to forced evictions, market conditions, and redevelopment) has reached crisis proportions in Downtown and South Los Angeles. SAJE regularly holds tenant rights workshops and tenant organizing events to get the word out.*

### **Tenant & Landlord education and outreach programs can:**

- Integrate a Code Enforcement Outreach Program --in partnership with local stakeholders --for education of any new code enforcement laws/regulations.
- Disseminate brochures
- Conduct seminars at Neighborhood Centers, Neighborhood Association Meetings, and other public places.
- Advertise through various media sources and target groups with specific needs
- Conduct ongoing information sharing sessions with stakeholders
- Expand “Ready –to-Rent” Education program in Portland Public Schools
- Organize “Rental Fairs”

### **Education Efforts & Materials: Landlord/Tenant Handbooks**

Key information about landlord-tenant rights & responsibilities, habitability & health, and new code enforcement proceeds should be bundled into a comprehensive handbook or document that can be used as the foundation for all Landlord/Tenant training and outreach efforts. Curriculum for ongoing seminars can be developed from the materials/resources contained in the handbook provided that it is updated on an annual basis. The handbook should be free and easily accessible; both online and at key service area locations throughout the City to permit free access to information. The handbook serves to raise tenant and landlord awareness of obligations and issues around rental properties.

Landlord/Tenant handbooks have been developed and successfully integrated into community education programs in Boston. Appendix 2 has an example of a comprehensive landlord/tenant handbook developed by the City of Boston’s Rental Housing Resource Center (***Good Neighbors Handbook***<sup>TM</sup>)<sup>14</sup>, detailing laws, regulations, and advise on various matters pertaining to rental housing; both for the tenant and landlord. Participatory community outreach efforts can be facilitated by training community members composed of landlords and tenants alike to be key points of contact for residents who have questions about landlord-tenant questions. At a minimum, the handbook should be posted prominently on City and County web sites with a PDF downloadable version available.

Strategies for building education and outreach materials should include the following elements:

- Develop a “***City of Portland Sustainable Housing Guidebook/Rent Right***<sup>TM</sup>” as a guide for Portland Landlords & Tenants that includes comprehensive information on all aspects of rental property issues.
- Develop curriculum on educational classes run through landlord and apartment Associations.
- Promote and facilitate the integration of curriculum such as “Ready-to-Rent” into Portland Public Schools using information contained in handbook .
- Train community advocates; composed of landlords and tenants, to be neighborhood contacts who can guide informational requests and service needs.

The handbook should include at minimum:

1. Information about rental resource centers run by the City or Stakeholders
2. Links to key web sites within City and for stakeholders

3. Mediation services
4. Seminars on Rental life
5. Social Work/ Safety Net resources
6. Section 8 assistance

Other information might include:

1. How to find rental units in the City of Portland
2. Information for young renters/students
3. Information for landlords on how to find/screen tenants
4. Laws on discrimination
5. All other key laws statutes on rental property for both landlords and tenants
6. Information about the inspection process
7. Low-income housing
8. Problem resolution
9. Evictions
10. Rental insurance
11. Condominium conversion information
12. Transition to first time home ownership
13. Index/Glossary

Outreach Tool	Target Audience						
	Renters	Landlords	Mediators	Public	Students/ Schools	Landlord Advocacy Org.	Tenant Advocacy Org.
Handbook	✓	✓	✓	✓	✓	✓	✓
BHCD Web site	✓	✓	✓	✓	✓	✓	✓
Seminars/Classes	✓	✓	✓			✓	✓
Ready to Rent Material					✓		
Mass Media/Social marketing	✓	✓		✓	✓	✓	✓
Community Outreach Worker/peer educators Door- to-door campaign	✓						
Facilitated Training	✓	✓				✓	✓
Community Fairs	✓	✓		✓	✓	✓	✓

## **Appendix 2: Web Sites & Contact Information**

**Healthy Homes Grantees Abstracts by Region/Type**

<http://www.hud.gov/offices/lead/hhi/hhabstracts.cfm>

**City of San Francisco Code Enforcement Outreach Information:**

[http://sfgov.org/site/uploadedfiles/dbi/Key\\_Information/19\\_CodeEnforceOutr0605.pdf](http://sfgov.org/site/uploadedfiles/dbi/Key_Information/19_CodeEnforceOutr0605.pdf)

**City of Boston Rental Housing Resource Center—Bureau of Housing:**

<http://www.cityofboston.gov/rentalhousing/default.asp>

**Oregon State Bar Association—Web outreach on Landlord/Tenant rights & responsibilities/Law:**

<http://www.osbar.org/public/legalinfo/tenant.html>

**Portland Area Metro Multifamily Housing Association Training Courses:**

<http://www.metromultifamily.com/education/>

**Multnomah County Community Outreach Program—Through the Division of Environmental Health:**

<http://www.co.multnomah.or.us/health/mchealthinspect/communityed.shtml>

**Esperanza Community Housing Corporation (Los Angeles)—HUD Healthy Homes Grantee Outreach Project:**

[http://www.esperanzacommunityhousing.org/index.php?option=com\\_frontpage&Itemid=1](http://www.esperanzacommunityhousing.org/index.php?option=com_frontpage&Itemid=1)

**Strategic Action for a Just Economy (SAJE)—organization that partnered with Esperanza Community Housing Corp to provide tenant education outreach efforts:**

<http://www.saje.net/site/c.hkLQJcMUKrH/b.2315777/k.BF4B/Home.htm>

**HUD report to Congress on “Controlling and Preventing Household Mold and Moisture Problems—A broad overview of disseminating information and outreach efforts:**

<http://www.hud.gov/offices/lead/library/hhts/report040105.pdf>

**City of San Francisco Code enforcement Outreach Flyer**

<http://www.sfdph.org/dph/files/EHSdocs/ehsPublsdocs/housing/HousingFlyerEnglish.pdf>

**City of Los Angeles Housing Department**

<http://lahd.lacity.org/>

**California Apartment Association—Highly Active Information Clearinghouse for Both Landlords/Managers & Tenants:**

<http://www.caanet.org/AM/Template.cfm?Section=Overview&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=52&ContentID=15373>

### **Contacts:**

**Nancy Halpern Ibrahim:**

Project Director of Healthy Homes Demonstration Projects-Los Angeles—HUD Grantee  
213-748-7285

**Strategic Action for a Just Economy (SAJE):**

Grassroots tenant rights education and community organizing  
213-745-9961

**Linda Kite:**

Director of Healthy Homes Initiative for Southern California and CDC board member for  
Lead exposure issues  
213-689-9170

**Noël Wiggins :**

Manager of the *Community Capacitation Center (CCC)—Community Based Outreach*--at the  
Multnomah County Health Department—Community Outreach  
503-988-6374 x-26646

**Kari Lyons:**

Outreach Coordinator, Multnomah County Health Department  
503-988-3674

**Andrew Karcs:**

Lead Code Enforcement Specialists and Code Enforcement Outreach Officer, City of San  
Francisco  
415-558-6465

**Lauri Finara & Tom Pace:**

Director of The City of Boston's Rental Housing Resource Center/Landlord Educator and  
former Housing Court Mediator in City of Boston's Housing Court Program  
617-635-3683 (L.F.)  
617-635-2717 (T.P.)

**Linda C. McMahan:**

Community Services Specialist with Mass Housing  
617-854-1084

**Sally Richmond:**

Lead Safety Housing Manager, City of Los Angeles  
213-808-8653

**Lizette Romero-Martinez:**

Program Coordinator, City of Los Angeles—Lots of Experience with community outreach  
and housing (referred by Sally Richmond)  
213-808-8828

**Rita Humphries:**

City of Gresham  
503-618-2866

**North Carolina Housing Coalition:**

919-881-0707

**Gracie Garcia:**

Housing Development Corporation Corp. N.W. (Beaverton) 503-6932937



## Citations and References

---

- <sup>1</sup> Controlling and Preventing Household Mold and Moisture Problems: Lessons Learned and Strategies for Disseminating Best Practices—A report to Congress by HUD. April 1, 2005: website accessed on April 1, 2008  
<http://www.hud.gov/offices/lead/library/hhts/report040105.pdf>
- <sup>2</sup> Integrated Pest Management in Boston Public Housing: Partnerships, Programs, and Policy Advances. Healthy Public Housing Initiative. Harvard School of Public Health. Website accessed on April 1, 2008:  
[http://www.ipminstitute.org/Fed\\_Agency\\_Resources/casestudy\\_boston\\_ha.pdf](http://www.ipminstitute.org/Fed_Agency_Resources/casestudy_boston_ha.pdf)
- <sup>3</sup> Multnomah County community outreach efforts—Branding of the process was encouraged—logo to go with brochure. Web site accessed on 4/10/08.  
[http://www.mchealthinspect.org/documents/ed\\_and\\_outreach.ppt](http://www.mchealthinspect.org/documents/ed_and_outreach.ppt)
- <sup>4</sup> Interview with Multnomah County Health Department Community Outreach Specialist with Environmental Health on April 9, 2008 (see contact information for phone number)
- <sup>5</sup> Phone interview with HUD grantee manager Nancy Halpern Ibrahim on April 9, 2008; conducted by Bryan Swisshem BHCD (Esperanza Community Housing Corporation, South Central Los Angeles) See contact information for phone number
- <sup>6</sup> Interview with City of Los Angeles Housing Director Sally Richman. April 10, 2008. Phone number: 213-808-8828. Additional information located on:  
<http://www.innovations.harvard.edu/awards.html?id=7497>
- <sup>7</sup> Interview with City of Los Angeles Housing Director Sally Richman. April 10, 2008. Phone number: 213-808-8828. Additional information located on California Apartment Association web site:  
<http://www.caanet.org/AM/Template.cfm?Section=Overview&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=52&ContentID=15373>
- <sup>8</sup> [http://www.pace-eh.org/documents/comm\\_action\\_plan.pdf](http://www.pace-eh.org/documents/comm_action_plan.pdf)
- <sup>9</sup> Harvard's Kennedy School of Government 2005 Innovations in American Government Awards web site  
<http://www.innovations.harvard.edu/awards.html?id=7497>
- <sup>10</sup> Harvard's Kennedy School of Government 2005 Innovations in American Government Awards web site:  
<http://www.innovations.harvard.edu/awards.html?id=7497>
- <sup>11</sup> Levy BS, Sidel VW. Social Injustice and Public Health. Oxford University Press. New York 2006 pg. 60
- <sup>12</sup> Glanz K. et al. Health Behavior and Health Education. 2002. Jossey-Bass. San Francisco
- <sup>13</sup> City of Boston Rental Housing Resource Center—Bureau of Housing:  
<http://www.cityofboston.gov/rentalhousing/default.asp>
- <sup>14</sup> City of Boston Rental Housing Resource Center—Bureau of Housing:  
<http://www.cityofboston.gov/rentalhousing/default.asp>

Quality Rental Housing Workgroup  
Education Campaign Budget  
*August 12, 2008*

**Grassroots Education Campaign Year 1: Landlords & Tenants**

Branding and outreach plan development	\$ 30,000
Project Coordinator annual salary	\$103,500
Handbook and website development	
Estimated cost to write and layout handbook	\$ 5,000
Cost to translate	\$ 8,000
Cost to print 60,000 Legal Aid style/size handbooks	\$ 8,000
Estimated cost for site set up and content development	\$ 10,000
Cost to translate	\$ 4,000
Flyer, advertisement design (Business Licensing)	\$ 1,900
Print, advertising, postage for flyer distribution	<u>\$ 4,400</u>
	\$174,800

**Grassroots Education Campaign Year 2: Community**

Project Coordinator annual salary	\$103,500
Micro-grants for outreach to underrepresented populations	\$ 25,000
Evaluation	\$ 10,000
Handbook and Website Maintenance	
Annual cost to reprint 30,000 books	\$ 5,000
Annual cost to host and update website	\$ 5,000
Print, advertising, postage for flyer distribution	<u>\$ 4,400</u>
	\$152,900

## Landlord and Tenant Handbook Outlines

The Education Subcommittee of the Quality Rental Housing Workgroup created the following outlines as models of essential Landlord and Tenant information. The Workgroup recommends that Landlord Handbooks be distributed to all landlords in the City of Portland every three years upon receipt of a business license and Tenant information to be distributed at the start of a new rental agreement.

### Tenant Handbook Draft Outline

#### **Successful renting in City of Portland/Multnomah County** ***Information and resources to find and keep healthy housing***

##### **Introduction and explanation of this tenant handbook**

##### **Maintaining a good relationship with your landlord**

- ◆ Information about documentation
  - How to document
  - Keeping records
- ◆ How to communicate with landlord
  - Why its important to notify your landlord of problems
    - Briefly explain retaliation
  - Doing it in writing.
  - Example of sample letters- mostly from LASO
- ◆ Tenants Unions and Organizing.
  - ORS tenant union law
  - Basics of building wide tenant organizing or joining a tenants union
- ◆ Community mediation briefly: example of when it is appropriate to use it
  - Dealing with a landlord before things get bad
  - Tenant to tenant info

##### **ORS state laws around residential tenancy-**

- ◆ Tenant rights and responsibilities: LASO booklet
  - Residential Landlord and Tenant Act
  - Discrimination against tenants
    - Advocate Services that may be able to help you resolve your rental problem
      - Disability
      - Fair Housing
  - Federally subsidized housing
  - Rental agreements
  - Application fees, deposits, rent increase, late charges, and utility bills
  - Right of entry, retaliation
  - Info on all types evictions
    - What to expect
    - How to get your stuff back

## *Quality Rental Housing Workgroup Recommendations Appendix VI*

- Fair Housing
- Moving out

### **Healthy Housing and Repairs**

- ◆ The impact of housing conditions of health: Summary of key impacts and what tenants can do to limit their exposure to these health hazards.
  - Heat
  - Mold
  - Lead
  - Pests
  - Sanitation
    - List of resources on where to get more information, including any trainings that might exist
      - American Lung Association
- ◆ What tenants can/should do to uphold their responsibilities in maintaining healthy homes - housekeeping tips, etc
  - Summary of tips
  - Resources for more detailed info (can mult co provide this more detailed info online or in paper form?)
  - Healthy Homes Program
  - Utilities/weatherization assistance
    - Resources in the community to help tenants maintain their units (mostly housekeeping)?
      - What are the resources? Is there a place people can get vacuum cleaners, free cleaning supplies
      - Reference any housecleaning services elderly and disabled can get from ADS and who to call for more info
    - Who can help you assess if your housing is causing health problems
      - Your doctor, if you have one
      - Mult Co Health Clinics
      - Other community health clinics
- ◆ Is second hand smoke an issue in your apartment - <http://smokefreehousingnw.org/>
- ◆ ORS: Getting repairs done: Tenant and Landlord responsibilities in maintaining healthy homes.
  - Special requirement for tax credit and Section 8 properties

### **Additional resources to deal with habitability problems with your rental home-**

- ◆ Dispute resolution
  - Community mediation- Resolutions NW
- ◆ Title 29 Inspections and enforcement
  - City of Portland Maintenance Codes
  - How to request an inspection
  - What to expect
- ◆ Legal proceedings

## *Quality Rental Housing Workgroup Recommendations Appendix VI*

- Affirmative process
- Evictions court- focus on 72 hr nonpayment of rent
- Small claims court
  - List legal resources and advocates
    - Renters' Rights Hotline
    - Legal Aid Services
    - Oregon State Bar
    - List landlord/tenant training opportunities for tenants
    - Etc.

### **If you can not resolve your rental problem/habitability problem**

- ◆ Preserving your rental record so you can move, pass screening criteria in a new unit
  - Credit
  - Criminal
  - Rental history
    - Landlord references
    - Having an FED on your record
  - Advocate Services that may be able to help you resolve your rental problem
    - Renters' Rights
    - Senior
    - Homeless
- ◆ Where to get assistance looking for housing, rent assistance, info on affordable housing.
  - Advocate Services that may be able to help you resolve your rental problem
    - Renter Assistance
    - 211
    - Rental Barriers: Ready to Rent, etc.
    - Senior
    - Homeless
    - Who to contact about getting section 8 or into other low-income housing
- ◆ Relocation Program (lets decide if we want to talk about this in the book)

## **Landlord Handbook Outline**

### **Successful operation of rentals in City of Portland/Multnomah County Information and resources to rent and keep healthy housing**

**Introduction and explanation of this landlord handbook maintaining your property and a good relationship with your Tenants**

#### **How to communicate with tenants**

- ◆ Why it is important to be educated.
- ◆ Why it is important to inform and educate your tenants.
- ◆ Briefly explain retaliation

## *Quality Rental Housing Workgroup Recommendations Appendix VI*

- ◆ Do it in writing.
- ◆ Example of sample forms

### **Information about documentation**

- ◆ Why document
- ◆ Why keep records

### **ORS state laws around residential tenancy-**

- ◆ Tenant rights and responsibilities:
- ◆ Landlord rights and responsibilities:
- ◆ Residential Landlord and Tenant Act
- ◆ Discrimination against tenants

### **Advocate Services that may be able to help you resolve your rental problem**

- ◆ Disability
- ◆ Fair Housing

### **Federally subsidized housing**

- ◆ Rental agreements
- ◆ Application fees, deposits, rent increase, late charges, and utility bills
- ◆ Right of entry, retaliation
- ◆ Info on all types evictions
- ◆ What to expect
- ◆ How to get your unit back
- ◆ How to get rid of abandoned property
- ◆ Fair Housing
- ◆ Moving out

### **Healthy Housing and Repairs**

- ◆ The impact of housing conditions on health:
- ◆ A summary of key impacts and what the landlords can do to help tenants limit their exposure to these health hazards.
- ◆ Heat
- ◆ Mold
- ◆ lead
- ◆ Pests
- ◆ Sanitation
- ◆ List of resources on where to get more information, including any training that might exist
- ◆ American Lung Association
- ◆ What tenants can/should do to uphold their responsibilities in maintaining healthy homes - housekeeping tips, etc
- ◆ What landlord's can/should do to uphold their responsibilities in maintaining healthy homes

**Summary of tips**

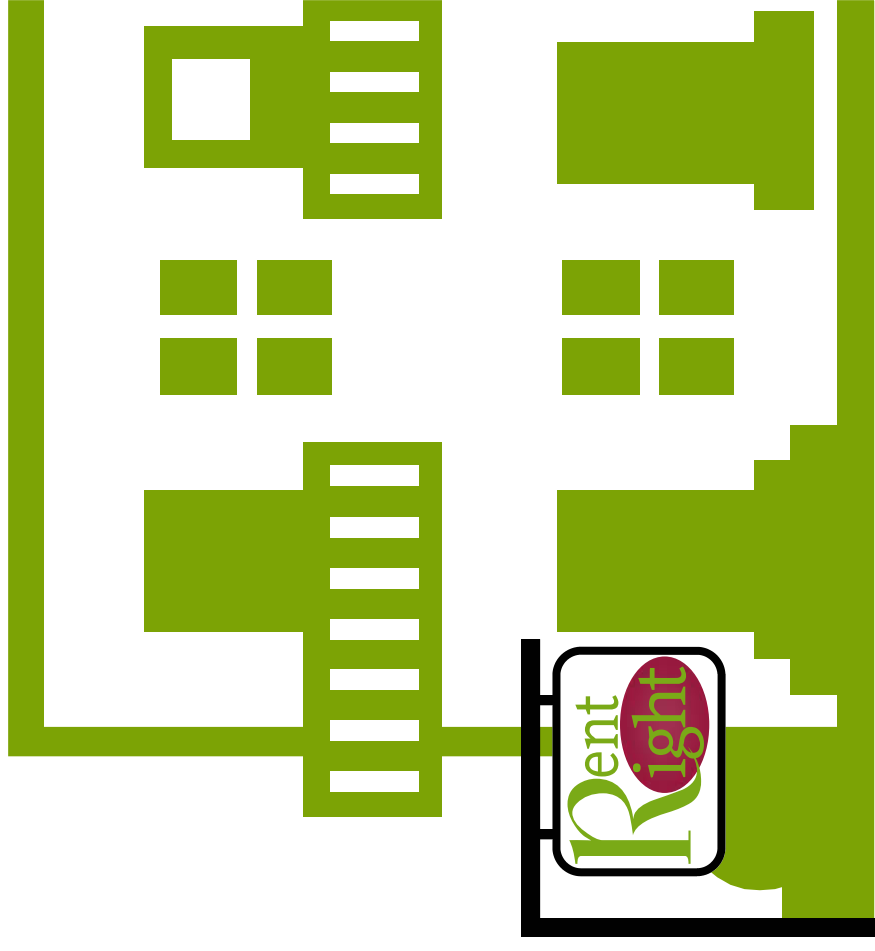
- ◆ Resources for more detailed info (can Mult. Co. provide this more detailed info online or in paper form?)
- ◆ Healthy Homes Program
- ◆ Utilities/weatherization assistance
- ◆ Resources in the community to help your tenants maintain their units (mostly housekeeping)?
- ◆ What are the resources? Is there a place where your tenants can get vacuum cleaners, free cleaning supplies
- ◆ Reference any housecleaning services your elderly and disabled tenants can get from ADS and who to call for more info
- ◆ Who can help you assess if your housing is causing health problems
- ◆ Your doctor, if you have one
- ◆ Mult Co Health Clinics
- ◆ Other community health clinics
- ◆ Is second hand smoke an issue in your apartment –
- ◆ <http://smokefreehousingnw.org/>
- ◆ ORS: Getting repairs done: Tenant and Landlord responsibilities in maintaining healthy homes.
- ◆ Special requirement for tax credit and Section 8 properties

**Additional resources to deal with habitability problems with your rental home**

- ◆ Dispute resolution
- ◆ Evictions court- focus on 72/144 hr nonpayment of rent
- ◆ Small claims court to collect for tenant damage and rent
- ◆ Community mediation- Resolutions NW
- ◆ Title 29 requirements, Inspections and enforcement
- ◆ What to expect
- ◆ Legal proceedings
- ◆ Affirmative process

**List resources and advocates**

- ◆ Landlord organizations
- ◆ Landlord Rights Hotline
- ◆ Landlord training opportunities
- ◆ Landlord/tenant law information
- ◆ Etc.



# R

esources for Landlords  
and Tenants for healthier  
homes and better renting





Resources for Landlords and Tenants for healthier homes and better renting

---



<b>Best Practices for Landlords Tenants and Housing Inspectors</b>		
Indoor Humidity		
Landlord	Tenant	Housing Inspector
<p><b>Maintain</b></p> <p>Windows and doors to minimize condensation, air leakage and operability</p> <p>Fan operability (including noise control) to ventilate bathroom, laundry, kitchen</p> <p>Dryer duct ventilation to the outside</p> <p>HVAC equipment achieves and maintains heat and airflow</p> <p>Water barrier in crawl space</p> <p>Check foundation, soffit and roof vents</p> <p>Weatherize windows and doors, and maintain weather-stripping.</p> <p><b>Conduct</b></p> <p>Walk through with new tenant review humidity controls (operating fans, dryer vents, heat controls) and expectations</p> <p><b>Respond</b></p> <p>To notification of structural concerns</p> <p>Add insulation where needed</p> <p>Remove carpet from bathrooms, under water heaters.</p> <p>Install a water barrier for carpets on top of concrete floors.</p> <p>Inspect foundation and ground slope to prevent water from collecting at the foundation.</p> <p>Keep the gutters clear and functioning properly</p> <p>Fix leaks as soon as possible</p>	<p>Raise blinds and shades daily to provide air circulation.</p> <p>Maintain heat at 60 degrees with approved source.</p> <p>Open window or use bathroom fans during showering and for 30 minutes afterwards.</p> <p>Use laundry fan during the wash cycle.</p> <p>Use the exhaust fan over the stove when cooking liquids.</p> <p>Clean up liquid spills immediately</p> <p>Notify management immediately, and in writing, of water leakage, mold, or excess moisture such as condensation on walls or windows, wet spots on drywall, ceilings.</p> <p>Wipe away or dry the moisture.</p> <p>Leave bedroom &amp; bath doors open and closet doors ajar when not in use.</p> <p>Keep furniture at least 2 inches away from outside walls.</p> <p>Clean and dry any damp or wet materials such as carpets, clothing, laundry, furniture or other household items.</p> <p>Avoid using humidifiers.</p> <p>Use dehumidifiers for excess moisture.</p> <p>Report malfunctioning appliances related to water usage such as garbage disposals, dishwashers, and washers or dryers.</p> <p>Notify the landlord of weak, missing, or</p>	<p>Analyze relative humidity of internal spaces including living area, bedrooms, bathrooms and laundry</p> <p>Analyze internal building surfaces with protimeter</p> <p>Review mechanical ventilation for appropriate operability and ventilation egress</p> <p>Observe for visible mold/dampness</p> <p>Review windows and doors for condensation, leakage and operability</p> <p>Provide tenant with findings and recommendations for minimization of humidity</p> <p>Complete inspection report and provide results to landlord and tenant</p> <p>If problems are caused by a lack of heat, air circulation, or ventilation note the problem and supply the tenant and landlord with the best practices information and make appropriate recommendations in the report.</p> <p>(Responsibility needs to be clearer. How is it going to be determined that tenant is not heating or using fans unless tenant self-discloses? Tenants and landlords should be educated about indoor humidity responsibilities regardless of cause anytime mold or excess moisture is found.)</p>

*Quality Rental Housing Workgroup Recommendations Appendix VII*

	<p>deteriorating weather-stripping or weatherized windows and door. Limit number of house plants. Cover large aquariums.</p>
--	--

Leaks and Water Intrusion		
Landlord	Tenant	Housing Inspector
<p><b>Maintain</b> Integrity of basements and crawl spaces to be free of dampness Windows and doors that exclude leakage Gutters and drains to assure adequate drainage Roof integrity Plumbing and water heater free from leaks with minimal condensation Respond To notification of structural concerns Keep trees and bushes trimmed so that branches are at least 3 feet away from the building Show your tenant where the water shut off is located Inspect and adjust irrigation spray so as to keep water off of the building and away from the foundation Respond to notification of condensation, moisture or water and look for cause or educate tenant If water flowed into the home remove standing water immediately and moist materials as soon as possible. Pull back</p>	<p>Clean up liquid spills immediately Notify management immediately of leaks/water intrusion Watch for and report cracks, peeling paint, dripping faucets, sweating pipes If water is flowing into the home shut off the water and immediately notify management. Remove standing water and wet personal items as soon as possible.</p>	<p>Observe for evidence of leaks or water intrusion Observe for evidence of crumbling foundation Observe for sagging roof or hole(s) in roof Missing exterior material</p>

## Quality Rental Housing Workgroup Recommendations Appendix VII

carpets, use fans and dehumidifiers to thoroughly dry the space out. Replace any wet/damaged sheetrock (any damaged building materials.)	
--	--

Cleanliness and Sanitation		
Landlord	Tenant	Housing Inspector
<p>Be sure window and patio door drain holes and clear so the moisture from the windows will drain properly to the outside</p> <p>Check the dryer vent not plugged and are properly connected to outside vents</p> <p>Instruct tenant on use of sump pump if you have one.</p> <p>Replace the caulk around tubs and sinks as needed</p> <p>Provide tenant with proper receptacle for trash</p> <p>Provide pest management services if problem with rodents or other pests.</p> <p>Instruct tenant not to store items in cardboard boxes on the floor/ground in a basement or garage. (I am unfamiliar why this is a problem.)</p> <p>Provide tenant with a copy of ORS 90.325 tenant's responsibilities and Tenant Handbook (as recommended by the Quality Rental Housing Workbook).</p>	<p>Keep walls clean. Remove dirt which mold can use for a food source.</p> <p>Make sure the patio doors and windows are draining.</p> <p>Wipe up spills, keep plumbing fixtures clean,</p> <p>Remove trash daily and deposit into proper receptacle.</p> <p>Keep food and pet food in closed containers. Wash dishes after use.</p> <p>Wipe up kitchen counters and keep kitchen appliances clean.</p> <p>Vacuum, sweep, and mop floors frequently.</p> <p>Wash laundry frequently (especially if it is damp or wet) avoid accumulating large piles.</p> <p>Don't store items in cardboard boxes on the floor of basements &amp; garages.</p> <p>Boxes in closets should be kept back from the walls for circulation</p> <p>Report deteriorating caulk around tubs and sinks to management.</p> <p>Report clogged drains immediately.</p> <p>Only flush toilet paper down the toilet.</p>	<p>Is garbage service regular and sufficient at the property?</p> <p>Is the resident properly disposing of garbage and refuse?</p> <p>Is potable water available?</p> <p>Is the septic system and sewer working properly.</p> <p>Are toilets working properly?</p> <p>Recommend pest management practices to the landlord in cases of violation and provide educational materials to the tenants.</p>

*Quality Rental Housing Workgroup Recommendations Appendix VII*

	<p>Report rodents or other pests to management immediately.</p> <p>Don't accumulate debris on the property</p> <p>Use proper storage for outdoor items.</p> <p>Don't store items intended for indoor use outside.</p>	
--	---	--

Localized Cold Spots		
Landlord	Tenant	Housing Inspector
<p>Check and seal leaks in siding and sheet rock, such as plumbing holes.</p>	<p>Keep clean and ventilated.</p> <p>Notify the landlord if condensation appears or dampness penetrates the building materials.</p>	<p>Observe and test for cold areas that support mold growth.</p>

## Mold Inspections Protocol for NIT Pilot Test

The Health Subcommittee of the Quality Rental Housing Workgroup developed following prioritized checklist in collaboration with NIT inspectors. The Workgroup recommends NIT implement a one-year mold enforcement pilot test and report the results to the Stakeholder Advisory Committee in order to refine mold-related inspection protocols and achieve consistent, effective, and fair enforcement of the mold language revised code Title 29, Section 29.30.120 Interior Dampness and Ventilation.

This mold inspection protocol will be used in following circumstances:

1. A mold complaint is received by NIT.
2. A musty, damp odor is evident upon inspection.
3. Visible mold is present.
4. Relative humidity in the unit reads above 60%.

### Primary Inspection Areas

#### ■ Gutters/Downspouts

- Full of debris
- Missing
- Damaged/deteriorated
- Drainage onto adjacent property
- Unsealed receptacles
- Water drains at foundation

#### ■ Siding

- Damaged/deteriorated
- Missing
- Not firmly secured
- Enough ground clearance ( dirt pulled way from the siding)

#### ■ Windows- both exterior and interior

- Missing
- Does not open
- Blocked
- Boarded
- Damaged/deteriorated
- Broken/missing window panes
- Won't stay open
- Missing putty
- Visible mold
- Weatherized
- Leaks
- Excessive condensation
- Water damage or large water stains

#### ■ Plumbing

- Excess condensation
- Leaks
- Unapproved material on drain/waste/vent line
- Fixture damaged/missing
- Hardware damaged/missing
- Fixture finish damaged
- Fixture lacks caulking seal
- Unsecured fixture
- Visible mold around plumbing fixtures: under sinks/behind toilets/tubs/shower/other plumbing

#### ■ Vents/Ventilation fans

- Improperly installed
- Damaged
- Missing
- Not functioning properly or sufficient ventilation
- Vents that are required to be vented outside are not- eg: dryers, bathroom, kitchen if appropriate.

## *Quality Rental Housing Workgroup Recommendations Appendix VIII*

- Heating
  - Inadequate heat
  - Damaged
  - Missing
  - Inoperable
  - Unsecured
  - Illegal use of space heater
- Crawl space
  - Water barrier (suggest a water barrier if none present)
  - Standing water
  - Visible mold
- Basement
  - Signs of water intrusion
  - Visible mold
  - Cracked in foundation
  - Large water stains
  - Excessive condensation on water pipes
- Roof/Fascias/Soffits
  - Damaged/deteriorated
  - Missing
  - Leaking
  - Not firmly secured
- Foundation/Structural Members
  - Damaged/deteriorated
  - Cracked
  - Spalling
  - Deflected
  - Structurally unsound
  - Vents blocked/missing screening/damaged
- Ceiling/attic/walls
  - Excessive condensation
  - Large water stains
  - Water damage
  - Visible mold
  - Signs of water intrusion
  -
- Water Heater
  - Damaged
  - Missing
  - Leaking
  - Not functioning



## Summary of Enhanced Complaint Model

Revised August 12, 2008

STAGE 1
<p><b>Inspections initiated by:</b></p> <ol style="list-style-type: none"><li>1. Tenant complaint.</li><li>2. Social service agency.</li><li>3. Police referral.</li><li>4. Fire inspector referral.</li><li>5. Unit-specific exterior violation observed by NIT.</li><li>6. Significant level of crime associated with the property as identified in the monthly NIT meeting with Police precincts Neighborhood Response Teams (per existing procedure) or the newly created Police and Fire Service Coordination Team.</li><li>7. Other cited property maintenance complaints/violations including work without permit (VI), dangerous buildings (DB), nuisance (NU), code complaint/zoning (CC), or a site complaint (SC) on a specific property.</li></ol> <p>Note: Inspections criteria that are not unit-specific (6-9) will result in an exterior inspection by NIT. If Exterior condition meets specific criteria identified by NIT, then interior inspections will be triggered. [NIT will review criteria and procedure with Workgroup. Interior inspection will be with first tenant who allows entry.]</p>

STAGE 2
<p><b>Inspections initiated by:</b></p> <ul style="list-style-type: none"><li>– 2 or more of the following categories have met the threshold of the number of (non-tenant caused) violations listed in the Stage 1 inspection:<ul style="list-style-type: none"><li>▪ Health/Sanitation – 2</li><li>▪ Fire/Life/Safety * – 1</li><li>▪ Improper Egress – 2</li><li>▪ Electrical – 2</li><li>▪ Lack of Utilities – 1</li><li>▪ General Maintenance – 5 or more</li></ul></li></ul> <p>* For the purposes of triggering a Stage 2, Stage 3, or Stage 4 inspection, F/L/S violations shall not include fixtures of the property that are reasonably observed to be original to the construction of the structure and are in good operational condition. Specifically including; 29.30.090 (D) windows, 29.30.070 stairs, 29.30.080 (c) guardrail.</p>
<p><b>Units inspected:</b></p> <ul style="list-style-type: none"><li>– Additional 50% of the units on the property will be inspected, up to a maximum of 20 units.</li><li>– In calculating 50%, NIT will round up to determine the number of units to be inspected.</li><li>– For 3 and 4 unit complexes, inspect all remaining units in the property.</li></ul>

## Quality Rental Housing Workgroup Recommendations Appendix IX

- For a duplex (where both units are rented), inspect the remaining unit, and inspect exterior of one additional unit owned by same landlord, if applicable.
- For a single-family home, inspect exteriors of two additional units owned by the same landlord, if applicable.

### STAGE 3

**Inspections initiated by:**

- 50% or more of the Stage 2 inspections meet the Stage 2 threshold:
  - Health/Sanitation – 2
  - Fire/Life/Safety \* – 1
  - Improper Egress – 2
  - Electrical – 2
  - Lack of Utilities – 1
  - General Maintenance – 5 or more

**Units inspected:**

- All remaining units on the property.

### STAGE 4

**Inspections initiated by:**

- 50% or more of the Stage 3 inspections meet the Stage 2 & 3 threshold
  - Health/Sanitation – 2
  - Fire/Safety \* – 1 (\* qualification applies)
  - Improper Egress – 2
  - Electrical – 2
  - Lack of Utilities – 1
  - General Maintenance - 5 or 7

**Units inspected:**

- An exterior inspection will be conducted at one additional property owned by the same owner and selected at random. If exterior condition meets specific criteria identified by NIT, then Stage 2 interior inspections will be triggered for target property. Stage 3 and Stage 4 will follow if applicable.

## Neighborhood Inspections Team Stakeholders Advisory Committee

Following is a list of all tasks described in the Workgroup's recommendations and several other critical functions related to implementation and ongoing effectiveness of NIT.

1. Work with a multi-bureau task force (including BDS, Revenue Bureau, Auditor's Office, and BHCD) to design and implement an integrated, comprehensive, coordinated system to maximize compliance and increase timely collections of fines, fees, and liens assessed through the code enforcement process.
2. Work with BDS/NIT to differentiate rental housing from other types of housing in code and policy. Craft appropriate Title 29 language as needed and refer to Council for adoption.
3. Prioritize the development of necessary code language and policy to related to the enforcement of lead hazards in rental housing:
  - ◆ Proactively identify lead hazards in Portland housing built before 1978.
  - ◆ Require lead safe work practices.
  - ◆ Provide for NIT enforcement procedures and clearance inspections.
  - ◆ Distribute lead risk and remediation education to landlords and tenants in the enforcement process and through BDS residential permit process.
  - ◆ Collaborate with Oregon Department of Human Services, MCHD, and community lead hazard reduction partners for policy development, outreach, education, and testing.
4. Adequately train and equip inspectors to carry out policies and procedures for enforcement of new code language and policies related to workgroup recommendations and many other operating details such as code hearings policy, data tracking, etc.
5. With the support of Multnomah County's Vector Control, develop approved integrated pest management extermination plans landlords and tenants can follow that will be appropriate to suppress pest infestation and not injurious to human health.
6. Conduct outreach to as many affected landlord, owner, and tenant groups as possible prior to the implementation of new code language and inspection protocols detailed in Title 29, administrative rules, and NIT policy.
7. Work with Landlord Associations to develop a fee for service voluntary landlord inspection and certification program.
8. Within 2 years of initiation, conduct a thorough evaluation of the Enhanced Complaint Model
  - ◆ Consider the need for a chronic offender program for rental housing
  - ◆ Evaluate enhancing the fee structure for rental housing code violations to reflect severity

## *Quality Rental Housing Workgroup Recommendations Appendix X*

- and frequency of violations.
- ◆ Consider including unpaid property taxes and lack of business license as criteria that would generate Stage 1 inspections
9. Create policies and procedures under existing Good Faith Waivers for granting a landlord a fee waiver for code violations that are not under exclusive control of the landlord, such as dismantled smoke detectors and egress blocked by tenant belongings.
  10. Work with BDS/NIT to establish policies and relationships that improve coordination with social services and newly developed fire and police service coordination team and address concerns about perceived level of interaction between police and inspectors. (page 28)
  11. Establish abatement policies for NIT in rental housing cases that will enable inspectors to authorize abatement of qualified housing conditions prior to code hearing (similar to nuisance enforcement).
  12. Consider requesting authority for NIT to issue vacate orders, levy increased fines, and pursue summary abatement in housing cases using clear administrative rules, and use the hearings process for appeals rather than complaints.
  13. Work with the BDS/NIT to devise a new hearings filing fee structure to reflect staged assessment of fees based on duration of case and Hearings Officer resources utilized.
  14. Improve coordination with Section 8, HOME and other inspection programs to reduce overall inspections in subsidized housing units and increase compliance with Title 29 maintenance standards.
  15. Advise NIT on data collection and evaluation practices and assist in the production of an annual program report.
  16. Work with BDS/NIT to increase transparency and public access to code enforcement outcomes:
    - ◆ Make all waiver and lien reduction policies easily accessible and available for public review prior to implementation.
    - ◆ Document and provide public access via the internet to waiver and lien reduction recipients through a mechanism such as Portland Maps.
    - ◆ Provide public access to a searchable database of code violations history for Portland rental units through a mechanism such as Portland Maps. Note any non-landlord violations, ownership at the time of violation, and appeals.
    - ◆ Make all database changes necessary for Tracs data to be exported and viewable through a mechanism such as Portland Maps. Budget estimate for database changes and public display of data: \$10,000.

## *Quality Rental Housing Workgroup Recommendations Appendix X*

17. Regularly evaluate and propose revisions to NIT policies and inspections procedures including:

- ◆ The Enhanced Complaint Model
- ◆ New mold, lead, and pest code language and policies
- ◆ Fee structure
- ◆ Collections
- ◆ Allowing inspectors to appear in court and testify without a subpoena

18. Develop financial incentives to:

- ◆ Assist property owners in proactively addressing lead paint. Consider existing models such as Marion County, Indiana and Los Angeles County, California.
- ◆ Recommend appropriate public investment strategies that support landlord and tenant efforts to maintain habitability and maximize compliance with Title 29.
- ◆ In collaboration with Multnomah County Public Health and other stakeholders, develop additional heat assistance options to prioritize the provision of heat as a health issue.



## Landlord/Tenant Community Mediation Program

**Scope of services:** Provide culturally appropriate outreach, education and mediation services to landlords and tenants experiencing conflict over repair, habitability and other livability issues. This proposal addresses the draft recommendation of the Dispute Resolution Subcommittee.

### Service Delivery

**I. Mediation:** RNW will provide mediation services to tenants and landlords through professionally trained volunteer mediators. Service delivery would be based on RNW's current volunteer based community neighborhood mediation program and would adapt content components based on Beaverton's successful Landlord/Tenant (L/T) program. Services would be delivered by a full-time Program Coordinator and a pool of 15-20 experienced volunteer mediators who would receive additional training in L/T rights and responsibilities. L/T volunteers will be mentored and evaluated by the L/T Program Coordinator with oversight by Director of Mediation Services (DOMS). The DOMS will assist in the development and implementation of L/T training and will ensure mediator competency and quality of program services. Bi-lingual Spanish staff members and volunteers will also be utilized as needed. The mediation process would involve intake from the initiating party; call to the other party with written information mailed to both parties; case development with both parties to assess appropriateness for and interest in face- to-face mediation; schedule mediation; mediate & complete follow-up evaluations three months post-mediation. Intake will be done by L/T Program Coordinator, face-to-face mediations by volunteer mediators (experienced volunteers who have completed a 1 year mentorship doing case development as well as face-to-face community mediations). Mediation scenarios include:

1. Telephone Conflict Resolution: Following the initial intake call, the process of case development often provides parties with the skills and tools needed to resolve the conflict without the need for the parties to come to a face-to-face mediation.
2. Face-to-Face Mediation: Two parties come to a two hour mediation session where trained mediators assist the parties in developing agreements.
3. Group Mediation: There are some cases that actually involve groups of individuals. Patterned after the siting work RNW does for the city, group mediations would combine principles of mediation and large group facilitation. An outcome of such a process may include the development of a shared good neighbor agreement governing the relationships of the entire group in conflict.

**II. Outreach and Promotion:** RNW will develop written informational materials and conduct outreach re availability of and access to services. This work will initially be done by L/T Program Coordinator and then will be supported by trained volunteers. Outreach will include a combination of presentations to L/T groups and landlord trade associations,

## *Quality Rental Housing Workgroup Recommendations Appendix XI*

dissemination of informational brochures to landlords and housing sites, advertising and media coverage in landlord trade journals, development of RNW web information, and provision of written information at Multnomah County Courthouse. Bi-lingual Spanish staff members will also contribute to outreach as needed

***III. Education and Training:*** RNW would conduct three specific types of education and training to support conflict resolution between landlords and tenants.

1. **Training Workshops:** RNW will provide up to 4-6 conflict resolution skill building workshops for CDN and other assisted housing providers each year. HAP would be invited to attend these workshops but wouldn't be the primary target audience. In addition, RNW will piggyback on the City Landlord Training workshops to provide a specific communication and conflict resolution module. Additional skill building workshops or consultation could be provided on a fee for service basis to trade associations.
2. **Consultation:** RNW will also provide 10-15 consultation days to assist CDN and other assisted housing providers' assess their current conflict resolution policy and procedures and assist the providers in strengthening policy and procedures if indicated. RNW will also explore the feasibility of building a shared neutrals program which would build in-house capacity for conflict resolution among housing sites.
3. **Grassroots and Community-based Organization Consultation:** RNW will collaborate with 4-6 agencies that work with under-represented cultural groups to assist the agencies in developing conflict resolution strategies that are built upon the cultural strength of the communities they represent. In turn, these agencies could provide culturally appropriate landlord tenant conflict resolution services to the cultural groups that they represent.  
Note: \$5,000 will be budgeted to reimburse the agencies for the services they provide.

***IV. Coordination of Services:*** RNW will coordinate with East Metro Mediation in Gresham, Beaverton program and small claims court coordinators to ensure clarity of service provision and regional coverage. In addition, RNW will coordinate services with other Health and Housing partners working on landlord tenant issues.

***V. PSU Partnership:*** RNW will develop a partnership with Portland State's Conflict Resolution Program to build additional resources for outreach, mediation and possibly training. The PSU Student Program Coordinator will dedicate 300 hours to this project.

## **VI. Annual Service Metrics**

- 15-20 volunteer mediators trained.
- 15-20 agencies provided services
- 300-500 landlord/tenant referrals to the mediation program
- 150-200 cases managed and or mediated
- 200-300 individuals trained through workshops
- 5-10 landlord/tenant group conflicts managed or mediated

**VII. Budget:** \$100,000 - \$120,000

## Structure of a Per-Unit Fee

*The Quality Rental Housing Workgroup proposes that rental property owners be assessed a small annual fee for each rental unit for three years to cover costs of implementation of specific rental housing activities, including inspector salaries, landlord and tenant education, and mediation services.*

### Underlying Assumptions

1. Workgroup members agree to an INITIAL per-unit fee only if it is part of the integrated package of recommendations submitted to City Council and is backed by a commitment of General Funds to balance implementation and ongoing costs.
2. Neighborhood Inspections Team (NIT) will undertake a comprehensive evaluation of program activities to clearly account for the cost of services to rental housing separate from other kinds of housing. This accounting will be used as the basis to define programmatic expenses covered by the per-unit fee.
3. An aggressive collection policy for Title 29 enforcement fines will be implemented that encourages compliance and provides a more reliable revenue stream from receivables. The expectation is that aggressive collections and additional fines will bring collections from 15% to 50% of annual assessed fines which will fund the Enhanced Complaint Model after three years from inception.
4. The per-unit fee will terminate in three years unless reauthorized by Council. The reasons for termination of the fee are as follows:
  - a. Aggressive collections and increased penalties should pay for the program in the long run: the per-unit fee is designed to provide stable 'start up' funding.
  - b. Ensures accountability.
  - c. Prevents program expansion without review by the Landlord community.
5. A dedicated oversight committee with significant landlord representation will review annual results and approve program budget and per-unit fees for each year.
6. Total fees will be capped at \$800,000 and individual assessments at \$10 per unit per year.
7. The fee will be set annually based on expected rental housing program expenses less revenues from fines and General Fund.
  - a. Unspent reserves from the previous year and accumulated interest will be applied before the fee is set for the next year.
  - b. The program budget will include reserves of approximately \$150,000 in 2010-2011 and \$300,000 in 2011-2012 to yield an operating balance of \$450,000 for 2012-2013.
8. Center codes will be implemented in the City's new accounting system to maintain separate cost accounting of rental housing activities. The Auditor's Office and Office of Management and Budget will review NIT tracking and accounting practices within the first year of the per-unit fee. The Auditor's Office will perform an audit and submit a report to City Council at least six months prior to reauthorization of the fee.

### Program Parameters



## Quality Rental Housing Workgroup Recommendations Appendix XII

1. Nonprofit operated units that restrict tenant income and rents affordable to households with incomes at or below 60% of Median Family Income should be exempt from the per-unit fee, provided the restrictions are legally enforceable.
2. Per unit fees may only be used for the following purposes:
  - a. Rental housing salaries for NIT. (4.0 FTE housing inspectors, 1.0 FTE senior housing inspector, 0.5 FTE mold-specific inspector, 0.5 FTE administrative support).
  - b. Partial support for education of landlords and tenants, limited to handbook printing and distribution, website maintenance, and community-based training and outreach.
  - c. Partial support for facilitation of the NIT Stakeholder Advisory Committee (50%).
  - d. Partial support for a contract for landlord-tenant community mediation services (50%).
3. The Revenue Bureau estimates ongoing administrative costs of \$213,400 and one-time expenses of \$85,000. Ongoing administrative costs will likely be covered by the increase in business license revenue generated by eliminating the exemption for owners of fewer than 10 units.

### Finances

#### ***Estimated Annual Expenses***

• NIT staff capacity	\$ 513,000.00
• Nuisance inspections	200,000.00
• Rent Right Handbook	14,500.00
• Advisory Committee (50%)	12,500.00
• Mediation Services (50%)	<u>60,000.00</u>
	<b>\$ 800,000.00</b>

**Unit Cost:**     $\$800,000 \div 80,000 \text{ units (nonprofit owners not included)} = \text{\$10.00 per unit}$

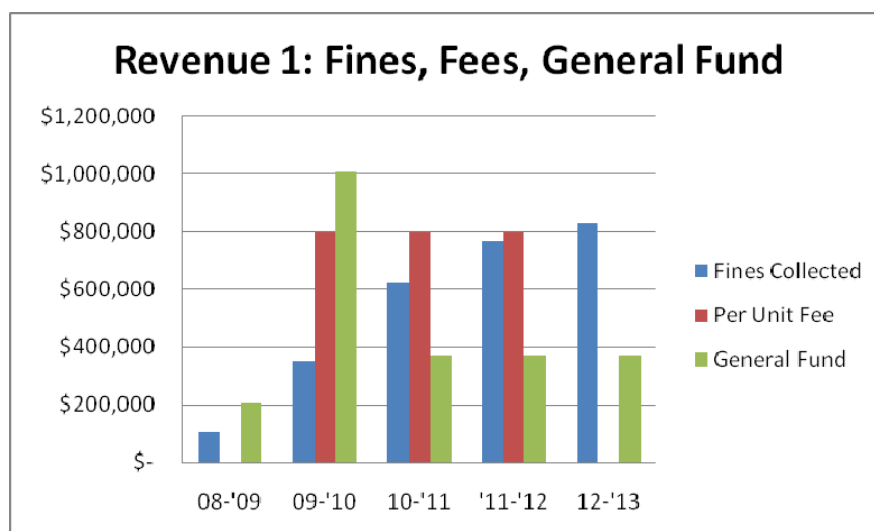
## Quality Rental Housing Workgroup Budget Summary

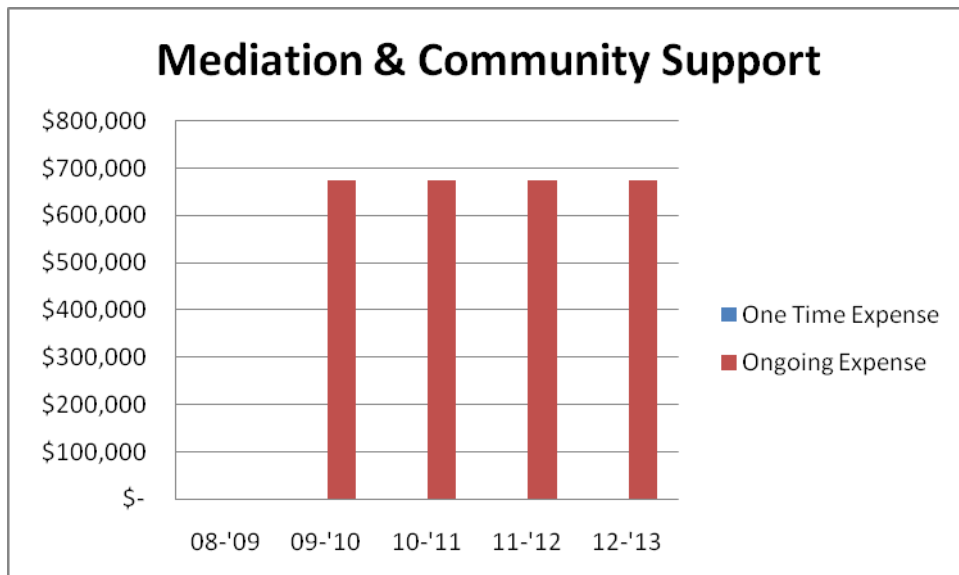
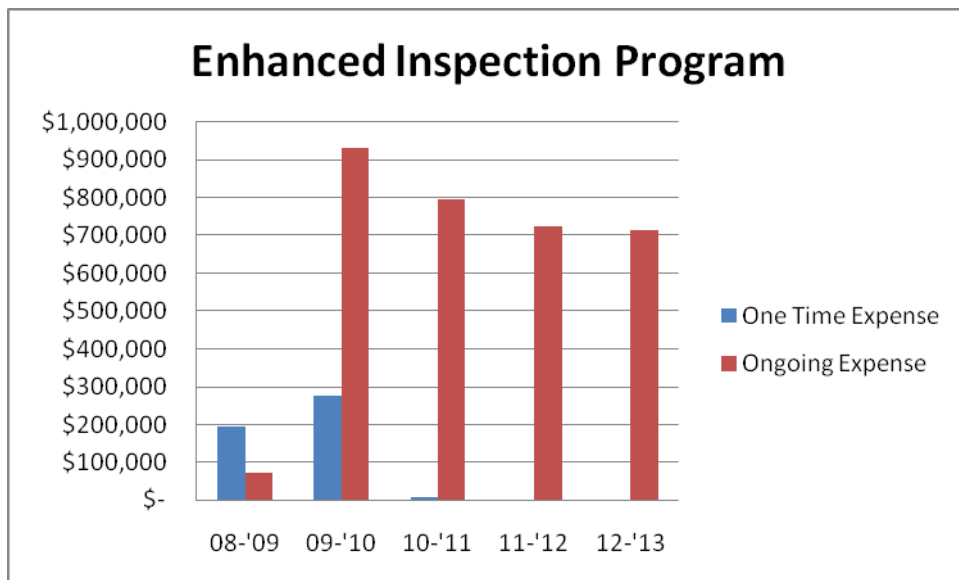
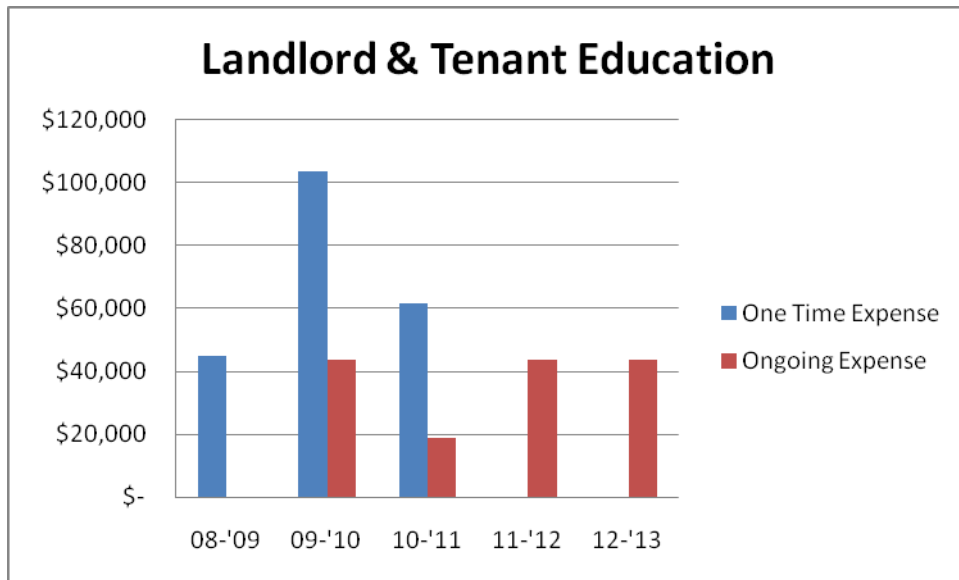
**Recommending a viable funding plan is essential.** While it is unusual for a volunteer workgroup to go beyond programmatic recommendations and a few observations about funding, we recognize that we are suggesting a substantial package and that healthy rental housing must compete with many other important public goals. Our recommendations provide adequate, stable funding for the Neighborhood Inspections Team that reflects a balance of public funding with public benefits, utilizes code enforcement collections to fund services rendered, and diversifies revenue streams for long-term sustainability.

**The Workgroup proposes a funding partnership between the City and rental property owners to implement an integrated package of recommendations.** Our goal is to protect health and improve the stock of rental housing while generating funds as a byproduct of sound policies that promote education and compliance. The recommendations form a complete, interconnected package. Landlord representatives have taken the lead in crafting a per-unit fee to support specific activities recommended by the Workgroup. Adoption of the fee is based on a reciprocal commitment from City Council to provide ongoing General Fund support and to significantly increase revenues from fines.

**Every major element of our funding model has been developed in consultation with relevant City bureaus.** Again, we recognize that it is unusual for a volunteer workgroup to work so closely with City staff, but the collaboration required for successful implementation must begin immediately.

**The following charts summarize revenue streams and expenses over five years for the critical focus areas addressed by the recommendations.** During the initial stages of implementation, the rental housing industry proposes to contribute up to \$800,000 per year for three years if City Council is prepared to commit \$2.32 million over five years. After a three-year ramp-up, Enhanced Inspections will generate an increasing proportion of the revenues with the best-case scenario that the per-unit rental fee will no longer be required. In FY 12-13, City Council will need to re-evaluate the funding mix to support the rental housing inspection program.





## Quality Rental Housing Workgroup Five Year Budget Projections Appendix XIV

### Code Change Recommendations

#### 6. Support policy changes related to enforcement of new Code language.

Notes	2008-2009		2009-2010	
	Expenses	Revenue	Expenses	Revenue
One time	Annual	One time	Annual	One time
E. Fund a \$4000 budget request and direct BDS/NIT with its Stakeholder Advisory Committee to contract with Multnomah County's Vector Control to develop approved integrated pest management extermination plans	\$0	\$0	\$0	\$0
H. Fund a one time budget request of \$45,400 for a limited term program specialist for 6 months.	\$45,400	\$0	\$0	\$0

#### 7. Provide training and equipment related to enforcement of new code language.

Notes	2008-2009		2009-2010	
	Expenses	Revenue	Expenses	Revenue
One time	Annual	One time	Annual	One time
B. Fund BDS/NIT budget request for training in pest identification and integrated pest management.	\$0	\$0	\$0	\$0
C1. Fund the purchase of mold-related inspection equipment and training.	\$0	\$0	\$12,000	\$0
C2. Hire .5 FTE additional permanent Housing Inspector for mold related inspections.	\$0	\$0	\$0	\$57,800
D. Fund BDS/NIT to purchase of XRF lead detection equipment and lead risk or lead inspector training.	\$0	\$0	\$55,000	\$0
E. Direct BDS/NIT to incorporate training elements from 2A. into existing landlord trainings.	\$2,000	\$0	\$0	\$0
<b>Code Change Recommendations Summary</b>				
Total Allocations	\$47,400	\$0	\$75,000	\$57,800

### Enforcement Recommendations

#### A. Adequate and Stable Funding for Neighborhood Inspections

##### 1. Increase allocation of funds for inspection services.

Notes	2008-2009		2009-2010	
	Expenses	Revenues	Expenses	Revenue
One time	Annual	One time	Annual	Annual
A. Fully fund BDS's annual budget request for General Fund support to adequately fund the Nuisance Abatement Program for owner occupied housing.	\$0	\$0	\$0	\$111,000

##### 2. Adopt a time-limited per-unit fee to fund implementation of recommendations

Notes	2008-2009		2009-2010	
	Expenses	Revenues	Expenses	Revenue
One time	Annual	One time	Annual	Annual
A. Adopt an ordinance to establish a per-unit rental fee collected under licensing requirements to fund specific NIT and education activities for three years.	\$0	\$0	\$0	\$800,000

Color key: **Green**= Per-Unit Fee eligible expense; **Blue**=revenue.

2010-2011				2011-2012				2012-2013				Per-Unit Fee Eligible	Agency	Implementation Assumptions
Expenses		Revenue		Expenses		Revenue		Expenses		Revenue				
One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual			
\$0				\$0					\$0				BDS	
\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	0		
\$0				\$0					\$0				BDS	
\$0				\$0					\$0				BDS	
	\$57,800				\$57,800				\$0		\$57,800		BDS	100%
\$0				\$0					\$0				BDS	
\$0				\$0					\$0				BDS	100%
\$0	\$57,800			\$0	\$57,800				\$0	\$57,800				
Expenses		Revenue		Expenses		Revenue		Expenses		Revenue				
One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual	Source		
\$0	\$111,000		\$0		\$111,000		\$0	\$0	\$111,000		\$0	General Fund		
														\$311,000 is the unfunded portion of the Nuisance budget. BDS estimates the gap at \$200,000 for Rental Housing and \$111,000 for other housing. This figure appears in the budget to offset the income for these activities which are distinct from the budget for new funding for Workgroup Recommendations.
\$0		\$800,000					\$800,000		\$0		\$0	Rental Property Owners		
														Includes \$200,000 funding to fill the NIT budget gap for Rental Housing Nuisance. The estimated net proceeds to fund recommendations is \$600,000 per year

Color key: **Green**= Per-Unit Fee eligible expense; **Blue**=revenue.

## Quality Rental Housing Workgroup Five Year Budget Projections Appendix XIV

	2008-2009			2009-2010		
C. Fund Revenue Bureau's request for \$85,000 for one-time database upgrade and printing costs related to collection of the per unit fee.	\$85,000					

### 2. Restructure fines for non-compliance with Title 29.

B1. Adopt a new fee structure proposed by BDS and the Workgroup. Set the base fine for the 1-2 unit properties at \$300 per month and increase by \$150 per month for each additional unit out of compliance following the initial 30/60-day correction period. \$400 per month plus \$200 per additional unit for 3-10 unit properties; \$500 per month plus \$250 per additional unit for 11 or more and combined use properties. Double fines at 4 months and double again at 8 months. (One unit out of compliance past 30/60 days = \$500/month; 2 units = \$750, 3 units = \$1000)						\$268,600
D. Assess administrative fees to the rental property owner to cover the actual cost of each additional code violation inspection beyond the clearance inspection at the end of the first 30/60-day correction period. Current actual inspection cost: \$100 per unit.						\$66,000
E. Change the one-time re-rental violation fine to a monthly fine of \$550 in cases where a property owner re-rents a unit with existing code violations.						\$17,325

### B. Improve Enforcement Tools

#### 1. Adopt Enhanced Protected Complaint Model.

Notes	Expenses		Revenues		Expenses		Revenue	
	One time	Annual	One time	Annual	One time	Annual	One time	Annual
A. Direct BDS/NIT to adopt and implement a four-stage inspection process that is strictly adhered to in practice.								
D. Direct BDS/NIT to assess administrative fees (based on actual costs) for inspections conducted in Stage 3 if owner moves into Stage 4.	\$0	\$0	\$0	0	\$0	\$468,500		

#### 2. Consistently implement Code hearings policy.

B. Direct NIT to create a Sr. Inspector position that specializes in preparing cases for code hearings, trains inspectors on the hearing process, and with the inspector represents the City at hearings.		\$59,300	\$0	0	\$0	\$118,600		
D. Fund BDS/NIT budget request for ongoing operating funding to cover increased filing fees associated with consistent implementation of code hearings policy and catching up on the backlog of cases.	\$0	\$0	\$0	0	\$0	\$273,400		

#### 3. Eliminate the Business License provision that exempts properties of 9 or fewer units.

Color key: **Green**= Per-Unit Fee eligible expense; **Blue**=revenue.

[illegible]

This position begins Jan. 2009 to develop and implement code amendments, administrative policy and procedures, waivers, data collection, and inspection protocols associated with implementation of the recommendations.

Begin increased filing of hearings July 2009. Recover rates and cashflow assumptions match those for fines: 20% increasing to 40% by '12-'13.

## Quality Rental Housing Workgroup Five Year Budget Projections Appendix XIV

	2008-2009		2009-2010		2010-2011		2011-2012	
A. Adopt an ordinance eliminating the business license exemption for residential rental property owners.	This will generate some contribution to General Fund. We don't know how much, but enough to cover administrative expenses related to collection of the per unit fee, estimated at \$213,400 per year.	\$0	\$0	\$0	\$0	\$0		
B. Direct the Revenue Bureau to increase enforcement of the City's business license requirement (including fines) and explore additional enforcement tools.	This will generate some contribution to General Fund. We don't know how much.	\$0	\$0	\$0	\$0	\$0		

### C. Establish a solid understanding of the incidence and impacts of retaliation

#### 1. Require landlords to send copies of all termination notices to the City once the tenant has requested an inspection.

D. Direct BHCD to study collected data to examine the issue of retaliation and report results to NIT and the Stakeholder Advisory Committee.	\$0	\$0	\$0	\$0
--	-----	-----	-----	-----

#### 2. Study the incidence of retaliation in coordination with legal assistance to qualified tenants.

A. Fund BHCD two year contract with an attorney to provide advice and representation to tenants living at 80% median family income and below	\$0	\$0	0	\$160,000
B. Direct BHCD to contract with CAT to select appropriate calls from their hotline, conduct screening interviews, keep statistical information on retaliation issues, and/or refer appropriate cases to the attorney.	\$0	\$0	0	\$40,000

Attorney contracted at \$85/hour for approximately 20 hours/week for two years. \$160,000.

### Enforcement Recommendations Summary

Revenue Estimate: New fines and fees		\$106,650		\$351,925
Revenue Estimate: Per Unit Fee		\$0		\$0
<b>Total Revenue</b>		<b>\$106,650</b>		<b>\$1,151,925</b>
<b>Total Allocations</b>	<b>\$85,000</b>	<b>\$59,300</b>	<b>\$200,000</b>	<b>\$971,500</b>

### Education Recommendations

#### 1. Implement a grassroots education campaign for landlords and tenants (yr 1).

Includes \$30,000 for campaign development, logo, and messaging; \$103,500 one-year salary for a project coordinator at BHCD (including overhead); and \$41,300 for initial development of Rent Right handbooks and website in English and Spanish. Estimate based upon similar education and outreach campaigns. (Metropolitan Group) \$80,000 currently available through BHCD				
	\$43,050	0	\$0	0
C. Fund a \$94,800 allocation to BHCD to implement the outreach plan. (Jan - Dec 2009)				

#### 2. Develop and implement training modules to bring essential rental education out into the community (yr 2).

Includes \$103,500 second year salary for project coordinator (including overhead); \$25,000 in micro-grants to fund community liaisons for culturally-specific training; and \$14,400 ongoing annual printing of handbooks and maintenance of website.				
	\$0	\$0	0	\$51,750
C. Fund \$152,900 to BHCD to implement year two of the plan. (Jan -Dec 2010)				

#### 3. Leverage existing systems as distribution points for landlords and tenant educational resources.

Color key: **Green**= Per-Unit Fee eligible expense; **Blue**=revenue.





## Quality Rental Housing Workgroup Five Year Budget Projections Appendix XIV

	2008-2009				2009-2010			
A2. Direct the Bureau of Revenue to make data available to BHCD for direct mailings of Rent Right Handbooks to property owners upon receipt of business license and at three year intervals.		\$1,900	\$0	\$0	0	\$0	\$4,400	
One time costs include flyer and ad design. Ongoing costs for ad on the back of license panel, printing of flyers, labels and postage for direct mailing to landlords.								
<b>Education Recommendations Summary</b>								
<b>Total Allocations</b>		\$44,950	\$0			\$103,500	\$43,800	
<b>III. Improve Public Transparency and Accountability</b>								
<b>1. Establish a Stakeholder Advisory Committee for Neighborhood Inspections.</b>								
A. Direct BDS to establish a Stakeholder Advisory Committee and begin conducting regular meetings beginning in November 2008. (estimate for contract facilitation and support)	Based on facilitation of monthly meetings and interim support of NITSAC. Estimate includes 14-17 hours per month of consultant time at a rate of \$125-\$150 per hour. (Decisions Decisions)	\$0	\$12,500	\$0	0	\$0	\$25,000	
<b>2. Make code enforcement policies and outcomes publicly accessible via a user-friendly Portland Maps interface.</b>								
E. Fund a one-time appropriation of \$60,000 and an annual appropriation of \$8,000 to support the development of Tracs database, communication and search interface for Portland Maps, and analysis of data that allows NIT to evaluate the effectiveness of inspection and enforcement practices as they relate to case outcomes.		\$60,000	\$0	\$0	0	\$0	\$8,000	
<b>Public Transparency Recommendations Summary</b>		\$60,000	\$12,500			\$0	\$33,000	
<b>Total Allocations</b>								
<b>v. Recommendations for Enhancing Community Support Systems</b>								
<b>Community Support Systems</b>								
<b>1. Provide increased education and support to both landlords and tenants to reduce home-based health hazards including lead, mold, pests, chemical hazards, and indoor air quality.</b>								
B. Fund Multnomah County to create an expanded regional rental housing health inspection program.	Funding to be matched by Multnomah County Health Department to total \$156,000 in salary and program expenses to expand the health inspection program by 1 FTE.	\$0	\$0	\$0	\$0	\$0	\$78,000	
<b>2. Fund a dedicated community mediation program.</b>								
A. Fund a dedicated Landlord/Tenant mediation service, including outreach, education, and training.	Estimate provided by Resolutions NW. See proposal in Report Appendix.	\$0	\$0	\$0	\$0	\$0	\$120,000	
<b>3. Increase capacity of critical organizations and programs serving tenants.</b>								
B. Fund Multnomah County to provide .5 FTE Outreach Educator to provide community trainings incorporating elements from 2A.	Funds will be matched by Multnomah County Environmental Health to create 1 FTE position at \$80,000 annually in salary and overhead. (Mark Flup)	\$0	\$0	\$0	\$0	\$0	\$40,000	

2010-2011				2011-2012				2012-2013				Per-Unit Fee Eligible	Agency	Implementation Assumptions
	\$0	\$4,400				\$0	\$4,400			\$0	\$4,400		BHCD	
\$61,750	\$18,800			\$0	\$43,800			\$0	\$43,800					
	\$0	\$25,000					\$25,000			\$0	\$25,000		BDS	
	\$0	\$8,000				\$0	\$8,000			\$0	\$8,000		BDS/BHCD/other	
\$0	\$33,000			\$0	\$33,000			\$0	\$33,000					
Expenses		Revenue		Expenses		Revenue		Expenses		Revenue				
One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual	One time	Annual			
	\$0	\$78,000					\$78,000			\$0	\$78,000		other	
	\$0	\$120,000					\$120,000			\$0	\$120,000		BHCD	
	\$0	\$40,000					\$40,000			\$0	\$40,000		other	

Quality Rental Housing Workgroup Five Year Budget Projections Appendix XIV

C. Fund a BHCD budget request for \$179,000 in annual Tenant Relocation Program Funding to accommodate increased inspections and enforcement.
D. Fund BHCD with \$200,000 to contract with community organizations for increased provision of services related to these recommendations

BHCD received \$111,827 for relocation in the FY 08-09 budget as General Fund One time Only. The enhanced enforcement model will generate 30 additional referrals costing \$67,006. \$179,000 in ongoing General Fund will support the existing relocation program plus increased referrals from the enhanced enforcement model. (BHCD)

Support to community groups for provision of ongoing services related to increased demand created by implementation of Workgroup recommendations is a priority.

3. Make inspectors accessible in court without a subpoena

C. Fund ongoing BDS/NIT request for \$57,800 to provide additional .5 FTE Inspector capacity.
---

Per NIT salary estimate, Inspectors will be available to landlords and tenants.

Community Support Systems Recommendations Summary
Total Allocations

Total Package

Total Revenue
Fines & Fees
Per Unit Fee
One time General Fund request
Ongoing General Fund Request
Total Allocations

Fines, Fees, General Fund

Total Request to BDS  
Total Request to BHCD (internal)  
Total Request to BHCD (contracts)  
Total Request Other

Per Unit Fee eligible expenses annually

2008-2009				2009-2010			
\$0	\$0	\$0	\$0	\$0	\$179,000		
\$0	\$0	\$0	\$0	\$0	\$200,000		
\$0	\$0	\$0	\$0	\$0	\$57,789		
\$0	\$0			\$0	\$674,789		
\$202,500	\$0			\$378,500	\$628,964		
\$237,350	\$71,800			\$378,500	\$1,780,889		
\$107,400	\$71,800			\$75,000	\$1,120,089		
\$0	\$0			\$73,500	\$183,400		
\$43,050	\$0			\$230,000	\$359,400		
\$85,000	\$0			\$0	\$118,000		
\$235,450	\$71,800			\$378,500	\$1,780,889		

731800

2010-2011				2011-2012				2012-2013				Per-Unit Fee Eligible	Agency	Implementation Assumptions
\$0	\$179,000						\$179,000				\$0	\$179,000		BHCD
\$0	\$200,000						\$200,000				\$0	\$200,000		BHCD
\$0	\$57,789						\$57,789				\$0	\$57,789		BDS
\$0	\$674,789				\$0	\$674,789					\$0	\$674,789		
\$67,750	\$231,689			\$0	\$50,989						\$0	\$759,989		
\$67,750	\$1,655,589			\$0	\$1,616,889						\$0	\$1,587,689		
\$0	\$1,019,789			\$0	\$956,089						\$0	\$926,889		
\$31,750	\$183,400			-\$30,000	\$183,400						-\$30,000	\$183,400		
\$36,000	\$334,400			\$30,000	\$359,400						\$30,000	\$359,400		
\$0	\$118,000			\$0	\$118,000						\$0	\$118,000		
\$67,750	\$1,655,589			\$0	\$1,616,889						\$0	\$1,587,689		



CITY OF  
**PORTLAND, OREGON**  
BUREAU OF HOUSING AND  
COMMUNITY DEVELOPMENT

36644

Nick Fish, Commissioner  
Will White, Director  
421 SW 6<sup>th</sup> Avenue, Suite 1100  
Portland OR 97204  
(503) 823-2375  
Fax (503) 823-2387  
[www.portlandonline.com/BHCD](http://www.portlandonline.com/BHCD)

EXHIBIT B.

## Memo

DATE: November 13, 2008

TO: Commissioner Nick Fish  
Commissioner Randy Leonard

From: Will White, Director, BHCD  
Paul L. Scarlett, Director, BDS

Re: Reduced Budget proposal for the Quality Rental Housing Workgroup Recommendations

### Background

In July 2007, City Council created the Quality Rental Housing Workgroup (QRHW) to explore issues of substandard housing, habitability concerns, and environmental health hazards in Portland rental housing. Over the course of a year, its diverse membership of landlords, tenants, public health advocates, and community organizations reviewed data, surveyed stakeholders, and consulted subject matter experts on the connection between health and housing. The workgroup successfully built consensus around a package of recommendations to strengthen the public-private partnership that promotes safe and healthy rental housing, increasing tenant, school, and neighborhood stability. Their final recommendations were approved unanimously in September 2008 and are attached to this Report, providing detailed information on the proposed systems changes and the associated budget developed by the workgroup.

### Summary of Recommendations

Recommendations by the QRHW are intended to hold both landlords and tenants accountable for their behavior through a balance of education, preventative community resources, and enforcement activity. Key recommendations include:

- Creating an enhanced system of unit inspections based on the current complaint driven model that relies less on tenant complaints which can make them vulnerable to retaliation (i.e. evictions) and gets inspectors into more units that may have maintenance and repair problems.
- Updating Title 29 to include clearer language on health and safety issues (lead, mold, pests, and sanitation) that will enable the City to more efficiently and effectively enforce the Code.
- Increasing fines for non-compliance and strengthening collections mechanisms.
- Increasing preventative services such as tenant/landlord mediation and providing more education to tenants and property owners on rights and responsibilities.
- Collecting an annual per unit fee (\$8-10) for rental units (exempting non-profit owned units).

### Funding Elements

The QRHW recommends that resources necessary to enforce safe and healthy rental housing be provided by "bad actors", with start-up support from the rental housing industry and the public:

- Increased fines and fees;
- Commitment of City resources (the QRHW is requesting approximately \$500,000 in new GF annually);
- An per unit rental fee estimated to provide \$2.4 million (\$800,000 for 3 years) in support of healthy rental housing;
- An elimination of the business license exemption for property owners of nine or less rental units. It is anticipated that this proposal may increase general fund revenue that could be used to support the program.

Bureau Recommendations

Given the current economic climate, staff recognizes that there is tremendous pressure on available resources, and that the budget associated with the QRHW recommendations must fit within other Council priorities for FY 2009-2010. Staff believes that the initial QRHW budget can be reduced without compromising the integrity of the consensus recommendations. Accordingly, staff proposes the following modifications to reduce the amount of funding needed for implementation:

**Use existing BHCD and BDS capacity to carry out QRHW implementation:**

- Convening the Neighborhood Inspections Team Stakeholders Advisory Committee (NITSAC);
- Drafting code changes to include language around lead-based paint, mold and pests;
- Discussions with the Auditors Office and Revenue Bureau around improving collections strategies;
- Incorporating education and outreach activities into existing program materials (e.g. current Ready-to-Rent and BDS Landlord Training curriculum).

**Reduce the QRHW general fund budget request from \$500,000 to \$300,000, by:**

- Removing all funds earmarked for Multnomah County Health Department (\$118,000);
- Further increasing fines and fees as suggested by Commissioner Leonard's office;
- Including an annual BHCD contribution of approximately \$100,000 in eligible federal funds;
- Eliminating or reducing specific activities included in the QRHW recommendations, including:
  - Eliminating \$60,000 annually for a BDS inspector to appear in court without a subpoena;
  - Reducing funding for attorney support for tenant victims of retaliation from \$200,000 to \$100,000;
  - Reducing funding to community organizations supporting the system from \$200,000 to \$50,000;
  - Reducing the BHCD tenant relocation program budget request from \$180,000 to \$145,000.
- Extending the time-line for phase-in of some program components.