

1. Agenda - January 24, 2018 Housing Committee

Documents:

[00 AGENDA HC MEETING 1.24.18.PDF](#)

2. Review And Accept Minutes Of Previous Meeting Held On November 29, 2017

Documents:

[01 DRAFT - MINUTES HOUSING COMMITTEE 11.29.2017.PDF](#)

3. Review 2017 Housing Policy Proposals

Documents:

[02 2017 HOUSING POLICY RECOMMENDATIONS 01.19.18.PDF](#)

4. Review 2017 Housing Committee Report; Goals, Work Plan, And Accomplishments

Documents:

[03 2017 HOUSING COMMITTEE REPORT 10.30.2017.PDF](#)

5. Review Summary Of Feedback Of Housing Policy Proposals

Documents:

[04 SUMMARY OF INITIAL FEEDBACK OF HOUSING POLICY PROPOSALS  
01.19.18.PDF](#)

6. First Review Of Developer Feedback On The Inclusionary Zoning Ordinance

Documents:

[05 DEVELOPER FEEDBACK ON IZ ORDINANCE 01.19.18.PDF](#)

7. Update On 2018 Short Term Rental Registration Process

Documents:

[06 UPDATE ON SHORT TERM RENTAL REGISTRATION PROCESS  
01.19.18.PDF](#)

8. Committee Discussion Re: 2018 Work Plan

Documents:

[07 2018 WORK PLAN SUGGESTIONS 01.19.18.PDF](#)

9. 2018 Housing Committee Schedule And Community Process Discussion

Documents:

[08 2018 HOUSING COMMITTEE SCHEDULE AND PROCESS DISCUSSION.PDF](#)





Planning & Urban Development Department

## **HOUSING COMMITTEE**

**DATE:** Wednesday, January 24, 2018  
**TIME:** 5:30 p.m. – 7:30 p.m.  
**LOCATION:** City Hall – Room 209

### **AGENDA**

1. Review and accept Minutes of previous meeting held on November 29, 2017
2. Review 2017 Housing Policy Proposals. See enclosed memorandum from Jeff Levine Director Planning & Urban Development Department, Mary Davis HCD Division Director, and Victoria Volent Housing Program Manager.
3. Review 2017 Housing Committee Report; Goals, Work Plan, and Accomplishments. See enclosed memorandum from Jeff Levine Director Planning & Urban Development Department, Mary Davis HCD Division Director, and Victoria Volent Housing Program Manager.
4. Review Summary of Feedback of Housing Policy Proposals. See enclosed memorandum from Victoria Volent Housing Program Manager.
5. First Review of Developer Feedback on the Inclusionary Zoning Ordinance. See enclosed memorandum from Victoria Volent Housing Program Manager.
6. Update on 2018 Short Term Rental registration process. See memorandum from Victoria Volent Housing Program Manager.
7. Committee Discussion re: 2018 Work Plan
8. 2018 Housing Committee Schedule and Community Process Discussion

**Next Meeting Date: February 28, 2018**

**Councilor Jill C. Duson, Chair**

## **Housing Committee Minutes of November 29, 2017 Meeting**

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, November 29, 2017 at 5:30 P.M. in Council Chambers of Portland's City Hall. Councilors present at the meeting included Committee members Councilor David Brenerman, Councilor Brian Batson, Councilor Jill Duson, Chair of the Committee, Mayor Ethan Strimling, and Councilor Elect Kimberly Cook. City staff present included Jeff Levine, Planning and Urban Development Department Director, Mary Davis, Division Director Housing and Community Development, and Victoria Volent, Housing Program Manager.

### **Item 1: Review and accept Minutes of previous meeting held on November 9, 2017**

Councilor Batson motioned and Councilor Brenerman seconded to accept the minutes from the November 9, 2017 Housing Committee meeting. Minutes were unanimously approved 3-0.

### **Item 2: Review and Vote to Recommend to the City Council Amendments to Chapter 6 re: Disorderly House Ordinance**

Before the staff presentation and committee discussion, Councilor Duson indicated that she would recommend that the committee delay action until the next meeting.

Richard Bianculli, Jr., the City's Neighborhood Prosecutor introduced the item. He indicated that the proposed amendments include changes discussed with community policing coordinators and staff from Pine Tree Legal and came about as a result of the disorderly house situation on Oxford Street that occurred earlier this year.

Councilor Duson indicated her concern that any changes do not weaken the city's enforcement authority. Mr. Bianculli explained that these amendments would only apply to the disorderly house ordinance (6-202).

Councilor Brenerman explained that he was hesitant to make new law based on one example and asked if there have been other situations besides Oxford Street. Mr. Bianculli replied that they have not had other situations as flagrant. The main goal of the amendments is to address due process concerns. Councilor Brenerman has previously heard from constituents that the 7 day eviction process does not work well. Mr. Bianculli indicated that in these cases the tenant has caused a nuisance and there is evidence to support the nuisance claim. Mr. Bianculli states that the new amendments provide more transparency and avoids due process claims against the city.

Councilor Batson asks if the landlord would have any claims about unpaid rent. Mr. Bianculli explained that it would be a civil issue and believes it would be difficult for the landlord to pursue claims.

Councilor-elect Cook asked if the City provides assistance to tenants being displaced could the City add language to the ordinance that the owner of the disorderly house would be charged those costs. Mr. Bianculli stated that it is not currently in the ordinance and he would want to research before making that recommendation.

Councilor Duson indicated that additional committee questions should be directed through Mary Davis in the Housing and Community Development office so that they can be passed on to Mr. Bianculli.

Public Comment:

Carleton Winslow stated that it is difficult to do a 7 day eviction and that is the reason that 30 day evictions are used. A 7 day eviction is difficult to prove, the court usually requires witnesses as proof. He is disappointed that there was no representative from the landlord association when this was drawn up.

Brit Vitalius, President of the Southern Maine Landlord Association (SMLA). SMLA had an attorney review the proposed changes and he did not have any particular concerns. The SMLA would like to have more input in the process before the item is brought back to the committee for approval.

Councilor Duson requested that SMLA reach out to the city's attorneys.

### **Item 3: Discussion and Possible Recommendation to the Planning Board of Proposed Amendments to the Inclusionary Zoning Ordinance**

Jeff Levine introduced the item. Blue changes are city staff proposals. Red changes are mayor's proposals. Mayor indicates his support of the staff proposals.

Mr. Levine described the two staff proposals – the fractional fee in lieu payment when units are provided on site and removal of the sunset provision.

Mr. Levine reviewed the staff memo regarding different approaches used across the country for setting the fee in lieu. The City uses the affordability gap method and staff believe that this is still the best approach and is not recommending a change to that fee.

Mayor Strimling outlined his amendments which include a change from using regional HUD AMI to Portland median income.

Councilor Batson – supportive of staff recommendations; why does staff support 10%; Mr. Levine says staff relied on Lincoln Institute studies; its about finding the sweet spot, don't make it too high, don't make it too low; seemed like a reasonable place to start. Victoria – research showed that you need to look at % hand and hand with the level of income trying to reach; relationship between % and income level.

Councilor Batson – project “shall” have option to pay fee in lieu; wants it to be required to pay fractional fee in lieu; want to consider requirement that at least one unit be built on site. Supports all staff recommendations; supportive of higher % but not sure what the right % should be; would recommend 20% with no adjustment to income. In future would like to talk about requirement for building units on site.

Councilor Brenerman – Last meeting asked for analysis why local developers were choosing to pay fee in lieu instead of creating units. Mr. Levine indicates he has spoken with several developers, seems to be determined by whether they are building rental or homeownership units; developers appear to see it is too complicated for homeownership units.

Councilor Duson – asked about developments subject to ordinance; seem to be about half and half; Mr. Levine recommends keeping that option and flexibility.

Public Comment:

Ethan Boxer Macomber: 34 Glenwood Avenue; affordable housing developer; concerned with issues being discussed tonight; three questions – considering policies all over the country; but seem to cherry pick the ones being highlighted – how are comps presented relative to Portland Maine, could we find more like/kind communities; second question – why is the board considering ending the sunset clause without any evidence that it is causing problems; third question – why hanging hat on comparable data on what other communities are doing? Talking about approaches but no data on outcomes; Not aware of impacts of ordinance yet – implore wait to year 4 before considering changes.

Scott Vonneguat – 185 Congress Street; suggest do more research on raising % and reducing income requirements – will changes negatively impact creation of affordable units. Remove fee in lieu option but leave in for fractional units; build units; units would be scattered throughout developments and not concentrated. Support increase of % to 20.

Chip Newel 118 Congress Street – complement committee on timing – wise enough to adopt ordinance at right time; premature to change ordinance until more time has passed. Opportunity to use money paid into the HTF to have RFP process to see what developers come up with.

Peter Bass, Waterville Street – 65 Munjoy bit more difficult to sell units than they expected; don't change income limits which would make them more difficult to sell. Another class of housing that trying to build – building housing that fits into these income levels without subsidies – Joy Place, Jack Soley; intention to build at 120% ami; overlay IZ reduces the value of the unit. Deed restrictions reduce value of sale price; would love to see reward for developers who are trying to build these type of units.

Tom Watson, Pine Street – to date no apartments built with 10% IZ; 443 Congress had more financial strengths; construction costs gone up 20%, rents falling; sent email to councilors; developers not building units; to change the ordinance now would be even more detrimental; struggling to build already.

Mr. Levine responds to questions asked in public comment; generally agree that is fairly new which is why staff recommends moving slowly; staff believes the ordinance does provide some rewards along with “sticks”. Staff will look at actual cost to develop housing.

Councilor Duson indicates the committee previously received data on outcomes/results.

Councilor Brenerman – regarding staff proposals ok with fractional fee idea, concerned that changes are being proposed after ordinance in place for such a short time; affordable housing gets built with subsidies; not giving IZ time to work or fail; not sure that changes will have positive effect we are looking for; if rules are hard to comply with maybe we need to make changes so the ordinance is easier to work with; market has changed, rents are flat, cost of building has gone up, is it possible we are imposing requirements that may not work; need to be cautious about how we use data; does not support removal of sunset clause; does not support either of the Mayor’s proposals given how young the ordinance is at this time.

Councilor Duson – supports fractional fee argument; leave income requirements as is.

Councilor Brenerman – motion to forward to the planning board committees support to amend fractional fee payment when units are provided on site and move other planning staff proposed changes except for the sunset clause; seconded by Councilor Duson; forwarding ordinance document with marked revisions; items highlight in blue except sunset clause, with 2-0 endorsement of the committee.

Second motion to forward to the planning board a summary of the items considered by the committee but not recommended for planning board consideration with a vote of 2-0 by the committee.

Mayor’s comments – disappointed that third member of committee is not part of formal vote; disappointed that the committee is not seeking compromise. Does not feel that increasing % will hurt affordability. Asking to be more aggressive because crisis is so deep. Disagree that only way to build housing is with subsidies; believe mandates build housing, one of strongest ways to build housing. Concerned we are overly cautious on the impact to the business community.

**Item 4: Review and Recommendation to Forward to the City Council as a Communication Item – 2017 Committee Report**

Councilor Duson thanked Councilor Brenerman for his work and time with the committee;

Councilor Duson explained that the end of the year report allows the committee to document its work and make it part of public record.

Councilor Duson made a motion to forward the report as a communication item to the City Council and referred to new housing committee when established. Motion approved 2-0.

**Item 5: Committee discussion re: 2018 Work Plan**

Councilor Duson motioned to refer the 2018 work plan suggestions to the next housing committee. Motion approved 2-0.

Councilor Brenerman motion to adjourn. Motioned approved 2-0. The meeting was adjourned at 8:26 p.m.

Respectfully submitted, Mary Davis



Mary Davis &lt;mpd@portlandmaine.gov&gt;

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## Comments re Inclusionary Zoning

1 message

**Jonathan Culley** <jonathan@redfernproperties.com>

Wed, Nov 29, 2017 at 1:12 PM

To: Brian Batson <bbatson@portlandmaine.gov>, "District 5: David Brenerman" <dbrenerman@portlandmaine.gov>,  
jduson@portlandmaine.gov

Cc: jlevine@portlandmaine.gov, mpd@portlandmaine.gov, Vvolent@portlandmaine.gov

Dear Councilors,

Unfortunately, I am unable to attend tonight's Housing Committee Meeting, so I offer my comments in writing regarding potential changes to the Inclusionary Zoning ordinance. Because Redfern Properties' focus is on developing rental housing in Portland, I speak only about the provisions related to rental housing and not those pertaining to condominiums. It is important to note the significant differences between these two markets and how the ordinance impacts them differently.

Since the current Inclusionary Zoning ordinance took effect roughly two years ago, there have been ZERO new construction apartment buildings started that were impacted by the ordinance. Unfortunately, we are not getting the rental housing that our city desperately needs. The reason is simple – the economics of market rate rental housing development are not currently feasible. Since Redfern built our three larger apartment buildings in [Portland \(183 Brackett St., 89 Anderson St., 667 Congress St.\)](#), the cost to develop has increased by nearly 20%. At the same time rents have plateaued. Right now, there is not an adequate return on investment to build without tax credits or subsidies.

So the Mayor's proposal to increase the affordable unit percentage (from 10-20%) and decrease the affordability level (from 100% AMI to 80%) is not sensible given the reality of our market. The logic seems to be that we are not getting enough, so let's try to get more by making it more expensive for those who create the housing that we need. It is nothing more than wishful thinking.

Inclusionary Zoning works essentially as a tax on "windfall profits" on Developers. And when there are "windfall profits" it is a reasonable way for Developers to support those who are less fortunate. But the lack of recent apartment development is absolute proof that in Portland's current market there are no "windfall profits" – there are not even "ample profits". If they were, Developers would be building. While when looking at some policies, benchmarking other cities makes sense. But in this case, we need not look past what has happened in the last two years in Portland, to know that a more aggressive Inclusionary Zoning Policy would be foolish.

Portland's Inclusionary Zoning ordinance is still brand new. It is far too soon to be tweaking the major provisions of the policy. While the modest adjustments recommended by Staff are thoughtful and reasonable, the Mayor's proposals to increase the unit percentage to 20% or decrease the affordability level to 80% will ensure that we don't see any new apartments built in Portland for the foreseeable future.

Thank you for your consideration.

**Jonathan Culley****Redfern Properties LLC**cell: [207.776.9715](tel:207.776.9715)[jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)[www.redfernproperties.com](http://www.redfernproperties.com)



Mary Davis &lt;mpd@portlandmaine.gov&gt;

## Fwd: Thoughts on the Inclusionary Zoning regulations

1 message

Victoria Volent &lt;vvolent@portlandmaine.gov&gt;

Mon, Nov 27, 2017 at 4:26 PM

To: Jeff Levine &lt;jlevine@portlandmaine.gov&gt;, Mary Davis &lt;mpd@portlandmaine.gov&gt;, James Dealaman &lt;jdealaman@portlandmaine.gov&gt;

Attached are comments from Josh Benthien regarding the IZ Ordinance.

(I thanked Josh for his feedback and mentioned I was forwarding his e-mail on to you)

Victoria

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Victoria Volent  
Housing Program Manager  
Housing and Community Development  
Phone: 207-482-5028  
Fax: 207-874-8949  
[www.portlandmaine.gov](http://www.portlandmaine.gov)

----- Forwarded message -----

From: **Josh Benthien** <josh@northlandus.com>

Date: Mon, Nov 27, 2017 at 1:56 PM

Subject: Thoughts on the Inclusionary Zoning regulations

To: "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "dbrenerman@portlandmaine.gov" <dbrenerman@portlandmaine.gov>

Cc: Victoria Volent <vvolent@portlandmaine.gov>

Councilors,

Thank you for the opportunity to provide developer feedback on the current Inclusionary Zoning ('IZ') regulations. I was at the housing committee earlier this month, and spoke to my experience in working through the IZ regulations for the project my partners and I are developing at 443 Congress Street (retrofitting 4 floors of former office space into 28 units of apartments). Our project was the first rental project to obtain planning board approval after the council approved the IZ ordinance, but prior to the planning board's approving of the final regulations. In the last 90 days we have worked out a short term master lease with a local college to take all 28 apartment units. This change in direction required us to go back to Planning Board to request to pay the "fee in lieu" because college students who are claimed as dependents by their parents for tax purposes are not allowed to occupy IZ units; Planning Board approved this request on November 14<sup>th</sup>.

Without the master lease with the college, we had been prepared to move ahead with the IZ units in place and deed restricted for 99 years. We agree with the goal to increase moderate income/affordable housing options, although after going through the process of negotiating a workforce housing agreement with the city, we have concerns that the current IZ regulations will prevent housing development of rental housing resulting in further constraint on supply and increasing housing costs.

Before increasing the required IZ unit percentage, or reducing the AMI targets, we think that the city should consider adjusting the regulations to encourage more units to be placed in service. Attached is a letter with some areas of the IZ regulations that believe are preventing market rate housing developers of rental housing from moving forward with projects with IZ units in place, rather than paying the "fee".

I hope to make it to the meeting on Wednesday to answer any questions you may have. Thank you all for your service to our city and thoughtful attention to this complex issue.

Josh

11/29/2017

City of Portland Mail - Fwd: Thoughts on the Inclusionary Zoning regulations

Josh Benthien

Partner

Northland Enterprises, LLC

[207.780.0223](tel:207.780.0223) (ext 203)

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 **Northland IZ Commentary- 1.27.17.pdf**  
566K

## **Northland Enterprises Comments on how to improve the Inclusionary Zoning ordinance in Portland:**

We are writing to voice our concerns about the current Inclusionary Zoning (“IZ”) ordinance and the Mayor’s proposed changes to the ordinance. We recognize that Portland needs a variety of housing types to thrive as a city, and we know that the best way to create a range of housing options is for the City to foster a regulatory climate that is conducive to development.

The Inclusionary Zoning ordinance in its current form is a strong *disincentive* for developers to build multi-family housing projects that have more than nine units. We are unaware of any onsite rental IZ units created in the City to date. The program is failing at creating affordable units in Portland because it poses many impractical restrictions on developers.

We present the following observations and recommendations regarding the IZ, in hopes of improving the existing policy and fostering the development of badly-needed modern rental housing stock:

### **Tenant Selection**

The most glaring shortcoming of the current IZ policy is the City’s involvement with tenant screening. The Agreement requires that prospective IZ tenants be approved by the City. That means a property owner cannot lease a unit to an IZ tenant without City staff reviewing the application and retaining the right to apply their own screening methods to verify the prospective tenant’s income. Practically speaking, this provision is unworkable for the property owner, as few prospective tenants will be willing to wait for the City to approve their application. After much back-and-forth with the City planning staff, we negotiated a 5-day turnaround time for City approval of tenants, and we believe that timeframe would still lead to tenants finding housing elsewhere before signing a lease with us.

Further, the City staff are not equipped to screen tenants or determine income eligibility. That is a specialized task best left to experienced property managers. Additionally, the IZ has no provision that would eliminate the IZ requirements in the event that the City reorganizes its operations, experiences staff layoffs, or simply chooses to not direct adequate attention to the IZ tenant screening.

Also, the IZ provides no legal protection or indemnification to the property owner should the City’s screening method be discriminatory or otherwise impermissible by law.

We recommend that property owners should have the option to be solely responsible for screening tenants in compliance with the IZ guidelines, with the income eligibility portions of tenant files being available to the City for review with reasonable notice. This would be consistent with the Maine Housing regulations that owners would adhere to under a Low-Income Housing Tax Credit (“LIHTC”) project. Those projects are not subject to the IZ, so it seems that the LIHTC screening methods are deemed to be appropriate (i.e. the city doesn’t want to double check the AVESTA or Szanton Company screening). This would allow larger, more sophisticated developers and landlords to utilize the screening software that we already have paid for, while still allowing smaller landlords to have the City do the screening if they would rather not take the risk or invest in the income screening protocols.

### **Duration of Affordability Requirements**

The current regulations require IZ units to remain affordable for terms ranging from 10 years, if 100% of a project’s units meet IZ affordability, to 99 years if 10% of a project’s units meet IZ affordability. As a practical matter, 10% is the most IZ units that most projects can afford to have, so the IZ units are required

to remain affordable for 99 years. There is no telling what the City's housing needs will be 10 years from now, let alone a century into the future, and the City is under no obligation to fund the employment of staff to actually oversee the IZ program now or in the future.

We recommend that the IZ affordability term be capped at 10 years, with the provision that property owners be required to allow IZ tenants to remain in their units at the IZ rent levels until such time as that tenant vacates. Thus, no tenant would lose their housing as a result of their unit coming out of the IZ compliance period.

In the case of LIHTC development, the developers do agree to 99-year deed restrictions, but that is because a large portion of the development costs are being funded by the tax credit investor. They're willing to give up the ability to raise rents beyond AMI increases for 99 years, because MSHA is providing the majority of the funding for the project. In the case of the IZ, the city is providing no such funding or benefit to the development in exchange for the 99-year deed restriction. It is important to also note that in the case of LIHTC deals, the permanent debt is required to be non-recourse to the developer. Meaning the developer is not signing their life's work away to secure the debt. The situation is often quite different in market rate development, where developers are personally guaranteeing the loans; therefore, the risk is much higher for market rate development. The prospect of agreeing to a multigenerational deed restriction becomes a very real risk to the long-term viability of the project.

The current IZ deed restriction structure feels like a penalty on the developer, rather than a partnership to provide the affordable units. When a developer considers a 99 years of having the city screen the IZ tenants every year and the resulting increase in vacancy and headache, it is often enough to justify payment of the fee in lieu.

#### **Future Payment-In-Lieu**

Given the long affordability terms mentioned above, IZ would potentially be more palatable to developers if it included the option of removing IZ units via the fee-in-lieu at a future date. For example, say a 10-unit apartment building has 1 IZ unit that must remain affordable for 99 years. The developer should have the option to operate the IZ unit and pay the fee-in-lieu at any time in the future, removing the affordability restrictions on that unit once the current tenant terminated their lease; the owner would not be able to suddenly charge market rate for the existing tenant, but would have to wait until they leave before paying the fee and repositioning the unit as a market rate unit. The flexibility to buy out of the IZ requirement in the future will help alleviate the risk that a property will be less valuable to prospective purchasers in the future.

#### **Interior Standards for Workforce Units**

The current Workforce Rental Housing Agreement includes many specific requirements for IZ units, right down to bathroom fixtures and linear feet of kitchen counter space. These requirements are too specific, particularly given that the affordability requirements will be in place for many decades. We don't know what design standards and technology will hold in the future. A better approach would be to simply require that the IZ units feature a level of fit and finish comparable to the building's market rate units.

Thank you for your time and consideration,

*Josh Benthien*  
*Northland Enterprises, LLC*  
*207-780-0223*



To: Councilor Duson, Chair Housing Committee  
Members of the Housing Committee

From: Jeff Levine, Director Planning & Urban Development Department  
Mary Davis, Division Director, Housing & Community Development Division  
Victoria Volent, Housing Program Manager  
Housing & Community Development Division

Date: November 3, 2017

Subject: Housing Policy Proposals

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## Summary

In continuation of the 2016 public policy initiatives (known as the bucket list) and the introduction of additional initiatives to the Housing Committee at their October 26, meeting, enclosed are the housing policy proposals (not including Inclusionary Zoning which are discussed in a separate memo) for further review by the Housing Committee.

## Housing Policy Proposals

### **1. *Develop a strategic homebuyer assistance program ("HomePort 2")***

The City would provide assistance with the cost of Private Mortgage Insurance (PMI) to lower the borrower's monthly mortgage payment. PMI is a type of mortgage insurance meant to reimburse the lender if the borrower stops making payments on their home loan. Lenders require PMI if the borrower makes a down payment of less than 20% of the loan amount. PMI potentially adds hundreds of dollars to the monthly mortgage payment for at least two, but up to five years.



If the City were to provide assistance with the cost of private mortgage insurance, an upfront single payment premium program would be the most cost-effective way to assist home buyers who could not afford a 20% down payment.

From the early 1990's through FY14, the City offered a first-time homebuyer program that offered up to \$30,000 in a deferred loan to be used for down payment, closing cost or rehab assistance (the "HomePort" program.) The subsidy was repaid when the property was sold or no longer occupied as the owner's primary residence. The repayment included the original subsidy amount plus a percentage of any net gain in the value of the property. The decision was made to stop the program for two reasons: (1) the subsidy amount would need to be increased to keep the cost of a home affordable to households at or below 80% of the area median income and (2) the local home prices exceeded the HOME Program maximum purchase price limit. The funding allocated to this program was transferred to the Tenant Based Rental Assistance Program that began in FY13.

Based on conversations with local lenders, we think there is an opportunity to leverage public commitment with some private funds.

A pledged asset program would allow the city to establish an account with the lender for an amount equal to the down payment. The bank would hold that account as security in the case of default by the borrower. When the borrower's loan balance reaches the required loan to value ratio, the account would be released back to the city.

**Estimated costs:**

Upfront private mortgage insurance \$2,000-\$3,000 per borrower.

Pledged Asset Account: \$12,250 - \$25,000 per borrower.

Second Mortgage Program: \$30,000 - \$50,000 per borrower.

**OVERALL ESTIMATED COST:** \$50,000-\$200,000 (50% City/50% Private) annually



**2. Develop a foreclosure prevention program that will provide emergency grants to low-income homeowners in risk of foreclosure.**

The program would be designed to assist Portland homeowners who are struggling to pay their mortgage payments because of a temporary financial hardship, for example job loss or healthcare issue. Assistance would be provided in the form of a 0% interest loan to be paid back when the temporary financial hardship has been resolved. These grants would be limited to \$5,000 per household.

**OVERALL ESTIMATED COST:** \$50,000 (50% City/50% Private) annually

**3. Secure Tenant Based Rental Assistance (TBRA) funding at \$250,000 a year minimum, using a combination of City funds and federal funds (roughly 50/50.)**

The current Tenant Based Rental Assistance (TBRA) Program is funded through HUD's HOME funding program. TBRA provides security deposits, rental assistance and utility allowances on a short term basis for low-income (below 60% AMI) individuals and families who are homeless or in danger of becoming homeless. Changing the program to include local or city funds would enable the City to provide assistance to workforce (80% to 100% AMI) households that do not qualify for HOME funding.

Beginning with FY14, the City budgeted an average of \$132,000 for the TBRA Program. However, in FY16 (\$25,000) and FY 17 (\$63,000) in additional HOME funds were allocated to the budget as the need outpaced the original budget allocation. In FY17, the TBRA Program assisted in placing 175 households into permanent housing utilizing \$193,000 in HOME funding.

**OVERALL ESTIMATED COST:** \$250,000 to serve 200-250 households annually.



**4. Increase the condominium conversion fee significantly to fund TBRA and/or the Housing Trust Fund.**

The condo conversion fee could be modeled on the fee structure in the Housing Replacement Ordinance. The fee would be set based on staff analysis and Council approval. A portion of the fee could be placed in the Housing Trust Fund and a portion used to fund the TBRA program.

Under the current ordinance, the condo conversion application fee is \$150 plus the cost of work and a certificate of occupancy fee of \$100 per unit. From 2012 to present there were 10 condo conversion applications which created 23 condominium units. If the Rent Stabilization referendum were to pass it may have an impact on the conversion rate.

**OVERALL ESTIMATED REVENUE:** *Depends on the level of the fee and the conversion rate but approximately \$50,000 to \$150,000 a year to fund other programs on this list.*

**5. Review the current Condominium Conversion ordinance to assess whether the tenant notice and relocation assistance requirements are being followed.**

Proposed changes to the Condominium Conversion ordinance would extend notice requirements; require notification of current tenant contact information to the City; and increase penalties for non-compliance with this ordinance. For long-term tenants, a year long notice period is proposed.

The purpose of the Condominium Conversion ordinance is to 'regulate the conversion of rental housing to condominiums; to minimize the potential adverse impacts of such conversions on tenants; to ensure that converted housing is safe and decent; and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.' It requires that the developer give each tenant a written notice of intent to convert. For tenants living in the same building for 0-4 years, a 120-day notice period is required, an additional 30-day notice period is required for each additional year the tenant has been living in the building, up



*If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Permitting and Inspections Department, City of Portland, Maine 04101 (telephone: 874-8703).*

For a 60-day period following the giving of the notice, the developer is required to give the tenant an exclusive and irrevocable option to purchase the unit. If the tenant does not purchase the unit during this 60-day period, the developer cannot offer the unit to any other person at a lower price or more favorable terms for an additional 180 days, until the same offer is made to the tenant.

If the tenant does not purchase the unit and qualifies at or below 80% AMI, the developer must make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months.

If within 120 days after a tenant is required by the developer to vacate, the developer records a declaration of condominium without having given notice as required, the developer shall be presumed to have converted in violation of this article. If the developer is found to be in violation, the request for a permit to convert is denied.

At the time of application, if any unit is vacant, the Permitting and Inspections Department requires the developer to disclose the reason the unit is vacant along with the name, new address and phone number of the previous tenant. However, this disclosure is not required under the current ordinance.

**OVERALL ESTIMATED COST/REVENUE:** *Approximately 100 hours of staff time.*

## **6. Create a Hotel linkage fee to fund City housing programs**

Require hotels to pay an impact fee that accounts for offsetting the increased housing demand generated by their need for low-income employees.

Since 2013, Portland experienced roughly 39 percent increase in number of hotel units. In 2015, the hotel industry on the peninsula reported a 70 percent occupancy rate (U.S.



average is 66 percent). A hotel linkage fee would be assessed through comprehensive study and analysis to link costs, project new development, and realize the feasibility for developers. Once an impact fee is set, it is routinely reevaluated and revisited and adjusted based on new data, inflation, and other trends. By using an impact fee, future hotel developers have a predictable way to factor in the mitigation cost into their pro forma, rather than having to negotiate mitigation and deal with the uncertainty based on each case-by-case basis. Currently Portland only seeks mitigation for transportation and storm water impacts in most cases.

**OVERALL ESTIMATED REVENUE:** *Depends on how fee is set but approximately \$100,000-250,000 a year to fund other programs.*

**7. Have the City take the lead in exploring the creation of a Portland Community Land Trust (CLT) that would receive consideration at below-market rate for surplus city property for housing development.**

A community land trust is a non-profit, community based organization designed to ensure local stewardship of land. It is primarily used to ensure long-term housing affordability without relying on deed restrictions or sale of land to developers below cost. The land trust acquires and maintains permanent ownership of land. The land trust enters into long-term leases with prospective homeowners who earn a portion of the increased property value when they sell the property.

A CLT is typically a non-profit 501c3 organization. Initially, the CLT would need significant administrative/organizing support from the City. The board of directors would need to include experienced housing and technical advisors along with area residents and other interested parties. The City would have to be willing to provide the Land Trust with land at significant discounts in order for this approach to be successful. Since the Land Trust would be a quasi-governmental agency, the City would be retaining more control over the land than under the model of selling land for \$1.

**OVERALL ESTIMATED COST/REVENUE:** *Approximately \$0 to \$100,000 annually plus the lost revenue from any surplus land placed into the Land Trust.*



**8. Use CDBG funding to establish an emergency repair program.**

This program would assist eligible households with repairs that are determined a necessity due to the immediate danger to the health or safety of the occupants of the household. Funding would be provided from HUD's Community Block Grant program in the form of a maximum loan of up to \$7,500 in either a forgivable or payable loan determined by the household's financial situation. Eligible applicants would own and occupy a one to four unit building; income and rent requirements would be in place for the owner occupant and tenants.

**OVERALL ESTIMATED COST/REVENUE:** Estimated annual program cost: \$75,000 to assist 10 households

**9. Offer Housing Rehabilitation Funding in conjunction with the Lead Safe Housing Program.**

Local funding of a Housing Rehabilitation/Lead Safe Housing Program would allow more flexibility with assisting households that earn up to 120% AMI (workforce housing). These households do not qualify for federally funded housing rehabilitation or lead safety programs.

One of the challenges with our current Lead Safe Housing Program is a local program policy which requires that any multi-family property receiving housing financial assistance must meet building and life safety code standards. Another challenge has been qualifying multi-family properties that meet the rent limit requirements established by CDBG and HOME regulations. If local funding was available to address code issues in connection with lead abatement, the guidelines could be more flexible in regards to rent caps.



**10. Administer the Portland Water District (PWD) water efficiency and repair services.**

Portland Water District would provide \$20,000-\$30,000 per year for water efficiency and repair services to households served by PWD. The City would coordinate the application process and contractor work for a 15% administrative fee per project.

**OVERALL ESTIMATED COST/REVENUE:** *Approximately 100 hours of staff time to evaluate, staff management thereafter.*

**11. Consider creating a Housing Advisory Board, primarily consisting of housing professionals with some tenant and landlord representation, to help City staff and Councilors make informed policy decisions.**

A Housing Advisory Board has the advantage of bringing in housing professionals to provide considerable free consulting assistance to staff.

**OVERALL ESTIMATED COST/REVENUE:** *Approximately 40 hours of staff time to establish, about \$10,000 annually thereafter for incidental expenses.*

## **SUMMARY**

Staff is looking for direction from the Committee regarding which recommendations should be the focus of additional analysis.



## Planning &amp; Urban Development Department

TO: Councilor Duson, Chair  
Members of the Housing Committee

FROM: Jeff Levine, Planning & Urban Development Director  
Mary Davis, HCD Division Director  
Victoria Volent, Housing Program Manager

DATED: November 1, 2017

RE: 2017 Housing Committee Report  
Goals, Work Plan, and Accomplishments

### **I. Housing Committee Priorities**

The City Council held a meeting on January 23, 2017 to develop key priorities and goals for the Council and its Committees. Listed below is the goal for the Housing Committee and its priorities for 2017.

**Goal: Increase access to safe, location-efficient rental and ownership housing that is affordable for working and low-income families.**

Safe, affordable and accessible housing remains a core element of the American Dream. The Housing Committee should focus on land use policies that help residents match their housing needs with appropriate options over a lifetime. Success is when we have a broad array of housing choices to serve evolving individual and family housing needs.

#### **Priorities:**

- Complete work on Short Term Rental Regulations;
- Assure timely implementation of the 2016 Landlord/Tenant policies;
- Pull together a Current Situation Report on Housing Policy, Availability and Affordability. This would include an update on the implementation of policies e.g. inclusionary zoning. Establish a dashboard for annual or semi-annual evaluation;
- Implement Policies to Capitalize the Housing Trust Fund;
- Identify a unique opportunity to demonstrate engagement of the city in partnership (policy, expertise, funding, zoning, public land, etc.) to leverage development of a unique mixed use project that includes work force and low income housing; and
- Housing Safety – Serve as the sponsorship committee for the city's housing inspection programs. Support program evaluation, identify enforcement challenges, the advocate for the budget resources.

## **II. Addressing Committee Priorities**

The Housing Committee met eleven times throughout 2017, including the meeting on November 8<sup>th</sup>. Outlined below is a brief overview of how the Committee addressed each of the goal and priorities highlighted by the City Council.

**GOAL: Increase access to safe, location-efficient rental and ownership housing that is affordable for working and low-income families.**

At the Housing Committee meeting on February 8, 2017 the Committee approved application criteria for staff to identify and recommend eligible development projects that were interested in applying for federal HOME Funding. The application went out to the public on August 1 and closed on September 8<sup>th</sup>. Two proposals were reviewed by the Committee at the September 26<sup>th</sup> meeting where the Committee voted to recommend to the City Council the award of HOME funds and Affordable Housing Tax Increment Financing. The City Council is expected to act on the funding requests at its November 20<sup>th</sup> meeting. The Committee allocated \$200,000 towards the Portland Housing Authority's 58 Boyd Street Project and \$300,000 to an Avesta Housing Development Corporation project called Deering Place which is located at 61 Deering Street and 510 Cumberland Avenue.

**PRIORITY: Complete work on Short Term Rental Regulations**

After a robust community process in 2016, the Committee finalized its short term rental regulation recommendations in the first three meetings in 2017. At the February 8, 2017 meeting the Committee voted 3-0 to forward recommendations to the City Council. The City Council voted 8-1 on March 27, 2017 to adopt the Short Term Rental Registration ordinance amendments.

**PRIORITY: Assure timely implementation of the 2016 Landlord/Tenant policies**

The Housing Committee reviewed the implementation of the 2016 Landlord/Tenant policies during its June 14 meeting. The Committee reviewed the revised Tenant Housing Rights Form and Brochure and suggested several edits. The Committee discussed the advisory committee and raised concerns regarding the role of the advisory committee. The Housing Committee Chair requested that staff come back to the committee with suggestions to address the concerns raised by the Committee; this request was placed on hold pending the outcome of the Rent Stabilization Referendum and possible overlap of duties with the Rent Board outlined in the referendum.

**PRIORITY: Pull together a Current Situation Report on Housing Policy, Availability and Affordability. This would include an update on the implementation of policies e.g. inclusionary zoning. Establish a dashboard for annual or semi-annual evaluation**

The Housing and Community Development Division of the Planning and Urban Development Department prepared the 2017 Housing Report which was submitted to the Committee at the October 26<sup>th</sup> meeting. The report was designed to give an overview of the current housing market and report out on the many policies and initiatives that the City has adopted to address the issues of

housing availability and affordability.

**PRIORITY: Implement Policies to Capitalize the Housing Trust Fund**

During the September 26<sup>th</sup> meeting, staff outlined several housing policy proposals for the Committee’s consideration. The proposals included several items that would contribute funding to the Housing Trust Fund. Additional options are being presented at this November meeting.

**PRIORITY: Identify a unique opportunity to demonstrate engagement of the city in partnership (policy, expertise, funding, zoning, public land, etc.) to leverage development of a unique mixed use project that includes work force and low income housing**

The concept of a City-initiated Land Trust may help implement this priority, and will be explored further. In addition, staff is exploring parcels of public land as possible locations at which to implement this priority, and will present identified and feasible options at a future Housing Committee meeting.

**PRIORITY: Housing Safety – Serve as the sponsorship committee for the city’s housing inspection programs. Support program evaluation, identify enforcement challenges, the advocate for the budget resources**

At the May 10<sup>th</sup> meeting the Committee received an update and overview of the Housing Safety Office from Michael Russell, Department Director of the Permitting and Inspections Department.

At the July 12<sup>th</sup> meeting the Committee received an update and overview of the Fire Department’s Inspection Program from Keith Gautreau, Assistant Fire Chief.

The Committee will continue to receive annual reports on these programs.

**III. 2017 Activities with Status**

**Housing Program Budget**

In February, the Housing Committee reviewed and approved the Housing Program Budget for HUD’s annual HOME allocation for Portland and Cumberland County. The budget divided the funds into four categories including administration, housing rehabilitation, Tenant Based Rental Assistance (TBRA), and affordable housing development.

**Short Term Rentals (Airbnb)**

The Housing Committee voted on February 8<sup>th</sup> to forward to the City Council a set of policy recommendations regarding short term rentals. At the May 10<sup>th</sup> and July 12<sup>th</sup> meetings, the Committee reviewed, and ultimately made a recommendation to the City Council, an amendment to the short term rental registration ordinance as it pertains to a disorderly housing designation. On September 18, the City Council voted 9-0 to adopt the amendments.

Additionally, at the June 14<sup>th</sup> meeting, the Committee reviewed the Short Term Rental Registration

Implementation Guidelines created by the Permitting and Inspections Department

### **Division 30 Amendments**

At the March 8<sup>th</sup> the Committee discussed amendments to Division 30 to support the creation of affordable housing. The Committee continued discussion on this item during the March 30<sup>th</sup> meeting and ultimately voted 3-0 to refer the amendments to the Planning Board for review. The City Council voted on September 6<sup>th</sup> to adopt the changes with amendments.

### **Additional Items**

Additional items on the Committee's schedule in 2017 included:

- Recommendation to the City Council to approve the 2017 Housing Trust Fund Annual Plan;
- Recommendation to the City Council to approve changes to the Housing Code re: Habitation of Recreational Shelters.
- Recommendation to continue participation in the Cumberland County HOME Consortium;
- Received an update on the Lead Safe Housing Program funded through a 2016 grant from HUD's Office of Lead Hazard Control and Healthy Homes.
- Reviewed the FY 17 end of year report to HUD

### ***IV. Future Work***

The Committee made great strides this year to frame the most important issues while taking steps to help achieve the Council's goals for the Housing Committee. Listed below are a few items for the next Housing Committee to consider as part of their work plan for 2018.

- Housing First Incentives;
- Capitalizing Housing Trust Fund;
- Possible revisions to and the implementation of Section 6-225 (Rental Housing Advisory Committee) of the Tenant Housing Rights Ordinance.



**TO:** Councilor Duson, Chair  
Members of the Housing Committee

**FROM:** Victoria Volent, Housing Program Manager

**DATED:** January 18, 2018

**SUBJECT:** Summary of Public Feedback on Housing Policy Proposals

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### **Introduction**

During the October 26, 2017 meeting of the Housing Committee, staff presented a feedback form consisting of eleven housing policy initiatives stemming from the 2016 “bucket list” of policy ideas as well as new policy proposals from staff and Mayor Strimling. A link to the feedback form was posted to the Housing and Community Development webpage to gather public input. On that same page was a link to the 2017 Housing Report noting that the list of housing policy proposals were outlined in detail in the 2017 Housing Report.

The public feedback responses received from October 26 through November 8 were presented to the Housing Committee at their November 8, 2017 meeting. The on-line survey remained active for additional public feedback through January 16, 2018. Between November 8 and January 16, three feedback responses were collected and have been included in the attached public feedback survey.

### **Summary**

The final sample size of forty-six citizens does not allow for statistical significance and results should be viewed accordingly. Participants provided feedback by answering yes or no to fifteen questions. Room was provided to allow for further comment beyond the original yes or no answer. When a participant did not complete a field, the phrase “field not completed” was noted instead. Twenty-four additional comments (the final column on the right) were provided.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	Develop a strategic homebuyer assistance program ("HomePort 2")	Develop a foreclosure prevention program that will provide emergency grants to low-income homeowners in risk of foreclosure.	Secure Tenant Based Rental Assistance (TBRA) funding at \$250,000 a year minimum, using a combination of City funds and federal funds (roughly 50/50.)	Increase the condominium conversion fee significantly to fund TBRA and/or the Housing Trust.	Review the current condominium conversion ordinance to assess whether the tenant notice and relocation assistance requirements are being followed.	Create a "hotel linkage fee" to fund City housing programs.  Community Land	Have the City take the lead in exploring the creation of a Portland Trust (CLT) that would receive consideration at below-market rate for surplus city property for housing development.	Utilize CDBG funding to establish an emergency rehabilitation repair program	Offer rehabilitation funding in conjunction with the Lead Safe Housing Program	Agree to administer Port and Water District's water efficiency and repair services program.	Consider creating a Housing Advisory Board, primarily consisting of housing professionals with some tenant and landlord representations.	Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site	Amend the Inclusionary Zoning Ordinance to remove the sunset clause.	Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.	Amend the Inclusionary Zoning Ordinance to lower the affordability income level.	
Yes	19	19	25	28	18	26	30	18	21	15	24	16	15	28	24	
No	17	19	12	10	17	11	11	16	11	16	13	14	14	11	11	
Not Completed	10	8	9	8	11	9	5	12	14	15	9	16	17	7	11	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
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Response	No	No	No	No	No	Yes	Yes	Yes	No	No	Yes	Yes	Field Not Completed	No ,more affordable housing! We need the city to help the middle, working class to be able to afford to stay in the city and raise a family. These families are getting pushed out! Portland is becoming an either rich or poor city. Bad for Portland	No! Enough with the affordable housing!	Field Not Completed
Response	No. homebuying can be a trap. housing is one part of the dynamic of sustainable living. the ability to "move" to where employment is is critical and ownership can be a fatal hinderance in that process.	No. you mean like HARP that no one used...it could become a bank bailout.	Yes	Yes	Yes	No keep up like this and you will discover that tourists have choices, you cannot fund a city on the back of a tourist	emphatic yes	Yes	Yes	No. too much on your plate now	Yes	Yes	Yes	Yes	Yes	post report on line, link dead
Response	No. Enough other programs.	No, most foreclosures are a result of very fact-specific issues, like health problems or marital difficulties.	Yes. Tenants are most at risk of being forced out in this market. That is where the assistance should be focused.	Yes. Owners stand to profit significantly from the conversion. Charging them a significant fee may increase the price of the condo, but could increase the TBRA fund	No I think there is already enough scrutiny. No low-hanging fruit here.	Yes. The burst if hotels might be over, but if Portland can't impose a city lodging tax, it is the next best thing.	No. Don't believe a land trust is needed for this.	No. Too many other priorities for CBDG money.	No	No	No. Wouldn't be bad, but not in my top 5	No. Not sure what this means	Yes. It should be a permanent part of the ordinance, with amendments to make more far-reaching.	Yes. Increase to 15 or 20% with no buy-out option	Yes, worth evaluating	Not mentioned above, but of critical importance, is the need to reassess the 2015 amendments to the R-6 zone. While I believe the intent was to promote infill housing on vacant or very underutilized lots, it is flawed in not making a distinction between existing housing and vacant/virtually vacant lots. The mismatch in ordinance allowances vs. the existing scale of buildings creates an incentive to tear down perfectly good housing and replace it with over-sized structures that dwarf their neighbors. There should be size limitations where a teardown is proposed that will restrict the new structure to the massing of the structure it will be replacing. There should also be enforceable design criteria for all replacement structures to require compatibility with its surroundings. New architecture is fine, but it should be well-nuanced, now just a container to maximize the interior square footage. A neighborhood conservation district is one idea. Another approach is to revise the R-6 zoning to eliminate the space and height incentives for teardowns.

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
	Develop a strategic homebuyer assistance program ("HomePort 2")	Develop a foreclosure prevention program that will provide emergency grants to low-income homeowners in risk of foreclosure.	Secure Tenant Based Rental Assistance (TBRA) funding at \$250,000 a year minimum, using a combination of City funds and federal funds (roughly 50/50.)	Increase the condominium conversion fee significantly to fund TBRA and/or the Housing Trust.	Review the current condominium conversion ordinance to assess whether the tenant notice and relocation assistance requirements are being followed.	Create a "hotel linkage fee" to fund City housing programs.	Have the City take the lead in exploring the creation of a Portland Community Land Trust (CLT) that would receive consideration at below-market rate for surplus city property for housing development.	Utilize CDBG funding to establish an emergency rehabilitation repair program	Offer rehabilitation funding in conjunction with the Lead Safe Housing Program	Agree to administer Portland Water District's water efficiency and repair services program.	Consider creating a Housing Advisory Board, primarily consisting of housing professionals with some tenant and landlord representations.	Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site	Amend the Inclusionary Zoning Ordinance to remove the sunset clause.	Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.	Amend the Inclusionary Zoning Ordinance to lower the affordability income level.	
Response	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Link to report does not work. Not enough time given to review report. Luxury condo/housing fee to fund housing	Yes	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Link to report does not work. Not enough time given to review report. Establish Luxury condo/housing fee to fund housing.
Response	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Yes	Yes	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Yes	Field Not Completed	As a Portland resident I am strongly supportive of any measures that will increase housing supply and balance the rental market relative to income. Though I am not well enough informed regarding some of the specific projects and policies above, it is clear that Portland must act both progressively and aggressively to increase housing availability at affordable costs. Building higher, attractive yet modest apartment buildings on the peninsula may be are best option, as it would also help to resolve parking and congestion.
Response	Yes	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes	Yes	Yes	No	Field Not Completed
Response	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Field Not Completed
Response	No. Not sure on this one; leveraging private dollars where possible seems like a good idea, but I'm a bit skeptical that incentivizing home ownership rather than renting is the most cost-effective way to support housing affordability.	Yes. Yep, this seems like a good idea, and a good way to have a big impact with a small investment.	Yes. Ditto. Setting aside making it easier to build housing or improving transit, rental assistance seems like dollar-for-dollar the most effective way to helping people afford to keep living in Portland, especially considering the federal matching	No. I'm not wild about this; I'm all for the programs this would support but I'd rather pay for it out of general taxes.	No. Sure, seems sensible; not a top-five priority.	No. This seems really odd to me. Hotels create jobs so we should discourage that with a specific tax? Again, I'd rather pay for these programs with general taxes.	Yes. Seems like an interesting way to guide surplus city property toward housing. Worth exploring, at least.	No. Seems like a good idea, not in my top five	Yes. Seems like a good idea, where small investments in rehabilitation then enable eligibility for other programs.	Yes. Again seems like a good idea I wouldn't put in the top five.	Yes. Excellent idea! This is wonky stuff, and some dedicated professionals advising the committee (and the council) seems like a great idea. I suspect there are a lot of ideas that feel very attractive are not empirically well supported, and that expert advice would be invaluable.	No. I'm not familiar enough with the IZO to have an opinion here.	No. ditto	No. ditto	No. ditto	Overall it seems like good places to focus city dollars and effort are those where marginal investments can have big impacts -- helping people at the threshold of staying in their apartments or affording houses, or places where a small city assistance can make a larger federal program possible (e.g., lead abatement). One thing I don't see much of here are ideas for increasing the supply of commutable housing. Demand for living in Portland is high and growing -- and that's great! It means we're doing things right! But we have to get used to the idea that more people means more housing -- and more transit! Prices on the peninsula, where so many jobs are, wouldn't be such an issue if it were easier to live off-peninsula and commute without a car.
Response	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes	Yes	No	Yes	How do we incentivize developers to not only build a % of affordable apartments, but entire blocks of them? What mechanisms does the city have to help get smaller projects off the ground? Is the city interested in helping a co-op develop housing?

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
	Develop a strategic homebuyer assistance program ("HomePort 2")	Develop a foreclosure prevention program that will provide emergency grants to low-income homeowners in risk of foreclosure.	Secure Tenant Based Rental Assistance (TBRA) funding at \$250,000 a year minimum, using a combination of City funds and federal funds (roughly 50/50.)	Increase the condominium conversion fee significantly to fund TBRA and/or the Housing Trust.	Review the current condominium conversion ordinance to assess whether the tenant notice and relocation assistance requirements are being followed.	Create a "hotel linkage fee" to fund City housing programs.	Have the City take the lead in exploring the creation of a Portland Community Land Trust (CLT) that would receive consideration at below-market rate for surplus city property for housing development.	Utilize CDBG funding to establish an emergency rehabilitation repair program	Offer rehabilitation funding in conjunction with the Lead Safe Housing Program	Agree to administer Portland Water District's water efficiency and repair services program.	Consider creating a Housing Advisory Board, primarily consisting of housing professionals with some tenant and landlord representations.	Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site	Amend the Inclusionary Zoning Ordinance to remove the sunset clause.	Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.	Amend the Inclusionary Zoning Ordinance to lower the affordability income level.	
Response	Yes	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	How will housing professionals be chosen? How will conflicts of interest be avoided?	Field Not Completed	Yes	Field Not Completed	Yes	Field Not Completed
Response	No. There are plenty of low-cost mortgage product for first time homebuyers already integrated in the marketplace.	No. The foreclosure process is already ridiculously skewed in favor of borrowers. For all practical purposes, one can stay in a home for many months after being in default, with numerous opportunities for remedy and workout. There is simply no need for the City to provide any additional layer of protection.	No. The administration of these types of funds is best left to the Portland Housing Authority	No. Absolutely not. Condominium conversion promotes home ownership, prevents sprawl, and increases property values.	No. The City would benefit more by the elimination of the condominium conversion ordinance altogether	No. Why should the burden of funding affordable housing fall disproportionately to developers of hotels?	No. Why not sell the property at full market rate to private developers of market rate and/or affordable housing?	No. This is a nice idea, but it would require additional bureaucracy to administer. I could see this turning into a highly-controversial program with no fair way of awarding funds.	Yes. Placing the burden for lead remediation solely on property owners could have disastrous consequences to Portland's real estate market. If we are going to enact alarmist lead abatement policies, then the City should kick in to fund the remediation.	No. If the program is not a high enough priority for PWD to administer itself, the City should not be the financial backstop.	No. Absolutely not. Such a body is not needed. This would be simply an expansion of government for its own sake.	Yes. Developers should be able to pay a fee-in-lieu for any portion of the required IZ units. They should also be allowed to pay the fee in the future, as long as the affordable units are phased out due to tenants not renewing leases.	No. The Inclusionary Zoning Ordinance should be removed as soon as possible. It is a horribly written ordinance that the City is not equipped to properly administer.	No. Doing so would effectively stifle all development of rental properties greater than 9 units. That is already happening to a large extent.	No. Making the numbers work on a 10+ unit multifamily rental property is difficult enough even with all the units being market rate. Leave affordable housing development to the affordable housing developers who can use tax credits and subsidy in their financing stack.	Field Not Completed

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
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Response	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Field Not Completed
Response	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Field Not Completed
Response	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Yes	No	Yes	No	No	No	Field Not Completed
Response	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes. Most important.	No	No	Yes	Yes	Please, please keep in mind the renters who are being financed out of their homes from the increasing rent rates. Individual home-owners who rent out typically look online and just price their housing at that value. PortProperty, BellPort, owning most of Portland's rental apartments, are going sky-high with prices, while not providing mandatory upkeep or maintenance.
Response	No. What would the staffing requirements be for this program? Would it be an added burden to the Planning Staff or would it require a new position to be made and filled.	Yes	Yes. Who would be responsible for requesting federal funds?	Yes. Is there a way to increase the cost for non-residents of the condos? So that the spaces used as a second home and occupants not buying more taxes within the City accept a greater burden	Yes	No. Use a penalty but not as a requirement for all new developments.	Yes	Yes	Yes	Yes	No	No. No fee should be required if units are provided on-site. Fees further diminish the incentive	No	Yes. Fix the rounding component so that developers are not tempted to max at 19, 29, etc. units	Yes. The affordability of units seems a bit skewed and not representative of actual affordability with special attention to what is defined as 'affordable' for home ownership	It might be worth providing a definitions page attached to the form so that the user is aware of what the existing 'Inclusionary Zoning Ordinance' or 'sunset clause' is
Response	Yes. There are residents with potential to be excellent homeowners but they lack the resources	A fluctuating economy which does not keep up with the cost of goods and services. It fosters a paycheck to paycheck environment which prevents homeowners from a six month mortgage savings.	Yes. The success of any community is its diversity. Diversity of income develops knowledge of the development of the community.	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes. Property owners should not be thrown up the bus. Resources are needed to make safe dwellings.	Yes. The importance of water quality has been ignored for good health.	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
	Develop a strategic homebuyer assistance program ("HomePort 2")	Develop a foreclosure prevention program that will provide emergency grants to low-income homeowners in risk of foreclosure.	Secure Tenant Based Rental Assistance (TBRA) funding at \$250,000 a year minimum, using a combination of City funds and federal funds (roughly 50/50.)	Increase the condominium conversion fee significantly to fund TBRA and/or the Housing Trust.	Review the current condominium conversion ordinance to assess whether the tenant notice and relocation assistance requirements are being followed.	Create a "hotel linkage fee" to fund City housing programs.	Have the City take the lead in exploring the creation of a Portland Community Land Trust (CLT) that would receive consideration at below-market rate for surplus city property for housing development.	Utilize CDBG funding to establish an emergency rehabilitation repair program	Offer rehabilitation funding in conjunction with the Lead Safe Housing Program	Agree to administer Portland Water District's water efficiency and repair services program.	Consider creating a Housing Advisory Board, primarily consisting of housing professionals with some tenant and landlord representations.	Amend the Inclusionary Zoning Ordinance to include a fractional fee-in-lieu payment when units are provided on-site	Amend the Inclusionary Zoning Ordinance to remove the sunset clause.	Amend the Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units.	Amend the Inclusionary Zoning Ordinance to lower the affordability income level.	
Response	Field Not Completed	Field Not Completed	Yes	Yes	Field Not Completed	Yes	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Yes	No affordable senior housing initiatives? Portland has one of the oldest population demographics in the state-glaring omission.
Response	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes	No	No	No	No	Field Not Completed
Response	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Field Not Completed
Response	Yes. (#4) This was an excellent way to get middle class to live in Portland in the past. However, I don't know how effective this will be with the current heated real estate market.	Yes (#5)	No	(#3) Increase the condo conversion fees to \$10,000 per condo. Fees dues at application not at sale.	No. Only a band-aid fix and not getting to the root of the problem	Yes. (#2) Hotel Linkage fee needs to go fund the CLT and other housing programs on this list and not to the developers.	Yes. (#1) This is one of the most important topics. The money should be allocated or stay in the district where the penalty fees are acquired.	No. CDBG is being cut yearly so won't be any grants in the future	No	Yes. It would be great for the older residents.	No, because this means City Councilors will be subjectively selecting people who are pro-development. We have seen how unbalanced other volunteer boards and pro-business... examples are the Planning Board, previous pesticide ordinance task force, etc.	No	Yes. Unless you change the current Inclusionary Zoning Ordinance to increase the percentage of mandatory affordable units AND increase the opt out penalty to 250K per unit, the current Inclusionary ordinance is weak.	Yes, the required mandatory should be 33% with no optout	Yes, But in order for the Inclusionary Zoning Ordinance changes to be effective you have to make all the below changes as well: Increase mandatory percentage to 33%, increase opt-out to 250K/unit, and lower affordable income level, remove sunset clause.	I believe Munjoy Hill needs to quickly obtain a Conservation District status to specifically address in a coordinated and integrated fashion the below issues. Munjoy Hill is losing it's character, identity and socio-economic diversity. This has been accelerated by the R6 zone changed which encouraged tear downs, removal of affordable apartments either by condo conversions or by STR (short term rentals), allowed developers to build too large of scale and mass of buildings, and bypass any architectural integrity to existing surrounding properties. -Over 20 Munjoy Hill Properties have been demo'd or will be demo'd and what is going up are over NOT matching architecturally or scale/mass of surrounding Munjoy Hill properties, and majority have been converted to luxury condos. - STR policy needs to be changed immediately to occupied owner unit (not building but 1 housing unit) ONLY. (Backed up by a McGill study from August 2017)
Response	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Thanks for the report and for reaching out with the survey. Next time, a brief paragraph under each question explaining the technical terms would generate a wider and more educated response.

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
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Response	No	No	Yes	Yes	No	Yes	Yes	No	No	No	Field Not Completed	No	Yes	Yes	Yes	While some of these suggestions might help a bit, they are woefully inadequate to grapple with the housing problems that Portland faces. A good first step for the council to take that would be both cost-efficient and meaningfully inform a reasoned debate would be to include rents as part of the housing registry so that the City can have a set of comprehensive and reliable statistics about rental units in the city.
Response	No	No	Yes. I think this is a high priority to explore since it could help the neediest households bridge the gap of affordability in relation to housing cost.	Yes	No. Prior to increasing the tenant notice/relocation assistance requirements I think it would be best to assess the current system's impact.	Yes	No	No	Yes	Yes. Helping households increase their water efficiency, thereby decreasing cost of operations and environmental impacts, seems like a highly positive outcome for a relatively small amount of annual cost.	Yes	Yes. This type of flexibility seems appropriate and reasonable.	Yes	No. I think the current ordinance should remain in place as-is, allowing for additional time to gather data about the outcomes.	No. I think the current ordinance should remain in place as-is, allowing for additional time to gather data about the outcomes. I think it is important to keep in mind that while lowering the income level that is required sounds very positive on paper, it could have much broader implications and impacts. There are plenty of groups that want to provide affordable housing in Portland. It would likely be more effective to support their efforts via TIFs, TBRA, and continued progressive zoning approaches.	I selected more than 5 options since some of the questions relate to the same "topic" in my opinion. Funding TBRA, removing the sunset clause on the Inclusionary Zoning Ordinance and all for fractional fee-in-lieu, PWD water efficiency and repair program, considering a hotel linkage fee, and considering rehab funding in conjunction with the Lead Safe Housing Program - I think these are all great concepts which could help move the housing affordability needle in the right direction.
Response	No	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	YES, if rent stabilization passes we will have to increase the cost of condo conversion much more than this in fact	YES, if rent stabilization passes we will have to increase the cost of condo conversion much more than this in fact	Field Not Completed	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	No	No	No	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	No	No	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	YES, priority number 1 based on criteria of policies mitigating displacement as the most urgently needed right now	the late release of this call for feedback is rather infuriating. i would like to see the deadline for feedback extended and a full fledged civic engagement campaign launched.

Housing Policy Proposal	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Additional Comment
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Response	Yes	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Yes	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	The alert for this was posted on Oct. 27, the report is 49 pages of data and policy language, and you want responses back by November 5? That is not nearly enough time to spread the word to others and process the information in the report. This needs to be communicated more broadly, with longer notice. Doesn't the current housing crisis, and the people who worked to put together the report, deserve that?
Response	Yes	No	No	Yes	Yes	No	Yes	No	No	No	No	No. I don't know what this means.	No. I can't comment on this.	Yes	No. This sounds backwards. The income level to get affordability is extremely low. Why should it be lowered even more? Terrible idea.	More focus needs to be brought to working class and middle class housing. Affordable housing currently only applies to poor folks and while it is great their needs be met, the working class and middle class are being ignored and pushed out.
Response	Field Not Completed	Field Not Completed	Yes	Yes	Yes. Why isn't this already being done?	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Yes. For rental units, this need to be Portland median RENTER income. The current renter income level provides for a rent that is HIGHER than current market rent, and so accomplishes no policy goal. For rental workforce housing to be created, target the workers who rent.	Substantially increase the opt-out fee in Inclusionary Zoning, based on a percentage of property value rather than a flat fee, or end it so that inclusionary units are required. Certainly if the percentage of units required is increased, no one will choose to build them with the current, low opt-out option in place. Also, limiting survey choices to 5 is not reasonable. I would have also chosen #1 and #2... You could have asked for a rating in order of priority if that was the purpose in limiting choices. Finally., there was almost no lead time for this survey, and little dissemination, which makes it appear as though this is a purely pro forma exercise. Please review the comments on the Portland Participates Facebook page.

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Response	No. Not clear to me that this program would benefit those who need the help most. Seems like more of a benefit to those that can already afford housing, with the PMI assistance.	No. Seems ripe for abuse.	Yes	No	No	Yes. Agree that hotels need workers, they can't afford to live out of city with long commute.	Yes. If I understand this correctly, this would be similar to the Vesper St townhomes arrangement? If so, very much in favor.	Yes	No. Not that this is a bad idea, just not in my top 5.	No. Not that this is a bad idea, just not in my top 5.	Yes. I think this is crucial, so it is clear where these policies come from.	No. Good idea, but seems small in impact, so not top 5	No	No. I'd want to see a lot more information on how this would impact the building of new housing units in the city. I'm worried it would discourage development too much.	No. Might make it even less likely that affordable units are included in development vs. opting out with fee.	I pay a fair amount of attention to housing issues in the city, but I found this to be a hard comment form to complete because the items are so specific and we don't get a lot of details on the recommendations in the housing report.
Response	Field Not Completed	Yes. This could be very helpful to people who are in dire straits who are just trying to stay in their home. This could be very helpful in giving the current workforce the option of staying here in Portland, rather than moving to outlying communities.	Field Not Completed	Field Not Completed	Field Not Completed	Yes. I think hotels are part of the problem here in Portland. They hire people at such low wages, their employees cannot afford to live here. Then, they are forced outside of the city, which means they have to drive in everyday, causing more traffic than is acceptable. The hotels need to do their part. Since we have several new hotels in "the works", this is the time to start this linkage fee.	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes. A Housing Advisory Board that actually helps the City make policy (with teeth) could go a long way in helping us avoid unnecessary and divisive referendums in the future.	Field Not Completed	Field Not Completed	Yes. More affordable units would go a long way in helping us solve the problem of inadequate affordable housing.	Yes. Frankly, the current income level of Inclusionary Zoning units is almost market rate. The current ordinance does not actually help the working class. So, yes, I would like to see it lowered.	Field Not Completed
Response	The report does not describe this initiative enough for me to form an informed opinion on this policy.	No. Meh. Homeowners already receive more benefits and have more protections than renters. I'd like to see similar protections for renters to avoid conviction	The report does not describe this initiative enough for me to form an informed opinion on this policy	Sounds OK but the report does not describe this initiative enough for me to form an informed opinion on this policy.	Yes I think it worthwhile to know if policy is being properly enforced	Yes	Yes	Sounds OK but there are a lot of projects worthy CDBG funding	The report does not describe this initiative enough for me to form an informed opinion on this policy	The report does not describe this initiative enough for me to form an informed opinion on this policy.	Yes. Include activists on this Board	Yes. My Google translate app does not have a setting for "Planerese" so I translated it into Samoan and then back into English it read: "Establish Payment of Payments to include a payment reduction payment when units are provided on the site.	Yes	Yes. 14 & 15 should be one or the other but not both	Yes. 14 & 15 should be one or the other but not both	First of all the definition of 'affordable' has a built in class inequality. Why should a person earning \$10,000 a year be expected to live on \$7,000 for non-housing purposes while someone making \$100,000/year would be expected to live on \$70,000 for non-housing expenses? Why shouldn't the person earning \$100,000 (or \$1,000,000/year) be expected to eat ramen noodles, walk or take a bus to work, not take a vacation, and not save money for the future? Here are a few suggestions: - lower the overall cost of living, e.g.; provide universal WiFi via progressive tax - Deed restrictions. Especially for those who want to buy the public rental units that they live in - Sharing economy. Program for homeowners with big houses to rent rooms - Weatherizations grants/loans to lower the heating costs for tenants - Program to rent AirBnB units during the school year (i.e., no the summer season) - Land tax on open space (e.g., parking lots) as if it were built to maximum density - Modify the R6 so it isn't just used to build luxury \$900,000 condos. That was not the intention of the change - Inclusionary zoning based on total project square footage and/or bedrooms, not simply units. Furthermore: - The report is long on stats but short on analysis and details of recommendations. - The pie charts on page 18 are wicked hard to read, it should be a bar chart - read Edward Tufte on visualization of information. - The fields in this form are very small and hard to edit. - The public outreach on this was not good and the questions in this survey are complex and not for the general public

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Response	Field Not Completed	Yes. This is very important now more than ever as many are living hand to fist one incident (job los, health issues)	Yes. Can cause a tumble that may be impossible to recoup from. Sometimes we all need a little help up!	Yes. \$300. is a meager amount. Not sure if owner occupied condo conversions need to be treated differently than investor conversions (\$1 - 5K) per unit!	Field Not Completed	Yes. Absolutely they are stressing our infrastructure more than any other type of development.	Yes. Absolutely needs to be done ASAP	Yes. This program is very useful. I have utilized it myself to repair my roof & replace my back deck. Almost paid off!	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	(1) Inclusionary Zoning should be 30%. (2) Short Term Rentals (STR) (i.e. AirBnB should be owner occupied only! No exceptions. **McGill University Study 8-20-17, check it oOut!!	
Response	Field Not Completed	Field Not Completed	Field Not Completed	Yes (#3)	Field Not Completed	Yes (#2)	Yes (#1) There is good opportunity for progress here, but any CLT should work closely with Land Bank Committee	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes (#4)	Field Not Completed	Field Not Completed	Yes	Field Not Completed	1) Please consider changing how Inclusionary Zoning Ordinance fee-in-lieu funds are used after placement in the Housing Trust Fund. Some, if not all, of the funds should stay within the neighborhood from which they derive to protect socioeconomic diversity. 2) Implement housing policy 2a (20% affordable) and/or double the \$100,000 fee-in-lieu option; Implement 2b as well. 3) Explore incentives for maintaining and developing owner-occupied units, and avoiding excessive stock of investment properties.
Response	Field Not Completed	Yes	Yes	Yes	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	I just found out about this today so hopefully my response will still be counted. I found some of these concepts would require further research to make a truly informed recommendation but I did my best.
Response	Field Not Completed	Yes	Field Not Completed	Yes	Field Not Completed	Yes	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Field Not Completed	
Response	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	Yes	No	Yes	Field Not Completed	Field Not Completed	

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Response	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes. With Much Tenant Representation	Yes	Yes	Yes	Yes	<p>This form, it's deadline, it's format and language is exclusionary design. Asking a multi diverse city of 65-75 k people to fill a survey about an important issue like housing with a one week notice, with specialized language and acronyms is just shameful. I am a native english speaker, with some time to even fill out this form - and I am incredibly frustrated. You have to do better City Hall. You are not serving us well with practices like this.</p> <p>These surveys are a good idea but next time please use accessible language and link to the policies referenced in the survey. For example, the "current condominium conversion ordinance" is referenced but how are respondents supposed to know what that entails? Please provide accessible information on the zoning ordinances and the impact of proposed changes.</p> <p>Honestly, I'd like to see all of these topics addressed to some degree, if possible.</p>
Response	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	Yes	
Response	No	No	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	Yes	Yes	
Response	Yes	Yes	Field Not Completed	Yes	Yes	Field Not Completed	Yes	Yes	Yes	Field Not Completed	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	
Response	No	No	Yes. Also fund it by instituting a city income tax that only applies to folks making over \$300,000/year	Yes	Yes	Yes	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Field Not Completed	Yes	
Response	No	No	Yes	Yes	Yes	No	No	No	Yes	No	Yes	No	No	No	No	Field Not Completed
Response	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Field Not Completed



**TO:** Councilor Duson, Chair  
Members of the Housing Committee

**FROM:** Victoria Volent, Housing Program Manager

**DATED:** January 16, 2018

**SUBJECT:** Developer Feedback on the Inclusionary Zoning Ordinance

## BACKGROUND

In response to the request from the members of the 2017 Housing Committee, staff has collected feedback from developers of ten or more units of residential housing that have received Planning Board approval since the adoption of the Inclusionary Zoning Ordinance. Twelve projects have been subject to Planning Board review on the condition they comply with the requirements set forth in Division 30, Section 14-487.

Of the twelve projects, two projects are currently for sale, three projects have not moved beyond their purchase and sale agreement, two projects have not applied for building permits, and one project partnered with Community Housing of Maine (CHOM) to build two off-site units which are currently leased to two moderate-income households.

Developers were asked:

*We would appreciate comments on your experience during the approval process as it relates the IZ provisions, and your thoughts on the regulations that further define the IZ Ordinance (attached is a copy of the regulations for your review).*

Developers that paid the fee-in-lieu were further asked:

*Specifically, we would like to know why you chose to pay the fee-in-lieu instead of building the inclusionary units.*

Four developers responded to our request for feedback

(1) Project: 221 Congress Street. Approved 4/6/2017. Developer: Caleb Johnson

*“At present it is our plan to pay the in-lieu of fee because it makes our project more financially viable. This will need to be evaluated again soon to make sure that is still the case.*

*After a quick review of your document I can see that it would take me a substantiation amount of time to manage the process of understanding and implementing the*



## Planning &amp; Urban Development Department

*construction of workforce housing within a market rate development and that I would lose control of a certain portion of our investment in the project.*

*To put it simply at first glance it seems like a more predictable approach to pay a set fee than to get into the process of building a single work force unit controlled by the city.*

*As a disclaimer I have not personally studied this issue in depth and support the idea of encouraging Economic diversity within our city and I have not formed an opinion about whether the IZ ordinance seems positive.”*

- (2) Project: 443 Congress Street. Amended Conditional Use Application November 14, 2017. Developer: Joshua Benthien of Northland Enterprises.

*“We are writing to voice our concerns about the current Inclusionary Zoning (“IZ”) ordinance. We recognize that Portland needs a variety of housing types to thrive as a city, and we know that the best way to create a range of housing options is for the City to foster a regulatory climate that is conducive to development.*

*The Inclusionary Zoning ordinance in its current form is a strong disincentive for developers to build multifamily housing projects that have more than nine units. We are unaware of any onsite rental IZ units created in the City to date. The program is failing at creating affordable units in Portland because it poses many impractical restrictions on developers.*

*We present the following observations and recommendations regarding the IZ, in hopes of improving the existing policy and fostering the development of badly-needed modern rental housing stock:*

*Tenant Selection; the most glaring shortcoming of the current IZ policy is the City’s involvement with tenant screening. The Agreement requires that prospective IZ tenants be approved by the City. That means a property owner cannot lease a unit to an IZ tenant without City staff reviewing the application and retaining the right apply their own screening methods to verify the prospective tenant’s income. Practically speaking, this provision is unworkable for the property owner, as few prospective tenants will be willing to wait for the City to approve their application. After much back-and-forth with the City planning staff, we negotiated a 5-day turnaround time for City approval of tenants, and we believe that timeframe would still lead to tenants finding housing elsewhere before signing a lease with us. Further, the City staff are not equipped to screen tenants or determine income eligibility. That is a specialized task best left to experienced property managers.*

*Additionally, the IZ has no provision that would eliminate the IZ requirements in the event that the City reorganizes its operations, experiences staff layoffs, or simply chooses*



## Planning &amp; Urban Development Department

*to not direct adequate attention to the IZ tenant screening. Also, the IZ provides no legal protection or indemnification to the property owner should the City's screening method be discriminatory or otherwise impermissible by law. We recommend that property owners should have the option to be solely responsible for screening tenants in compliance with the IZ guidelines, with the income eligibility portions of tenant files being available to the City for review with reasonable notice. This would be consistent with the Maine Housing regulations that owners would adhere to under a Low-Income Housing Tax Credit ('LIHTC') project. Those projects are not subject to the IZ, so it seems that the LIHTC screening methods are deemed to be appropriate (i.e. the city doesn't want to double check the AVESTA or Szanton Company screening). This would allow larger, more sophisticated developers and landlords to utilize the screening software that we already have paid for, while still allowing smaller landlords to have the City do the screening if they would rather not take the risk or invest in the income screening protocols.*

*Duration of Affordability Requirements; The current regulations require IZ units to remain affordable for terms ranging from 10 years, if 100% of a project's units meet IZ affordability, to 99 years if 10% of a project's units meet IZ affordability. As a practical matter, 10% is the most IZ units that most projects can afford to have, so the IZ units are required to remain affordable for 99 years. There is no telling what the City's housing needs will be 10 years from now, let alone a century into the future, and the City is under no obligation to fund the employment of staff to actually oversee the IZ program now or in the future. We recommend that the IZ affordability term be capped at 10 years, with the provision that property owners be required to allow IZ tenants to remain in their units at the IZ rent levels until such time as that tenant vacates. Thus, no tenant would lose their housing as a result of their unit coming out of the IZ compliance period. In the case of LIHTC development, the developers do agree to 99-year deed restrictions, but that is because a large portion of the development costs are being funded by the tax credit investor. They're willing to give up the ability to raise rents beyond AMI increases for 99 years, because MSHA is providing the majority of the funding for the project. In the case of the IZ, the city is providing no such funding or benefit to the development in exchange for the 99-year deed restriction. It is important to also note that in the case of LIHTC deals, the permanent debt is required to be non-recourse to the developer. Meaning the developer is not signing their life's work away to secure the debt. The situation is often quite different in market rate development, where developers are personally guaranteeing the loans; therefore, the risk is much higher for market rate development. The prospect of agreeing to a multigenerational deed restriction becomes a very real risk to the long-term viability of the project. The current IZ deed restriction structure feels like a penalty on the developer, rather than a partnership to provide the affordable units. When a developer considers a 99 years of having the city screen the IZ tenants every year and the resulting increase in vacancy and headache, it is often enough to justify payment of the fee in lieu.*



## Planning &amp; Urban Development Department

*Future Payment-In-Lieu; Given the long affordability terms mentioned above, IZ would potentially be more palatable to developers if it included the option of removing IZ units via the fee-in-lieu at a future date. For example, say a 10-unit apartment building has 1 IZ unit that must remain affordable for 99 years. The developer should have the option to operate the IZ unit and pay the fee-in-lieu at any time in the future, removing the affordability restrictions on that unit once the current tenant terminated their lease; the owner would not be able to suddenly charge market rate for the existing tenant, but would have to wait until they leave before paying the fee and repositioning the unit as a market rate unit. The flexibility to buy out of the IZ requirement in the future will help alleviate the risk that a property will be less valuable to prospective purchasers in the future.*

*Interior Standards for Workforce Units; The current Workforce Rental Housing Agreement includes many specific requirements for IZ units, right down to bathroom fixtures and linear feet of kitchen counter space. These requirements are too specific, particularly given that the affordability requirements will be in place for many decades. We don't know what design standards and technology will hold in the future. A better approach would be to simply require that the IZ units feature a level of fit and finish comparable to the building's market rate units."*

(3) Project: 161 York Street. Approved March 28, 2017. Developer: Michael Cianchette

*"The biggest reason we chose the fee-in-lieu was due to parking. As everyone knows, land in Portland is expensive and growing even more so, driving up the cost of existing buildings, new construction, etc. In an effort to increase density (a good thing), the City has loosened the requirements surrounding parking. However, that has driven more and more vehicles onto city streets for their parking needs. As we've seen over the last week, this becomes even more problematic when we have significant snow events forcing parking bans.*

*Since land costs are high, residential development requires higher sales prices to recoup the initial investment. Those individuals willing to pay higher prices generally do not want to fight parking battles on the streets (to the extent they can avoid it). That meant we needed to incorporate parking into the site to differentiate ourselves in the market (as an aside, the challenges with the planning process led to us missing the market condition we saw available, and our project is currently listed for sale; a different developer is probably willing to decrease the level of quality we wanted to provide in order to make the project economically viable). Once we decided to incorporate parking (and fight the Planning Board to let us do so), the marginal cost of the fee-in-lieu would be more than made up in price point associated with unit sales incorporating parking.*

*It is a sticky challenge. However, the city needs to come up with a well-thought out parking strategy for both commercial and residential development. That is especially*



*true with the WEX HQ coming downtown. There will be a day in the future when personally-owned motor vehicles are not a necessity; that day is not today nor will it come in the medium-term future.”*

- (4) Project: 62 India Street (62 Mason Block). Approved May 24, 2016. Developer Joe Dasco

*“In short, the reason that we choose to pay the fee-in-lieu is based entirely a financial decision. Given the cost of land and the increasing cost of construction, it costs us less to pay the fee vs. the loss that we would take on building the required units and selling them at a price that meets the IZ ordinance. When I say ‘loss’ I am not referring to a decrease in profitability. Our cost of construction to build a one- or two-bedroom unit is at least \$100,000 more than the mandated price that we would have to sell that unit for to meet the IZ.*

*In my personal opinion, Portland, like most municipalities, is taking the “Stick” approach vs. the “Carrot” approach. Rather than saddling the developers with the cost to supplement the affordable housing, the city should be using a TIF to encourage more building in general. This may seem counter intuitive during a building boom, however the building boom will come to an end or at least will slow down at some point. If some sort of TIF was used, the city could allocate a percentage of the increased tax base of the property being developed to help fund the affordable housing. For example, take our Mason Block project that is currently under construction in the India Street Neighborhood (our smallest project to date). The IZ fee is \$290,000. The increased tax base of this property will be approximately \$16,000,000 when it is complete. That equates to approx. \$336,000 annually in additional property taxes generated. If the city allocated 20% of the increased tax base to the housing fund, this would equate to \$67,200 per year to go towards the affordable housing. Over a 20 year period this project would contribute \$1,344,000 to the housing fund vs. the one time contribution of \$290,000. This would also reduce the burden to developers which could lead to the creation of more housing units and more money towards the affordable housing.”*



**TO:** Councilor Duson, Chair  
Members of the Housing Committee

**FROM:** Victoria Volent, Housing Program Manager

**DATED:** January 16, 2018

**SUBJECT:** Update on the Short Term Rental Registration Process

## REGISTRATION

The registration process for short term rentals began on October 16, 2017. The Licensing and Registration Division is responsible for updating and maintaining the short term rental database. As updating occurs daily, the information in this memo is accurate as of the date and time in which the report was generated.

An analysis of the registration as of January 16 indicates:

TYPE OF REGISTRATION	# OF UNITS REGISTERED	REGISTRATION CAP
Non-Owner Occupied	293	300
Owner Occupied	345	N/A
Tenant Occupied	19	N/A
Island Occupied	5	N/A
TOTAL	662	

A further break-down of the registration data based on type of residential use, total number of properties by use, the number of units, and the number of registered units (units in this instance meaning a room or an entire building or an entire apartment). For example, if one Five to Ten Family building has six apartment units in which three of the units are registered, then the Type of Registration would be Five to Ten Family, the number of properties would be 1, the number of units would 6 and the number registered would be 3. A single family building would be 1 property with 1 unit, but could rent out 2 rooms (# registered would equal 2).



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TYPE OF REGISTRATION	# OF PROPERTIES	# OF UNITS	# REGISTERED
Residential Condo	23	28	24
Single Family	65	66	67
Two Family	70	140	91
Three Family	61	185	94
Four Family	14	60	23
Five to Ten Family	19	108	37
Eleven to Twenty Family	3	32	15
Seasonal	1	1	1
Multi-Use Residential	2	3	4
Retail & Personal	7	22	17
Office & Business	1	2	2
Wholesale	1	1	2
Multi-Use Commercial	6	21	17
<b>TOTAL</b>	<b>273</b>	<b>662</b>	<b>394</b>

REVENUE

A registration fee is collected as part of the registration process. The annual registration fee for a short term rental is listed below minus any discounts of no more than \$20 per unit.

Owner Occupied Single Family Home/Condo or Tenant Occupied		\$100
Multi-Unit Owner Occupied Building and Island Short Term Rental	First Unit	\$100
	Second Unit	\$250
	Third Unit	\$500
	Fourth Unit	\$1,000
	Fifth Unit	\$2,000
Multi-Unit Non-Owner Occupied Building	First Unit	\$100
	Second Unit	\$250
	Third Unit	\$1,000
	Fourth Unit	\$2,000
	Fifth Unit	\$4,000



As of January 16, a total of \$77,537.50 has been collected from the registration of short term rental units.

#### MONITORING AND ENFORCEMENT

The company Host Compliance has been hired to provide address identification and rental activity monitoring services. Monthly reports of the full address, contact information, and registration compliance as well as a weekly screenshots of all active listings will be provided for all identifiable short term rentals.

#### HOUSING TRUST FUND

After determining all administrative costs are met, any remaining revenue generated from fees associated with the registration of short term rental units will be deposited into the Housing Trust Fund. The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City" as well as "(t)o serve as a vehicle for addressing very low, low and median income housing needs...".

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

TO: Councilor Duson, Chair  
Members of the Housing Committee

FROM: Mary Davis, HCD Division Director

DATED: January 19, 2018

RE: Work Plan Discussion – Items to Refer to 2018 Housing Committee

As noted in the 2017 Committee Report, the Committee made great strides to frame the most important issues while taking steps to help achieve the Council's goals for the 2017 Housing Committee. Listed below are a few items for the next Housing Committee to consider as part of their work plan for 2018.

- Housing policy proposals included in the 2017 Housing Report;
- Housing First Incentives;
- Capitalizing Housing Trust Fund;
- Possible revisions to and the implementation of Section 6-225 (Rental Housing Advisory Committee) of the Tenant Housing Rights Ordinance.
- Communication Discussion

**DRAFT**  
**2018 Housing Committee Work Plan**  
**January 19, 2018**

Items to refer to the 2018 Housing Committee

- Items from the 2018 Council Goal Setting Process
- Housing policy proposals included in the 2017 Housing Report;
- Housing First Incentives;
- Capitalizing Housing Trust Fund;
- Possible revisions to and the implementation of Section 6-225 (Rental Housing Advisory Committee) of the Tenant Housing Rights Ordinance.
- City-led affordable housing development

January 24, 2018

1. Review 2017 Housing Policy Proposals.
2. Review 2017 Housing Committee Report; Goals, Work Plan, and Accomplishments.
3. Review Summary of Feedback of Housing Policy Proposals.
4. First Review of Developer Feedback on the Inclusionary Zoning Ordinance.
5. Update on 2018 Short Term Rental registration process.
6. 2018 Work Plan Discussion

February 28, 2018

1. Housing Program Budget - Review and Recommendation to the City Council
2. Affordable Housing Development HOME Fund Application - Review and Approval to Issue by the Committee
3. Housing Trust Fund Annual Plan – Review and Recommendation to the City Council
4. 2018 Work Plan Discussion

March 28, 2018

1. 2018 Work Plan Discussion

April 25, 2018

1. Review of FY19 HUD Annual Allocation Plan
2. 2018 Work Plan Discussion

May 23, 2018

1. Review and Recommendation to the City Council – Funding Requests Received from the Affordable Housing Development HOME Fund Application
2. 2018 Work Plan Discussion

June 27, 2018

1. 2018 Work Plan Discussion

July 25, 2018

1. 2018 Work Plan Discussion

August 22, 2018

1. 2018 Work Plan Discussion

September 26, 2018

1. Review of FY18 HUD Consolidated Annual Performance Report
2. 2018 Work Plan Discussion

October 24, 2018

1. Presentation of Annual Housing Report
2. 2018 Work Plan Discussion

November 28, 2018

1. Review of 2018 Annual Committee Report
2. 2018 and 2019 Work Plan Discussion

December 26, 2018 (day after Christmas)

## 2018 HOUSING COMMITTEE SCHEDULE

All meetings begin at 5:30 p.m.

<b>Date</b>	<b>Meeting Location</b>
January 24	Room 209
February 28	Room 24
March 28	Room 209
April 25	Room 209
May 23	Room 209
June 27	Room 24
July 25	Room 209
August 22	Room 209
September 26	Room 209
October 24	Room 209
November 28	Room 209
December 26	Room 209



**TO:** Councilor Duson, Chair  
Members of the Housing Committee

**FROM:** Mary P. Davis, HCD Division Director  
Victoria Volent, Housing Program Manager

**DATED:** January 19, 2018

**SUBJECT:** Communication Discussion

## INTRODUCTION

To ensure consistency throughout the committee process, HCD Staff met with Chair Duson to clarify and improve communication of the committee process.

### Committee Process

- Public comment on agenda items – language will be added to the agenda to identify action items in which public comment may be taken. (See attached agenda example)
- Written comments – all written comments received by staff or Housing Committee members will be collected and distributed in the package of materials presented to the Housing Committee at their monthly meetings. Written comments received prior to the posting of the committee agenda will be made available for public review on the Housing Committee page of the City's website (<http://www.portlandmaine.gov/582/Housing-Committee>) under the heading *Agendas & Minutes*.
- Meeting minutes- meeting minutes are intended as a record of the meeting and a source of information for those unable to attend. The minutes will capture the essence of the meeting including details such as proposals, resolutions, motions, and voting results along with a summary of discussions. The minutes are not intended to be a word-for-word transcription of the meetings.



## HOUSING COMMITTEE

**DATE:** Wednesday, May 10, 2017  
**TIME:** 5:30 p.m. – 7:30 p.m.  
**LOCATION:** City Hall, Room 209

### A G E N D A

1. Review and accept Minutes of previous meeting held on March 30, 2017
2. Portland Police Department will provide an overview of the Disorderly House Ordinance – See enclosed memorandum from Richard M. Bianculli, Jr., Esq. Neighborhood Prosecutor, Police Department.
3. Update and Overview of Housing Safety Office – See enclosed memorandum from Michael Russell, Director of Permitting and Inspections Department and Jonathan Rioux, Director of Inspections Division.
4. Review of Proposed Changes to the Housing Code re: Habitation of Recreational Shelters - See enclosed memorandum from Michael Russell, Director of Permitting and Inspections Department, Jonathan Rioux, Director of Inspections Division and Anne Torregrossa, Associate Corporation Counsel. ***This is an actionable item and public comment may be taken***
5. Review and Recommendation of request received through the Supplemental HOME Funds Application – See enclosed memorandum from Mary Davis, Director, Housing and Community Development Division. ***This is an actionable item and public comment may be taken***
6. Review and Recommendation of Renewal of the City's participation in the Cumberland County HOME Consortium – See enclosed memorandum from Mary Davis, Director, Housing and Community Development Division. ***This is an actionable item and public comment may be taken***
7. COMMUNICATION ITEM: Informational packet regarding the Lead Safe Housing Program - See enclosed memorandum from Colleen Hennessy, Lead Safe Housing Program Manager.
8. Committee 2017 Work Plan discussion

Next Meeting Date: Wednesday, June 14, 2017 at 5:30 PM in Room 209