

# Housing Affordability and Homelessness Task Force



## Final Recommendations

### Introduction

The Housing Affordability and Homelessness Task Force (the Task Force) was appointed by the Board of County Commissioners to research, recommend and support new policies and strategies on increasing housing affordability and alleviating homelessness in Clackamas County. Members represented business, community and housing interests in discussions. The Task Force met from May 2018 to November 2019 to put forth a set of recommendations on long-term oversight, advocacy and coordination of housing affordability and homelessness reduction efforts in Clackamas County and interested cities.

The Task Force gathered information and made specific near-term recommendations on regulatory changes and mechanisms that would foster the maintenance and development of affordable housing for all income levels, including those who are homeless.

Clackamas County and cooperating agencies funded a Housing Needs Assessment to provide a detailed analysis of housing demand, supply and needs throughout the county at all income levels. Based on that analysis, the Task Force set forth funding recommendations intended to strengthen the County's ability to increase housing affordability and reduce homelessness.

Task Force has put forth the following sets of recommendations to the Clackamas County Board of Commissioners:

- Shelter off the streets and services for the currently unsheltered (Recommendations 1 - 4)
- Planning, zoning and development (Recommendations 5 – 6)
- Housing services for those experiencing homelessness or at-risk of homelessness (Recommendations 7 - 9)
- Tenant protections (Recommendations 10-17)
- Funding (Recommendations 18-19)

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## Recommendations 1-4: Shelter off the streets and services for the currently unsheltered

**Goal:** Working in partnership with community groups, cities and counties, provide safe, off the streets shelter options for 100 additional people in 2019 and again in 2020 and 2021. While the number fluctuates, there are approximately 750 unsheltered individuals in the County. On a given night when warming shelters are open, approximately 100 individuals avail themselves of shelter. This goal represents opening approximately 3 safety shelter sites per year, which is an ambitious reach, given the level of public involvement, infrastructure and investment necessary.

### **Recommendation 1: Identify and create additional capacity for Shelter off the Streets (SOS)**

Task Force members identified an acute need for safe places for unsheltered individuals to shelter off the streets. This need is particularly acute given the 9th Circuit Court decision in *Martin v. City of Boise*, which limits local governments' ability to restrict sleeping and camping on public property. The County is prepared for the coming winter with overnight warming shelters, but many people remain without shelter options for daytime and for nights when warming shelter isn't available.

Specific Recommendations:

- a) Locate spaces for self-governing tent cities and camping communities with hygiene and trash collection services.
- b) Identify space for legal RV camping, with waste disposal services.
- c) Locate publicly-owned property to provide these spaces, and investigate the use of underutilized sites, vacant buildings and willing private property owners.
- d) Work to assure that SOS shelters are a transition vehicle to permanent housing.

### **Recommendation 2: Adopt mobile and accessible programs for those that remain unsheltered.**

The Task Force identified a need to address the reality that unsheltered individuals don't have access to sanitation services and recommends that the County look to successful models in other locations, including Clark County's Talking Trash program, or the Clean and Safe Program of Central City Concern<sup>1</sup>. These services may, in some cases, be provided by the homeless or recently homeless.

Specific Recommendations:

- a) Provide personal hygiene services.

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<sup>1</sup> <http://www.centralcityconcern.org/services/employment/ccs-clean-start/>

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- b) Provide trash and garbage options, including safe needle deposit and exchange for those that remain unsheltered.

**Recommendation 3: Continue to monitor and meet the needs of the unsheltered population as they evolve.**

As the homeless population changes, it is important to be attentive to the specific needs of individuals, including appropriate mental health resources and establish mechanisms for ongoing program improvement.

Specific Recommendations:

- a) Monitor and track health outcomes and fatalities among the unsheltered population.

**Recommendation 4: Evaluate and measure outcomes as these recommendations are implemented.**

Additional Shelter and Services recommendations to be carried over to other segments or discussed further.

- a) Non-profit funding
- b) Tenant Protections
- c) Housing First Model
- d) Rapid Response Outreach Team

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## Recommendations 5 – 6: Planning Zoning and Development

**Goal:** *The Task Force recommends that the Board of County Commissioners revise its current Performance Clackamas goal for affordable housing to be more aspirational and account for the housing units likely to be built under the Metro Housing Bond:*

*By 2026, XXXX units of housing, affordable to a variety of residents, will be developed within Clackamas County, through a combination of public and private partnerships, and appropriate regulatory changes. Of that number, the Housing Authority goal will be to provide XXXX units affordable to households earning 60% of the area median income or less.*

The Board of Commissioners should work with staff and partners to arrive at appropriate targets after reviewing the Housing Needs Assessment, which was recently completed.

The Task Force also recommends that the County continue its current efforts to facilitate additional housing at all income levels, and to continue to assure that design standards do not provide unnecessary impediments to housing affordability.

Additionally, the Task Force recommends that the County apply an Equity Lens to its current citizen involvement programs related to land use and zoning.

### **Recommendation 5. Include housing affordability packages in upcoming annual planning work programs to include consideration of the following elements:**

**Tier One:** The Task Force recommends the following elements as most likely to effect change in the shortest period.

Specific Recommendations:

- a) Provide a tiered density bonus for inclusion of affordable housing and create a transferrable development rights bonus system. The Task Force feels a density bonus should provide a realistic financial incentive for development of affordable housing units in all zones that allow residential uses, and for the affordable housing component of mixed income projects.
- b) Increase maximum density for multi-family development in commercial zoning districts. In most commercial zoning districts, housing is limited to 25 units per acre in commercial areas, while there are very few size restrictions on commercial development. For example, the code currently allows a multi-story office building, but may not allow a 100-unit residential building of the same dimensions.
- c) Develop a hierarchy of parking standards based on proximity to transit that considers credits for alternative modes, the nature of the occupancy and affordability. Parking requirements can be an added unnecessary cost in some instances. For example, there is some evidence

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that households in the 0-30% AMI range have fewer vehicles than households in higher income ranges. Similarly, developments near high capacity transit stations may require fewer parking spaces per unit. The Task Force recommends that any changes be supported by recent studies and data.

- d) Provide enhanced ability to create Shelter off the Streets (SOS) housing. The Task Force recognizes that current code provides very limited ability to site Shelter off the Streets (SOS) uses and shelter options. Other jurisdictions have allowed camping “rest areas” as well as transitional shelters, which are currently only allowed in very limited areas in the county.

**Tier Two:** The items below were either addressed by legislation during the 2019 Legislature or are less likely to result in significant numbers of affordable housing units in the near term. The Task Force recommends that the County address them in subsequent Planning Work Programs.

## Specific Recommendations:

- e) Provide for cottage cluster development in appropriate zoning districts. The Task Force would like to see the ability to create cottage cluster developments.
- f) Make duplexes and triplexes outright uses in single-family zones, as required by state law adopted in 2019. The Task Force believes that classifying “plex” units as conditional uses rather than outright uses, leads to greater uncertainty and longer processing times and expense. To implement the new law, the BCC will need to take action, which may include the adoption of design and/or siting standards.
- g) Repeal owner occupancy requirement for ADUs, as required by state law which becomes effective January 1, 2020.
- h) Explore opportunities for permitting additional housing types, such as micro-units, co-housing and live/work units. The Zoning and Development Ordinance currently allows mixed uses in many areas and allows mixed use buildings under a home occupation permit in residential zones. However, there may be opportunities to increase this type of unit in conjunction with addressing building code and appropriate compatible uses and other issues.
- i) Address ability to add housing to schools, places of worship and church-owned properties. Housing is currently allowed at school-owned properties and places of worship so long as it is developed at a density consistent with the underlying zones. There may be other opportunities to expand by considering appropriate permitting solutions for conditional uses.

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## **Recommendation 6: Evaluate and apply an Equity Lens to the County's Planning, Zoning and Housing outreach efforts.**

The Task Force has developed an Equity Lens to help evaluate actions related to housing affordability and homelessness. The lens contains the following vision statement:

*We envision a Clackamas County Task Force on Affordable Housing and Homelessness that engages communities of color and those disproportionately impacted by historic and current housing disparities in the county, that leads by example and actively makes informed decisions while bringing the voices of those disproportionately affected to the table, and that considers current and future impacts that our decisions make on communities of color and impacted populations.*

The Task Force recommends that the County apply the attached equity lens or a similar tool to evaluate how the county communicates and works with diverse communities in its planning and zoning outreach processes.

Equity lens attached at the end of document.

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## Recommendations 7 – 9: Housing Services for those experiencing homelessness or at-risk of homelessness

Clackamas County currently has great partnerships, systems, and some funds to help those at immediate risk of eviction due to financial hardship. Data show more than 50% of callers (representing nearly 300 households from Oct-Dec, 2018) who request such funding are not assisted due to inadequate funding.

**Goal:** Reduce the number of households identified as homeless through the Coordinated Housing Access system by 30% from December 2019 to December 2022.

**Recommendation 7: Flexible short-term funding aligned with case management services is a proven and effective tool to address both housing retention and housing placement services. This short-term resource is best for families and individuals who are not disabled and have not experienced long term chronic homelessness but need a short-term infusion of assistance to stabilize. Each family or individual contacting the CHA is facing unique barriers and situations. Flexibility is key to ensure the correct short-term investments are made to achieve long term housing stability.**

Specific recommendations:

- a) Identify, prioritize and allocate highly flexible funding to allow for more creative and effective programming for those calling CHA who are homeless or on the verge of becoming homeless.
  - a. Task Force members identified the Short-Term Rental Assistance (STRA) program model with highly flexible funding and an emphasis on creative, problem-solving approaches unique to each household in need as a viable option.
  - b. This model includes flexible short-term funding for barrier reduction such as deposit assistance, application fees, transportation assistance or whatever the need is as determined by a culturally specific provider who builds a relationship with the family/individual. Every family has different barriers to housing stability.
    - i. Much of the current homeless housing assistance funding comes with strict rules on allowable use. For example, HUD funding cannot be used to pay for gas to help participants look for housing or work but can fund bus tickets. Many homeless families and individuals live in their cars and rely on them for transportation, especially in areas of Clackamas County where public transit is sparse.

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- ii. Infusing highly flexible funding in the current programs allows staff and clients to meet their unique needs.

## **Recommendation 8: Encourage and prioritize housing placement and retention funding to be delivered via culturally specific providers in Clackamas County.**

Specific recommendations:

- a) Flexible short-term assistance programs are most successful when delivered by a culturally competent provider with the ability to establish relationships with the people being served.
- b) Empowering leadership to engage in relationship building with non-profits would need to be prioritized at the county.

## **Recommendation 9: Prioritize wrap around case management services and priority access to affordable housing for people with disabilities experiencing long term chronic homelessness.**

Specific recommendations:

- a) Identify and prioritize funding for ongoing intensive case management services targeted to serve families and individuals with significant disability experiencing chronic/long-term homelessness.
- b) Create preferences for families and individuals with significant disability experiencing chronic/long-term homelessness aligned with the ongoing wrap around intensive case management services.
- c) Use current data to identify priority populations and gaps in current funding. Understand homeless inflow and outflow data and adjust operations as needed to achieve homeless reduction goals ongoing.

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## Recommendations 10-17: Tenant Protections

The Task Force was unable to reach consensus on specific tenant recommendations due to uncertainty stemming from the recent passage of Senate Bill 608.

Recognizing the value of this topic, members therefore recommend that the County convene a diverse group of stakeholders to discuss and advise on the following tenant protection topics and periodically report back to the Board of County Commissioners on findings and recommendations.

**Tier One:** The Task Force recommends further discussion on the following Tier One actions as most likely to effect change in the shortest period

### **Recommendation 10: Implement a rental unit registration program in Clackamas County.**

Specific Recommendations:

- a) Implement a rental unit registration program that gathers information including the location, room size, number of bedrooms, number of bathrooms. Any fee should be break-even.

### **Recommendation 11: Support landlords and tenants by creating an education tool kit on services available to landlords and their tenants.**

Specific Recommendations:

- a) Expand renter's rights services (i.e. More funding towards hotline resources).

### **Recommendation 12: Create a new County group focused on tenant protections that explores and defines strategies and needs.**

Specific Recommendations:

- a) Identify and consider all available sources of funding and match funding efforts ~~to~~ effective programs and services for tenant protection efforts.

### **Recommendation 13: Increase opportunities for alternative dispute resolution for landlord/tenant issues.**

Specific Recommendations:

- a) Board of Commissioners could encourage the court to require FED mediation by local rule, so tenants don't go straight into litigation.

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**Recommendation 14: Consider procuring a vendor for a single point of application for subsidized housing providers.**

**Tier Two:** The Task Force recommends the following actions after monitoring the implementation outcomes of SB 608, including:

**Recommendation 15: Eliminate no-cause evictions.**

Specific Recommendations:

- a) At a minimum, require a 90-day notice.
- b) Consider rephrasing to acknowledge State legislation, e.g. “Urge the County to support the State mandate around “no-cause evictions”
- c) Conduct more analysis to understand and analyze potential impacts and what exemptions may be needed.
- d) Increase the stability potential of individuals within their current dwellings.
- e) Increase transparency in the evictions process to allow tenants options for recourse.

**Recommendation 16: Recommend fair housing testing and enforcement by the County.**

Specific Recommendations:

- a) Establish implementation and enforcement framework for operation by the County.

**Recommendation 17: Consider screening criteria reform for housing.**

Specific Recommendations:

- a) Amend existing criteria to be more flexible to credit and rental history, security deposits (i.e. 1st and last deposit), and criminal history.
- b) Getting homeless individuals off the street and into permanent housing.

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## Recommendations 18-19: Funding

**Goal:** *Create a stable source of ongoing funding for housing affordability and the reduction of homelessness.*

**Recommendation 18: Adopt a Construction Excise Tax of 1% on residential and commercial construction to fund housing affordability and services.**

A Construction Excise Tax (CET) provides one of the few ways to address housing affordability and homelessness without impacting current services or requiring additional borrowing. The Task Force recommends that the County adopt a CET of 1% on residential construction and of 1% on commercial construction. Based on historic trends, together these fees should yield around \$2 million per year.

SB 1533B was passed in 2016 to allow cities and counties to enact a Construction Excise Tax as a source for housing affordability.

Key Provisions of SB 1533B: The CET is on construction of new structures or construction adding square footage to an existing structure.

Cities and Counties may impose a CET on:

- Residential construction, at a rate of 1% of the value of the permit value of the construction or addition;
- New commercial and industrial construction, with no cap on the rate of the CET.

The local government imposing the CET may retain 4% of the CET revenues as a fee for administering the tax. After this fee, the residential CET revenues are to be distributed as follows:

- 50% to developer incentives such as fee waivers, SDC waivers and financial incentives.
- 15% to the state Housing and Community Services Department to fund homeownership programs that provide down payment assistance. Currently the state plans to remit those revenues back to the local jurisdiction
- 35% for affordable housing programs and incentives as defined by the local jurisdiction

The collected Commercial Tax Revenue could be distributed as follows:

- 50% for programs related to housing, as required by statute.
- 50% to the general fund. The county should consider dedicating some portion of this revenue to support multi-family and workforce housing.

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## Required State Exemptions:

- Affordable Housing at or Below 80% MFI
- Public Improvements Under Public Contracting Code
- Schools, Hospitals, Worship, Agriculture, Non-Profit Care

## Recommended Additional Exemptions:

- Affordable For-sale Housing—at or below 80 percent MFI
- Accessory Dwelling Units for 5 years
- Improvements when value is less than \$100,000
- A cap on large commercial projects.

## **Recommendation 19: Create new Urban Renewal Districts where there are opportunities to revitalize areas and enhance affordability.**

Tax Increment Financing through Urban Renewal Districts remains one of the only ways for Clackamas County to provide infrastructure and invest to create both jobs and housing affordability. The Task Force is aware of existing urban renewal districts in the county. However, there is at least one unincorporated area of the county that might benefit from a new urban renewal district.

Urban Renewal must be designed and implemented carefully, with attention paid to risks of displacement and gentrification, and to not concentrating low income housing in only certain portions of the county.

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## Clackamas County Task Force on Affordable Housing and Homelessness Equity Lens

**Clackamas County defines equity as:** The principled commitment to ensuring the absence of visible and invisible barriers to fairness in representation, opportunity and access.

### **Vision Statement:**

We envision a Clackamas County Task Force on Affordable Housing and Homelessness that engages communities of color and those disproportionately impacted by historic and current housing disparities in the county, that leads by example and actively makes informed decisions while bringing the voices of those disproportionately affected to the table, and that considers current and future impacts that our decisions make on communities of color.

### **What is a racial equity lens?**

In work many of us use lenses (such as safety, trauma-informed and ethical lenses) to determine if a decision fits an organization's values and operating principles.

This racial equity lens is a tool that the Clackamas County Task Force on Housing Affordability and Homelessness will use to determine if we have achieved equity in our decisions and recommendations. The lens will help us see disparities, consequences, sources of structural inequity and institutional racism, potential impacts on communities of color and historically marginalized communities in Clackamas County. The goal is to turn our intentions into actions and strive to right historical wrongs in our society, creating a welcoming Clackamas County for community members of all different backgrounds.

Questions to ask when considering if a policy is equitable:

- What communities are impacted by the policy we're considering?
- Are they at the table?
  - a. If yes: What is their perspective?
  - b. If no: Why not? How can we get their perspective before moving forward with a recommendation?
- What disparate impacts may arise from this recommendation? Areas to consider are: Housing Access, Housing Stability, Displacement
  - a. To what extent does the proposed policy worsen disparities toward affected groups?
  - b. Does the proposed policy aim to correct, change or challenge institutional racism?

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- What are the intended benefits or unintended consequences that might impact affected groups as a result of the policy or recommendation?
- Has the county considered disparate impacts already?
  - a. If yes: what existing analysis can we draw from to make an informed decision?
  - b. If no: What analysis does the county need to complete before we can make an informed decision?

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## Task Force Members

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# Housing Affordability and Homelessness Task Force



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