

Comments to the Board of Multnomah County Commissioners

August 4, 2016

In a December 23, 2015 letter to Sandra McDonough of the Portland Business Alliance, Deborah Kafoury wrote that Portland's homeless face challenges that are "incredibly complex, yet the solution is very simple." She goes on to write, "they need help and access to that help." We couldn't agree more, which is why we take issue with Chair Kafoury's assertion that Wapato is unsuitable. Six reasons have been given to justify the exclusion of Wapato during Portland's homeless crisis:

1. **Financing Restrictions** – Wapato is County owned and its use would fulfill a public need, as defined by the bond measure used to build it. Staff Wapato with County employees, contract with a non-profit to run it, or a combination of both. Problem solved.
2. **Operating Costs** - The new City/County homeless office has \$31.2 million to serve 1,100 beds for this fiscal year, or \$28,363 per bed. This equates to \$14,890,575 to operate Wapato at its 525 bed capacity, with more available for camping on the 18 acres of landscaped grounds. Wapato doesn't need money spent on building bathrooms, fire sprinkler systems, fire escapes, bunk beds, etc. unlike all of the 124 sites on the City/County's Potential Property List. Wapato's size also enables the City/County to eliminate the cost of three to four planned shelters around the region, if camping is allowed in addition to the 525 beds. Problem solved.
3. **Land Use Compatibility** – Use of Wapato can be justified under three recent zoning initiatives: a) the City's "state of emergency" status for the lack of homeless housing; b) the opinion used to change zoning for the Right 2 Dream Too site from industrial use to one allowing a homeless rest area on the Central Eastside; and c) Mayor Hales' proposed zone change to allow Homer Williams to build a shelter costing \$60 million at Terminal 1. Problem solved.
4. **Accessibility** – Wapato is served by Tri-Met bus #11 which connects to the MAX yellow line at Expo Park. Tri-Met recently announced plans to expand service on bus #11 so it runs more frequently, seven days per week. Wapato is just 2 miles farther from the Portland Building than the new shelter at the Hansen Building on NE 122nd, while four shelter sites on the Potential Property List in the Cully and East Columbia neighborhoods are just as far as Wapato. Problem solved.
5. **Access to Services** – Concentrate a core group of social service and medical providers at Wapato to make use of the medical, dental, drug/alcohol treatments clinics. This is more efficient than using provider time to shuttle between numerous shelters scattered over the Portland area. Use the large common spaces at Wapato for job training, interview practice, and job fairs with the more than 115 employers around the facility, etc. Most of these large companies offer entry-level jobs in the manufacturing and service industries. Tri-Met also connects residents to classes at PCC and PSU. Problem solved.
6. **Fear of Warehousing Homeless** – Use Wapato as a *temporary* shelter by maximizing services provided at the facility to get people into jobs and permanent housing ASAP:
 - SCREEN residents for needs: medical, mental, educational, etc. Give veterans, the aged, and infirm priority for services and permanent housing. Reserve shelters closer to schools for families with children.
 - TREAT needs via coordinated group of medical and social service providers. Refer extreme medical or mental health needs to regional hospitals. The new Holiday Park ER

and treatment facility for 171 mental health beds will open by the end of the year for nearby support. Wapato could also be a site for OHSU medical interns and residents to help treat homeless.

- EMPLOY residents with nearby businesses via social service outreach, job fairs, job training, etc. Several companies are currently advertising for help wanted on A-boards.
- TRANSITION to permanent housing once residents have jobs. Use savings from the elimination of multiple shelters and devote this to additional affordable housing, giving service providers a "bank" of housing options to meet residents' needs. Problem solved.

Use of Wapato in this manner has the benefit of offering multiple ways to track dollars spent and service provided, per the recommendations of the Portland City Budget Office (article in Portland Mercury, Aug. 3). For example, compare Wapato to other existing shelters, such as the Hansen Building, and track:

- Length of residency before moving into permanent housing;
- Budget to maintain Wapato with resident help;
- Involvement in job training, interview practice, resume completion, job applications, etc.
- Success rate for employment;
- Success rate for completion of GED or additional coursework toward degrees;
- Numbers of people needing and receiving medical and/or dental care;
- Numbers of people needing and receiving drug or alcohol treatment;
- Number of people needing and receiving mental health services;
- Feedback from medical and social service providers about the quality of care in a coordinated model; and
- Feedback from residents about the quality of the facility and services offered to meet their needs.

We believe Wapato offers a safer, healthier, *temporary* environment for more of our region's homeless population and the service providers who help them. Wapato enables the City and County to provide what Chair Kafoury advocated in her letter to Ms. McDonough: a simple solution to complex needs in a place that guarantees easy access for our most vulnerable citizens.

Respectfully submitted,

Kathryn Anderson
503-329-1681

Harriett Heisey
541-419-5973

Housing Activist Proposes Model Ordinance for Affordable Housing Impact Statements

Hosted by: Kathleen Stephenson (/profiles/kathleen-stephenson)

Produced by: KBOO

Produced for (Program name):

Political Perspectives (/program/political-perspectives)

Air date: Fri, 06/10/2016 -

9:30am to 10:00am

Housing Activist Proposes Model Ordinance for Affordable Housing Impact Statements

We speak with Matthew Charles Cardinale, a Portland-based housing advocate, about an ordinance for Affordable Housing Impact Statements that he has presented to Multnomah County. The model ordinance for Affordable Housing Impact Statements would require the County to prepare an impact statement for any policy decision impacting the affordable housing stock in Multnomah County. Cardinale--who has made a series of public comments before the Board of Commissioners regarding the model ordinance over the course of the last three months--called on Multnomah County to become the first U.S. County to adopt the Model Ordinance.

Chairwoman Deborah Kafoury and her staff have expressed interest in the proposal and have been working with Cardinale to discuss how it could potentially be implemented in Multnomah County. Cardinale has also been working with Portland City Commissioner Nick Fish on the same proposal.

With Affordable Housing Impact Statements, County Commissioners and citizens would benefit from having critical information about the estimated impact of every proposed policy decision on the County's affordable housing stock. This information would be available at the time those decisions are made, and can be looked back upon as an accountability tool.

Cardinale wrote the Model Ordinance as a law student at Gonzaga University, and it was adopted by the City of Atlanta, Georgia, in November 2015. Legislation is currently pending in Los Angeles, New Orleans, Pittsburgh, and Albany.

The Model Ordinance was recently featured in an article by the Stanford Social Innovation Review.

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ORDINANCE No.

Approve application under the Multiple-Unit Limited Tax Exemption Program for 17th and Kearney located at 905 NW 17th Ave (Ordinance)

The City of Portland ordains:

Section 1. The Council finds that:

1. On behalf of the City of Portland, the Portland Housing Bureau (PHB) administers the Multiple-Unit Limited Tax Exemption (MULTE) Program, authorized under ORS 307.600-307.637 and City Code Chapter 3.103.
2. The MULTE Program provides a ten year property tax exemption on the residential portion of the structural improvements as long as program requirements are met. During the exemption period, property owners are still responsible for payment of the taxes on the assessed value of the land and any commercial portions of the project, except for those commercial improvements deemed a public benefit and approved for the exemption.
3. The MULTE Program has an annual cap limiting the approval of new property tax exemptions to no more than three million dollars of new estimated foregone revenue. There is sufficient cap remaining for the 2016 calendar year to include this application. The requirements of the program are defined in City Code and Administrative Rules.
4. PHB received a request for a ten year property tax exemption for 17th and Kearney located at 905 NW 17th Ave. The application proposes to provide 28 units of the project's 139 units, which is 20 percent, to households earning no more than 80 percent of median family income. Those households will continue to be qualified tenants as long as their income remains below 100 percent of median family income.
5. PHB has the responsibility for reviewing compliance of approved applications with the minimum MULTE program requirements and has concluded that the application for 17th and Kearney does indeed meet the minimum 20 percent affordability threshold of the program. Additionally, the project has demonstrated the required financial need to receive the tax exemption in order to provide the income restricted units and is providing the required additional public benefits as detailed in the recommendation to the Portland Housing Bureau Housing Investment Committee, included as Exhibit A.
6. On June 16, 2016, the PHB Housing Investment Committee reviewed and approved the staff recommendation that the 17th and Kearney application meets the basic program threshold criteria. The Portland Housing Advisory Council held a hearing where the application was presented to the public.

NOW, THEREFORE, the Council directs:

- a. The request for a ten year property tax exemption under the Multiple-Unit Limited Tax Exemption authorized by Chapter 3.103 of the Municipal Code of the City of Portland, Oregon, and ORS 307.600-637 is hereby approved for the residential portion of the structural improvements of 17th and Kearney.
- b. Approval of the 17th and Kearney application is provided subject to the meeting the following conditions:
 - 1. The project must provide 20 percent of its units as affordable to households earning no more than 80 percent of the median family income as established annually by the U.S. Department of Housing and Urban Development. The units affordable to and restricted to occupancy by low- to moderate-income households will reflect the unit-mix in the project.
 - 2. The application will comply with the program requirements established in City Code Chapter 3.103, including the requirement that the owner sign an Extended Use Agreement and report annually to PHB each tax year that the exemption is in effect.
 - 3. The project must provide all of the public benefits as described in Exhibit A.
- c. PHB shall provide copies of this Ordinance to the Multnomah County Tax Assessor as prescribed by City Code Section 3.103.050 (A).
- d. If, after the Project is approved for the MULTE, and prior to construction being completed, the Project owner needs to make changes to the application submitted that would reduce the number, percent or distribution of affordable units in the Project, or the approved public benefits provided, the project owner must submit a formal restructure request. Restructures will be reviewed by staff, presented to PHB's Housing Investment Committee, and go to City Council for approval. If changes to the Project are minor and would result in substantially the same Project, PHB may allow slight variances to what was approved without a formal restructure request.

Passed by the Council:

Commissioner Dan Saltzman
Prepared by: Dory Van Bockel
Date Prepared: June 24, 2016

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy



CITY OF
PORTLAND, OREGON
 PORTLAND HOUSING BUREAU

Commissioner Dan Saltzman
 Kurt Creager, Director
 421 SW 6th Avenue, Suite 500
 Portland, OR 97204
 (503) 823-2375
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 portlandoregon.gov/PHB

Exhibit A

DATE: June 14, 2016

TO: Portland Housing Bureau (PHB) Investment Committee with expanded representation from the Planning and Sustainability Commission and Multnomah County

FROM: Dory Van Bockel, PHB Housing Program Coordinator

SUBJECT: Recommend Approval of a Ten Year Multiple-Unit Limited Tax Exemption (MULTE) for 17th and Kearney located at 905 NW 17th Ave

Project Description:

Holland Acquisition Co., LLC has applied to PHB for the MULTE Program for their proposed mixed-use development, 17th & Kearney (the "Project"), at 905 NW 17th Avenue, in the Northwest District neighborhood. A soon-to-be vacant warehouse currently occupies the site. The Project will consist of 139 apartments and include ground-floor commercial space in a six-story building on NW Kearney Street between NW 17th and 18th Avenues.

The 139 apartments include 28 units (20%) with restricted affordability at 80% of median family income (MFI) or below. The remaining units in the project will be rented at market rates. The Project will consist of 60 studio units, 69 one-bedroom units (including four live/work units) and 10 two-bedroom units, with the affordable units distributed evenly amongst the unit types. The building will be about 113,100 gross square feet with roughly 90,109 square feet of residential space, 18,491 square feet of common areas or open space and another 4,500 square feet for the commercial unit.

Proposed Unit Mix

Unit Type	Square Footage	Total Unit Count	Unit Count at 80% MFI	80% MFI Rent charged/with utility expense*	Un-restricted Market Rate Unit Count	Un-restricted Market Rent charged/ with utility expense*
Studio	518	60	12	\$943/\$1,030	48	\$1,528/\$1,615
Live/Work	676	4	1	\$984/\$1,103	3	\$1,893/\$2,012
One Bedroom	707	65	13	\$984/\$1,103	52	\$2,100/2,219
Two Bedroom	1037	10	2	\$1,176/\$1,324	8	\$2,965/\$3,113
Total	629	139	28	\$945/\$1,048	111	\$1,858/\$1,962
	Average			Average		Average

*Utility allowances used to predict utility expenses based on the 2015 Schedule of Utility Allowances for properties receiving Housing Choice Vouchers published by Home Forward: \$87 for studios, \$119 for 1-bedroom units and \$148 for 2-bedroom units.

Project amenities include a common area lounge, a fitness room, a courtyard and a ground-floor common gathering space. Features offered in the units include modern, high-quality finishes and appliances.

The Project will provide 70 parking spaces within one subterranean level. There will be a separate bike room for long-term, secure parking. The Project is half a block away from the Portland Streetcar and within easy walking distance to the #77 bus line. The site has close access to Interstate 405 and connectivity to the rest of Portland and surrounding areas.

Within the Northwest District neighborhood, the Project is situated amongst multi-family buildings and businesses of all kinds including restaurants, coffee shops, offices and retail spaces. The site is blocks from popular NW 21st and 23rd Avenues and within close proximity to many parks, as well as Legacy Good Samaritan Medical Center. The site has a “Complete Neighborhood Score” or “walkability” score of 97, out of 100, based on the level of walkable access to amenities and commercial services.

As required by the MULTE Neighborhood Contact process, the applicant has notified the Northwest District Neighborhood Association and the Neighbors West/Northwest about their MULTE application and has requested to present the Project at a neighborhood meeting.

Holland Acquisition Co., LLC has control of the site through an affiliated ownership interest. The property will be developed by Holland Development and managed by Holland Residential. Holland Partner Group controls the development, construction, and property management companies and will own the Project as part of a Joint Venture.

Public Benefits:

Whereas the MULTE Program has many goals, including the promotion of residential development in transit oriented areas and city centers, the public benefits most at the forefront of the program are affordability, equity and accessibility.

Affordability – 20% of the apartment units for rent in this Project will be affordable to households earning 80% or less of area MFI. The affordable units will be distributed evenly amongst the unit mix.

Equity – The applicant has committed to specific strategies to ensure MWESB participation. Holland Development is entering into an agreement with Donaldson Consulting for Donaldson Consulting to provide technical assistance around MWESB subcontracting with a goal of achieving 20% MWESB participation. The contract includes assistance with pre-bid planning, outreach to MWESB contractors, open houses, bid reviews, assistance to contractors, post-bid support and reporting both quarterly to the City’s procurement office and a summary of all efforts and successes post construction.

The applicant has also committed to working with local non-profit organizations to market to target audiences with a demonstrated need. PHB will be coordinating with the property management team to help ensure that the project is affirmatively marketed.

Accessibility – The residential units will be built to meet all minimum Americans with Disabilities Act and Fair Housing Act requirements, including elevator service. The Project will also be built to have at least five percent, seven, of the units be fully adaptable to become fully accessible per ADA and FHA standards if necessary to accommodate tenants with disabilities. These public benefits will remain beyond the period of the exemption into perpetuity.

Financial Evaluation:

Staff examined projected costs, debt, rents, utility allowances, and operating expenses to determine if the assumptions represent a reasonable expectation of how the Project will be developed and operate. Staff found both the development budget and the operating budget to be reasonable and reasonably consistent with industry standards and other projects, and tested eligibility for the tax exemption by examining financial performance and returns under three different scenarios.

The maximum affordable rents reflect the base rent paid by the tenants and the utility calculation.

Using the pro forma and financial information provided by the applicant, staff developed three ten-year projections of the Project's financial performance:

- Scenario 1 – with the tax exemption;
- Scenario 2 – without the tax exemption and with rents maintained at Scenario 1 level; and
- Scenario 3 – without the tax exemption and with rents increased to create same rate of return as scenario 1.

Scenario 1 shows the ten-year average cash on cash rate of return with the tax exemption for the improvements is 5.1%.

Scenario 2, using the same rental rates, shows that the rate of return without the tax exemption is 1.8% over the 10-year evaluation period because of the increased property taxes. The debt coverage ratio is too low for the proposed debt and would require a higher equity contribution or additional collateral that would further reduce the investor return. Without the additional collateral, the investor return is unattractive affirming that a project that maintains 20% of the unit rents at the 80% MFI affordable rental levels would not be built without the property tax exemption.

Scenario 3 uses imputed rents in order to arrive at the same investor return as Scenario 1 but with no tax exemption for the improvements. Rents of the otherwise affordable units would need to increase by 125%, over twice the rents of the affordable units, which precludes any units affordable at 80% MFI.

This analysis confirms that (i) the Project would not be financially feasible without the benefit of the property tax exemption, and (ii) the Project would not deliver the public benefits without the exemption.

After estimating the amount of the real property taxes that would be exempted in the first year of operation under the City's MULTE program at approximately \$353,370, staff calculated the ten-year value of this exempted tax revenue in today's dollars at approximately \$3,253,558 assuming a four percent discount rate and a three percent annual assessment increase. The City's portion of the foregone revenue over ten years is estimated at \$1,073,674, or 33% of the total.

The Project is not located within an Urban Renewal Area. The Project is receiving private financing so will not be receiving any funding from PHB.

CONDITIONS:

The Project will be required to carry an extended use agreement and submit Project financial information annually during the exemption period, according to the terms of City Code 3.103.070(A).

RECOMMENDATION:

Staff recommends approval by the Portland City Council of a ten-year property tax exemption for the residential portions of the Project, including associated residential parking, to be built by Holland Acquisition Co., LLC, or an affiliated entity because the Project meets the minimum threshold and public benefits requirements set forth in Section 3.103 of Portland's City Code.

IMPACT STATEMENT

Legislation title: Approve application under the Multiple-Unit Limited Tax Exemption Program for 17th and Kearney located at 905 NW 17th Ave (Ordinance)

Contact name: Dory Van Bockel

Contact phone: 503-823-4469

Purpose of proposed legislation and background information:

Portland Housing Bureau (PHB) administers the Multiple-Unit Limited Tax Exemption (MULTE) Program, authorized under ORS 307.600-307.637 and Portland City Code 3.103. The City first codified tax exemption programs in 1985. The City's tax exemption programs provide an incentive for the development and maintenance of affordable housing. The MULTE Program helps ensure the availability of affordable housing units in transit rich areas during the ten-year exemption. During the exemption period, projects in the program must report the unit rents and tenant income annually to PHB, which PHB monitors to ensure compliance of the approved affordability restrictions.

PHB received this application for the MULTE Program on June 3, 2016, which if approved, will make possible the inclusion of 28 housing units to be rented to low- to moderate- income households in a new 139-unit mixed-use housing development within the Northwest Neighborhood. ORS 307.621 and City Code Section 3.103.050(A) state that PHB will take applications to City Council for approval in the form of an ordinance and deliver approved applications to Multnomah County within a certain timeframe. This action meets those requirements.

Financial and budgetary impacts:

The applicant submitted \$1,000 application fee and will pay an additional \$16,000 application activation fee should the application move forward; \$9,000 of that will be paid to Multnomah County leaving the balance to support administration of the MULTE Program at PHB and monitoring of the project during the exemption period.

This Ordinance approves a tax exemption resulting in foregone tax revenue. The total estimated amount of the property tax revenue not collected for the ten years of the exemption period based on the application is valued at approximately \$3,253,558 in today's dollars assuming a 4.0 percent discount rate, and a three percent annual assessment increase. This ten-year estimate includes taxes foregone by the City of Portland, Multnomah County and other entities which receive property taxes within Multnomah County. The reduced amount of property taxes to the City over the ten years is roughly 33 percent of that amount, or \$1,073,674. The City will still benefit from property taxes collected on the improved value of the land during the exemption period.

Community impacts and community involvement:

The MULTE program encourages the inclusion of affordable units in new developments which otherwise may not be available to potential tenants living in the area where these projects are getting built. MULTE applicants participate in a neighborhood contact process involving outreach to neighborhood associations about the projects. Applicants also contract with a third-party technical assistance provider in order to be more successful connecting to MWESB contractors in the construction of the project, and agree to work with PHB to reach-out to community organizations and pursue affirmative marketing strategies during lease-up of the project. As the largest taxing jurisdiction affected by the tax exemption programs, Multnomah County has approved the administration of the programs in order to meet shared affordable housing goals. County staff reviews the application financial information and PHB write-up of the project. Applications are presented to the Portland Housing Advisory Commission at a public hearing for which notice was provided broadly.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
 NO: Skip this section

Los Angeles AHIS Motion

PLANNING & LAND USE MANAGEMENT

MOTION

As the economy has recovered, Los Angeles has been undergoing a building boom. After several years of very slow permit activity, the number of applications for residential and commercial projects has rebounded. In terms of economic activity and construction-related jobs, this has been a benefit to Los Angeles and Southern California.

However, when market rate multi-family residential or commercial projects are proposed to replace older, typically smaller buildings containing units subject to the Rent Stabilization Ordinance (RSO), the supply of affordable housing is eroded. And because court decisions currently prevent the City from requiring that affordable units be included in these market rate projects, any ability to reduce the negative impact is minimized. When commercial projects eliminate housing units, the erosion is even more pronounced and absolute.

The City's ability to gauge the impact of projects and other City actions on the affordable housing stock often depends on a contentious, unsatisfactory process fueled by inadequate information. But cities such as Atlanta, Austin TX, San Diego, New Orleans and Pittsburgh are trying a different approach that requires decision-makers to assess how their actions on legislation, grants, community plans and projects affect increases and decreases of affordable housing and housing costs and demand, the "Affordable Housing Impact Statement."

Affordable Housing Impact Statements can inform City officials and all project stakeholders as to how decisions will affect the affordable housing stock. In L.A. this will provide important data on the state of housing affordability that could lead to a reduction of negative impacts.

I THEREFORE MOVE that the Department of City Planning, with the Housing and Community Investment Department and the Chief Legislative Analyst, develop an ordinance requiring Affordable Housing Impact Statements as part of the application process for projects which address the housing impact of the development on the surrounding community by providing an impact analysis which shall include, but is not limited to, information regarding the types of housing proposed, the targeted market demographics, affordable dwelling units within the development and within the market, and number of dwelling units proposed to be demolished. For proposed developments without a housing component, the applicant shall provide a statement or analysis which shall include, but is not limited to, anticipated housing demand and affordability level of housing needed to serve new demand; and

I FURTHER MOVE that the ordinance prescribe that the City shall prepare such statements on any legislative action that may impact the conditions noted above; and

I FURTHER MOVE that the ordinance include consideration of how these Statements can best be integrated into decision-making processes in a manner that provides City officials and all stakeholders with the ability to effectively factor them into their respective decisions.

PROPOSED BY: _____

PAUL KORETZ

Councilmember, 5th District

SECONDED BY: _____

JAN 15 2010

AMC

PLANNING & LAND USE MANAGEMENT

THE CITY OF NEW ORLEANS

MAYOR MITCHELL J. LANDRIEU

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Affordable Housing Impact Statement Study

The City Council passed Motion M-16-167 which directs the City Planning Commission to conduct a public hearing and study to investigate how affordable housing impact can be assessed as part of land-use and building applications, including but not limited to the use of affordable housing impact statements, and to recommend potential changes to the Comprehensive Zoning Ordinance and other applicable codes, if necessary. The City Planning Commission should conduct and complete the study within 120 days of the passage of Motion M-16-167 and conduct a public hearing within 60 days of the passage of the motion.

The City Planning Commission will conduct a public hearing on July 12, 2016.

[Affordable Housing Impact Statement Study Preliminary Report \[/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/affordable-housing-impact-statement-study-prelimin/\]](/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/affordable-housing-impact-statement-study-prelimin/)

[View Motion M-16-167](#)

[Public Hearing Notice \[/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/new-orleans-city-planning-commission-public-hearin/\]](/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/new-orleans-city-planning-commission-public-hearin/)

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[Public Comment 1 \[/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/public-comments/tocityofneworleanslouisianaplanningdepartmentcareo/\]](/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/public-comments/tocityofneworleanslouisianaplanningdepartmentcareo/)

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Last updated: 8/2/2016 2:42:17 PM

New Orleans - AHIS Prelim. Study

City Planning Commission Meeting
Tuesday, July 12, 2016

Public Hearing Deadline: 7/04/16
CPC Deadline: 9/02/16
City Council Deadline: None
City Council Districts: All

PRELIMINARY AFFORDABLE HOUSING IMPACT STATEMENT STUDY

To: City Planning Commission

Prepared by: Kelly Butler
Date: July 5, 2016

I. GENERAL INFORMATION

Applicant: City Council Motion No. M-16-167

Request: Request by City Council Motion M-16-167 for the City Planning Commission to conduct a public hearing and study to investigate how affordable housing impact can be assessed as part of land-use and building applications in the City of New Orleans. The study should consider the use of affordable housing impact statements and to recommend potential changes to the Comprehensive Zoning Ordinance and other applicable codes, if necessary.

Location: The Affordable Housing Impact Statement Study impacts the entire City of New Orleans.

Description: The City Planning Commission is directed to conduct a public hearing and study on how affordable housing impact can be assessed as part of land-use and building applications as outlined in City Council Motion M-16-167. The City Planning Commission should conduct and complete the study within 120 days of the passage of Motion M-16-167 and conduct a public hearing within 60 days of the passage of the motion.

Why is City Planning Commission action required?

City Council Motion M-16-167 requires the City Planning Commission to hold a public hearing within 60 days of the passage of the motion.

II. BACKGROUND INFORMATION

A. What is the scope of work for the Affordable Housing Impact Statement Study from City Council Motion M-16-167?

The scope of the Affordable Housing Impact Statement study is outlined in the motion that directs the City Planning Commission to conduct the study. As stated in the motion, the City Council believes a City Planning Commission study examining affordable housing may create a multifaceted approach to addressing the challenges of providing affordable housing in a resilient and steadily growing city.

City Council Motion M-16-167 directs the City Planning Commission to include the following subject matter in the study:

1. Investigate how affordable housing impact can be assessed as part of land-use and building applications;
2. Assess how Affordable Housing Impact Statements and other measures can be utilized in land-use and building applications;
3. Research and make recommendations to the Comprehensive Zoning Ordinance and other applicable codes, if necessary.

City Council Motion M-16-167 grants the City Planning Commission and its staff the flexibility to expand the scope of the study to make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from the motion.

What is an Affordable Housing Impact Statement?

An Affordable Housing Impact Statement (AHIS) is a tool used to assess how proposed developments or policies might add to or subtract from the affordable housing supply. The AHIS is intended to provide an estimate and describe the potential impact housing stock impact legislation would have, if adopted, on the affordable housing stock. Housing stock impact legislation could include ordinances and policies relating to land use, building permits, housing policy, use of private, local, state, and federal funding, as well as any other housing related actions.

How is affordable housing defined?

The U.S. Department of Housing and Urban Development (HUD) considers families who pay more than thirty (30%) percent of their income for housing and utilities to be cost burdened and may have difficulty paying for necessities including, food, transportation, and medical care. A household that pays between 30% to 49.9% or more of their income on housing is considered moderately burdened while a household paying more than 50% or more of their income on housing costs are considered severely cost burdened. In New Orleans it is estimated that more than seventy (70%) percent of all households pay one-third or more of their income towards housing costs.¹ In the past 10 plus years, housing costs for New Orleans renters and owners have steadily increased making it increasingly difficult to afford housing within the city.

How is the City of New Orleans currently addressing the need for affordable housing?

Many New Orleans residents are forced to choose between paying for housing, or food, clothing, transportation, and medical care. Finding housing that is affordable is becoming more and more challenging as housing demand has surpassed housing availability, particularly in neighborhoods located close to the City's employment sectors. Those

¹ *HousingNola 10 Year Strategy and Implementation Report*. December, 2015

residents that aren't able to afford housing within the city's core neighborhoods have chosen to move to the city's outskirts or in some cases outside of the city, which places these residents further away from jobs and transportation centers. HousingNola, a community led housing plan, estimates that over the next 10 years there is a housing demand for 33,600 new and rehabilitated housing units for residents seeking rental and homeownership units in New Orleans.

In response to the housing crisis, the City and its partners have developed Housing for a Resilient New Orleans, which is a 5 year strategy aimed at addressing the City's affordable housing needs. The plan's goals include the provision of 7,500 affordable units by 2021, the development of new revenue sources to increase monies for affordable housing development, investment and promote mobility and access to opportunity, and continuing to work with and support the City's non-profit partners to address affordable housing needs.

In addition, Housing for a Resilient New Orleans, in two- and five-year timeframes, will pursue adopting an inclusionary housing policy, develop a rental registry program, continue to address homelessness, and among other affordable housing strategies develop a comprehensive asset management strategy.

B. Are there currently any requirements to analyze how land use actions and development proposals may impact the provision of affordable housing?

Currently, there are no regulations specifically requiring the analysis of impacts on affordable housing in the Comprehensive Zoning Ordinance. The City Planning Commission staff is not aware of any other such requirements of other applicable codes, but will research this as part of the study.

C. What is the timeline for the Affordable Housing Impact Statement Study?

City Council Motion M-16-167 requires the City Planning Commission to hold a public hearing within 60 days of the passage of the motion and to complete the study within 120 days of the passage of the motion. Given these time constraints, here are the significant dates and deadlines for the Affordable Housing Impact Statement Study:

May 5, 2016: Motion M-16-167 passed by the City Council

July 12, 2016: City Planning Commission Public Hearing

August 15, 2016: Deadline for written comments

August 16, 2016: Staff Report for the Affordable Housing Impact Statement Study will be made available to the public

August 23, 2016: City Planning Commission consideration of the study

September 2, 2016: Study completion deadline. Recommendation forwarded to the City Council

III. How can the public provide input for the Affordable Housing Impact Statement Study?

Written comments should be addressed to the Executive Director and mailed or delivered to the following address:

City of New Orleans
City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, LA 70112

Written comments can be emailed to CPCinfo@nola.gov. The deadline for all written comments is Monday, August 15, 2016 at 5:00 p.m.

As deemed necessary to complete the study, the City Planning Commission staff will hold meetings with various individuals and groups to receive additional information. Details on all of these meetings will be included in the final Affordable Housing Impact Statement Study.



ATLANTA PROGRESSIVE NEWS <matthew.cardinale@gmail.com>

FW: Meeting with Matthew Charles Cardinali

Kelly G. Butler <kgbutler@nola.gov>

Wed, Jun 15, 2016 at 2:42 PM

To: ATLANTA PROGRESSIVE NEWS <matthew.cardinale@gmail.com>, Matthew Charles Cardinale <atlantaprogressivenews@gmail.com>

Cc: "Robert D. Rivers" <rdrivers@nola.gov>, "Leslie T. Alley" <lalley@nola.gov>, "Paul M. Harang" <pmharang@nola.gov>, Paul Cramer <pcramer@nola.gov>, "Larry W. Massey Jr." <lwmassey@nola.gov>, "Nick Kindel (kindeln@gmail.com)" <kindeln@gmail.com>, "Stosh A. Kozlowski" <sakozlowski@nola.gov>

Matthew Charles,

Thank you for making time to sit down with our team today and sharing your insight and expertise on how an affordable housing impact statement policy might be implemented in the City of New Orleans. I think I can speak for all of us in stating that we are now better informed about this topic. Please extend our gratitude to Dr. Farmer as well.

I have cc'd everyone that was in the meeting on this email so that you have their contact information and vice versa.

Kindest regards,

Kelly G. Butler

Senior City Planner

New Orleans City Planning Commission

1300 Perdido St., 7th Floor

New Orleans, LA 70112

504-658-7017

kgbutler@nola.gov

Quick Links!

CPC website; Comprehensive Zoning Ordinance;



Louisiana Weekly
article on AHHS

YOUR MULTIMEDIA AT NEWS BUREAU

Thursday, August 4th, 2016

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Housing advocates push for affordability study

1st August 2016 · 0 Comments

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By Della Hasselle
Contributing Writer

A new proposal to investigate how future real estate developments would impact the city's level of affordable housing is dividing stakeholders, with members of the private building sector protesting an idea strongly supported by local housing advocates.

The topic came to a head in mid-July during a City Planning Commission hearing, when city staff took a first stab at conducting a study to assess something called preliminary affordable housing statements.

The New Orleans City Council in May directed the commission to investigate how affordable housing could be assessed as part of land-use and building applications in New Orleans. Under the proposal, "impact statements" would be attached to any new land use zoning decisions or permits.

Ultimately, the proposal “may create a multifaceted approach to addressing the challenges of providing affordable housing in a resilient and steadily growing city,” according to the City Council directive.

According to City Council members, anyone who isn't “cost burdened” by rent or mortgage is considered to have “affordable housing.”

That threshold is defined by the U.S. Department of Housing and Urban Development, which considers families who pay more than 30 percent of their income for housing and utilities to be cost burdened. According to HUD, those families may have difficulty paying for other necessities, including, food, transportation and medical care.

It's estimated in New Orleans that more than 70 percent of all households pay one-third or more of their income towards housing costs, with the number steadily increasing over the past 10 years.

In response to what the City Council calls a “housing crisis,” Mayor Mitch Landrieu has already developed Housing for a Resilient New Orleans, a five-year strategy aimed at providing 7,500 affordable units by 2021.

The city is also working with nonprofit groups like Housing for a Resilient New Orleans, which is also focused on adopting “an inclusionary housing policy” and addressing homelessness.

Leading up to the meeting, housing advocates fighting for better rental prices for lower- and middle-class residents pointed to those numbers, calling the current affordable housing stock unacceptable.

Among those behind the proposal are members of the State and Municipal Action for Results Today / Agenda for Legislative Empowerment and Collaboration (SMART ALEC), founded to promote bills just like the impact statement proposal.

According to SMART ALEC CEO Matthew Charles Cardinale, if affordable housing impact statements were required they could help the city “gauge its progress, or lack thereof,” in meeting its 2021 goal.

“It just meant so much to me to be back in New Orleans, after being displaced by Hurricane Katrina in 2005. The skyrocketing cost of housing was one of the reasons I had to move away from the City I adore so much,” Cardinale said in a statement. “Now, we have this opportunity to use the Affordable Housing Impact Statements as a tool to track our progress in fixing our housing shortage and making it possible for low-income people to stay in New Orleans.”

HousingNOLA, a community led housing plan, also supports the proposal. That organization estimates that over the next 10 years there will be demand for 33,600 units.

Andreanecia Morris, the organization's executive director, said at the meeting that the proposal could be “an incredibly useful tool” used to bring clarity “in real time” about the state of affordable housing in New Orleans.

“The data that we found was startling and even more surprising than what you've seen already,” Morris said. “And that's why an affordable housing impact statement is so important. Because we need to refine this data even more.”

Morris was one of several speakers who gave support for the proposal, including members from Unity of

Greater New Orleans and the Tulane/Canal Neighborhood Development Corporation.

“This isn’t a crisis of housing production. There are cranes in the sky. Our business is booming, our housing production business is booming,” said Monique Gerhart, the director of policy for The Greater New Orleans Fair Action Housing Network. “This is really a crisis of affordability.”

Still, members of the Home Builders Association of Greater New Orleans worried that the high pace of housing production – a sign of progress in the city – would stymie if city staff were required to publish a statement about affordable housing every time a building project was approved.

Speaking in strong opposition to the proposed policy, members said impact statements would discourage new construction because it would add cost and lengthen an already burdensome city process for approving new projects.

Curt Williamson, a landlord, developer and real estate agent with the association said he represented over 1,000 members.

“We are in favor of affordable housing. We simply disagree that the approaches presented here today will achieve that affordability,” Williamson said. “We should be focusing on increasing job opportunities.”

Williamson said more regulations, databases and employees to study those is “only going to raise more costs” so the study could be done by “overburdened and underfunded” city workers. Instead, he suggested allowing the increase of competition to keep housing costs down, and said the problems surrounding affordable housing are “dynamic” and not easily solved by more studies.

“How is this new study going to provide any information than what is already available?” he asked.

The community may submit public comments to the proposal up to Aug. 15. City planning staff will make their report public on Aug. 16, and the City Planning Commission will consider the study on Aug. 23.

The final recommendation is due to the City Council by Sept. 2.

This article originally published in the August 1, 2016 print edition of The Louisiana Weekly newspaper.

Readers Comments (0)

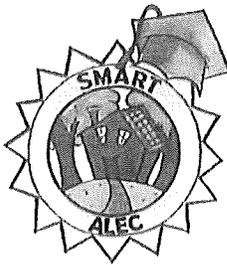
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- [Ruth G. Carter 20th Annual Spring Concert](#)

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New Orleans comment #1



State and Municipal Action for Results Today ***Agenda for Legislative Empowerment and Collaboration***

www.smartalec.org

P.O. Box 3873, Portland, Oregon 97208

To: City of New Orleans, Louisiana, Planning Department, care of Robert Rivers, Executive Director
From: Matthew Charles Cardinale, CEO, SMART ALEC
Date: July 02, 2016
Re: Written Testimony in Support of Affordable Housing Impact Statements

Please accept these written remarks in support of the Affordable Housing Impact Statement Study, in connection with Motion M-16-167, and the Public Hearing scheduled for July 12, 2016

<http://www.nola.gov/city-planning/major-studies-and-projects/affordable-housing-impact-statement-study/new-orleans-city-planning-commission-public-hearing/>

<http://theadvocate.com/news/neworleans/neworleansnews/15714147-184/city-council-looking-at-ideas-to-promote-more-affordable-housing-in-new-orleans>

These remarks are to support our position that ***Affordable Housing Impact Statements would be of tremendous benefit to the City of New Orleans, especially as the City strives to meet its goal of 5,000 new affordable housing opportunities by 2021 (HousingNOLA report); and it would also be very feasible and easy to implement.***

My name is Matthew Charles Cardinale, and I am the author of the Model Ordinance for Affordable Housing Impact Statements that was adopted in Atlanta, Georgia, in November 2015; and is now pending in New Orleans, Louisiana; as well as Pittsburgh, Pennsylvania; Albany, New York; and Los Angeles, California.

First and foremost, let me say THANK YOU to the City of New Orleans Planning Department and the Mayor's Office for meeting with Dr. Dwanda Farmer and I on June 15, 2016. We both flew out to New Orleans to discuss the purpose, benefits, and scope of Affordable Housing Impact Statements; as well as how it could be implemented in New Orleans.

Our June 15, 2016 meeting included Kelly G. Butler; Robert D. Rivers; Leslie T. Alley; Paul M. Harang; Paul Cramer; Larry W. Massey Jr.; Nick Kindel; and Stoch A. Kolzowski.

Dr. Farmer and I also met with Councilman Jared Brossett on June 15, to discuss enacting legislation and next steps.

I also met with Andreanecia Morris of the Greater New Orleans Housing Alliance (GNOHA) on June 13, to discuss the City's affordable housing challenges, especially after Hurricane Katrina; and how GNOHA, the City, and others had collaborated on the HousingNOLA report.

I have been an affordable housing advocate for some twenty years. I attended Tulane University from 1998 to 2003, earning my BA in Sociology and Political Science; I also attended University of New Orleans, earning my Masters in Public Administration in 2007.

I relocated after Hurricane Katrina, first to Atlanta, now to Portland, Oregon, in part because the cost of housing made it impossible for me to continue to live in New Orleans. So, this issue is very personal to me - I want to make it possible for low-income New Orleanians to stay in New Orleans; and for members of the Katrina Diaspora, like myself, to return should that be their heart's desire.

The HousingNOLA Report Includes Adopting AHIS as a Preliminary Goal

Adoption of AHIS by the City of New Orleans was the first action item to come out of the HousingNOLA report. (Page 86, "Immediate Steps")

6.6 Provide an analysis of public funding and policy through the adoption of Affordable Housing Impact Statement. (Executing Entity:) City Council. (Estimated Cost:) N/A. (Level:) Local.

In January 2016, Councilman Brossett and GNOHA held a joint press conference in which it was announced that Brossett had introduced legislation to adopt AHIS in the City of New Orleans.

What is AHIS / the Model Ordinance (Atlanta Model)?

An Affordable Housing Impact Statement policy is a policy to require that any time a city or county consider a public policy decision that would have an estimated impact on the Affordable Housing Stock of the jurisdiction, that the city or county would have to produce an Impact Statement describing the estimated impact on the housing stock.

AHIS originated in San Diego, California; and Austin, Texas, where those two cities have had an AHIS process in place for some time. However, the questions in their Impact Statements are open-ended and qualitative. (Cardinale, 2014)

http://mediad.publicbroadcasting.net/p/wabe/files/AHIS_Report_for_Atlanta_FINAL_version.pdf

Thus, the Atlanta Model added a ~~quantitative, or numeric Scorecard~~ that requires information about how many housing units would be added, or subtracted, from the housing stock, at various income brackets, as the result of any policy proposal.

<http://saportareport.com/affordable-housing-impact-statements-could-guide-policy-in-atlanta/>

https://www.municode.com/library/ga/atlanta/codes/code_of_ordinances?nodeId=PTIICOORENOR_CH54CODE_ARTIINGE

This legislation, if enacted, is estimated to have a projected impact upon the affordable housing stock of the City of Atlanta by:

Adding __ or decreasing __ units affordable at 30 or below percent of the City of Atlanta Area Median Income (AMI); and

Adding __ or decreasing __ units affordable between 30.01 and 50 percent of AMI; and

Adding ___ or decreasing ___ units affordable at between 50.01 and 80 percent of AMI; and

Adding ___ or decreasing ___ units affordable at over 80 percent of AMI.

The discussion around an AHIS in New Orleans, has included some additional proposed features and language (see below), particularly with regard to including housing-related proposals that come in administratively (non-legislatively).

What are the Benefits of AHIS?

There are numerous benefits to AHIS for the City of New Orleans:

- (1) Empowering decisionmakers and stakeholders with meaningful information about the estimated impacts of public policy decisions at the time the decisions are being made.
- (2) Providing a long-term accountability tool to:
 - (a) Keep track of whether the City is getting any closer to, or further away, from its housing goal of 5,000 new affordable housing opportunities by 2021.
 - (b) Compare estimated benefits or harm - to actual benefits or harm.
- (3) Provide a means to compare the estimated benefits of various policy proposals (for example - Tiny Houses, Inclusionary Zoning, Affordable Housing Trust Fund, density or height incentives, tax incentives, Community Land Trust, rent control).
- (4) Foster a deeper public understanding of how housing is a public policy issue, as opposed to merely a market issue, or merely a private, personal struggle.

“Housing is a Policy Choice”

<https://www.youtube.com/watch?v=yTpgdpEoWTK>

(5) Increase City's competitiveness for grants, loans, and other resources from the U.S. Department of Housing and Urban Development; and other sources, by demonstrating that the City is taking extraordinary and innovative steps to affirmatively reduce barriers to fair housing.

https://www.huduser.gov/portal/affht_pt.html

What Would be the Scope of Legislative (or Administrative) Items that Would Require an AHIS?

This is, of course, a policy choice for each jurisdiction to make that is appropriate to their needs.

The Atlanta Model is limited to legislative items (CDBG and HOME funding decisions, land use decisions, other - see below).

However, Councilman Brossett's legislation has sought to include Administrative items as well - seeing as how New Orleans's challenges with affordable housing include grappling with a constant loss of affordable units that are enabled by administrative choices, such as whether to grant a demolition or building permit.

The Atlanta Model includes a defined term, "Housing Stock Impact Legislation," which covers the legislative items that would trigger an AHIS in Atlanta:

Housing stock impact legislation means any and all legislation—including ordinances and resolutions—that come before the Community Development/ Human Resources Committee of the City Council of Atlanta that, if enacted, are estimated to have an impact on the affordable housing stock of the City of Atlanta, including, but not limited to: Land Use Elements to the City's Comprehensive Development Plan; acceptance of public and private grants including federal and state funding for the construction and/ or rehabilitation of affordable housing units; abandoned and blighted property legislation; changes to building permit fees; millage rate increases for blighted properties; and changes to demolition policies.

□

However, in our discussion on June 15 with the Planning Department and Mayor's Office, we focused also on covering administrative decisions - particularly by requiring Developers or Proponents of proposals to include information regarding the estimated affordable housing stock impacts on their proposals.

In many U.S. cities, we are often concerned about demolitions of affordable multi-family housing, and replacement with market rate, mixed-use developments. In New Orleans, many of the administrative changes of concern are also around modifications to single-family housing units.

Feasibility of Covering Administrative Proposals; Amending Land Use Ordinance

We believe that **it is a very feasible first step to require Developers and Proponents to complete the Scorecard, and provide an explanation for the numbers they provide, for Administrative Proposals.** Perhaps the City could offer technical assistance with any questions a proponent might have. It may have often been the case to date that Developers and Proponents have not necessarily had information about the affordability of existing units - however, it is our position that, if a Developer wants to demolish an apartment building, or modify an existing home, they should know something about the current affordability of the housing unit(s) at stake in their proposal.

There was also discussion about using the data gained from this first step to lay the groundwork for reexamining the City's Zoning and Land Use ordinances, such as to **include affordability as an additional factor that can be considered as part of a zoning or land use decision.**

We are in strong support of this as a next step, and are so impressed to know that New Orleans isn't just trying to collect information to sit on a shelf, but to empower people to use the information to drive public policy.

Next Steps

We have offered to have follow-up conversations with Ellen Lee; Councilman Brossett; and others, to help draft legislative solutions consistent with our discussions to date.

We do strongly believe that an AHIS policy needs to be legislated; voluntary administrative action is not sufficient.

In fact, our research revealed that Montgomery County, Maryland, did a non-legislated “pilot project” for AHIS - however, because it was not legislated, eventually the County stopped producing Impact Statements, and today, the Commissioners and Administration are not even aware that the County ever had a practice for AHIS in the first place.

Next Steps:

The Next Steps should include:

30-90 days

(1) Submit to the City Council for consideration a revised AHIS Ordinance that:

(a) requires that the City (or related entity) produce an AHIS for all Housing Stock Impact Legislation - This could be closely based on the language of the existing Atlanta Model.

(b) requires that Developers or Proponents of administrative proposals for housing-related changes, complete the AHIS Scorecard as part of the paperwork they already are filling out.

We are more than willing to continue to help with the drafting and/or editing of such an Ordinance.

180 days to 270 days

(2) Submit to the City Council for consideration a Land Use ordinance that would add “affordability” as a factor that should be considered when approving a land use change.

Ongoing annual reporting

(3) To make the most of this process, New Orleans should consider an annual report to the City Council--or perhaps a public hearing--to gauge the City’s progress in meeting its housing-related goals, such as the HousingNOLA goal of 5,000 new affordable housing opportunities by 2021.

The Atlanta Model includes an annual reporting requirement related to public funding:

(h) The office of housing shall provide a yearly report to the community development/ human resources committee on any housing units funded in whole or in part by public grant dollars, for which affordable housing impact statements have been prepared, within the 30 year period preceding the annual report.

The report shall specify whether the units still exist, whether they are occupied, and whether the cost for those units is consistent with the affordability price points identified in the original grant application. If the required affordability period for specific units is less than 30 years, the annual report shall state as such.

As you know, Dr. Farmer and I helped to co-found SMART ALEC (State and Municipal Action for Results Today - Agenda for Legislative Empowerment and Collaboration), in order to support the work of helping to get AHIS adopted in a total of ten U.S. cities and counties by 2018.

<http://www.smartalec.org>

Therefore, we are delighted to continue to work with you all, and the City of New Orleans to get AHIS adopted as soon as possible.

Additional Resources

AHIS has been highlighted recently by the Stanford Social Innovation Review; CityLab/Atlantic Magazine; the American Bar Association; and the National League of Cities.

Stanford Social Innovation Review

<http://bit.ly/1U2SPj3>

CityLab

<http://www.citylab.com/housing/2016/01/the-growing-trend-of-affordable-housing-impact-statements/423333/>

American Bar Association (see p. 8)

http://www.americanbar.org/content/dam/aba/images/homelessness_poverty/3.1%20Substandard%20and%20unaffordable%20housing%20and%20homelessness_aehn.pdf

National League of Cities

<http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/city-practice-database/austin-affordable-housing-impact-statement>

As noted above, we are working with several cities and counties across the country:

Pittsburgh Ordinance

<https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=2473516&GUID=927EEDB7-10F5-4AE8-9A35-89855AD6ED9B>

<http://wesa.fm/post/affordable-housing-initiatives-move-forward-city-council>

Los Angeles Motion

http://clkrep.lacity.org/onlinedocs/2016/16-0067_mot_01-15-2016.pdf

Also, we prepared a Sample Impact Statement for Multnomah County, Oregon, on a recent budget allocation for production of affordable housing units:

<http://bit.ly/1WvtuEH>

It was such a pleasure to meet you all and learn about all the substantive things you are doing, and exploring, to keep New Orleans affordable for low-income families and seniors.

New Orleans may be the “city that care forgot” - as yes, people have forgotten to be up-tight, fast-paced, or rude like people are in Chicago - but it is clear to us that each of you care very deeply about New Orleans. I certainly care as well. It was so nice to be back for the first time since I defended my thesis at UNO in 2007. I left feeling enriched, abundant, decadent, and also highly moisturized.

Please let us know of any questions you have about AHIS. Also, please keep Dr. Farmer and I in mind for any future housing-related research projects, including the possibility of zoning for cottages and “mother-in-law suites.”

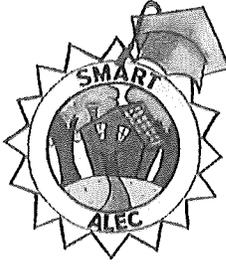
Yours truly,

Matthew Charles Cardinale (Tulane College '03, UNO College of Urban and Public Affairs '07)

(404) 983 6049

matthew.charles.cardinale@gmail.com

New Orleans comment #25



State and Municipal Action for Results Today
Agenda for Legislative Empowerment and Collaboration

www.smartalec.org

P.O. Box 3873, Portland, Oregon 97208

To: City of New Orleans, Louisiana, Planning Department, care of Robert Rivers, Executive Director

From: Matthew Charles Cardinale, CEO; Dr. Dwanda Lee Farmer, Board Secretary

Date: July 23, 2016

Re: Response to HBAGNO on Affordable Housing Impact Statements; Commending Planning Commission

First and foremost, congratulations to Bob Rivers; Kelly Butler; and the Planning Commission and staff for the Public Hearing you all held on Tuesday, July 12, 2016.

The City of New Orleans has set forth a public process to study the adoption of Affordable Housing Impact Statements (AHIS) that, we believe has been exceptionally deliberative, open, transparent, and participatory - offering the opportunity for all sides to be heard.

As national experts on AHIS, we helped draft the Model Ordinance adopted in Atlanta, and are currently working with several U.S., cities and counties on getting AHIS adopted. Thank you again for your meeting with us on June 15.

We watched with great interest the video of the July 12 Public Hearing, and wish to respond to some of the concerns raised by Kirk Williamson of the Home Builders Association of Greater New Orleans (HBAGNO).

I. **DESPITE CLAIM BY THE HOMEBUILDERS' ASSOCIATION, THE INFORMATION SOUGHT TO BE COLLECTED BY AHIS IS NOT CURRENTLY "READILY AVAILABLE" TO THE PUBLIC, TO DECISIONMAKERS, OR TO HUD, IN A SINGLE REPOSITORY OR IN A CONSISTENT FORMAT. AHIS WOULD MAKE INFORMATION READILY AVAILABLE IN A WAY THAT IT CURRENTLY IS NOT.**

As noted by the Planning Commission, there are three categories of decisions that New Orleans is exploring for an AHIS policy:

1. Building permit decisions and other housing-related changes that come in administratively;
2. Land use decisions; and
3. Public policy decisions, including funding decisions.

It seems that the Home Builders Association is not fully aware of the range of decisions that would potentially require an Impact Statement, and is likely thinking only of the first category - administrative decisions like building permit applications.

We would hope, although do not share complete confidence, that developers would have some information about how many affordable units would be demolished in any proposal they put forth--and, how many units would be replaced, if any--as well as information about the price points of those units.

Even if that information were available to developers, that does not make it available to the public, to decisionmakers, to stakeholders, to the Planning Commission, or to the U.S. Department of Housing and Urban Development (HUD); nor does that put it in a consistent format, so that the cumulative effect of public policy decisions may be tracked in a meaningful, accessible way.

The Scorecard Format proposed, based on the Atlanta Model, is actually quite simple, so the Home Builders Association should appreciate that it is not burdensome in design. In fact, it is "as simple as checking a box." Yet, even in its simplicity, the Scorecard is comprehensive, capturing additions and subtractions at each income bracket.

####

This legislation, if enacted, is estimated to have a projected impact upon the affordable housing stock of the City of New Orleans by:

Adding or decreasing units affordable at 30 or below percent of the City of New Orleans Area Median Income (AMI); and

Adding or decreasing units affordable between 30.01 and 50 percent of AMI; and

Adding or decreasing units affordable at between 50.01 and 80 percent of AMI; and

Adding or decreasing units affordable at over 80 percent of AMI.

####

As for other public policy and land use decisions, we disagree that the information is readily available, although it should be, if the people of New Orleans are to be empowered to make the best public policy decisions going forward.

As Commissioners noted, however, to the extent that the information is so “readily available,” perhaps to developers for their individual projects, then this undermines their claim that for developers to provide the information would be onerous or burdensome.

II. CLAIM BY HBAGNO THAT AHIS HAS BEEN ADOPTED AND REPEALED IN SEVERAL U.S. CITIES, INCLUDING SAN FRANCISCO AND BOSTON, IS FALSE.

We have done extensive research on Affordable Housing Impact Statements (AHIS). To our knowledge, they have been adopted to date in Austin, Texas; San Diego, California; and Atlanta, Georgia. We have found no information to support a claim that AHIS has been adopted, or repealed, in Boston or San Francisco.

III. DESPITE STATED OPPOSITION TO FEES, NO DEVELOPER FEES ARE PROPOSED AS PART OF THE MODEL ORDINANCE

The Model Ordinance does not anticipate Developer Fees. It is possible that the Planning Commission would have to hire an additional staff person to complete the Impact Statements; however, it is our position that the Planning Commission should be considering affordability impacts as part of their work, and can only benefit from having a simple, innovative tool to do so.

IV. EVEN IF THERE WERE DEVELOPER COSTS, THE IDEA THAT THESE WOULD GET PASSED ON TO RENTERS IS BASED ON AN OLD, ERRONEOUS THEORY OF HOUSING POLICY. IN REALITY, PROPERTY OWNERS ALREADY CAN AND DO OFTEN, CHARGE AS MUCH AS THEY CAN EXTRACT OUT OF RENTERS BASED ON "THE MARKET," WITHOUT REGARD TO THE UNDERLYING COSTS OF PROVIDING THE HOUSING UNITS.

HBAGNO will cite lower property taxes and no regulation as the solution to every problem we face. However, the assumption is based on an erroneous theory that does not comport with reality.

We could eliminate every cent of property tax and make all permitting free, and even subsidize it - and there is no reason to believe that any of that cost savings ever would be passed along to renters, in the free market housing framework that our public policy choices have allowed at the broadest level.

We know that property owners in New Orleans have knowingly raised rents to the point that tens of thousands of struggling families of New Orleans have severe housing cost burden--just because they can do so! Just because the market allows it!

The people of New Orleans are struggling with heartache and high blood pressure and anxiety over the fear of becoming homeless on the streets of New Orleans!

So, we find it quite disingenuous, then, for the Property Owners to come back around and say, let's not collect some information because we'll have to pass any costs along to our renters - as if there was ever any real relationship between the cost of doing business and the rents they charge. Commissioners, please do not be moved by their false tale of woe.

As noted by Commissioners and by nonprofit and advocacy stakeholders, the adoption of AHIS may result in more investment, both of public and private dollars in New Orleans, by making New Orleans more competitive for grants, loans, and tax credits. HUD is interested in jurisdictions taking affirmative steps to reduce barriers to fair housing. Grantmakers are interested in seeing how their potential investments fit into a strategic plan to address unmet housing needs and provide access to transportation, social services, grocery stores, and amenities. The City of New Orleans already has the Housing NOLA plan, and a goal of 7,500 new affordable housing opportunities by 2021; this is a way to demonstrate seriousness about meeting this goal.

We restate and incorporate our First Round of Comments, submitted via email on July 02. <http://bit.ly/29ReD2c>

Finally, we extend our appreciation and gratitude to the many advocates and stakeholders who have spoken in favor of AHIS, especially Andreanecia Morris of GNOHA and Housing NOLA.

Their strong presence and understanding of the benefits of AHIS should demonstrate to the Planning Commission and the City Council, that New Orleanians will be empowered in a meaningful way by the adoption of an AHIS policy, because stakeholders there are prepared to use the Impact Statements to inform the City's ongoing conversations around substantive housing policy.

Please continue to feel free to contact us anytime for any information or analysis you might need to complete your Study and any next steps to fully implement an AHIS.

Thank you,

Matthew Charles Cardinale
Dr. Dwanda Lee Farmer

Huffpo mention - Multico advocacy

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THE BLOG

Progressives Need SMART ALEC Approach to Policies

06/07/2016 03:26 pm ET | Updated Jun 07, 2016



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Lance Simmens
Author, "Fractured", "The Evolution of a Revolution", Political Activist, Commentator

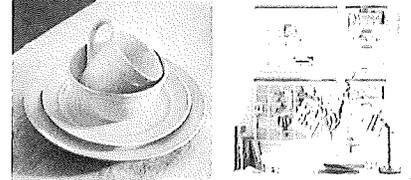
Politicians and policy-makers love to borrow or steal good ideas. There are organizations that represent elected officials on all levels of government, Federal, state and local where sharing what works in one community or state oftentimes is replicated by colleagues. Oftentimes this may be the result of personal interactions and relationships. However, in many instances annual or semi-annual meetings offer seminars or workshops on specific issue areas to bring to attendees' attention ideas that have proven successful in a particular city or state. Examples of valuable public interest group organizations include: U.S. Conference of Mayors, National League of Cities, National Governors' Association, National Association of Counties, National Association of Towns and Townships, Council of State Governments, and the International City/County Management Association.

Over the past several decades' conservatives have been particularly adept at forming think tanks on policy issues to disseminate ideas, policies and programs across a broad spectrum of the political/governmental arena and in many instances they have been so widely adopted that they become issues of priority in national elections. Take for instance the current proliferation of voter suppression legislation in state legislatures that are controlled by Republican majorities.

Coordinated state efforts to impose voter ID restrictions, privatize education and prisons, and drug test welfare recipients are but a few of the many regressive, pro-corporate or red meat social issues that the American Legislative Exchange Council (ALEC) have hand delivered to politicians and legislatures in recent years. As Huffington Post has reported, ALEC is a right-wing, corporate lobbying firm and think tank that creates model legislation for replication in State Legislatures across the country [here](#).

ALEC is to legislation what McDonalds is to fast food, but even better because they also deliver. Looking for a way to advance your conservative agenda? Why not dial up ALEC and have a ready-made, packaged, quick and inexpensive set of legislative proposals delivered to your door that has already been sampled in other jurisdictions of like-minded conservatives. Join the club

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and create what appears to be a movement garnering national attention.

In the process many progressive-minded politicians and elected officials are left to fend off an onslaught of pre-packaged momentum in a decidedly defensive posture. This has put progressives at a distinct disadvantage in an increasingly large number of jurisdictions and not afforded them the opportunities to pursue legislation in a forward thinking manner.

Well that is about to change if Mathew Charles Cardinale has his way!

Cardinale is currently a law student at Gonzaga University who also happens to be Chief Executive Officer of SMART ALEC, which stands for State and Municipal Action for Results Today/Agenda for Legislative Empowerment and Collaboration. Now this is a mouthful and as a former legislative staffer I applaud his mighty efforts to apply a description to a very clever acronym. But SMART ALEC seems like a perfect antidote to the senseless yet effective policy agenda advanced by a conservative revolution that has its roots tracing back to the Reagan Administration.

In 2012, at the age of 30, he sued the City of Atlanta without an attorney and prevailed before the Georgia Supreme Court. In *Cardinale v. City of Atlanta* the Court struck down a secret vote taken by the City Council of Atlanta, striking a blow to lack of transparency efforts taken by the Council during non-roll call votes. Cardinale is also the founder of Atlanta Progressive News, an online news service that is in its 11th year of publication.

SMART ALEC'S first model ordinance on Affordable Housing Impact Statements was adopted by the City of Atlanta last year and is currently being considered in New Orleans, Albany, and Pittsburgh. This model ordinance offers a unique method for cities and counties to keep track of the impact of lawmakers' public policy decisions on the affordable housing stock in their respective jurisdictions and was recently featured in an article by the Stanford Social Innovation Review [here](#). Efforts are also underway in Multnomah County, OR to consider becoming the first county in the country to adopt Affordable Housing Impact Statements.

Dr. Dwanda Farmer, one of the nation's few PhD's in Community Development, and a Board Member of SMART ALEC, and a community development practitioner for nearly two decades offers that "a community's commitment to affordable housing cannot be demonstrated nor measured without the consistent use of Affordable Housing Impact Statements."

Cardinale's goal is to raise \$100,000 on Go Fund Me to support the organization's efforts to have these affordability statements adopted in 10 cities/counties by 2018.

If the progressive community is serious about leveling the playing field with ALEC it has a lot of catchup to do and having SMART ALEC around might help it to recapture a foothold in the legislative public policy arena. It is long overdue and given the success of Bernie Sanders' efforts to initiate a more progressive agenda into the national election cycle this might just be the most

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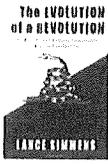
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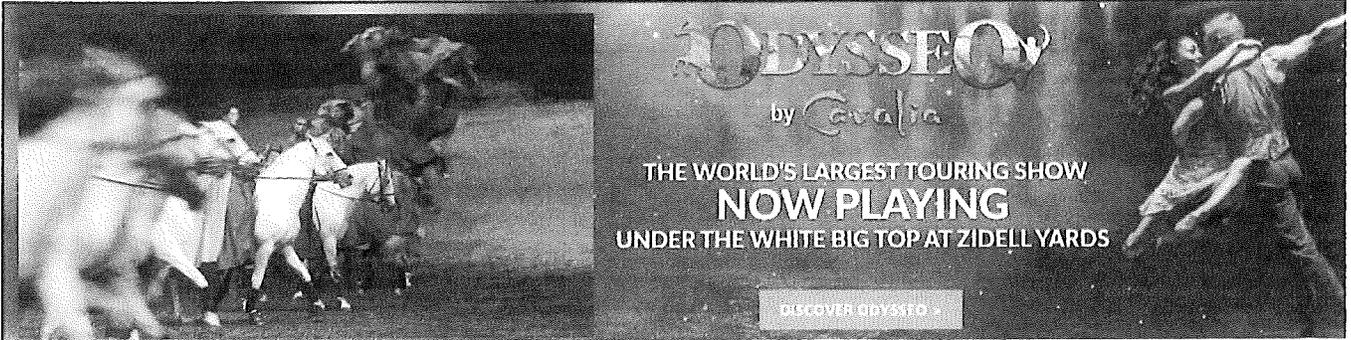
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THE BLOG

SMART ALEC Founder Refuses to Cease and Desist

07/29/2016 01:48 pm ET | Updated 5 days ago



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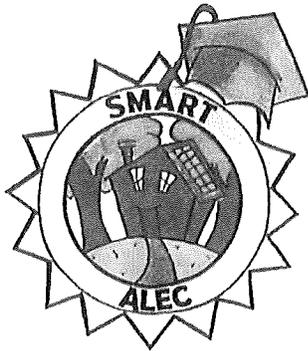


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"SMART ALEC" for the State and Municipal Action for Results Today / Agenda for Legislative Empowerment and Collaboration, an organization that he founded.

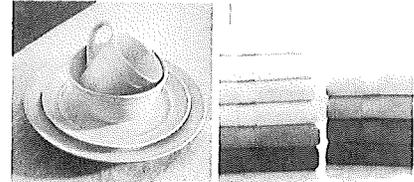
The right-wing/libertarian organization named ALEC (American Legislative Exchange Council) funded, in part, by the billionaire Koch brothers Charles and David, fear that upstart SMART ALEC may ruin their brand.

"Our name is a double entendre," said Cardinale. "On the one hand, the colloquialism has existed much longer than they [ALEC] have, and if it comes down to it, I'm going to have my dad do a notarized affidavit that I've been a smart aleck since childhood. The other half of it, is we're a smart alternative to ALEC and that is protected under the parody/free speech doctrine. I don't think there's an issue of consumer confusion. It's a clear parody. I don't think anyone would hear my voice and hear me talking about solar panels and transparency and low income people involved in democracy and really think that I'm the American Legislative Exchange Council CEO (laughing)."



Cardinale wants people to know the similarities and differences between his organization and ALEC. Both Alecs craft model legislation and help state and local governments change policy. Both want to make sweeping changes, city by city, county by county. But the similarities end there.

"We don't want to be exactly like ALEC, in fact there's problems with ALEC and the way they operate. For one, they're not transparent and they're not grassroots and participatory. It's more about big corporations and Republican legislators having retreats on secluded islands where the public isn't invited and the media better not show up or they're thrown out." Cardinale gave one example of an off-limits ALEC meeting that Allanta's Channel 11 tried, unsuccessfully, to access.



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Donald Trump Repeatedly Asked Why We Couldn't Use Nukes

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Donald Trump Implodes His Way To Strongest Fundraising Month Yet

Bradley Cooper Still Doesn't Get Why Republicans Freaked Out Over His DNC Appearance

In contrast, SMART ALEC built unique character into their charter. "We have in our bylaws a mandate for diverse representation as well as 1/3 low income participation, which means that both our advisory board and our board of directors has to have at least 1/3 low income people on it."

SMART ALEC's goal is to help ten U.S. cities and counties adopt affordable housing impact statements by 2018, using model legislation that Cardinale spearheaded in Atlanta. Their [Go Fund Me](#) page seeks to raise \$100,000 toward this end. Currently four cities: New Orleans, Los Angeles, Albany NY, and Pittsburgh, PA have pending legislation similar to Cardinale's Affordable Housing Impact Statements (AHIS) used in Atlanta. As each city becomes successful in adopting SMART ALEC's model legislation, it can be replicated around the country.

"State, county, and local election officials and their staff are completely overwhelmed with the gravity of the many problems we're facing today, of which affordable housing and the environment are two of our biggest crises. They don't necessarily have the resources to research what is the best practice on every issue and do all the work to implement each solution in their jurisdiction." Cardinale has the templates for change and is already finding success. "It's certainly a benefit when you have an organization like ALEC or SMART ALEC that says this is something that has worked in another jurisdiction and we put it into a form that is actionable and adaptable," said Cardinale.

June 2016, Cardinale and SMART ALEC's Board Secretary Dr. Dwanda Lee Farmer, one of the country's few PhD's in Community Development, met with the [City Planning Commission](#) and [Mayor's Office in New Orleans](#) to discuss the AHIS study.

But the meeting in New Orleans wasn't all beignets and powdered sugar. "Developers have come out in opposition to the ordinance. When you're trying to do something meaningful around affordable housing, there are naysayers and challenges," said Cardinale. "What we hope to do is provide the various cities with everything they need to address whatever concerns come up, because we have heard them all before. We're not only producing model bills for replication, we are part of the process of putting them in place. Each

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New Orleans is now in the midst of a series of [public hearings](#) and a study being done by the planning commission.

“What we’re seeing in cities across the nation is the urgent need to come up with really great solutions that should be replicated.” Cardinale said, citing environmental and weather crises as current and imminent threats to livability. SMART ALEC provides a [national advisory board](#) for model legislation so that cities can respond quickly.

Other organizations serve as solution-sharing leaders for model legislation. For example:

[Represent.us](#): tackles government corruption, conflict of interest, and campaign finance bribery.

[Community Rights PDX](#): A Portland-based Community Rights advocacy program that can be replicated by communities who want to stand up against giant corporations that are negatively impacting their lives. (PDX stands for Portland.)

[State Innovation Exchange](#): promotes a progressive agenda to protect workers rights with labor-related legislation

Represent.us provides a template called the [American Anti-Corruption Act](#). Their bill puts a cap on campaign donations, deals with the revolving door between government and private interests, and makes bribery of elected officials illegal. They offer citizens an almost turn-key program for implementing it.

Paul Cienfuegos, founder of Democracy Unlimited of Humboldt County and national leader in the rapidly growing community rights movement, has prepared several [videos](#) and [podcasts](#) to educate communities about how they can pass locally enforceable laws that ban harmful but legal corporate activities, enshrine their right of self-government, and strip corporations of their so-called constitutional “rights.” 200 communities in nine states have already done so, with very few legal challenges to date. He urges people to address catastrophic climate destabilization by using “[the most ambitious expansion of community self-governance since the American revolution.](#)” For example, Coos County, Oregon implemented an ordinance called [Right to Sustainable Energy Future](#) banning the transportation, manufacture or drilling of non-sustainable energy sources.

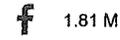
The [State Innovation Exchange](#) offers legislation that promotes justice for working families and community members. Their most recent campaigns are for equal pay, earned leave for working families, voter registration modernization, and criminal justice reform.

“When people are homeless on the street and we’re facing environmental challenges such as change to our global temperature, endangered species, nuclear power, very urgent issues, we don’t have the flexibility to experiment forever,” Cardinale said.

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renewable energy package, because these things work together," said Cardinale. "We definitely want to look at solutions around solar energy. Most cities have city halls, schools, hospitals, they might have an airport, they probably have surplus property all over the place, all of these buildings should have solar panels on them. In a very short period of time, you make that money back, and then you're not paying money on energy bills. Every city should be doing that."

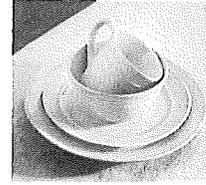
"These model bills are being drafted, discussed and debated among the community members and advisory board. I want that to be a real collaborative, transparent process," said Cardinale. In contrast, ALEC does not include the general public in crafting their legislation. "If ALEC's legislations appears on an agenda because it's about to get voted on, the public is only commenting on what they're seeing at the very end. They weren't part of shaping the idea. We want meaningful participation," explains Cardinale.

"I go down to the Multnomah County commission, [Portland is the county seat of Multnomah County], because I've been trying to get them to adopt an AHIS, right? And I make my three minute public comment. But in the shadows of this building, only blocks away, are tent cities, homeless people. So here we are, the citizens, stakeholders and elected officials, having this conversation about what to do about the homeless problem, and not a single homeless person is there."

"SMART ALEC wants to do the tough work around empowering all citizens and especially low income citizens in the policy making process. That's going involve having interviews and focus groups to understand the barriers to participation so that we can remove them."

In the meantime, will ALEC be a barrier to SMART ALEC keeping their name?

Dr. Dwanda Lee Farmer, Board member of SMART ALEC, drove to the offices of ALEC's attorneys and delivered yellow roses with a card saying, 'Thank you for acknowledging us, the Smart Alecs.' Cardinale mused, "I think they thought they were going to just squash us and intimidate us, but obviously they didn't really understand who we are."



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