

Carol Chesarek  
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Portland, OR 97231

August 25, 2016

Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd, Suite 600  
Portland, Oregon 97214

Subject: Update to Multnomah County Comprehensive Plan & TSP

Dear Chair Kafoury and Commissioners:

Thank you for the opportunity to provide these comments on the draft Comprehensive Plan and the draft Transportation System Plan (TSP). While I was not a member of the Citizens Advisory Committee, I attended all of their meetings, including all but two of the subcommittee meetings and the public events in the West Hills. I also met regularly with CAC members from the West Hills to discuss proposed policies.

General points:

- 1) Almost everything in these draft documents is excellent and should be adopted.
- 2) County staff and the Citizen Advisory Committee generally did terrific work. This was an exemplary process for citizen involvement and transparency.
- 3) While the process resulted in proposed changes to existing policies and some new policies, in most cases the intent of previous policies did not change – most of the policies in this draft are minor revisions of previous policies, not radical new material. We still want to protect farm and forest lands, protect natural resources, and try not to put structures in dangerous places. We also want to manage the transportation system so it is safe and effective but also to reduce carbon emissions.
- 4) I am delighted that county staff was able to upgrade the maps in the Comprehensive Plan to a larger size, with more landmarks than were present in the original draft, and I thank them for taking on this additional work.
- 5) I appreciate and support most of the changes that Commissioner Bailey is planning to propose, with one exception.

I want to express my appreciation for staff's patience and willingness to work with the CAC and interested members of the public to craft good policy language. I'm especially appreciative of the project to study of Transportation Demand Management in the West Hills, as well as language about context sensitive design, options other than 4' paved shoulders for bicyclists, and wildlife crossings in the TSP.

I also want to thank Commissioner Bailey for making it clear that the county will honor its commitment not to change adopted policies for the Sauvie Island Multnomah Channel Rural Plan Area, and for his work refining other policies in these plans.

Committee members from the West Hills advocated for better stormwater management policies, wildlife crossings and habitat protections in the TSP, a wildlife advisory committee, improved tree protections around homes, and a study of Transportation Demand Management in the West Hills, to reduce congestion and greenhouse gas emissions while making roads safer for bicyclists and wildlife.

The West Hills are already a popular recreation destination. Due to our proximity to the urban area, pressure to develop additional recreation facilities will grow. The state allows a broad range of public and private recreation development on farm and forestry lands that would be harmful to wildlife and natural resources protected under Goal 5, including golf courses, motorized off-road vehicle trails, campgrounds, fishing and hunting preserves, and model aircraft takeoff and landing facilities. Washington County has a private "Tree2Tree" park with ropes and platforms suspended in trees. Weyerhaeuser has fee-based recreation trails on their land in the West Hills<sup>1</sup>. Many proposed recreation facilities could harm Goal 5 resources.

I have attached a list of recreation activities that should not be allowed in Goal 5 resource areas in the West Hills because they would result in unacceptable harm to important natural resources.

I think that another new policy, establishing a Wildlife Advisory Committee, could be of assistance to county staff as they decide how to implement these policies balancing recreational development and Goal 5 resource protection.

5.28 Establish a Wildlife Advisory Committee to advise the County about matters under its jurisdiction and control that may affect wildlife.

### **Language to add in Chapter 8, Parks and Recreation**

In order to further clarify that Policies 8.8, 8.9 and 8.10 allow recreation facilities, I ask that you add the following statement (shown in red italics) in Chapter 8 where the appropriate balance between recreational use and protection of natural resources is discussed.

• **Balancing recreational use with protection of natural resources.**

Oftentimes, recreational facilities are located within environmentally sensitive areas where it is important to balance recreation needs with natural resource management and protection objectives, particularly for riparian areas and wildlife habitat. This issue was raised by community members during preparation of this Comprehensive Plan and a number of policies direct the County to balance these two different types of objectives.

*In the subarea policies for SIMC and West Hills, while a high bar is intended for recreational development in Goal 5 resource areas, opportunities to enjoy Goal 5 resources may be allowed. When there is a conflict between conserving,*

*restoring and enhancing resources and providing for enjoyment of them, the conservation, restoration and enhancement are to be predominant.*

### **Maintain Longstanding County Policy Opposing a Westside Bypass**

The West Hills Rural Area Plan was adopted by the county more than 20 years ago. It includes a Policy opposing a Westside Bypass<sup>11</sup>. This policy was modified by the CAC and included in the new TSP. The Planning Commission added some background information but kept the policy. Two days ago I learned that Commissioner Bailey planned to eliminate the policy, not because he is opposed to it, but because he feels it is too specific for a TSP.

Policy 11 in the Draft TSP, which Commissioner Bailey proposes deleting, says:

**Policy 11: Oppose placement of new regional roadways on Multnomah County roads, should such roadways be contemplated by any regional transportation authority in the future.**

The current, adopted West Hills Rural Area Plan policy says:

**POLICY 8: Oppose placement of regional roadways in the West Hills Rural Area, should such roadways be under consideration by any transportation authority in the future.**

**I ask the board to either maintain this longstanding county policy, or to commit to adopt a separate Resolution opposing a Westside Bypass.** It isn't right to eliminate a policy of this standing, and which is valued by the community, on only two days notice. A Westside Bypass would also not be in line with the county's adopted Climate Action Plan. Washington County is currently studying transportation proposals that include expanding Cornelius Pass Road and also building an entirely new road through the West Hills from near NW Germantown Road and NW Kaiser Road (in Multnomah County) through or under Forest Park to Hwy 30.

### **Policy Exploring limits on home sizes in Goal 5 areas**

There is a new policy (5.36) in the plan about limiting the size and footprint of homes in Goal 5 resource areas to minimize the resulting harm. I hope the county will pursue this because homes in general have a huge impact on natural resources and wildlife, and overly large homes have an outsized impact on those resources and we're seeing an increasing number of very large homes being built. The county should explore limitations that are not based on a percentage of the parcel size, which would encourage the largest homes on larger parcels that are most suitable for farm and forest uses as well as Goal 5 resources.

5.36 Explore amendments to the Significant Environmental Concern overlay for wildlife habitat (SEC-h) to limit the size and building footprint of houses in order to minimize harm to wildlife habitat in significant habitat areas.

In summary, I support Commissioner Bailey's proposed changes, with the exception of the Westside Bypass policy deletion. Please find a way to keep this important county policy.

Thank you for your consideration, and for supporting a transparent and effective citizen-based process for this Comprehensive Plan.

Sincerely,



Carol Chesarek

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<sup>i</sup> Weyerhaeuser has a permit based recreation system established on their land in the West Hills north of NW Logie Trail Road. Their web site says "Our year round recreational access permit offers motorized access, camping privileges and an allotment of firewood. If you would prefer exclusive recreational access to a block of forestland, consider bidding on a lease."

Accessed on August 21, 2016 from  
[www.wyrecreationnw.com/Permits/PropertyPage\\_Common.aspx?PropId=11](http://www.wyrecreationnw.com/Permits/PropertyPage_Common.aspx?PropId=11)

<sup>ii</sup> From the current Multnomah County West Hills Rural Area Plan:

**"Western Bypass"**

Regional transportation maps from the 1960's show a conceptual route for a "Western Bypass" roadway northward from Highway 26 in Washington County, over Cornelius Pass, through Sauvie Island, and then over the Columbia River to Washington State.

O.D.O.T. has studied a "Western Bypass" roadway to the south of the West Hills, which would run from Interstate 5 in Wilsonville to Highway 26 in Washington County. Various parties periodically suggest resurrecting the idea of a Westside Bypass, or suggest developing "defacto" Westside Bypass from Highway 26 to US 30. These ideas usually involve improving or expanding Cornelius Pass Road.

Any future consideration of extending a "Western Bypass" roadway northerly from Highway 26 over Cornelius Pass would require consensus of the jurisdictions through which the roadway would pass, including Multnomah County. Such a roadway, while perhaps conducive to regional traffic, would bring major changes to the West Hills in terms of the following issues:

2. Negatively impacting agricultural and timber lands through which the roadway might pass;

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3. Negatively impacting identified Goal 5 resources in the West Hills. Significant scenic views of the east face of the West Hills would be interrupted by a major roadway. Any roadway would cross several significant streams. And any roadway would critically interrupt significant wildlife habitat areas connecting Forest Park and the Coast Range.

4. Negatively impacting the rural character of the area. This change would be most significant, since placement of a major regional road corridor through the West Hills would lead to strong pressures to urbanize the West Hills.

**POLICY 8: Oppose placement of regional roadways in the West Hills Rural Area, should such roadways be under consideration by any transportation authority in the future.**

Draft list of recreational activities that should not be allowed in Goal 5 natural resource areas.

- Motorized watercraft (except in Multnomah Channel)
- Motorized vehicles and motorized off-road vehicle trails (exempting motorized wheelchairs)
- Golf Course
- Ball fields
- Concert Venues
- Facilities or organized activities for motorized flying devices (e.g. model airplanes, drones).
- Above-ground tree-based activities (zip lines, rope courses, platforms in trees, e.g. [tree2treeadventurepark.com](http://tree2treeadventurepark.com))
- Extraction of minerals
- Dog training and testing facilities
- Shooting ranges
- Private hunting preserves, private fee-based hunting
- Activities involving open flame or fire, or that increase fire hazard or significantly increase fire suppression costs or increase risks to fire suppression personnel. Includes fireworks.
- Activities involving loud noises
  - human sound is detrimental for many wildlife, making it hard to hear both prey and predators, mating sounds, etc.
- Repeated or regular night-time activities (an occasional owl walk educational outing would be OK, trails regularly open to night use would not)
  - many wildlife are more active at night in order to “meet their daily needs” (feed, mate, travel, etc.)
  - wildlife who have to deal with humans during the day need quiet nights to recover
  - artificial lighting of any type disrupts wildlife



Metro

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parksandnature@oregonmetro.gov

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## North Tualatin Mountains Frequently Asked Questions

On the northwest edge of Forest Park sit four voter-protected natural areas in the North Tualatin Mountains, totaling 1,300 acres.

Thanks to 20 years of voter investments, Metro has been able to protect water quality, restore fish and wildlife habitat and – soon – provide new opportunities for people to connect with nature. Visitors will soon be able to enjoy hikes through lush forests, rides on trails optimized for off-road cycling, panoramic views of Sauvie Island and more, all while restoration continues.

The [North Tualatin Mountains master plan](#) is the culmination of two years of conversations with the community to craft a vision for the future of these four special places. Metro is proposing official public access and visitor improvements at two of the four sites: Burlington Creek Forest and McCarthy Creek Forest natural areas. There are no planned visitor improvements at Ennis Creek Forest and North Abbey Creek Forest natural areas, except for a provision for the future Pacific Greenway Trail through Ennis.

Throughout the process, Metro heard a variety of questions. Below are the most frequently asked questions, largely around the access project itself and its potential impacts on habitat and wildlife.

### *Access questions*

#### **Why is Metro providing official public access to the North Tualatin Mountains?**

Since the voter-funded program began more than 20 years ago, Metro Parks and Nature has aimed to protect water quality, fish and wildlife habitat, and provide access to nature close to home.

Thanks to the parks and natural areas levy voters in the region approved in 2013, Metro has the opportunity to provide public access at its four sites in the North Tualatin Mountains. About half of the money from the levy goes toward restoring and maintaining habitat, with the rest of the money for making park improvements, offering nature programs, providing public access to new destinations and more.

The resolution the Metro Council passed that sent the levy to the ballot listed six areas across the region where Metro intended to use levy money to provide access for people to connect with nature. Agency Creek, the former name of Burlington Creek, and McCarthy Creek natural areas were specifically listed as one of the areas:



“Agency Creek/McCarthy Creek  
Various parcels near to but outside of Forest Park are currently or could be used by walkers or cyclists to access nature close to Portland. Access to the site is challenging and there may be opportunities to enhance use. Over the past decade the demand for single track mountain biking trails has increased. This project would explore the potential to provide quality cycling and hiking experiences for formal single track cycling and walking trails, and as appropriate, construct the facilities.”

### **Wasn't this land purchased to protect wildlife and not for human access?**

A. Metro's four sites in the North Tualatin Mountains were purchased with money from bond measures that voters in the region approved in 1995 and 2006. Providing public access to the North Tualatin Mountains is consistent with promises made in the 1995 and 2006 bond measures, both of which specifically mentioned preserving land to allow for future opportunities for people to connect with nature.

As reflected in Metro Parks and Nature's mission, the bond measures aimed to protect clean water, fish and wildlife habitat, and to provide opportunities for people to access nature. The bond measures also provided money for local cities, counties and park providers for locally significant projects and for Nature in Neighborhoods grants.

[1995 bond measure Voters' Pamphlet statement:](#)

“Approved bonds will preserve local

lands for parks and trails; maintain water quality in rivers and streams; protect salmon, trout, steelhead; provide areas for walking, picnicking and other outdoor recreation.”

“If approved by the voters this measure will allow Metro and local parks providers to acquire and protect regionally significant land for open space, parks, and trails in 14 targeted areas and five corridors.”

“The proposed bond measure would provide funds to acquire and protect some of this land for future public use and enjoyment.”

[2006 bond measure Voters' Pamphlet statement:](#)

“This measure directs Metro to buy and restore natural areas for the protection of water quality and preservation of fish and wildlife habitat for the benefit and enjoyment of current and future generations.”

### **Why is Metro proposing off-road cycling trails?**

A. Metro is recommending off-road cycling trails at the North Tualatin Mountains near Forest Park and Newell Creek Canyon in Oregon City. The two sites would be the first places that Metro provides off-road cycling opportunities and comes after hundreds of cyclists voiced their desire for new trails near Portland.

Metro is recommending trails optimized for off-road cycling to meet the existing and growing demand for this type of nature-based recreation. Not everybody connects with nature through binoculars or hikes, and it's important to provide a variety of opportunities for people to experience nature in different ways.

Protecting clean water and fish and wildlife habitat remain Metro's top priority across its 17,000 acres of voter-protected land. Throughout the planning process for the North Tualatin Mountains, Metro has taken an approach based in science

and shaped by community input that ensures healthy habitats and provides meaningful experiences in nature.

With careful planning, it's possible to create opportunities for people to enjoy nature while also protecting it. Well-designed and constructed trails will limit habitat impacts by minimizing erosion and stream crossings, by providing corridors for wildlife to move, and by leaving the canopy intact, which help wildlife that needs large areas. Exact trail alignments will be laid out on the ground during the future design phase of the project; detailed analysis will be done to ensure that trails avoid the most sensitive habitat areas.

The shared trails will be family-friendly and will be designed for beginning and intermediate riders. Trails will be designed to slow riders down using speed checks, such as short uphill sections, turns and obstacles. The trails will be monitored and maintained in partnership with user groups, such as the Northwest Trail Alliance.

Metro is purposely proposing modest mileage for its first trails optimized for off-road cycling; the intent is to start small to make sure Metro gets it right. The trails will work in within the constraints of each site and will not accommodate a large-scale trail system like Sandy Ridge.

### **Will equestrian use be allowed?**

Equestrian riders will continue to have local access to former logging roads at Burlington and McCarthy that are not being decommissioned. The master plan does not recommend any trails specifically for equestrian use.



Metro

## Why doesn't Metro allow dogs?

At the core of all of Metro's voter-approved investments is the region's priority to protect clean water, fish and wildlife habitat, and to create opportunities for people to connect with nature close to home.

Dogs and other pets can damage sensitive habitat and threaten wildlife the region has worked hard to protect. Strong scientific data show that animals think of dogs – even the friendliest ones – as predators. Animals don't necessarily think of people as predators, depending on their past experiences.

Animals have a keen sense of sight, smell and hearing. The presence of a dog, even on a leash, will disrupt their normal behaviors and force many to avoid going near trails. Numerous scientific studies show that in natural areas where dogs are not allowed, people see more wildlife and get closer to it.

People have many options when they want to spend time outdoors with their pets, but very few places they can depend on to protect sensitive habitat and provide a unique experience in nature so close to home. At Metro destinations, visitors get special opportunities to see native Swainson's thrush in the ancient forest at Oxbow Regional Park along the Sandy River, Western painted turtles bask in the sun at Smith and Bybee Wetlands Natural Area, and mule deer at Graham Oaks Nature Park in Wilsonville.

These are just some of the native animals that would be significantly affected if dogs were regularly allowed. In particular, birds that nest

on or near the ground would decline in numbers if dogs were allowed.

Although dogs aren't allowed at Metro sites, it's important to invest in parks, trails and natural areas where dogs are allowed, on leash or off. Metro has supported a number of dog-friendly destinations throughout the region with money from the natural areas bond measures voters approved in 1995 and 2006.

These bond measures designated money – \$44 million in the 2006 bond measure – to local cities, counties and parks providers to acquire land or make improvements. Voter investments have supported dog-friendly destinations such as Forest Park in Portland, Cook Park in Tigard, Hood View Park in Happy Valley and dozens of other sites.

Dogs are allowed on designated regional trails, such as the Ice Age Tonquin Trail at Graham Oaks Nature Park. Service animals are allowed at all Metro destinations.

## Habitat questions

### How will habitat connectivity be impacted?

The top priority is to protect water quality and preserve core habitat areas 30 acres or larger, including upland forests and streams that wildlife depend on for connections between Forest Park and the Coast Range.

Of the 1,300 acres of Metro's four sites in the North Tualatin Mountains, about 970 acres will be protected as core habitat areas: 350 acres at Ennis, 320 acres at McCarthy, 210 acres at North Abbey and 90 acres at Burlington. There are no planned visitor improvements at Ennis Creek Forest and North Abbey Creek Forest natural areas, except for a provision for the future Pacific Greenway Trail through Ennis.

Metro is applying basic conservation biology principles to protect wildlife and wildlife movements including:

- Protecting large blocks of forest
- Maintaining regional connectivity
- Reducing habitat fragmentation by removing unnecessary roads
- Using old road networks for access when possible
- Maintaining some sites in a low- or no-use state
- Reducing the presence of non-native predators
- Improving habitat quality via active restoration
- Collaborating with other regional experts for guidance on important species like northern red-legged frogs.

Opening sites to public access will have some effect on habitat. To minimize the impact, public access is focused at Burlington and McCarthy. Most of the visitor improvements are focused at Burlington, in part because it has the most existing use as well as habitat fragmented by roads and power lines. Burlington has about 2.5 miles of existing former logging roads and is bordered on a third of its perimeter by U.S. 30.

In addition to protecting three-quarters of the project area for core habitat, restoration will continue on all four sites to improve forest health and water quality. Metro is committed to restoring old-growth habitat, preserving habitat connectivity, supporting wildlife and protecting clean water.

All of the sites were previously in commercial use, mostly as tree farms. Under Metro's care, even with public access, they will provide much better wildlife habitat than the dense Douglas fir plantations that previously existed or large-lot residential subdivisions, as was previously planned at Burlington.



## How will water quality be impacted?

Protecting clean water is an important project priority. Restoration at all four sites will continue to restore streams by removing unnecessary culverts, increasing down wood, and planting more native trees and shrubs in stream corridors. More than three miles of unnecessary roads will be decommissioned.

Public access will be focused away from the most sensitive habitats. For instance, no visitor improvements are planned for North Abbey Creek Natural Area, which has the steepest ravines and houses the headwaters of North Abbey Creek. The creek later flows into the Tualatin River, directly affecting water quality in Washington County's main river.

At Burlington and McCarthy, well-designed and constructed trails will limit stream and habitat impacts by minimizing erosion and stream crossings. Exact trail alignments will be laid out on the ground during the future design phase of the project; detailed analysis will be done to ensure that trails avoid the most sensitive areas.

## Wildlife questions

### What wildlife studies has Metro conducted at the North Tualatin Mountains?

Metro's approach to conservation is to manage for habitats rather than individual species. Nurturing healthy forests and streams at the North Tualatin Mountains will create diverse habitats for a variety of native animals, such as birds and

northern red-legged frogs, which are listed by the state as a sensitive species under threat.

In coming up with the plan for the North Tualatin Mountains, Metro relied on formal and informal studies of wildlife at the North Tualatin Mountains and similar habitats and has also consulted with other agencies and organizations.

Metro contracted for a bird monitoring study in 2015 and will continue this study for at least two more years. Metro staff has also led terrestrial amphibian monitoring studies at McCarthy in 2012 and North Abbey in 2015 and will conduct terrestrial surveys at Burlington beginning in 2016.

Informal mammal surveys have been conducted by staff, and visitors and neighbors have observed a wide variety of mammals typically associated with upland forest habitat and riparian forests of this area, including elk, black-tailed deer, coyote, bobcats, Douglas squirrels, Townsend chipmunks and mountain beavers.

There is also an extensive body of scientific and academic literature on the habitat in and around Forest Park and especially about second-growth Douglas fir forest habitats, such as those in the North Tualatin Mountains. Metro also received input from regional conservation experts, such as the Oregon Department of Fish and Wildlife, the Urban Greenspaces Institute and the Audubon Society of Portland.

Given the extensive studies that have already been about this type of habitat, it's unlikely that spending tens of thousands of dollars of voter investments on additional studies would produce any significant new information that would affect management decisions.

Metro may implement project-based monitoring to inform ongoing management of access. It's also important to note the limitations of monitoring and inventory

surveys: They only include what was observed during a set time and cannot definitively say a certain species is not present at a site.

### How will elk be impacted?

Elk can be found throughout the North Tualatin Mountains, but the area is not a major elk refuge and the herd is not considered regionally significant, according to the state. The North Tualatin Mountains elk herd is part of the Oregon Department of Fish and Wildlife's Willamette Unit, which is designated as a "de-emphasis area."

However, Metro recognizes that the elk are locally significant to neighbors, and the North Tualatin Mountains master plan takes this into consideration. The earlier preferred alternative recommended included a trail through the northeastern portion of McCarthy that would have offered visitors access to a viewpoint with stunning vistas of the Tualatin River Valley and Coast Range. However, this trail is not included in the draft master plan because elk frequent a meadow in this area.

To account for the loss of this trail, all of the trails at both Burlington and McCarthy are now proposed to be mixed-use trails for hikers and off-road cyclists.

The North Tualatin Mountains elk herd is born and raised around humans and is generally acclimated to people. The elk move within a relatively large area and frequently cross roads, use backyards and farm fields.

Elk use of the North Tualatin Mountains habitat will change as the habitat changes over time. What Metro does or does not do on our properties is not the only future determinant of how elk fare in this area. New home construction, changes in farm or forestry practices by private land owners, or even new fencing can all influence elk behavior.



# Metro

Whether you're in the mood for a short hike or a weekend camping trip, a boat ride or a picnic, Metro has a destination for you. You'll share the landscape with salmon swimming in restored streams, birds streaking across the sky and giant old oak trees towering overhead.

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Access improvements at McCarthy are not planned to occur until a later date when funds become available. At that time, Metro will re-assess access to the viewpoint in the northeastern portion of McCarthy and its potential impacts on local wildlife, including elk. The trail, if constructed, would provide a unique opportunity for residents throughout the region to share in the experience of elk living so close to urban areas, as well as stellar views of the Tualatin River Valley and the Coast Range.

### **How will amphibians be impacted?**

A. Burlington and Ennis provide important foraging and winter habitat for northern red-legged frogs, which are listed by the state as a sensitive species under threat. Many of the frogs migrate seasonally between the North Tualatin Mountains and breeding habitat on the opposite side of U.S. 30, including the Palensky Wildlife Area, also known as Burlington Bottoms.

Visitor improvements are not proposed for Ennis, except for a provision for the future Pacific Greenway Trail.

Trails at both sites will be designed to minimize stream crossings, employ amphibian friendly crossings where needed, and minimize soil erosion and trail rutting. The sites will be closed at night, which is when seasonal migrations typically occur. Seasonal closures may be implemented. Metro will monitor for amphibian activity on trails.

Continued restoration will improve amphibian habitat, including increasing down wood, boosting the diversity of the understory and maintaining the forest canopy.

In addition to northern red-legged frogs, Metro's four sites in the North Tualatin Mountains are also home to western red-backed salamanders, Pacific giant salamanders, Pacific chorus frogs, rough-skinned newts and *Ensatina* salamanders.

Jerry Grossnickle  
13510 NW Old Germantown Road  
Portland, OR 97231

August 25, 2016

Chair Deborah Kafoury  
Commissioner Jules Bailey, Commissioner Loretta Smith,  
Commissioner Judy Shiprack, Commissioner Diane McKeel  
Multnomah County Board of Commissioners

Testimony to the Multnomah Board of County Commissioners

I served as a member of Multnomah County's Community Advisory Committee for the Comprehensive Plan update and on its Air, Land, Water, Wildlife and Hazards subcommittee. I also served on Metro's North Tualatin Mountains Stakeholder Advisory Committee. During the period of these discussions, I was also President of Forest Park Neighborhood Association and now serve as Chair of its Land Use Committee.

I became involved with these activities for one central reason: I have come to appreciate the incredible natural resources we share in the West Hills and believe we have a responsibility to protect them.

I live on the western slopes of the Tualatin Mountains, a rural area that is rich in wildlife habitat, with forested slopes and an abundance of streams. Just to our east is Forest Park, and to the north is the narrow neck of forested lands that connect us to the larger natural areas of the Coast Range that keep our wildlife abundant and healthy.

I personally tallied over 200 elk sightings on our property last fall during the rut. Just four days ago I witnessed a large bull elk silence a noisy group of chirping youngsters. We should not forget that these lands are, of course, important to the folks and wildlife that live on them; they are also important to the people of our region - for clean air, for clean water, for recharging aquifers and for recharging human souls.

We need strong language in the Comp Plan and TSP that protects the wildlife and habitat values of the West Hills, and I believe that our CAC agreed to some very good language.

If the Board removes Policy 11 as inappropriate for a Transportation System Plan, I suggest we find another way to signal that the County will oppose new regional roadways through the West Hills. As a member of the Portland Freight Committee and of the Oregon Freight Advisory Committee, I understand the intense pressure to find ways to improve transportation between the high-tech industries of Washington County and the airport and I-5, and we all recognize that the Sunset Corridor fails to adequately handle current transportation needs. And of course, we have seen a large increase in spillover commuter traffic (and traffic problems) on the existing roads of the West Hills, particularly Germantown, Cornelius Pass and Cornell.

But if Multnomah County fails to place the West Hills off-limits to new roadways, it encourages people to push for the “easy” solution – build a big new road – and discourages working on the harder solutions, like TDM, increased transit and transit options, and better land-use planning.

Policy 12 is related. The CAC proposed it to discourage through traffic on the rural roadways; traffic that does not begin or end in the West Hills, for example, but uses the roads over the hills (and

through Forest Park) to commute from elsewhere to and from the Silicon Forest. A suggestion to modify our proposal to refer only to roads with a functional classification of “rural local road” would gut the policy. Most of the roads that are impacted by excessive through traffic do not have this “rural local road” designation.

You have received from me comments about how the Comp Plan Update handles the important issue of simultaneously planning for habitat protection and recreational opportunities in important natural areas. I won't repeat those comments here except to say that Metro's normal approach to managing its regional parks and natural areas is not appropriate to the Acquisition Properties of the North Tualatin Mountains. Please carefully consider the CAC language. We tried to find language that would provide the level of protection needed for these critical lands while allowing for appropriate recreational development.

The CAC recognized that these lands were particularly important to the health of the natural areas of the West Hills not only for their habitat values, but also for their strategic location within the relatively narrow forested neck of land that connects the West Hills to the larger natural habitats of the Coast Range.

Please do not accept Metro's suggestion to strike the words “to ensure wildlife connectivity” from the Plan's description of the Metro property. The Comp Plan should clearly state that the wildlife corridors and connections of the Metro acquisition properties are important to the health of the natural areas of the West Hills and should be protected.

Thank you.

Dear Multnomah County Commissioners:

8-24-16

Deborah Kafoury

Jules Bailey

Loretta Smith

Judy Shiprack

Diane Mc keel

Re: Sauvie Island/Multnomah Channel Rural Area Plan

You are about to hear and vote on the updated Multnomah County Comprehensive Plan. During the past one and one half years of meetings with the community, the County took the position that people living in boats in a marina should be considered and counted equal to a house boat and be counted against the density limit document "Policy 26". There are over 300 families living in boats that I know of, moored in marinas in Multnomah County.

Your vote to adopt The Comprehensive Plan as is will make them illegal since the Counties own inventory showed the moorages are already at " Policy 26" levels without counting the live-a-board boats. These live-a-board boats are the Metro area's Marinas solution to affordable housing. These moorage fees are at an average of \$325- per month and include sewer and water services. The Citizens Advisory Committee to the County went so far as to develop a list of criteria and approvals for a moorage to allow them and meet all regulatory requirements. Copy attached.

Please consider amending that portion Of The SI/MC Rural Area plan to not count them as house boats and keep them from being evicted to the streets or resorting to joining the current transit boat population that ties up and moves after short periods up and down the rivers to comply with state laws.

In the future if the County reverses its position, this could allow some moorages to moor a few live-a-board boats if the moorage meets the requirements that the CAC put together, meets any other County land use laws and the facility has the available sewer, water and power capacity.

Sincerely'



Jan Hamer

Harbormaster- River's Bend Marina

janhamer@notmail.com

## DRAFT-4-22-14

### Boats Moored In Marinas Occupied For Extended Stay

#### Marina Requirements-minimum

- \*On site DEQ approved sewerage treatment facilities.
- \*A portable sewerage dock cart equipped with holding tank and pump.
- \*Connection point near each boat slip to pump sewerage into.
- \*Sewerage Collection Additions.
  - \*Restroom facilities located on the marina dock.
  - \*Restroom facilities located on the upland at the top of the ramp area.
- \*Adequate parking facilities for each slip.
- \*Dock electric panel fitted with ground fault interrupter breaker.
- \*Marina Harbor Master must have a copy of The Electric Shock Drowning Procedure, have a clamp meter and be proficient in the test procedure.

#### Boat Requirements-mimum

- \*Boats electrical system meets the ABYC Standards i.e., A-31-E2, E10 &E-17.
- \*Boats must pass The Electric Shock Drowning Procedure.
- \*Adequate potable water tank with provisions or fitting for filling from marina water source.
- \*Boat must be equipped with an adequate sewerage holding tank.
- \*Boat must be equipped with an access hatch or fitting for sewerage pump out.
- \*Provisions for locking/securing overboard discharge Y valve.
- \*Options For Sewerage Removal/Treatment
  - \*US Coast Guard approved on board toilet/treatment system.
  - \*Available contract services in the area for boat mounted tank/ pump out services.

**Affordable Housing Impact Statement**

A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE HOME INVESTMENT PARTNERSHIP PROGRAM CONTRACTUAL AGREEMENT WITH THE ATLANTA NEIGHBORHOOD DEVELOPMENT PARTNERSHIP FOR THE PURPOSE OF FACILITATING THE CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION OF SMALL, AFFORDABLE RENTAL HOUSING AS WELL AS SINGLE FAMILY UNITS FOR SALE; AND FOR OTHER PURPOSES.

**Requirements**

Per the requirements of Ordinance 14-O-1614, Affordable Housing Impact Statements shall include a quantitative or numeric section that shall provide numeric estimates of impacts, quantifying numbers of units impacted at certain levels of affordability over the thirty year period following the enactment of the legislation; and a narrative section to provide an explanation of the analyses that led to the estimates.

Where the estimates are derived from existing grant applications or the basis of those estimates are otherwise straightforward, the narrative section shall state as such. Where the proposals being considered require the Office of Housing to draw upon their experience and expertise to come up with a projected impact, the narrative section shall specify what assumptions were used in creating the estimates.

**Quantitative/Numeric Section**

This legislation, if enacted, is estimated to have a projected impact upon the affordable housing stock of the City of Atlanta over the thirty year period following the enactment of the legislation 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.

**Narrative Section**

This resolution will provide for the redevelopment of 4 existing, vacant single-family properties located in the Pittsburgh neighborhood (NPU V, Council District 12). The properties are owned by the Fulton County/City of Atlanta Land Bank Authority and will be transferred to the Atlanta Neighborhood Development Partnership, Inc. to be renovated and sold. The funding allocated in this resolution comes from the Georgia Department of Community Affairs HOME Investment Partnership Program, which requires units to be sold or rented to households at or below 80% of AMI. Additionally, units will remain

Attachment: Impact Statement for ANDP Resolution (8-11-16) (16-R-451 : Affordable Rental Houses/Single Family Units For Sale)

affordable for 5-15 years based on the HOME assistance provided to the homebuyer. There is no requirement after initial occupancy that the household's income remain less than 80% of AMI. No housing is anticipated to be lost from this resolution. However, 4 units of affordable housing will be added to the City's housing stock.

Subject: Comprehensive Plan Review

Date: August 25, 2016

From: Susan and Kirk Andrews, 13410 NW Springville Rd., Portland, OR 97229

To: Multnomah County Chair Kafoury and County Commissioners

We are unable to attend the hearing August 24, 2016 regarding the adoption of the Multnomah Comprehensive Plan and Transportation System Plan. We would like to submit our comments as follows:

- 1) We appreciate the use of a community advisory committee to insure the needs and priorities of the citizens in this county have a voice in the process.
- 2) As residents of the West Hills, we believe strongly in actions which preserve the rural character and beauty of the area, and which prioritize habitat for wildlife and water quality.
- 3) We strongly oppose any changes to our transportation plans which might lead towards a reconsideration of a Westside Bypass. The pressures from Washington County to send their commuters through this precious rural area should be rebuffed. Please adopt a policy in opposition to the Westside Bypass.
- 4) We are concerned about the impact of recreational uses on sensitive ecological areas. We live in an urban environment which leaves very little useable habitat for the original species who inhabited this area in the past. We are fortunate to still have areas where elk, bobcat, red legged frogs, pileated woodpeckers and even cougars live within our county. Don't allow pressures from our growing population to outweigh the preservation of these wild areas.

Thank you for considering our comments as part of the testimony generally in favor of adoption of the new plans.

Susan and Kirk Andrews

There are a number of changes in this proposed Comprehensive Plan. I would like to address two of those projects. One is the SEC-V for the back/west side of Skyline Ridge and the other is the Rails to Trails. They are both in the "to be studied" phase. It is my opinion that neither of these two projects should be studied. I have been told that it is much easier to stop these BEFORE the studies have been done than it is after the County has expended the funds for the study. The SEC-V proposal was apparently brought up by an individual on the CAC who lives in another portion of Multnomah County but travels Highway 26 to the Coast and would like to keep his view of the West Hills as pristine as it is now. Therefore, he would like the SEC-v that is now on the east side of the ridge placed on the west side, thereby making the houses, barns, shops, significantly subordinate to the surrounding landscape. Each property owner would have to jump through all kinds of hoops in order to build their home, remodel existing home, build a shop or barn. The cost for just that SEC-V would cost them an additional \$10,000 to \$15,000, plus the County SEC fee of \$1,240. In most cases, building berms, planting trees in front of your home, etc., diminishes the landowners view significantly. Sometimes it forces him to place his home in a portion of his property that diminishes the use of the rest of his property, or he is forced to change the direction the home faces or must place a shop or barn where the pony walls and retaining walls are necessary. In addition to all this, throw in the fact that the County Assessor's office adds to your existing market value for each SEC-V designation. If that view is indexed as SEC-V9, the Assessor would add \$150,000 to your existing market value which would add approximately 60% of that value to your assessed value. How many of the elderly who have lived there practically all their lives will be able to make the added tax burden. Finally, it makes absolutely no sense to designate the west side of the ridge SEC-v as the most of the property between the Skyline Ridge and the Sunset Highway is in Washington County which has no SEC v and doesn't intend to have one. Plus, the very idea that someone driving down the Sunset Highway can have anything to say about where you build your home on your property or what color you paint it or the reflection factor or your windows is ludicrous. It is wrong and it is a taking. Aren't you supposed to protect our individual property rights? Where are our property rights? The SEC-v on the east side got started because some people wanted to stop Angell Brothers from expanding. If you pull your tapes of the hearing for that night, you will find that the proponents for the SEC-v were motorists, bicyclists and runners using HWY 30, not any of the property owners were in favor of it and the Board was tied. It was Bev Stein's first hearing as Chairwoman and she would cast the vote to break the tie. She prefaced her vote with the statement that while she was unfamiliar with the issue, "however, the emerald arms of the West Hills embracing the City of Portland appeals to my artistic sense so Aye."

The second issue, the rails to trails, was brought up for reconsideration having flamed out years ago. The last thing the residents of the West Hills area need is a rails to trails park. I would think that what has occurred at the Springwater Trail and Laurelhurst would be enough to convince any right thinking person to say "NO". There doesn't seem to be enough law enforcement to manage Springwater, Forest Park and other local park areas, where will the enforcement and cleanup come for rails to trails? How will the commerce that is currently using that railroad get their product to their destination? How many tax dollars will be lost and how many jobs will be lost when that company is forced to close? Burlington Northern sold that railroad in 2001, how much will Metro pay to get its way this time. I realize that Metro has DEEP pockets, and if they run short—hey, just slap on another bond issue. Tax payers will pick up the tab. Multnomah County Sheriff and Washington County Sheriff Offices are hurting for funds. Do you really think they have funds to police and clean up a rails to trail park? Please do what is right for the property owners of the West Hills.

CITY PLANNING COMMISSION  
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU  
MAYOR

ROBERT D. RIVERS  
EXECUTIVE DIRECTOR

LESLIE T. ALLEY  
DEPUTY DIRECTOR

**AFFORDABLE  
HOUSING IMPACT  
STATEMENT  
STUDY**

PREPARED ON:  
AUGUST 16, 2016

PREPARED BY:  
KELLY BUTLER  
NICHOLAS KINDEL  
PAUL CRAMER

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## *Affordable Housing Impact Statement Study*

### *Executive Summary*

#### **Introduction**

The City Council passed Motion M-16-167 directing the City Planning Commission to conduct a Public Hearing and study on how affordable housing impact can be assessed as part of land-use and building applications. Prior to the passage of the City Council Motion, Councilmembers Brossett and Cantrell introduced legislation, Ordinance Calendar No. 31,090, on December 10, 2015, to amend and reordain Chapter 46 of the Code of the City of New Orleans, to add a new Article, to be designated as Article IV and titled "Affordable Housing Impact Statements." The legislation proposed defining Affordable Housing, Area Medium Income Limits, Affordable Housing Impact Statement, and Housing Stock Impact Legislation. The legislation outlined the requirements and duties of the Affordable Housing Impact Statements (AHIS) for the Administration, City Council, City Planning Commission, and Office of Community Development. It also specified that the AHIS should include numeric estimates of housing impacts and a narrative section explaining the analysis that provided numeric estimates. Concerned about changes in the city's neighborhoods and to address affordable housing and equity issues, the City Council passed the Motion directing this study while withdrawing Calendar Ordinance No. 31,090. This study is intended to provide further information about whether impact statements could assist in assessing affordable housing actions.

The study was guided by the following goals and objectives:

- Ensure the collection of data will provide meaningful information that can be used to assist the community and decision makers.
- Develop a tool that does not create unnecessary tasks for city employees and housing developers.
- Recommend ways in which the data can be used by decision makers to track progress.
- Develop baseline data on housing in the City.
- Recommend any additional qualitative analysis that may be desirable for decisions related to policy changes.

#### **Key Findings**

Based on the review of the nationwide practices and the need for housing data collection in New Orleans, the following key findings informed the proposed Affordable Housing Impact Statement Study recommendations:

- 70% of New Orleans residents pay more than 30% toward housing costs.
- Data collection can be used in tracking real-time housing supply information.
- AHIS can serve as an accountability tool for programs and policies implemented to address affordable housing.

- AHIS can be included as part of a building permit application and does not require additional fees. The information requested is typically available at the time of submission.
- Data collection can assist non-profits and private developers with making decisions based on accurate data.
- A quantitative analysis, where the data comes from the property owner or the applicant, is more appropriate for project or development based affordable housing impact statements.
- A qualitative analysis is more appropriate for policy or regulatory based affordable housing impact statements. This analysis is typically conducted by City staff.
- A quantitative analysis is useful for projects that are seeking incentives or are required to provide affordable housing units.

## Recommendations

### *Permit Application Recommendations*

- An AHIS shall be required for all building permits adding, modifying, subtracting housing units.
- An AHIS shall be required for mixed use developments which include both commercial and residential development, and shall include information whether the development will be adding, modifying, or removing housing units.
- The applicant shall be required to fill in requested housing data information on the building permit application to the best of their ability provided the information is available. If information is not available at the time of submission, the building permit shall not be denied based on missing information.
- An AHIS shall be required for demolition permits affecting the removal of housing units.

### *Land Use Decision Recommendations*

- AHIS should not be required for most land use applications. Most land use applications are based on factors other than affordable housing (Master Plan Future Land Use Map designation consistency, development pattern, historic land use, etc.). Additionally, criteria for land use applications are enumerated in the Comprehensive Zoning Ordinance.
- A Quantitative AHIS shall be required for all land use applications that are requesting a development bonus for providing affordable housing, which includes the following:
  - Planned Developments (Article 5)
  - Multi-Family Density Bonus (all Districts that allow Multi-Family Residential Uses)
  - CBD Floor Area Ratio (FAR) Bonus (Article 17, Section 17.5)
  - Riverfront Gateway height and density bonuses (Article 18, Section 18.13)

The applicant shall be required to provide all of the information related to number of units, rental rate/sale prices, bedroom mix, AMI levels. The CPC staff will be required to perform an analysis of this information in the staff report (if applicable) and confirm that it meets the requirements.

### *Policy Actions Recommendations*

- A Qualitative AHIS could be required of any policy analysis done by the City Planning Commission or the Office of Community Development (OCD). This could include the following: Master Plan amendments, special studies (i.e. Algiers Multi-Family Housing Zoning Standards Study, Short Term Rental Study, etc.), neighborhood plans, etc.
- The City Council can request that the CPC or OCD conduct a Qualitative AHIS within 60 days for any legislation that they wish to consider.

### *Federal and State Funding Tracking Recommendations*

- The Office of Community Development shall conduct a Quantitative AHIS for any project that receives funding from the City (Federal, State, or local NHIF funds) to provide affordable housing.

## A. Existing Conditions

### Affordable Housing Impact Statement Study Background

The Affordable Housing Impact Statement is a tool used in various forms by cities such as San Diego, Austin, and most recently, Atlanta to assess the impact housing related actions might have on the municipalities' affordable housing stock. The impetuses for the City Council requesting this study are the recent housing and market reports showing the urgent need for the preservation and new construction of affordable housing in the City of New Orleans. The reports indicate New Orleans is currently in an affordable housing crisis and the rising cost of housing is being felt by residents in most income brackets. Understanding the critical need for additional affordable housing and the preservation of existing affordable housing, the collection of housing data will provide the tracking information necessary to assess the affordable housing supply. The purpose of this Affordable Housing Impact Statement Study is to examine the best practices of other cities collecting affordable housing data in the form of an impact statement and make recommendations for how this tool might be useful in gathering and analyzing housing data in the City of New Orleans.

### 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 asserts that the failure of the local housing market to supply affordable housing units makes the City of New Orleans increasingly unaffordable for low income families and individuals. Thus, the City Council directs the City Planning Commission to study how affordable housing impact can be assessed as part of land-use and building applications using an Affordable Housing Impact Statement or other mechanism to obtain data.

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.

## Scope of Work

The City Planning Commission used the City Council Motion M-16-167 as a guide for the study. The motion specifically directs the City Planning Commission to consider how affordable housing impact can be assessed as part of land use and building applications. The City Planning Commission expanded the scope to consider other possibilities for which measuring housing data could be used in the City of New Orleans.

## Study Goals

The City Planning Commission staff developed the following goals and objectives to guide the Affordable Housing Impact Statement Study and its recommendations:

- Ensure the collection of data will provide meaningful information that can be used to assist the community and decision makers.
- Develop a tool that does not create unnecessary tasks for city employees and housing developers.
- Recommend ways in which the data can be used by decision makers to track progress.
- Develop baseline data on housing in the City.
- Recommend any additional qualitative analysis that may be desirable for decisions related to policy changes.

## New Orleans Affordable Housing

### Definition of affordable housing

Though this study is limited in scope and is not intended to be a housing study, it is important to define what is meant by affordable housing. The term affordable housing is used to describe housing, rental or owner-occupied, that is affordable no matter what one's income is. 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.<sup>1</sup> When the government addresses affordable housing, it typically means affordable for families or individuals in the middle or lower end of the income scale. Income limits for affordable housing programs are calculated using Area Medium Income (AMI) – meaning one half of the families earn more and one half of the families earn less. AMI is not an average of the area's earnings, it is the median (middle point) of all families income. For a 4-person household in New Orleans, the AMI is currently \$60,000. This is important to consider since a family earning \$1 million annually and being able to afford \$333,000 in housing costs is not considered a family who is housing cost burdened as compared to a family earning \$37,146 (the median income in New Orleans) annually and paying \$11,143 toward housing costs. Families whose incomes are at or below the AMI feel the effects of rising housing costs

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<sup>1</sup> U.S. Department of Housing and Urban Development

much more devastatingly than a family that is well above the AMI level since more of their income must be allocated toward housing costs. Finally, it should be noted, affordable housing does not necessarily mean subsidized housing though many affordable housing units are subsidized through federal and state grants, tax credit allocations, provision of public housing, housing choice vouchers, etc.

### Is New Orleans experiencing an Affordable Housing Crisis?

Recent reports indicate New Orleans is indeed in a housing crisis.<sup>2</sup> However, New Orleans is not alone. Nationally, housing costs for both owners and renters have been rising since the 2008 recession while wages have remained relatively stagnant. According to a Harvard Joint Study 2016 report, the country is experiencing its lowest level of homeownership in almost 50 years resulting in more people competing for rental property.<sup>3</sup> Currently, the rental market makes up more than 36% of US households, which is the largest it's been since the 1960's as stated in the report. The result of the housing crisis has led to an increase in the number of cost-burdened and severely cost burdened renters nationwide resulting in a record 11.4 million severely cost-burdened renters in 2015. The effects are being felt particularly in the nation's urban areas.

In the past 10 plus years, housing costs for New Orleans renters and owners have steadily increased along with the rest of the country. New Orleans' housing affordability struggle has been due to the economic recession felt nationwide compounded by the effects of Hurricane Katrina in 2005. The local effects felt by of the loss of rental stock and the rise in renter population due to barriers to homeownership has caused more than seventy (70%) percent of New Orleans households paying one-third or more of their income towards housing costs.<sup>4</sup> The consequences of having so many residents struggling to pay for housing affects the well-being of families who face having to choose between paying for housing or reduce spending on other necessities. This instability leads to a continuing cycle of poverty as families are not able to make long-term investments in their future.<sup>5</sup> The effects of widespread poverty ultimately impact all residents since cities with high poverty have many other social issues. Thus, addressing the affordable housing crisis is crucial to New Orleans future success.

### Current Actions Addressing New Orleans Affordability

#### Housing For a Resilient New Orleans – A Five-Year Strategy

In response to the housing crisis, the City and its partners have developed Housing For a Resilient New Orleans – A Five Year Strategy, 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

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<sup>2</sup> <http://www.uno.edu/cola/planning-and-urban-studies/dccs/State-of-Housing-in-Louisiana-2015.pdf>. HousingNOLA 10 Year Strategy and Implementation Report, December, 2015

<sup>3</sup> Joint Center for Housing Studies of Harvard University, The State of the Nation's Housing, [http://www.jchs.harvard.edu/research/state\\_nations\\_housing](http://www.jchs.harvard.edu/research/state_nations_housing)

<sup>4</sup> HousingNOLA 10 Year Strategy and Implementation Report. December, 2015

<sup>5</sup> <http://www.uno.edu/cola/planning-and-urban-studies/dccs/State-of-Housing-in-Louisiana-2015.pdf>.

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.

□ HousingNOLA – 10 Year Strategy

HousingNOLA is a plan intended to provide guidance for City of New Orleans and other governmental agencies as well as the city's non-profit and private sector developers to achieve affordability for the city's residents in housing at all levels. The plan was released at the end of 2015 having had support from numerous national and local foundations and inclusive engagement with community members and numerous stakeholders. The plan was created over the course of a year and looks back at how New Orleans current housing situation came about and used that information to create goals and a framework for measuring successes and prioritizing housing policy that will benefit residents at all income levels throughout the city's many neighborhoods. The plan calls for creating a scorecard once a year throughout the 10-year plan to monitor benchmarks.

□ Amending the Plan for the 21<sup>st</sup> Century

In August 2010, the City Council voted to adopt the "A Plan for the 21<sup>st</sup> Century: New Orleans 2030" in August 2010. Commonly referred to as the Master Plan, the plan is designed to provide New Orleans with the framework to move it through the next 20 years. As written, the plan is heavily focused on recovery from the devastating effects of Hurricane Katrina and the subsequent failures of the levee systems. While disaster recovery was the immediate priority, the need to plan for the city's long-term future is also necessary. Thus, the City Planning Commission has opened the 2<sup>nd</sup> Master Plan Amendment period to reconsider the core systems that shape New Orleans' physical, social, environmental, and economic conditions. The Master Plan, as it is currently written, is focused on post-disaster recovery and does not provide explicit direction for how the city should be addressing residents' housing needs. Thus, the City Planning Commission and its partners are envisioning amending the housing section of the Master Plan to create the framework that will allow for inclusive and affordable housing options throughout the city.

## B. Description of Affordable Housing Impact Statements

### Definition of Impact

Impact, as it relates to affordable housing, is the number of housing units that are added to or subtracted from the affordable housing supply when housing is constructed, renovated, demolished, or changed to another use. By any of these development actions, affordable housing units may be added to or subtracted from the affordable housing supply creating an impact on the availability of affordable housing units. Affordable housing may also be impacted when policy, zoning, and comprehensive plan decisions are considered. Measuring the impact a developmental action has on available housing units at various income levels in the form of an impact statement allows for the collection of data and provides a means for tracking the availability of affordable housing in the City of New Orleans.

### Affordable Housing Impact Statement Types

To date, there are only a few models of Affordable Housing Impact Statements. The section on National Best Practices goes into detail about the different types of Affordable Housing Impact Statements in the cities that have implemented them, how they've been used, and the lessons learned. The staff has determined that there are basically three different types of AHIS which are currently being used or are being considered in other municipalities. A summary of each is listed below:

#### Qualitative AHIS

A qualitative AHIS is a non-project based assessment that looks at how affordable housing might be affected when an ordinance, policy, comprehensive plan, regulations, or fees are enacted or changed.

#### Quantitative AHIS

A quantitative AHIS considers how many affordable housing units are added or subtracted at various income levels when a specific development is proposed.

#### Combination of Qualitative and Quantitative AHIS

A combined AHIS considers both the project-based impact a development proposal would have on the affordable housing supply as well as how land-use and policy decisions will affect the municipality's affordable housing stock.

### Assessment of Impacts of Affordable Housing Impact Statements

The public comments received outline some of the major benefits and issues associated with Affordable Housing Impact Statements, which are summarized on the next page.

## Benefits of Affordable Housing Impact Statements

The proponents of Affordable Housing Impact Statements cite the data-providing benefit an AHIS can provide as reasons why the city should implement an impact statement requirement. The benefits outlined by the proponents are based on the need to better understand how affordable housing stock is changing as properties are either being added to or removed from the housing supply pool.

The proponents state that the key benefit of an Affordable Housing Impact Statement is that the implementation of an AHIS would provide the city, developers, stakeholders, and citizen's real-time housing data. These data are important for the city and all of the city's stakeholders to understand the current housing market and to make data-driven informed decisions. Proponents state that AHIS can foster a deeper public understanding of how housing is a policy issue and that it could increase the city's competitiveness in obtaining federal and state funding utilizing the information obtained through an AHIS. Several proponents mentioned that New Orleans is not in a crisis of housing production, but in a crisis of available affordable housing and therefore needs data on current housing conditions.

The proponents say that AHIS could be used as an accountability tool to monitor the city's progress in its housing goal commitments. AHIS could provide a means to compare the estimated benefits of policy proposals. It could serve as a tracking system that would be available to anyone interested in monitoring the city's programs and development patterns. The proponents state that an AHIS would enable developers, policymakers, and citizens to understand how many vacant and blighted structures are being put back into commerce. Proponents state that the data could be used to track affordable housing losses, which will assist in determining which areas of the city are in need of programs and incentives.

Finally, the proponents state that Affordable Housing Impact Statements are not intended to cause extra burdens on developers seeking to create affordable or market rate housing. AHIS will not require any more time or money other than what is required for filling out a building permit. Implementing AHIS would not slow development down, but would empower those developers with data to make the best decision given the current conditions.

In summary, the proponents cite the follow major benefits of Affordable Housing Impact Statements:

- Affordable Housing Impact Statements would provide accurate real-time data to allow informed data-driven decisions.
- The Affordable Housing Impact Statement will provide an understanding of housing initiatives and whether they are succeeding or not.
- The impact statements will provide the data to increase New Orleans' competitiveness in applying for funding.
- The impact statements can be used as an accountability tool for the city's policies.
- Impact statements will empower developers with data.

## Possible Negative Consequences of Affordable Housing Impact Statements

Opponents of the implementation of an Affordable Housing Impact Statement requirement are concerned about the effect an Affordable Housing Impact Statement requirement will have on developers. The concerns are listed individually below, but are mostly attributed to the possibility of increased fees and time that would be imposed on a developer should the impact statement requirement be imposed. These concerns were expressed at the public hearing and at a meeting between the Home Builders Association and City Planning staff.

As mentioned, the overreaching concerns of the opponents are the increased fees that would be imposed and the time that it would take the developers to compile the information needed to complete the Affordable Housing Impact Statement. Opponents are concerned that building permits will be held up or not processed if developer does not provide housing information. If the requirement is implemented, there are no new fees that would be associated with the impact statement since the additional information would be obtained when a developer is filling out applications and paying for a building permit. Filling out the information may take a developer a short amount of extra time, but would not be significant since the developer would most likely know the information being asked already.

Another concern stated by the opponents is that an AHIS is unnecessary since affordable housing information is readily available to those who want or need the information. A question was raised as to whether the city needs to be collecting data since it is not known whether there is an affordable housing shortage in the city. Opponents cited available housing listed on popular websites and also pointed out the many blighted houses and vacant lots that could be added to the housing supply to lessen the demand for affordable housing in the city.

Opponents stated that collecting this data is an extra burden imposed on developers that would slow down the process, particularly "mom and pop" small developers. Additionally, the cost of having to complete an AHIS would be passed on to renters by developers not able to absorb the cost of the requirement; thus, defeating the purpose of providing affordable housing to low income residents. Rather than imposing more requirements on developers, opponents argue that the city should be providing developers with more incentives.

Finally, the opponents say that New Orleans' housing market is unique and should not be compared to other cities using AHIS. Opponents state New Orleans is a much smaller city than Atlanta or San Diego and should not be held to an apples-to-apples comparison. Opponents argue that AHIS has been implemented in San Francisco and Boston but repealed since AHIS did not work in those cities. In another section, the staff will look at how AHIS has been implemented in other cities, including San Diego, Austin, and Atlanta.

In summary, the opponents of Affordable Housing Impact Statements cite the following negative impacts as the source of their opposition:

- AHIS is premature without a conclusive housing study.
- Increased fees and time imposed on developers with an Affordable Housing Impact Statement Requirement.

- Affordable Housing Impact Statements will not provide any new information since this information is readily available.
- New Orleans does not have a housing shortage and there are blighted and vacant properties available as well as a substantial amount of affordable properties available on listing sites.
- Affordable Housing Impact Statements will impose a greater burden on small developers.
- The cost of an Affordable Housing Impact Statement requirement will be passed on to renters.
- New Orleans is unique and should not be compared to other cities currently using an Affordable Housing Impact Statements.
- AHIS will lead to additional requirements that will be a more significant burden on developers, as they have seen happen other cities.

## Use of Affordable Housing Impact Statements

### Building Permit Applications

The Department of Safety and Permits is responsible for administering and enforcing standards for construction and the use of buildings and property. Therefore, the Department of Safety and Permits requires the owner of a property to obtain a building permit for all new construction, repairing, altering, or demolishing an existing building. Tracking data at the point when a building permit application is submitted would allow the city to obtain all housing data, including affordable housing data.

The city's Master Application for building permits already requests the applicant to provide information on whether the building permit is for a commercial or residential use and includes a box for the type of residential building permit the applicant is seeking including, single-, two-, or multi-family. In addition, the application also includes categories such as Residential (Half of a Party Wall Double), Residential (Accessory Use), Commercial (Mixed Use), and Commercial (Accessory Use). The application also asks the applicant to provide the number of bedrooms a single- or two-family development would provide and if multi-family or commercial how many units would be provided and if each unit would provide one, two, or three or more units.

Though the building permit application is already tracking much of the information desired in implementing an affordable housing data collection system, the staff believes there are other areas in which data could be captured on the building permit application in order to track affordable housing data. For instance, the building permit application captures the information about what the property will contain if the building permit is approved. But unless a demolition permit is requested, the building permit does not capture any information about what currently exists on the property, if anything.

The staff believes that in addition to capturing data on the type of unit and the number of units the development would provide, the application could request the applicant to provide information on the projected price of the unit(s) if it is going to be a for-sale unit. If the unit(s) is going to be offered for rent, the application could include the projected rental rate of the unit(s). This information could also be requested for existing units if there are any. Obtaining this data

would provide the mechanism for tracking affordable housing data in terms of determining housing units that are existing, the removal of housing units, and whether units are being added to or being subtracted from the affordable housing supply.

### Land Use Decisions

The decision to grant a land use request is based on several factors. When considering a land use request, the City Council considers whether the request is consistent with the Plan for the 21<sup>st</sup> Century, specifically the Future Land Use Map designation. Other considerations taken into account are the development pattern of the area, the historic land use of the site, traffic and parking impacts, impacts on the surrounding neighborhood, etc. Considering affordable housing as part of a land use decision may apply to some land use requests, but will not be applicable to all decisions. Therefore, implementing an AHIS requirement does not seem appropriate for all land use decisions.

The Comprehensive Zoning Ordinance includes a provision for development bonuses for affordable housing in Planned Developments, all multi-family districts, the Central Business District, and the Riverfront Overlay. In these instances, a Quantitative AHIS should be included as part of the application. Since these applications are specifically geared toward obtaining a development bonus for the provision of affordable housing at specific AMI levels, the applicant should be required to provide information stating the affordable units provided and at which income level. The City Planning Commission staff could then perform a quantitative analysis to ensure the requirements of the bonus are being met.

### Policy Actions

An Affordable Housing Impact Statement could provide a means to compare estimated benefits of policy proposals and could also provide the data to allow for long-term accountability of said policies. In regards to an AHIS for considerations of policy, the staff believes a Qualitative AHIS would be the appropriate tool in this instance. A Qualitative AHIS could be conducted for blight reduction, city-owned property sales, Master Plan Updates, special studies (i.e. Algiers Multi-Family Housing Zoning Standards Study, Short Term Rental Study, etc.), establishment of new historic districts controlled by the Historic District Landmarks Commission, neighborhood plans, etc. Depending on the proposed policy, the analysis could be conducted by the City Planning Commission or Office of Community Development. In addition, a Qualitative AHIS could be conducted by the City Planning Commission or Office of Community Development for any legislative action that City Council requests and AHIS.

### Federal and State Funding Tracking

The New Orleans Office of Community Development (OCD) is the agency responsible for managing the funds the city receives for formula grants for community development and the development of affordable housing. These include the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), the Housing Opportunities for Persons with AIDS Grant (HOPWA), and the Emergency Solutions Program Grant (ESG). In

addition, OCD works along with other departments to monitor and implement city initiated programs, such as the recently executed Soft Second Mortgage Program.

Though the Office of Community Development is already tasked with reporting the use of housing funds the city receives through various programs, the staff believes it would be beneficial to include a requirement of the city's Office of Community Development to conduct a Quantitative AHIS for any project that receives funding from any of the programs overseen by OCD, including Federal, State, or local Neighborhood Housing Improvement Fund (NHIF) funds. Requiring an AHIS for these projects will, on a broad scale, allow the city and anyone interested to track the city's progress in meeting its housing goals while also providing data to identify new programs that may benefit the city's affordable housing supply.

## C. Nationwide Best Practices in Affordable Housing Impact Statements

In order to evaluate Affordable Housing Impact Statements (AHIS), it is important to understand how they are being used in other cities and what New Orleans can learn from other cities' experiences. Affordable Housing Impact Statements, or similar legislation, is in place in the following cities:

- San Diego, California
- Montgomery County, Maryland (suburban Washington DC)
- Austin, Texas
- Atlanta, Georgia

In addition to the municipalities above, proposals for Affordable Housing Impact Statements are being considered in Los Angeles, Pittsburg, Albany, and Multnomah County Oregon (Portland). For each city that has adopted AHIS, the staff will summarize the AHIS requirements including what data is collected, when data is collected, how the data is used, how it impacts decision making, and how the AHIS fits within the city's housing policies. Finally, the staff will summarize the overall lesson learned for all of these cities' experiences with Affordable Housing Impact Statements and what insights can be used for New Orleans.

### San Diego, California

#### AHIS Summary<sup>1</sup>

San Diego, California has the oldest Affordable Housing Impact Statement requirement, which went into effect in 1999. The Housing Impact Statement was put in place by a policy memorandum to the Planning and Development Services Departments requiring them as part of staff reports to the Planning Commission and City Council on land use and development projects.

#### Data Collection

Housing Impact Statements are developed by city staff as part of their report on land use and development proposals for the following types of proposals:

- Build, rehabilitate, or demolish housing;
- Rezoning and redesignating land in the community plan;
- Commercial and industrial developments;
- Increase or decrease in any development fees; and
- Modify development processing regulations or Land Development Code provisions related to residential development.

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<sup>1</sup> Data in this section primarily comes from the following sources:

[http://mediad.publicbroadcasting.net/p/wabe/files/AHIS\\_Report\\_for\\_Atlanta\\_FINAL\\_version.pdf](http://mediad.publicbroadcasting.net/p/wabe/files/AHIS_Report_for_Atlanta_FINAL_version.pdf) &  
[http://www.montgomeryplanningboard.org/meetings\\_archive/03\\_meeting\\_archive/agenda\\_072403\\_files/item1g\\_072403.pdf](http://www.montgomeryplanningboard.org/meetings_archive/03_meeting_archive/agenda_072403_files/item1g_072403.pdf)

## Atlanta, Georgia

### AHIS Summary

Atlanta, Georgia has the newest Affordable Housing Impact Statement requirement, which passed in November 2015 and just went into effect on July 1, 2016.<sup>11</sup> Affordable Housing Impact Statements are required for any legislation that would 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.

Any Councilmember or Department that wanted to propose legislation impacting affordable housing is required to submit a draft of the legislation to the City's Office of Housing which produces an Affordable Housing Impact Statement within 10 business days. In addition, the Office of Housing provides a yearly report on the number of units created, per the Affordable Housing Impact Statements, that were funded with public funds.

### Data Collection

The purpose of the Affordable Housing Impact Statements in Atlanta is to quantify the impact any legislation would have on affordable housing at certain income levels. It appears that their affordable housing impact statements are limited to government policies, the City's Comprehensive Plan, and government funded housing projects. It is unclear, but it does not appear that this would apply to zoning change, conditional use, site plan, and other land use or development applications. As a result, the Affordable Housing Impact Statements attempt to provide quantitative analysis to often qualitative policies. For each Affordable Housing Impact Statement, the Office of Housing estimates the legislation's impact on the affordable housing stock of the City of Atlanta over the thirty year period. Each Affordable Housing Impact Statement takes the following form:

- Adding \_\_\_ or decreasing \_\_\_ units affordable at 30 or below percent of the City of Atlanta Area Median Income (AMI);
- Adding \_\_\_ or decreasing \_\_\_ units affordable between 30.01 and 50 percent of AMI;
- Adding \_\_\_ or decreasing \_\_\_ units affordable at between 50.01 and 80 percent of AMI;
- Adding \_\_\_ or decreasing \_\_\_ units affordable at over 80 percent of AMI.

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<sup>11</sup> [http://atlantacityga.igim2.com/Citizens/Detail\\_LegiFile.aspx?MeetingID=1446&ID=5800](http://atlantacityga.igim2.com/Citizens/Detail_LegiFile.aspx?MeetingID=1446&ID=5800)

## *Overall Housing Policy*

Other communities use affordable housing impacts statements to determine compliance with inclusionary zoning requirements and/or affordable housing incentives. Atlanta does not have comprehensive policies to address affordable housing. Atlanta's Office of Housing appears to focus on administering Federal grant funds (CDBG, HOME, NSP, Section 8, etc.) and compliance with Federal Fair Housing Act requirements. Atlanta's Affordable Housing Impact Statement requirement appears to be a first step towards addressing housing affordability in their community.

## *Lessons Learned*

Atlanta's Affordable Housing Impact Statement requirement appears to take Austin's model a step further by trying to quantify the impact of qualitative legislation based on set levels of housing affordability. Atlanta's model just went into effect in July, 2016, so there is not much perspective on how well their statements work. Their statements will likely work very well for calculating the affordable levels in projects funded with federal, state, and local grant funds. However, it is less clear how they will calculate the impacts policy changes will have housing units at certain income levels.<sup>12</sup>

## **AHIS Proposals in Other Cities**

### *Los Angeles, California*

In January 2016, a Los Angeles City Councilmember introduced a motion to have the Department of City Planning develop an ordinance requiring Affordable Housing Impact Statements.<sup>13</sup> The ordinance would require the City to prepare an AHIS for any legislative action on proposed developments. The AHIS would require an impact analysis which includes information regarding the types of housing proposed, the target market demographics, the number of affordable dwelling units within the development, and the number of dwelling units proposed to be demolished. This motion is still in a City Council Committee.

### *Pittsburg, Pennsylvania*

An ordinance was introduced in October 2015 to require affordable housing impact statements for certain development projects that require planned development or site plan reviews by the Planning Commission.<sup>14</sup> This proposed Ordinance is still in City Council Committee. A companion "Source of Income" bill, which prohibits landlords from discriminating against tenants who use vouchers to pay their rent, passed in December, 2015.

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<sup>12</sup> For example, if this requirement were in effect in the development of Short Term Rental regulations in New Orleans, it would be very difficult to estimate how many units would be gained or lost at 30-50% AMI.

<sup>13</sup> Motion 16-0067: [http://clkrep.lacity.org/online/docs/2016/16-0067\\_mot\\_01-15-2016.pdf](http://clkrep.lacity.org/online/docs/2016/16-0067_mot_01-15-2016.pdf)

<sup>14</sup> Ordinance File # 2015-2063:

<https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=2473516&GUID=927EEDB7-10F5-4AE3-9A35-89855AD6ED9B&Options=ID|Text|&Search=affordable+housing+impact+statement>

### *Albany, New York*

In March 2016, a Council Member proposed a local law to require an Affordable Housing Impact Statement prior to the introduction of any legislation that impacts the affordable housing stock.<sup>15</sup> This proposal is based on the Atlanta model that would require a quantitative analysis of the number of affordable units at certain levels to be gained or lost as a result of the legislation.

### *Multnomah County/Portland Oregon*

Proposals for Affordable Housing Impact Statements are being considered by both Multnomah County and the City of Portland. Currently, no legislation has been introduced.<sup>16</sup>

### **Assessment of Regulations in Other Cities**

Based on the research on other cities' Affordable Housing Impact Statements, there are two models that have been used. The first model, used by San Diego and Montgomery County, is a project-based model that calculates how many total housing units and affordable housing units would be gained and/or lost as a result of a particular project. This model is used for specific developments, so it is much easier to calculate how many units will be created or eliminated based on information provided by the applicant. In addition, these cities have requirements and/or incentives for providing affordable housing, so these statements are more assessment of compliance with requirements or meeting the standards for a particular incentive.

The second model is used by Austin, which is focused on the impacts legislation, ordinances, rules, processes, and fees enacted by the City would have on housing affordability, including land availability, cost, and regulatory barriers for affordable housing development. Since the Austin model is based on the policy decision, their affordability impact statements have a determination if the policy will increase or decrease housing affordability in conjunction with a qualitative analysis.

Atlanta's Affordable Housing Impact Statement is a hybrid of these two models. Atlanta requires a quantitative assessment of how many units will be added or lost at certain levels of affordability. This analysis applies to both development projects and policy changes. Atlanta's program just went into effect in July 2016, so there is not much of a track record to evaluate.

The goal of all of these Affordable Housing Impact Statement requirements is to provide more information to decision makers on the impact proposed projects and legislation would have on affordable housing. If the goal is to calculate the change in affordable housing units, a new model would be required. Based on these cities' experiences, here are some key lessons for affordable housing impact statements in New Orleans:

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<sup>15</sup> Local Law D - 2016:

[http://www.albanyny.org/Libraries/Common\\_Council\\_Agendas\\_and\\_Minutes/March\\_21\\_2016\\_3.sfilb.ashx](http://www.albanyny.org/Libraries/Common_Council_Agendas_and_Minutes/March_21_2016_3.sfilb.ashx)

<sup>16</sup> <http://www.kboo.org/media/50372-housing-activist-proposes-model-ordinance-affordable-housing-impact-statements>

- The goal of all of affordable housing impact statements was to provide additional information for decision makers.
- A quantitative analysis, where the data comes from the property owner or the applicant, is more appropriate for project or development based affordable housing impact statements.
- A qualitative analysis is more appropriate for policy or regulatory based affordable housing impact statements. This analysis is typically conducted by city staff.
- A quantitative analysis is useful for projects that are seeking incentives or are required to provide affordable housing units.

## D. Public Input on Affordable Housing Impact Statement Study

Public input is an important part of any planning study. As directed in the City Council Motion, the City Planning Commission held a Public Hearing and the City Planning Commission staff met with community groups who showed interest in the study to obtain input, which helped guide the study.

### Public Input Received

#### Public Hearing

On Tuesday, July 12, 2016, the City Planning Commission held a public hearing to get input on the Affordable Housing Impact Statement Study. At this meeting, each person was given up to one minute to speak and each side, proponents and opponents, were allowed a maximum of 30 minutes. 31 people signed in or filled out a comment card (all sign in sheets and comment cards are included in the attachments). Video of the City Planning Commission Public Hearing and all public comments can be found at the following link:

[http://cityofno.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2388](http://cityofno.granicus.com/MediaPlayer.php?view_id=2&clip_id=2388)

#### Written Comments

In addition to the public hearing, the City Planning Commission has received written public comments by mail, by email to [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov) or directly to CPC staff members, or in person at the public hearing. By August 15, 2016, the City Planning Commission has received \_\_\_ written comments on the Affordable Housing Impact Statement Study.

#### Additional Meetings

As a follow up to the public hearing, the City Planning Commission staff met with various groups to meetings to have a conversation on the Affordable Housing Impact Statement Study. The City Planning Commission staff met with the following organizations:

- State and Municipal Action for Results Today – Agenda for Legislative Empowerment and Collaboration (SMART ALEC)
- Home Builders Association of Greater New Orleans
- HousingNOLA
- Vieux Carre Property Owner and Resident Association

The City Planning Commission staff also held a meeting with the City's governmental agencies including the Office of Community Development and the Mayor's Office regarding this study.

## Summary of Public Comments

The City Planning Commission received public comments addressing the benefits and negative impacts an affordable housing impact statement requirement would have on the City of New Orleans in regards to affordable housing. The comments received at the public hearing, in meetings with City Planning staff, and through written submittals are summarized below.

Several public comments included the benefits of Affordable Housing Impact Statements (AHIS) and ways in which Affordable Housing Impact Statements could be useful for the purpose of collecting data. Comments were made in this regard to express that AHIS would allow decisions to be made based on the collection of data. Comments also suggested that AHIS could be a valuable tool in understanding housing numbers.

Several comments said that an Affordable Housing Impact Statement requirement would be too burdensome, especially for small developers. Some comments expressed concern that development costs would go up and that an AHIS requirement would not provide anything new. There are concerns that development costs would increase and subsequently hinder affordable housing development. Some commenters felt that the city should incentivize development and not create more regulations.

Some comments focused on other ways to increase affordable housing development including reviewing utility cost and looking at the city's vacant housing units. In addition, some comments were made about New Orleans being different than other cities and that we are in a unique situation compared to cities like Atlanta, Houston, and Los Angeles. It was also stated that we should clarify what affordability is and how AHIS is going to be used. Concerns about AHIS being used as a first step in creating burdensome policy decisions are one of the main reasons some commenters are opposed to AHIS.

## E. Affordable Housing Impact Statement Study Recommendations

Housing data obtained on individual properties or developments enables decision makers to determine where affordable housing inclusion, conversion, or loss is occurring. Data collection helps governmental and non-governmental agencies to determine where to allocate appropriate resources and allows a data-driven review of whether actions are needed to prevent properties from removal from the affordable housing inventory. As stated in earlier sections of this report, the staff considers Affordable Housing Impact Statements to fall into three categories, quantitative, qualitative, and a combination of quantitative and qualitative. Based on the analysis, the staff has determined that housing data collection would assist with determining the estimated impact on the city's affordable housing stock with the submission of a building permit, in certain land use categories, when policy or legislation is being considered, and when city agencies receive federal or state funding for affordable housing. The specific recommendations are listed below.

### Permit Application Recommendations

- An AHIS shall be required for all building permits adding, modifying, subtracting housing units.
- An AHIS shall be required for mixed use developments including both commercial and residential development, and shall include information whether the development will be adding, modifying, or removing housing units.
- The applicant shall be required to fill in requested housing data information on the building permit application to the best of their ability provided the information is available. If information is not available at the time of submission, the building permit shall not be denied based on missing information.
- An AHIS shall be required for demolition permits affecting the removal of housing units.

The Department of Safety and Permits will need to revise the building permit application to include the check-boxes for capturing housing data and will also need to enter the information into the city's database. The staff recommends adding the following two tables to the building permit application, but understands that modifications may be needed in order for permit processing operations to run smoothly.

Addition of Dwelling Units (Increase)		
Number of Bedrooms/Unit	Number of Units	Projected: Sales Price or Monthly Rent per Unit (Range)
Studio/0	+	
1	+	
2	+	
3	+	
4	+	
5+	+	
<b>Total Units:</b>	+	

Reduction of Dwelling Units (Decrease)		
Number of Bedrooms/Unit	Number of Units	Projected: Sales Price or Monthly Rent per Unit (Range)
Studio/0	-	
1	-	
2	-	
3	-	
4	-	
5+	-	
<b>Total Units:</b>	-	

If information is unknown at the time of completion, please indicate so with 'N/A.'

### Land Use Decision Recommendations

- AHIS should not be required for most land use applications. Most land use applications are based on factors other than affordable housing (Master Plan Future Land Use Map designation consistency, development pattern, historic land use, etc.). Additionally, criteria for land use applications are enumerated in the Comprehensive Zoning Ordinance.
- A Quantitative AHIS shall be required for all land use applications that are requesting a development bonus for providing affordable housing, which includes the following:
  - o Planned Developments (Article 5)
  - o Multi-Family Density Bonus (all Districts that allow Multi-Family Residential Uses)
  - o CBD Floor Area Ratio (FAR) Bonus (Article 17, Section 17.5)
  - o Riverfront Gateway height and density bonuses (Article 18, Section 18.13)

The applicant shall be required to provide all of the information related to number of units, rental rate/sale prices, bedroom mix, AMI levels. The CPC staff will be required to do an analysis of this information in the staff report (if applicable) and confirm that it meets the requirements. The applicant shall be required to fill out the following table when requesting any one of the development bonuses listed in the Comprehensive Zoning Ordinance:

Affordable Housing Units			
Area Median Income Level (AMI)	Units Added	Units Lost	Bedroom Mix
30% or below of AMI	+	-	
31% to 50% of AMI	+	-	
51% to 80% of AMI	+	-	
<b>Total Units:</b>	+	-	

### Policy Actions Recommendations

- A Qualitative AHIS could be required of any policy analysis done by the City Planning Commission or the Office of Community Development (OCD). This could include the following: Master Plan amendments, special studies (i.e. Algiers Multi-Family Housing Zoning Standards Study, Short Term Rental Study, etc.), neighborhood plans, etc.
- The City Council can request that the CPC or OCD conduct a Qualitative AHIS within 60 days for any legislation that they wish to consider.

### Federal and State Funding Tracking Recommendations

- The Office of Community Development shall conduct a Quantitative AHIS for any project that receives funding from the City (Federal, State, or local NHIF funds) to provide affordable housing. Along with providing the project name, developer, and property address, the following table shall be used by the Office of Community Development to conduct the AHIS.

Affordable Housing Units			
Area Median Income Level (AMI)	Units Added	Units Lost	Bedroom Mix
30% or below of AMI	+	-	
31% to 50% of AMI	+	-	
51% to 80% of AMI	+	-	
Over 80% of AMI	+	-	
<b>Total Units:</b>	<b>+</b>	<b>-</b>	



an AHIS process that does not delay the development of projects, but merely collects a few real time data points for entry into a database measuring the city's progress on increasing affordability.

3. AHIS will 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.
4. AHIS will empower policy makers and stakeholders with meaningful information about the estimated impacts of housing policy decisions at the time the decisions are being made.

GNOHA offers the City Planning Commission any necessary assistance with this process, and hopes that the comments listed above will be given careful and necessary consideration. Please do not hesitate to contact me at 504-224-8301 or at [amorris@gnocha.org](mailto:amorris@gnocha.org) for more information.

Sincerely,



Andreanecia M. Morris

President, GNOHA Board of Governors

**Affordable Housing Impact Statement**

A RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE HOME INVESTMENT PARTNERSHIP PROGRAM CONTRACTUAL AGREEMENT WITH THE ATLANTA NEIGHBORHOOD DEVELOPMENT PARTNERSHIP FOR THE PURPOSE OF FACILITATING THE CONSTRUCTION, RECONSTRUCTION, AND REHABILITATION OF SMALL, AFFORDABLE RENTAL HOUSING AS WELL AS SINGLE FAMILY UNITS FOR SALE; AND FOR OTHER PURPOSES.

**Requirements**

Per the requirements of Ordinance 14-O-1614, Affordable Housing Impact Statements shall include a quantitative or numeric section that shall provide numeric estimates of impacts, quantifying numbers of units impacted at certain levels of affordability over the thirty year period following the enactment of the legislation; and a narrative section to provide an explanation of the analyses that led to the estimates.

Where the estimates are derived from existing grant applications or the basis of those estimates are otherwise straightforward, the narrative section shall state as such. Where the proposals being considered require the Office of Housing to draw upon their experience and expertise to come up with a projected impact, the narrative section shall specify what assumptions were used in creating the estimates.

**Quantitative/Numeric Section**

This legislation, if enacted, is estimated to have a projected impact upon the affordable housing stock of the City of Atlanta over the thirty year period following the enactment of the legislation by:

Adding   0   or decreasing   0   units affordable at 30 or below percent of the City of Atlanta Area Median Income (AMI); and

Adding   0   or decreasing   0   units affordable between 30.01 and 50 percent of AMI; and

Adding   4   or decreasing   0   units affordable at between 50.01 and 80 percent of AMI; and

Adding   0   or decreasing   0   units affordable at over 80 percent of AMI.

**Narrative Section**

This resolution will provide for the redevelopment of 4 existing, vacant single-family properties located in the Pittsburgh neighborhood (NPU V, Council District 12). The properties are owned by the Fulton County/City of Atlanta Land Bank Authority and will be transferred to the Atlanta Neighborhood Development Partnership, Inc. to be renovated and sold. The funding allocated in this resolution comes from the Georgia Department of Community Affairs HOME Investment Partnership Program, which requires units to be sold or rented to households at or below 80% of AMI. Additionally, units will remain

Attachment: Impact Statement for ANDP Resolution (8-11-16) (16-R-4251 : Affordable Rental Houses/Single Family Units For Sale)

affordable for 5-15 years based on the HOME assistance provided to the homebuyer. There is no requirement after initial occupancy that the household's income remain less than 80% of AMI. No housing is anticipated to be lost from this resolution. However, 4 units of affordable housing will be added to the City's housing stock.



CITY OF  
 PORTLAND, OREGON  
 PORTLAND HOUSING BUREAU

Commissioner Dan Saltzman  
 Kurt Creager, Director  
 421 SW 6<sup>th</sup> Avenue, Suite 500  
 Portland, OR 97204  
 (503) 823-2375  
 Fax (503) 823-2387  
 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 17<sup>th</sup> and Kearney located at 905 NW 17<sup>th</sup> Ave

**Project Description:**

Holland Acquisition Co., LLC has applied to PHB for the MULTE Program for their proposed mixed-use development, 17<sup>th</sup> & Kearney (the "Project"), at 905 NW 17<sup>th</sup> 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 17<sup>th</sup> and 18<sup>th</sup> 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
<b>Total</b>	<b>629 Average</b>	<b>139</b>	<b>28</b>	<b>\$945/\$1,048 Average</b>	<b>111</b>	<b>\$1,858/\$1,962 Average</b>

\*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 21<sup>st</sup> and 23<sup>rd</sup> 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.

## IMPACT STATEMENT

**Legislation title:** Approve application under the Multiple-Unit Limited Tax Exemption Program for 17<sup>th</sup> and Kearney located at 905 NW 17<sup>th</sup> 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

# 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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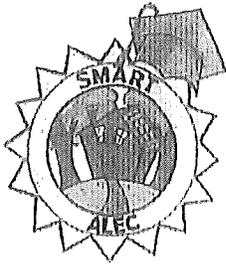
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Hard Knock Radioc

# New Orleans Comment #1



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

[www.smartalec.org](http://www.smartalec.org)

P.O. Box 3973, 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-hearin/>

<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](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](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](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](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](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](mailto: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](http://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