

10 Facts About Just Cause Eviction

1. **Just Cause Eviction promotes stability. Tenants stay in their homes longer and invest in their community and neighborhoods.**
2. **Just Cause Eviction prevents tenants from being evicted for no reason. Landlords can still evict tenants for cause. Cause includes tenants who fail to pay rent, violate their rental agreement or habitually accrue late fees and/or notices.**
3. **Over 15 cities and 7 states have some form of Just Cause Eviction laws. Portland OR, and Boston, MA are currently considering Just Cause Eviction ordinances. In the state of Washington, Seattle adopted a Just Cause Eviction ordinance in 1981 and Kent is currently considering a Just Cause Eviction ordinance. Vancouver modified its no cause termination laws.**
4. **Tenants report the number one reason for failing to obtain needed repairs is eviction or fear of eviction (Portland, OR Community Alliance of Tenants, 2013). A Just Cause Eviction ordinance will take away the fear for tenants who obey their rental agreement and pay rent on time.**
5. **A Just Cause Eviction is a less expensive than a rental inspection program to maintain and improve neighborhood conditions by empowering tenants to seek and obtain needed repairs to their rental homes and report building deficiencies to city agencies.**
6. **A Just Cause eviction ordinance prevents tenants from mass eviction when entire residential neighborhood properties are purchased for commercial development.**
7. **A Just Cause Eviction ordinance prevents discrimination in housing by requiring landlords to provide a reason to end tenancy and not hide behind a no cause notice.**
8. **Just Cause Eviction will promote tenants to organize and form tenant associations where they can collectively address condition issues and help improve neighborhoods.**
9. **Just Cause Eviction promotes stability in families by increasing success in education and employment.**
10. **Just Cause Eviction protects the most vulnerable members of our community: children, seniors, disabled, refugee and immigrant communities, and communities of color by ending the housing destabilization chain reaction.**



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Affordable, decent housing for all

Building research capacity at Community Alliance of Tenants: Just-cause eviction, housing inequity, and community collaborations

In collaboration with Pacific University, the Community Alliance of Tenants (CAT) is working to increase its capacity to do research. We aim to **use existing information to better understand housing issues** in Oregon, **collect new information to document the impact of no-cause eviction**, and **build relationships with culturally specific organizations** that also want to use information more systematically.

Current opportunities: CAT has received funding to enable work in the following areas . . .

No-cause eviction

Because Oregon law allows landlords to terminate rental agreements without providing a reason, people can lose their homes through no fault of their own (“no-cause eviction”). This policy may be having a disproportionate impact on people of color, immigrants and refugees, people with disabilities, older adults, and single parents, yet no-one really knows how much no-cause eviction is occurring. No-cause evictions may be affecting some communities more than others, or certain communities may be experiencing it in unique ways. We have discussed qualitative research to learn more about these experiences.

Impediments to Affordable Housing: The Portland Housing Bureau is currently conducting a city-wide survey about housing issues. The results of the survey could be used to answer many questions about how Portland residents are dealing with housing and the equity implications of the current housing market.

Research approach: Community-based participatory research (CBPR)

CBPR entails collaboration between trained scholars and community experts to pursue quality research that supports the goals of the people and organizations doing the research. A CBPR approach recognizes that each partner brings unique insights, skills, and needs to the collaboration. Key values for our present collaboration include:

- Conduct research that is directly applicable to policy decisions
- Use existing data when possible and minimize invasive data collection practices
- Consult with culturally specific organizations about the concerns, needs, and ideas their constituency has about research; use grant resources to acknowledge their contributions

An invitation to local organizations

We would love a chance to meet with potentially interested partner organizations to hear about: their **previous experience working with CAT and how they would like the relationship to continue** in the future, **how they see research being beneficial to their work** – whether they are currently doing research or would like to do it in the future; and **their input on the research** described above.

Anticipated challenges

- Building trust among people and organizations that have had conflicts in that past
- Creating research techniques that better reflect the experience of less powerful communities – without creating undue burden of being either researchers or subjects
- Integrating diverse stakeholders’ interests into projects with finite resources
- “Right-sizing” - projects meet a need and don’t overlap with other local projects, partnerships that let organizations can participate at the level that makes sense with them
- Pairing the slow pace of research with unpredictable and rapidly changing pace of policy

Contact people: Justin Buri at CAT (justin@oregoncat.org) and Moriah McSharry McGrath at Pacific University (moriah@pacificu.edu).

Draft Quality Rental Housing Workgroup Recommendations

February 13, 2013

Overview:

First convened in July 2007 to explore the issues of substandard housing, housing habitability, and environmental hazards in rental housing in Portland, the Quality Rental Housing Workgroup (QRHW) adopted a comprehensive suite of recommendations by consensus. These recommendations forwarded to Council in September 2008 resulted in the following achievements:

- ◆ **Code changes** to existing housing maintenance standards in Title 29 related to indoor environmental/health hazards including lead paint, mold, moisture, pests, sanitation and carbon monoxide.
- ◆ **Enhanced Inspections program pilot launched and evaluated** to show direct positive impact on landlords bringing housing conditions in east Portland up to code and enhancing health and equity for tenants.
- ◆ **Increased effectiveness of code enforcement procedures** including restructured fines and stronger collection mechanisms generating over \$2.45 million since FY 2008-2009 in additional revenue now supporting Neighborhood Inspections Team activities.
- ◆ **Clarification of rental housing as a business activity** distinct from home ownership and application of business license fees to all landlords generating an ongoing additional \$198,000 in general fund revenue.

Key stakeholders continue to collaborate effectively to address longstanding challenges using principles and relationships established in the first initial QRHW process. In July 2012, the group came together to review progress and develop recommendations to address critical elements of the 2008 package of recommendations not yet implemented. The workgroup took a hard look at finances and developed realistic estimates for a limited core set of activities. QRHW members would like Council to acknowledge these recommendations seek only essential funds that leverage partnerships, incorporate innovation gains at BDS, and maximize Citywide benefits by addressing root causes.

The recommendations institutionalize proven strategies that advance health, equity, and housing quality throughout the City. Again forwarded to Council with consensus support of the QRHW, the recommendations are designed to:

- ◆ Fill essential gaps in landlord and tenant education
- ◆ Strategically expand proven enhancements in the inspections system beyond the current pilot area, focusing resources to effectively help the most vulnerable
- ◆ Provide stable, dedicated support to rental housing inspections
- ◆ Improve overall data collection, tracking, and budget transparency regarding funding and performance on stated objectives

Recommendations

Process Description

The City of Portland contracted with Carri Munn from the consulting firm Solid Ground (formerly Decisions Decisions) to help design, manage, and facilitate the workgroup process. Over the course of five meetings, workgroup members evaluated progress, reviewed evaluation results from Oregon Public Health Institute, identified gaps and unmet needs, developed recommendations, and constructed funding scenarios supported by cost estimates for implementation.

Principles

Workgroup recommendations were developed with the following four underlying principles:

- Acknowledge responsibility of both landlords and tenants. Hold repeat offenders accountable for their behavior.
- Healthy housing is a crucial health support element of the City. Landlords engaged in the rental housing business directly impact housing quality, public health, and equity.
- Landlords and tenants need education about their rights and responsibilities, how to maintain healthy housing, and the housing maintenance requirements of Title 29.
- Funding required to enforce healthy rental housing should be provided by fines and fees levied for violations and cost recovery with additional budget gaps met by public funds.

State of Inspections Program

Caseload backlog

- The number of Housing Cases/Complaints for FY 12-13 (July-December) from FY 11-12 has increased 10% or 73 cases (from 742 to 815).
- The number of Priority 3 cases that have not been inspected as of December 31, 2012 is 110.
- The number of Housing Complaints not responded to within 1 month is 103 or 11.4%, in the Enhanced Complaint Districts the number is 82 or 29% out of 283 open cases.
- Citywide average: 17.2% of open cases not responded to within 5 business days. 104 have not been responded to within 15 days. Average response 8.5 days.
- Enhanced districts: 34.6% of open cases were not responded to in 5 business days. 17.5% are more than 15 days. Some over 30 days. Average response 15 days.
- While NIT doesn't have caseload expectation for inspectors in place as a productivity measure, the program estimates the average inspector has 219 field days per year.
- A Temporary Service Level Reduction went into effect on January 7, 2013. The current number of Housing Inspectors has decreased by 1 or 14% from 7 to 6 due to a vacancy.

Expected increase in volume by 50%

- Code change effective January 2013 makes enhanced system participation no longer optional. Expected impact based on current participation rates is a 50% increase. Of those who currently qualify for enhanced inspections, only half are voluntarily participating.

Increased collections

- Collection revenue going up. Stronger collection mechanisms generated over \$2.45 million since FY 2008-2009.
- Fines to be collected. Currently there is \$8.7 million in liens receivables and the amount is growing.

Enforcement tools limited

- Current NIT code hearings policy in place to protect tenants in extreme cases is ineffective. In today's economic environment, the cost of code hearings prohibits effective access to this enforcement mechanism. This leaves inspectors with the simple recourse of fines and liens, which fails to compel action among a percentage of repeat code violators.
- Affordable alternatives are needed to provide for tenant voice and vacate option when circumstances preclude safe habitability of a rental unit.

Summary of Recommendations

A full set of recommendations along with cost estimates are attached.

Prioritize Education, Equity, Evaluation, and Expansion of enhanced inspections.

Education. Educate those who are most vulnerable. To be effective, education needs to go beyond simple conversations with inspectors to include prevention-focused materials and targeted remediation resources.

- ◆ **Provide prevention education** when it is most needed: prior to inspection so that problems are prevented and during inspection to facilitate quick, collaborative remediation of issues. Finalize existing materials and make resources available online and in Spanish, Russian, Vietnamese and Chinese.
- ◆ **Partner with aligned institutions** to support prevention. Work with SUN system to educate providers to identify situations ripe for education and distribute resources to those who need them.
- ◆ **Continue to educate during inspections.** Case management matters. Collaborative problem solving among landlords and tenants requires active involvement and follow up from inspectors.
- ◆ **Provide resources at inspection** to increase compliance and support accountability.

Equity. Collection of ethnicity data and outcomes for traditionally at risk populations is essential to assess ongoing impact of the enhanced inspection system.

- ◆ Provide equity training to intake staff to support quality data collection.

- ◆ Expand relocation funds to ensure resources are available year-round to support families moving from housing found to be unsafe and uninhabitable.

Evaluation. Evaluate efficacy of public investment and substantiate impact.

- ◆ Initiate collection of ethnicity data in TRACS.
- ◆ Provide two-year evaluation of inspections data to assess outcomes.

Strategic Expansion of enhanced inspections.

- ◆ **Target limited inspection services to vulnerable people most at risk.** As housing quality improves, demand for inspections in enhanced inspection districts will decline over time. As capacity becomes available, the enhanced inspection system can expand Citywide to provide equity for everyone based on the system.
- ◆ **Staff at appropriate levels to meet response standards.** Factoring realistic inspector workload is essential to establishing adequate response times for both initial response and certification of repairs or assessment of penalties.
- ◆ **Continue to improve system efficiency.** Neighborhood Inspections Team Stakeholder Advisory Committee (NITSAC) will consider an administrative vacate policy as an efficient alternative to the current code hearings process and continue to use existing funds to take the worst cases to the codes hearing officer.

Research Based Case for Investment

Oregon Public Health Institute's Health Impact Assessment (HIA)¹ of the City of Portland's housing inspection programs compared the standard inspection model with the pilot enhanced model for rental housing in East Portland. The study, completed in 2012, found that the enhanced model has greater potential to contribute to improved health and health equity.

The steering committee for this HIA included representatives from Metro Multifamily Housing Association, Rental Housing Association of Greater Portland, Portland Bureau of Development Services, Community Alliance of Tenants, Multnomah County Health Department, and the Portland Housing Bureau. The project received funding from the Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts.

Health Impact Assessment Findings

Housing inspections and the subsequent improvements to housing conditions reduce the occurrence and severity of multiple health problems.

Healthy housing interventions are most effective when they address both housing conditions and tenant/landlord behaviors.

¹ HIAs are a policy and planning tool for providing decision-makers with information about how their proposed plans and policies will likely impact the health of the communities they serve. HIAs offer recommendations about how to maximize the health benefits and minimize negative health impacts of the decision, including an equity assessment of the relative distribution of benefits and burdens throughout the population.

- Research and best practices for housing-related health interventions demonstrate that education of landlords and tenants in combination with housing inspections is more effective than either service provided alone.
- The city's inspections program currently lacks an educational component for either for landlords or tenants. Educational materials and strategies for using them have been developed but due to the lack of funding for translation, distribution, and printing, BDS has not utilized them

The enhanced model reduces barriers to reporting and improves health equity.

The enhanced model is more effective in improving health-related housing conditions. Analysis of BDS's rental inspections data shows that a complaint made under the enhanced model produced 75% more improvements than those made under the standard model.

Inspections information and detailed data related to health outcomes would be useful to

- Help understand and quantify the health impacts of the inspections program, and help BDS and its public health partners develop educational materials and implement intervention programs.
- Help BDS determine which areas of the city would best benefit from the enhanced model and the additional staffing resources it requires.

Expanding the enhanced model will increase homes inspected and improved

- Strategically expanding the enhanced model to the three other BDS districts in North and Northeast with the highest rates of cost-burdened households would more than double the number of renter households covered.
- Enhanced inspections would not impose any additional burden on property-owners because the program is "self-limiting"

Funding Model

In accord with the QRHW's fourth principle, *Funding required to enforce healthy rental housing should be provided by fines and fees levied for violations and cost recovery and public funds*, and the additional commitment to *transparency in government*, the workgroup recommends the following means of funding investments in quality rental housing:

1. **Dedicate the business license exemption funds to NIT rental inspections program.** These revenues are the direct result of the 2008 QRHW recommendations removing exemptions for licensing for owners of 9 or fewer residential rental units. The exemption was removed for the purpose of enhancing performance standards in rental housing. These resources, or their equivalent, should be allocated directly for their intended purpose.
2. **Dedicate allocation of increased revenue from collections to increase capacity for enhanced inspectors.** NIT is still not at current or previous Service Levels with existing Housing Inspection Staff. A backlog of cases now grows larger with the end of optional participation in Enhanced Inspections. Staffing levels out of pace with the volume of violations threatens to reduce overall housing quality increasing the burden of health and equity impacts throughout Portland.

3. **Commit to convert current NIT general fund allocation from one time to ongoing funds.** Program stability and predictability play a critical role in maintaining overall quality of Portland's stock of rental housing. Reducing the capacity of inspectors results in delayed and deferred maintenance leaving more rental units out of compliance and more tenants at risk. High-performing landlords are supported by an effective system that promotes quality.
4. **Access NIT reserves to maintain capacity.** Set a threshold minimum for NIT capacity and allow NIT (and no other program) to access its reserves in excess of the 25% required by the BDS 5 year plan to maintain inspector capacity at minimum levels.
5. **Consider a limited time per-unit rental fee to meet present and future demand for Enhanced Complaint Inspections.** If the City commits to all of the above funding methods and demand for NIT services exceeds inspector capacity, one alternative may be to consider a small per-unit rental fee of \$3-\$5 to capitalize additional inspectors to manage current caseload backlog during transition to the full Enhanced Complaint inspection system and expand to North and Northeast Portland. Such a request should be approached in recognition of the financial demands placed on the Rental Housing Industry by recent or pending per-unit fee structures in adjacent municipalities.