



HUMAN SERVICES COMMITTEE

Agenda

Tuesday, September 20, 2011
12:00 pm

Madison Avenue Meeting Room
500 SW Madison

- | | |
|------------------------------------|---|
| Discussion/ Possible Action | I. Rental Housing Program Annual Report
(Attachment) |
| Discussion/ Possible Action | II. Willamette Neighborhood Housing Services Fourth
Quarter Report
(Attachment) |
| Discussion/ Possible Action | III. Municipal Code Review: Chapter 5.03, "Offenses"
(Trespass)
(Attachment) |
| Information | IV. Other Business |

Next Scheduled Meeting

Tuesday, October 4, 2011 at 12:00 pm
Madison Avenue Meeting Room, 500 SW Madison Ave

Agenda

Council Policy Reviews and Recommendations:

- 93-4.11, "Public Library Policy for Selecting and Discarding Materials"
- 99-4.14, "Use of City Hall Plaza and Kiosk"

MEMORANDUM

September 12, 2011

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director 

SUBJECT: FY 10-11 Corvallis Rental Housing Code/Program Annual Report

I. ISSUE

This report provides a summary of information that has been collected through the City's Rental Housing Program and related to the Rental Housing Code during its nine years of operation.

II. BACKGROUND

After two years of data collection and one year of program design, the City's Rental Housing Code (RHC) was implemented in July of 2002. The Code originally established standards in four areas (plumbing, heating, structural, and weatherization) that all Corvallis residential rental units must meet. In 2008, City Council added door locks, window latches, and smoke detectors to the Code. Enforcement of these standards is carried out by the Housing Division on a complaint-driven basis. Funding for code enforcement and delivery of the Rental Housing Program is derived from a per unit fee paid annually by rental property owners and managers. The original \$8 per unit fee was increased to \$10 for FY 09-10, and will increase \$1 in FY 11-12 and every two years thereafter.

III. DISCUSSION

The number of Rental Housing Program contacts (phone calls, drop-ins, e-mails) increased each year from program inception through FY 06-07, decreased in FY 07-08, and then increased again in FY 08-09 and FY 09-10. In FY 10-11 the number of calls increased 31.8% from FY 09-10. The following table categorizes contacts by type:

Year	Total Contacts	Contacts by Type of Caller				
		Contacts by Tenancy Type			Contacts by Student Status	
		Tenant	Landlord	Other	Student	Non-student
2002-03	415	274	79	62	100	315
2003-04	434	267	100	67	104	330
2004-05	440	266	108	66	92	348
2005-06	513	286	123	104	93	420
2006-07	546	286	113	147	94	452
2007-08	475	281	86	108	107	368
2008-09	527*	296	115	116	106	415
2009-10	641	363	146	132	123	518
2010-11	845	465	179	201	182	663
Total	4,836	2,784	1,049	1,003	1,001	3,829

* This total includes 6 contacts for which student/non-student status could not be determined.

As a result of the contacts identified in the foregoing table, a total of 8,038 issues have been raised since the inception of the Rental Housing Program (contacts often generate multiple issues). Each issue is placed into one of three categories: Rental Housing Code related, non-Code related (but involving a habitability issue), and non-habitability issues (deposits, neighborhood livability, lease terms, etc.) The next table categorizes each year's issue by type:

	Issue Type			
	Total	Rental Housing Code	Non-Code	Non-Habitability
2002-03	632	117	97	418
2003-04	697	109	130	458
2004-05	675	108	85	482
2005-06	788	137	97	554
2006-07	901	157	124	620
2007-08	827	153	128	546
2008-09	953	184	132	637
2009-10	1,111	227	126	758
2010-11	1,454	236	150	1,068
Total	8,038	1,428	1,069	5,541

Of the six Rental Housing Code issue types (heating, plumbing, weatherproofing, structural, smoke detectors, and locks/latches), plumbing (42.4%) and weatherproofing (33.5%) issues continue to be the two most frequent complaint types. Garbage/vermin complaints represented 54.7% of the non-Code contacts in FY 10-11, and the category "other" (deposits, notices, etc.) made up 66% of the non-habitability issues.

Although a relatively high number of habitability issues subject to the Rental Housing Code are reported to the City each year, the number of actual enforcement actions remains low. This trend has held because, most frequently, issues are resolved through direct discussions between tenants and their landlords. The Code requires that, prior to the City inspecting an alleged violation and taking enforcement action, tenants initiate a formal written contact and request for repairs of the violations. In most cases tenants will note in their communication that they believe the issue in question represents a violation of the City's Rental Housing Code. Experience has shown that this approach maximizes repairs of Code violations while minimizing the number of cases requiring the City's direct involvement in an enforcement action.

During FY 10-11, two violation cases were opened, both on the same property and related to plumbing. In both cases, the needed repairs were made prior to an inspection. Since the Code's implementation in FY 02-03, it has been enforced a total of 23 times, with eight of those actions occurring in FY 07-08.

IV. POSSIBLE CODE AMENDMENT AREAS FOR FUTURE CONSIDERATION

There are a number of habitability issues not covered by the standards of the Rental Housing Code, as well as other aspects of the Code that generate calls from tenants or that staff feel merit consideration. Issues identified during FY 10-11 through tenant calls or staff observation follow.

Habitability Issues

1. **Weatherproofing.** The Code now addresses water intrusion into living spaces, but not air intrusion. Common complaints from tenants involve exterior doors that have large gaps at the floor, and cracked/broken windows. Adding air intrusion standards to the Code would likely reduce energy bills and increase comfort for tenants.
2. **Structural Integrity.** Building safety in general is currently covered by the Code, but it does not require that floors, walls, ceilings, stairways and railings be maintained in good repair. These types of interior issues are frequently the subject of calls to the City. In addition, exterior building issues not covered by the Code include maintaining decks, porches, and garages in safe repair. Addressing these components also might make the Code more effective.
3. **Appliances.** Appliances are not currently covered by the Code and on a relatively frequent basis, staff receive calls regarding landlords not repairing or replacing failed appliances. Adding language that appliances provided by the landlord at the beginning of the tenancy must be maintained in good working order throughout the tenancy would help tenants get their stoves, ranges, and refrigerators repaired or replaced in a timely manner.

Code Administration Issues

1. **Complaint Process.** As the Code is now written, a tenant is required to place their request for a repair in writing to the landlord and give the landlord ten days (or 48 hours under certain circumstances) to respond to the request. After that time frame expires, the tenant may file a complaint with the City for code enforcement. The City then provides the landlord with a 48 hour notice of inspection (or 24 hour notice under certain circumstances) in writing and by phone if possible. Frequently, when a tenant makes their first contact with the City, they have spoken with their landlord about the needed repair, but have not put their request in writing. By the time they do so, and the landlord does not address the repair, the tenant may have been experiencing repair issues for weeks.
2. **Penalty Fees.** During the last fiscal year the amount of the penalty fee applied to past due rental housing program charges was challenged legally as being too high by two rental property owners. An arbitrator in one such challenge opined that the fee of \$100 was "disproportionate" to the per dwelling unit charge of \$10. The City's stance is that people who do not pay the fee in a timely manner should be responsible for the associated costs. Housing Division staff were directed by the City Manager to work with the City Attorney's Office to amend the Rental Housing Code ordinance to address this issue. The CAO has proposed changes that would address this issue; refinement of Code language to reflect these changes will be addressed in conjunction with work on the habitability and code administration issues outlined above.

V. ACTIONS/RECOMMENDATIONS

A Human Services Committee recommendation of City Council acceptance of this report is requested. In addition, staff feel that further consideration of the issues summarized in the section above is merited, and recommend that the Housing and Community Development Commission be asked to discuss them and formulate a set of recommendations. If this approach is acceptable to HSC, these recommendations, in the form of proposed Municipal Code amendments as appropriate, will be brought back to the Committee later this calendar year for further consideration and Committee/Council action. Direction to proceed in this manner is also requested.

Review and Concur:



Ellen Volmert
City Manager Pro Tem

Chapter 9.02

Rental Housing Code

Sections:

9.02.010	Title.
9.02.020	Purpose.
9.02.030	State of Oregon Residential Landlord and Tenant Act.
9.02.040	Scope.
9.02.050	Dangerous Buildings Code.
9.02.060	Severability.
9.02.070	Liability.
9.02.080	Definitions.
9.02.090	Standards.
9.02.100	Enforcement.
9.02.110	Appeals.
9.02.120	Fees.
9.02.130	Sunset. (Repealed by Ord. 2006-16)

Section 9.02.010 Title.

These regulations shall be known as the Corvallis Rental Housing Code, may be cited as such, and will be referred to herein as "this code."

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.020 Purpose.

The purpose of this code is to provide minimum habitability criteria to safeguard health, property and public welfare of the owners, occupants and users of residential rental buildings.

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.030 State of Oregon Residential Landlord and Tenant Act.

This code is intended to supplement rather than conflict with the habitability standards of the State of Oregon Residential Landlord and Tenant Act.

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.040 Scope.

1) Except as described below, these standards shall apply to all buildings or portions thereof which are legally used for human habitation and are covered by a rental agreement.

2) Those arrangements identified in the State of Oregon Residential Landlord and Tenant Act as excluded from its authority are also exempted from this code. The following are exempted from this code either through the State of Oregon Residential Landlord and Tenant Act or in addition to it:

- a) Hotels, motels and lodging houses
- b) Buildings located on the Oregon State University campus
- c) Hospitals and other medical facilities

d) Nursing homes and similar facilities

e) Group SR Occupancies

(Ord. 2003-32 §1, 10/20/03; Ord. 2002-25 §1, 07/15/2002)

Section 9.02.050 Dangerous Buildings Code.

Conditions which define a building as dangerous as per the City Dangerous Buildings Code will be abated through the use of the Dangerous Buildings Code.

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.060 Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or *invalid*, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and *invalid*.

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.070 Liability.

The City officials charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other related laws and ordinances shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

(Ord. 2002-25 §1, 07/15/2002)

Section 9.02.080 Definitions.

For purposes of this Chapter, the following definitions shall apply:

Agent. A person authorized by another to act in his/her behalf.

Building Code. The currently adopted edition of the State of Oregon Structural Specialty Code.

Building Official. The City's Development Services Manager.

Dangerous Buildings Code. Those provisions of the City Building Code adopted for the abatement of unsafe buildings.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation. For purposes of this Code, where portions of a residential building are occupied under separate rental agreements, but tenants share eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.

Habitable Room. Any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Group SR Occupancies. Special residences where personal care is administered and that are licensed by, or subject to licensure by, or under the authority of the Oregon Department of Human Resources or any other State agency.

Mechanical Code. The currently adopted edition of the State of Oregon Mechanical Specialty Code.

Plumbing Code. The currently adopted edition of the State of Oregon Plumbing Specialty Code.

Rental Agreement. All agreements, written or oral, concerning the use and occupancy of a dwelling

unit and premises.

Rental Housing Code Board of Appeals. The 6 member board authorized by and described in Section 1.16.245 of the Municipal Code.
(Ord. 2003-32 §2, 10/20/03; Ord. 2002-25 §1, 07/15/2002)

Section 9.02.090 Standards.

- 1) Structural Integrity
 - a) Roofs, floors, walls, foundations and all other structural components shall be capable of resisting any reasonable stresses and loads to which these components may be subjected.
 - b) Structural components shall be of materials allowed or approved by the Building Code.
 - 2) Plumbing
 - a) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions.
 - b) Plumbing components shall be of materials allowed or approved by the Plumbing Code.
 - 3) Heating
 - a) There shall be a permanently installed heat source with the ability to provide a room temperature of 68 degrees Fahrenheit three feet above the floor, measured in the approximate center of the room, in all habitable rooms.
 - b) All heating devices or appliances shall be of an approved type.
 - c) Ventilation for fuel-burning heating appliances shall be as required by the Mechanical Code.
 - 4) Weatherproofing
 - a) Roof, exterior walls, windows and doors shall be maintained to prevent water leakage into living areas which may cause damage to the structure or its contents or may adversely affect the health of an occupant.
 - b) Repairs must be permanent rather than temporary and shall be through generally accepted construction methods.
 - 5) Smoke Detectors
 - a) Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.
 - 6) Security
 - a) Working locks for all dwelling entrance doors and latches for all windows by which access may be had to that portion of the premises which the tenants is entitled to occupy to the exclusion of others.
 - 7) Interpretations
 - a) The Community Development Director is empowered to render interpretations of this Chapter.
 - b) Such interpretations shall be in conformance with the intent and purpose of this code.
- (Ord. 2008-17 §1, 12/01/2008; Ord. 2002-25 §1, 07/15/2002)

Section 9.02.100 Enforcement.

- 1) Authority
 - a) The Community Development Director or his/her designee is hereby authorized and directed to enforce all the provisions of this code.
- 2) Complaint
 - a) A complaint must be in writing and may be filed in person or by mail, e-mail or fax.
 - b) A complaint must include the following:
 - 1] name of person filing the complaint; complaints may not be submitted anonymously

Corvallis Municipal Code

2] name of the landlord
3] address of the alleged violation
4] a complete description of the alleged violation
5] a copy of the written notice of the alleged habitability violation that has been sent by the tenant to the landlord.

c) A person who files a complaint must be a party to the current rental agreement covering the property in question or an agent of this party.

d) Complaints will be processed by Housing Division staff using an administratively adopted written procedure which includes the following:

1] confirmation that the complainant has standing to file a complaint
2] confirmation that the subject of the complaint, if confirmed, would be a violation of this code

3] confirmation that the landlord has had seven days, plus three days for mailing per ORS 90.150(3), since mailing of the written notice by the tenant to respond to the complaint except that when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit, confirmation that the landlord has had 48 hours by written notice from the tenant to respond to the complaint.

4] notification of the landlord by Housing Division staff of the complaint per written procedures.

3) Investigations

a) Investigations will be initiated only after the above process has been followed.
b) Housing Division staff will conduct an investigation to confirm the validity of the complaint.
c) If the complaint is determined to be not valid, the case will be closed and all parties notified.
d) If the complaint is determined to be valid, Housing Division staff will issue a notice and order.

4) Inspection and Right of Entry

a) When it may be necessary to inspect to enforce the provisions of this code, Housing Division staff, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, Housing Division staff shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, Housing Division staff shall have recourse to the remedies provided by Municipal Code Chapter 1.15 to secure entry.

5) Notices and Orders

a) For valid complaints, Housing Division staff shall issue a notice and order to the landlord. The notice and order shall include the following:

1] street address
2] a statement that Housing Division staff has found the premises to be in violation of this code as alleged in the complaint

3] a thorough description of the violation
4] statements advising the landlord that if the required repairs are not completed within seven days, plus three days for mailing from the date of the notice and order (48 hours when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit), then Housing Division staff will:

a] record the notice and order against the property
b] coordinate the issuance of a citation to the landlord to appear in Municipal Court
c] initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the issue

5] statements that the landlord may appeal the notice and order as specified in this code.
6] the date by which the repairs must be completed and a reinspection scheduled.

b) The Notice and Order, and any amended or supplemental notice and order, shall be posted on the premises and shall be served to the landlord by first class mail.

6) Failure to Comply

a) If there is no compliance with the Notice and Order by the specified date, Housing Division staff will:

- 1] coordinate the issuance of a citation to the landlord to appear in Municipal Court
- 2] record the Notice and Order against the property with all recording costs to be the responsibility of the landlord
- 3] initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the issue with the intent of recovering these costs from the landlord

7) Compliance

- a) Upon compliance with the Notice and Order Housing Division staff will issue a Notice of Compliance to the landlord and the complainant.
- b) If a Notice and Order was recorded against the property, Housing Division staff will record the Notice of Compliance against the property.
- c) If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the issue, Housing Division staff will proceed with collecting these costs from the landlord using adopted City procedures.

8) Penalties

a) Any person violating any of the provisions of this code shall, upon court conviction thereof, be punished by a fine not to exceed \$250.00 per violation. Each day that a violation exists is a separate offense.

(Ord. 2008-17 §2, 12/01/2008; Ord. 2002-25 §1, 07/15/2002)

Section 9.02.110 Appeals.

1) Rental Housing Code Board of Appeals

a) In order to hear and decide appeals of orders, decisions or determinations made by the Community Development Director relative to the application and interpretation of this code, there shall be and is hereby created a Rental Housing Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The Housing Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The Rental Housing Code Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Community Development Director.

b) The Rental Housing Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

2) Filing of Appeal

a) Any person upon whom a notice and order is served under this code shall have the right of appeal from the notice and order to the Rental Housing Board of Appeals. An appeal must be submitted to the Community Development Director within seven days, plus three days for mailing, from the date of the notice and order.

3) Appeal Fee

a) Any appeal submitted under this chapter shall include a \$50.00 filing fee.

4) Scope of Appeal

a) Appeals may be filed regarding notices, orders, interpretations and decisions made by the Community Development Director relative to this code.

5) Form of Appeal

a) An appeal must be in writing and include the following:

Corvallis Municipal Code

- 1] name of person filing the appeal
 - 2] copy of the notice and order
 - 3] copy of the section of this code which is being appealed
 - 4] a complete explanation of the appeal
 - 5] what is requested of the Rental Housing Board of Appeals
- 6) Appeal Procedure
- a) The Community Development Director shall confirm that the appeal meets the filing criteria.
 - b) If the filing criteria have not been met, the person filing the appeal will be so notified and the Rental Housing Board of Appeals will not be convened. The Community Development Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
 - c) If the filing criteria is met, the Community Development Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.
- (Ord. 2002-25 §1, 07/15/2002)

Section 9.02.120 Fees.

1) For the purpose of offsetting costs to the City associated with the enforcement of this code there is hereby imposed an annual fee, to be set by the City Council, for each dwelling unit covered by a rental agreement. The total annual fee for fraternities, sororities, and other similar group living structures will be *calculated based on the occupancy capacity of each structure divided by the U.S. Census-determined average household size of renter-occupied units, multiplied by the annual per-unit fee.*

2) The following unit types, while subject to the standards, enforcement procedures, and other requirements established in this Chapter, shall be exempt from the fee payment requirements of this Section: rentals with a recorded deed restriction requiring the units to be rented affordably to households at or below 50% of the Area Median Income; rentals under contract with a public agency that requires the rental to be inspected at least annually and verifies that the dwelling is rented to a low income household; and rentals designated as senior or disabled housing by a public agency.

3) The landlord is responsible for paying the annual fee upon written request.

4) Failure to pay the fee as requested will subject the landlord to the following actions:

a) A penalty fee of \$100.00 will be assessed to the landlord for each unpaid per unit fee if the annual fee is not paid by the date specified in the written request for payment.

b) The City will initiate appropriate action to collect the fees due and all costs associated with these actions will be assessed to the landlord.

c) Appropriate action may include placing a lien on the property.

(Ord. 2003-32 §3, 10/20/03; Ord. 2002-25 §1, 07/15/2002)

Section 9.02.130 Sunset. (Repealed by Ord. 2006-16)

MEMORANDUM

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director  ARC

DATE: September 8, 2011

SUBJECT: Willamette Neighborhood Housing Services Economic Development Allocations Quarterly Reports for the quarter ending June 30, 2011

I. Issue

Under the terms of the Economic Development Allocations Program funding agreements between the City of Corvallis and Willamette Neighborhood Housing Services (WNHS), review and acceptance of WNHS quarterly reports by the City is required.

II. City Funding

The City's FY 10-11 budget provided Economic Development Allocations funding to Willamette Neighborhood Housing Services for two separate purposes: \$14,025 in general operations funding support, and \$4,675 to support WNHS microenterprise development activities. Through the end of the quarter discussed herein, WNHS received 100% of those funding allocations. Payments throughout the fiscal year were made monthly in amounts not to exceed \$1,168.75 for general operations and \$389.58 for microenterprise support. Payments for both programs combined through the end of the quarter reported herein totaled \$18,700. (\$14,025/\$4,675).

III. Discussion

Within 30 days of the end of each quarter, WNHS is required to submit reports on their City-funded activities for review by staff and acceptance by City Council. The City's Housing Division carries out the staff-level review of WNHS activities, evaluating the reported accomplishments using the activities proposed in the agency's applications for Economic Development Allocations funding as a guideline.

WNHS General Organizational Support

The WNHS funding agreement for organizational support during FY 10-11 outlines a set of five activities that the organization will pursue through its work plan using City Economic Development resources during the year. These include:

1. Continue work on Alexander Court/Seavey Meadows, a 48-unit multifamily housing project.
2. Construct seven new single family homes to be sold through WNHS's Community Land Trust (CLT) program.
3. Continue search, site evaluation, and acquisition activities related to future projects.
4. Assist low and moderate income households with the purchase of their first home.
5. Pursue partnerships and collaborative relationships with other agencies and entities to maximize the effectiveness of housing development and assistance resources.

WNHS Microenterprise Development Activity Support

The WNHS funding application for microenterprise development support during FY 10-11 outlined a set of six activities that the organization would pursue with the assistance of City Economic Development resources. These included:

1. Enroll at least 16 microentrepreneurs from Corvallis during the FY 10-11 grant period.
2. Help at least 80% of enrollees complete an individual training plan.
3. Conduct three twelve-week, 30-hour microenterprise training classes.
4. Help at least 80% of enrollees graduate from the class with 85% reporting satisfaction with the education they received.
5. Help at least 33% of enrollees complete a business plan and help 100% of Valley Individual Development Account (VIDA) Microbusiness participants complete a business plan.
6. Help at least 30% of enrollees start, maintain or expand a microenterprise within 12 months.
7. Pursue partnerships and collaborative relationships with other agencies and entities to maximize the effectiveness of economic development resources, enhance the microenterprise education program, and facilitate the success of program participants.

IV. Review of Activities

The WNHS quarterly reports for the period ending June 30, 2011 (copies of which are attached) outline the progress the organization has made under its two Economic Development Allocations funding agreements in many of the activity areas outlined above.

WNHS General Organizational Support

The report on general organizational support reflects varying degrees of progress and success in four of the five work plan areas.

Activity 1 (Alexander Court/Seavey Meadows): Work leading up to a comprehensive release of project funding and issuance of building permits continued, nearly reaching completion by the end of the quarter.

Activity 2 (Seavey CLT): Needed funding has been awarded and refinement of development plans continues.

Activity 3 (assessing future projects): Applications for state and other funding to underwrite a housing rehabilitation/preservation project at WNHS's 50-unit Lancaster Bridge project have been submitted, and the agency was awaiting news of funding awards as the fourth quarter of FY 10-11 ended.

Activity 4 (home buyer education): The numbers of both program attendees/graduates and of graduates purchasing a home for the full year were below projected outcomes.

Activity 5 (partnerships): Nothing reported.

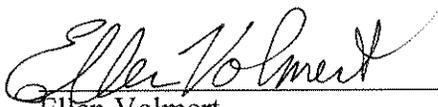
WNHS Microenterprise Development Activity Support

During the quarter WNHS held its third complete MicroBusiness Program workshop series of the fiscal year. Ten Corvallis residents participated in the workshops bringing the total for the year to 23. Of those participating during the quarter, five completed a business plan bringing the total for the year to seven. Finally, four program participants launched or continued a microenterprise during the quarter, bringing the total for the year to eight. In each of these work plan areas WNHS met or exceeded their goals for the year.

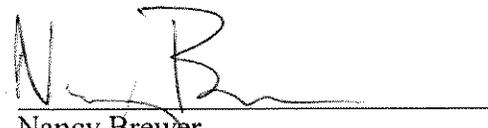
V. Action Requested

The WNHS quarterly reports demonstrate the organization's general compliance with the terms of the City's Economic Development Allocations funding agreements. Staff requests a Human Services Committee recommendation of City Council acceptance of both WNHS reports for the fourth quarter of FY10-11.

Review and Concur:



Ellen Volmert
City Manager Pro Tem



Nancy Brewer
Finance Director

attachments

**WILLAMETTE NEIGHBORHOOD HOUSING SERVICES
2010-2011 ECONOMIC DEVELOPMENT WORK PLAN
AND QUARTERLY REPORT
APRIL- JUNE 2011**

The WNHS work plan and city economic development goals

Economic Development Policy: Support the development of a supply of adequate housing which is affordable to employees of existing and future businesses (Goal 6.03.022h):

Activity 1: Continue work on the Alexander Court-Seavey Meadows Project, 49 units of multifamily housing at two sites in Corvallis.

During this quarter WNHS:

- WNHS staff is working on the various due diligence lists for the Tax Credit Investors; the Construction Loan; and the permanent loan.
- Construction documents for both projects are being created and are about 90% finalized. The project Civil Engineer revised the Public Improvements by a Private Contractor (PIPC) applications to the City.
- WNHS applied for and received demolition permits for Alexander Court.
- WNHS continued to work through PIPC, Plats, and Building Permit requests for both sites.

Activity 2: Continue work on the Seavey Meadows Homeownership Project, 6 single family Community Land Trust homes for first-time homebuyers.

The City of Corvallis awarded a CHDO reservation of \$800,000 for the Seavey Meadows homeownership project. Sara Bergsund of Bergsund Delaney Architects has begun preliminary house/ site layouts for the proposed houses. The offsite (infrastructure) estimate to complete the work was received in October 2010. An updated estimate of the offsite work was revised to be \$150,000. WNHS was awarded \$150,000 in City of Corvallis CDBG funds to go toward the project to pay for public improvements. The Public Improvements portion of this project are almost approved by the City.

Activity 3: Continue search, site evaluation, and acquisition activities related to future projects.

In December of 2010, WNHS acquired the investor's ownership interest in Lancaster Bridge, as it was the 15th year of the Tax Credit period for the project. WNHS submitted a 2011 CFC funding application in April to Oregon Housing and Community Services (OHCS). This project would include a rehab of all 50 units at Lancaster Bridge. All 50 units would be targeted to serve residents at or below 50% of Area Median Income. The application requested \$5,457,797 in LIHTCs; and \$200,000 in GHAP funds. The City awarded WNHS \$230,000 in HOME funds and NWA awarded the project \$50,000 in Real Estate Development Grants. WNHS also applied for a one time NWA existing portfolio development grant of \$300,000 at the end of May for Lancaster Bridge.

Activity 4: Assist low and moderate income households with the purchase of their first home.

Services include: *Home Buyer Education and Counseling* – In 2010-2011 we will provide Home

Buyer Education to about 200 households and help at least 75 of those households buy a home after receiving services. Our numbers are much lower than we've had in previous years and we did not reach our goals. We believe this is due to the end of the tax credit for first time homebuyers and unemployment. Many of our clients have stated they are concerned about purchasing a home because of the uncertainty of the economy. We are working on a marketing campaign to reach more households in our service area.

Progress this quarter:

ACTIVITY	THIS QUARTER ONLY		YEAR TO DATE TOTAL
	PROJECTED	ACTUAL	
Home Buyer Education attendance (graduates)	50	19	74
Class graduates that purchased a home	15	20	58

Leveraging city to non-city funding sources

The following summarizes the year-to-date status of requests for financial support submitted in support of 2010-2011 activities.

SOURCE	REQUEST	RESULTS
OPERATING SUPPORT		
Low Income Housing Tax Credits (LIHTC)		
Alexander Seavey	8,700,000	6,960,000*
Lancaster Bridge	5,457,797	
Housing Trust Funds (Alexander-Seavey)	200,000	200,000
Lancaster Bridge	200,000	
Oregon Affordable Housing Tax Credits (OAHTCs)	2,125,000	2,125,000
CASA of Oregon	600,000	600,000
Network for Oregon Affordable Housing (NOAH)	2,100,000	2,100,000
Community Framework Self Help-Housing Opportunity Program	90,000	
NeighborWorks® America	420,000	110,000
Meyer Memorial Trust/Foreclosure Assistance Grant	30,000	30,000
Department of Justice Foreclosure Grant	35,000	35,000
HUD Housing Counseling Grant	55,000	48,832
CAPITAL SUPPORT		
NeighborWorks® America/Round 1	450,000	181,000
TOTAL VALUE OF APPLICATIONS SUBMITTED FY 2010-2011		\$20,462,797
VALUE OF PENDING RESOURCES		\$15,132,797
VALUE OF COMMITTED RESOURCES		\$3,304,832

*Based on the Equity Investor offering \$.80 on the dollar for LIHTCs.

**Willamette Neighborhood Housing Services
Economic Development Fund
2010-2011 Linn Benton MicroBusiness Program report
April- June 2011
Contact: Greg Gerding Phone: (541) 752-7220 ext. 308**

Activity	Total Projected	Actual this Quarter	Year to Date Total
Conduct three feasibility/orientation workshops in Corvallis to help potential microentrepreneurs decide the feasibility of their business idea, as well as determine their business capabilities.	3	1	3
Conduct three twelve-week microenterprise training classes, helping micro-entrepreneurs increase knowledge of business management and planning	3	1	3
Through microenterprise training and one-on-one technical assistance, microentrepreneurs will complete a business plan, giving their business a sustainable foundation and the proper planning to access credit.	4	5	7
A total of 16 Corvallis potential microentrepreneurs will participate in feasibility/orientation workshops and enroll in the MicroBusiness training program.	16	10	23
Five Corvallis training program graduates will complete a business plan	5	5	7
Five Corvallis training program graduates will open and/or maintain a microenterprise as a result of the outcomes described above.	5	4	8
Within one year of program enrollment, participants who open a microenterprise will realize increased household incomes and assets.	N/A	0	0

Training

The Spring MicroBusiness class began with three MicroBusiness Orientation sessions the week of March 28th. Classes started on April 6th in the classroom of Willamette Neighborhood Housing Services in Corvallis and ended on June 8th. There were 30 students in 28 businesses to start: with ten from Corvallis and another eight from rural areas proximate to Corvallis. At the end of the Spring session, there were 12 micro-

business clients still working on their business plan. Of these business ideas, three were existing concerns working to grow their business, including one in Corvallis.

The format followed the NXLEVEL Business Plan Basics text book with a few additions from the NXLEVEL Business Guide for Beginning Start-ups. In 12 classes, over 10 weeks, we covered the essentials of developing a business plan. Guest speakers were invited for many of the sessions to speak in their areas of specialty. We sped up the beginning of the course work in order to add a session on use of the internet and sales strategies. We also changed the order of sessions to cover financials early in the course.

Guest speakers included:

Bryan Miagishima, (a research librarian from LBCC)

Yema Measho (lawyer)

Trevor Griesmeyer (insurance)

2 SBDC advisors (Brian Egan and Rudy Asunsolo)

Entrepreneur (Jessica Stanley, Rocketqueen Cupcakes)

Karen Schultz (OSU Federal Credit Union)

Ilene Anderton (accountant)

Marlene Peterson (Campagna Foods)

Ryan McLaughlin (Oregon MicroEnterprise Network - MarketLink)

Alan Fudge, (Accounting Instructor LBCC)

Loyan Roylance (ProWorks)

Mary Browning, (Many Hats Marketing)

Market Research Assistance

Having solid market research is an important part of developing a strong business plan; providing sound, knowledgeable assumptions and reasonable expectations of future markets activity, and it's an area that many of our clients struggle with. Through MarketLink, a program of the Oregon Microenterprise Network (OMEN), clients receive assistance in gathering research on their industry. This research often includes market size and potential, competition, market saturation, pricing information, and sometimes in-depth specialized marketing trend data depending upon how marketing queries are structured. We work closely with clients to create marketing queries, which are sent to a market researcher at OMEN who compiles an industry report or creates a potential contact list for them. One Corvallis participant requested market research assistance from MarketLink this period. Clients are allowed multiple market queries if desired and appropriate, and access to this service for two years after completion of the course.

Previous Program Graduates Participation

We continue to have a number of clients who participate in the program on an on-going basis from previous workshops. These clients are utilizing our networking, counseling, micro loan, or Valley Individual Development Account (VIDA - a matched savings account) programs and are thus leveraging the program going forward from when they participate in a workshop. Clients are allowed access to program tools and resources for two years following workshop program completion. Successful and articulate program graduates often volunteer or are invited as Guest Speakers during the workshops, such as Rebecca Stanley, Rocket Queen Cupcakes did this term.

CORVALLIS POLICE DEPARTMENT

Memorandum

August 18, 2011

TO: Human Services Committee
FROM: Captain Dan Hendrickson
Community Services Division
SUBJECT: Trespass



ISSUE

This report discusses the need to amend the Corvallis Municipal Trespass Ordinance. Council action is required.

BACKGROUND

The Corvallis Municipal Trespass Ordinance (5.03.090.060 – Trespass) differs slightly than the Oregon Revised Statutes (Oregon Revised Statute 164.205, 164.245, 164.255).

DISCUSSION

The present Trespass ordinance differs slightly than the Oregon Revised Statute covering Trespass offenses, which potentially opens the municipal ordinance to Constitutional challenges. In order for the Corvallis Police Department to correctly address trespass on private or public property under the Corvallis Municipal Code, the current Corvallis Trespass Ordinance requires minor revisions.

Additionally, Council Policy CP 07-4.16 – Code of Conduct for Patrons at Parks & Recreation Facilities, Events and Programs (Adopted July 2, 2007; Revised October 20, 2008 and December 20, 2010) increases likelihood that the Corvallis Municipal Trespass Ordinance is utilized against offenders, thus increasing the likelihood of potential challenges.

FINANCIAL IMPACTS OF REVISION

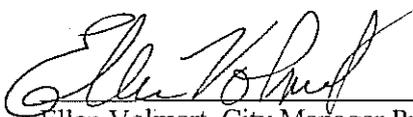
No fiscal impacts were identified.

RECOMMENDATIONS

Staff recommends revising the Corvallis Municipal Trespass Ordinance (5.03.090.060 – Trespass).

A revised ordinance incorporating the recommended changes is attached.

Reviewed and Concur:



Ellen Volmert, City Manager Pro Tem

Attachment: Proposed Revised Ordinance (5.03.090.060 - Trespass)

PROPOSED REVISED ORDINANCE.

"Strikeout" text = deletion of current ordinance language

"Bold" text = addition of Oregon Revised Statute language to ordinance

5.03.090.060 - Trespass

5.03.090.060.01 Definitions

For purposes of this Section, the following definitions shall apply:

- 1) "Dwelling" – A building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.
- 2) "Enter or remain unlawfully" -
 - a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the ~~entrancee~~ **entrant** is not otherwise licensed or privileged to do so;
 - b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 - (c) To enter premises that are open to the public after being lawfully directed not to enter the premises; or**
 - (d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.**
- 3) "Open to the public" - Premises by which their physical nature, function, custom, usage, notice, or lack thereof, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
- 4) "Person in charge" - A person, her or his representative, or her or his employee who has lawful control of premises by ownership, tenancy, official position, or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the ~~G~~governor, board, commission, or governing body of any political subdivision of this State.
- 5) "Premises" - Any building and any real property whether privately or publicly owned.
- 6) "Building" - In addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for overnight accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.

5.03.090.060.02 Trespass II

- 1) No person shall enter or remain unlawfully in a **motor vehicle** or in or upon premises.
- 2) A violation of this Section is a Class C Misdemeanor.

5.03.090.060.03 Trespass I

- 1) No person shall enter or remain unlawfully in a dwelling;
- 2) No person shall, **having been denied future entry to a building pursuant to a merchant's notice of trespass, reenter the building during hours when the building is open to the public with the intent to commit theft therein;**
- 3) **No person shall enter or remain unlawfully upon railroad yards, tracks, bridges or rights of way; or**

- 4) **No person shall** enter or remain unlawfully in or upon premises that have been determined to be not fit for use under ORS 453.855 to 453.912.
- (5) Subsection (4) of this section does not apply to the owner of record of the premises if:
- (a) The owner notifies the law enforcement agency having jurisdiction over the premises that the owner intends to enter the premises;
 - (b) The owner enters or remains on the premises for the purpose of inspecting or decontaminating the premises or lawfully removing items from the premises; and
 - (c) The owner has not been arrested for, charged with or convicted of a criminal offense that contributed to the determination that the premises are not fit for use.
- (6) A violation of this Section is a Class A Misdemeanor.
- (Ord. * Ord. 88-50 § 7, 1988; Ord. 82-77 § 108.06.01--108.06.03, 1982)