



Administration Office
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THPRD Board of Directors Work Session

**Tuesday, May 16, 2017
7:00 pm**

**HMT Recreation Complex
Peg Ogilbee Dryland Meeting Room
15707 SW Walker Road, Beaverton**

AGENDA

1. Call Work Session to Order
2. District Support of Community Services*
 - A. [Access for All at THPRD](#)
 - B. [Affordable Housing Support](#)
3. Adjourn Work Session

***Public Comment:** If you wish to speak on this agenda item, please complete a testimony card and wait to be called upon by the board. Public comment will be allowed with a 3-minute time limit. In compliance with the Americans with Disabilities Act (ADA), this material, in an alternate format, or special accommodations for the meeting, will be made available by calling 503-645-6433 at least 48 hours prior to the meeting.



MEMO

DATE: May 4, 2017
TO: Doug Menke, General Manager
FROM: Aisha Panas, Director of Park & Recreation Services

RE: **Access for All Initiative Presentation**

The Access for All initiative at Tualatin Hills Park & Recreation District provides a wide array of programs and opportunities to help community members overcome barriers to participation in park district activities. Aisha Panas, director of Park & Recreation Services, will be at your meeting to provide a brief presentation on the facets of the Access for All initiative and answer any questions the board may have.



MEMO

DATE: May 2, 2017
TO: Doug Menke, General Manager
FROM: Keith Hobson, Director of Business & Facilities

RE: **Affordable Housing Support**

Introduction

Staff are requesting the board of directors' review of information provided regarding affordable housing and system development charges (SDC) and then provide direction on next steps for addressing this issue.

Background

At the February 14, 2017 regular meeting of the board of directors, staff reviewed the issue of affordable housing and the impact park and recreation SDC fees may have on affordable housing development. Randy Ealy, Chief Administrative Officer for the City of Beaverton, and Rob Massar, Assistant County Administrator for Washington County, presented the board with information on both the city and county efforts to address development of affordable housing in the City of Beaverton and Washington County.

That discussion generated a number of questions from the board in response to which staff gathered information in an effort to respond thereto.

1. If an SDC waiver is granted, how do we ensure that the housing unit is maintained as affordable?
 - How long are units required to be maintained as affordable? Verify that this is 20 years.

The period of affordability requirements can vary and depends on the nature of the financing tools used. For instance, if Low-Income Housing Tax Credits (LIHTC) are used, the development must be maintained as low-income housing for an initial 15-year compliance period and be subject to an extended use period of at least 15 more years or more, depending upon the owner's commitment and Oregon Housing and Community Services Department policy.

For properties funded with HOME Investment Partnerships Program (HOME) funds, the affordability period typically ranges from 30 to 60 years. City of Beaverton (COB) staff indicated they generally recommend a minimum affordability requirement period of twenty (20) years.
 - Who monitors the units to ensure that rents are maintained as affordable?

The COB can monitor continuing affordability as part of an agreement between the COB and the developer/owner. The city would require annual affordability reports consistent with industry standards and would make those available to THPRD.

If other state or federal resources, such as LIHTC or HOME, are used for financing the units, then these typically come with their own compliance reporting and monitoring requirements.

- Is there a deed restriction so that the affordable requirement survives a change in ownership?
COB would have a recorded agreement running with the land for the regulatory period which could be either a disposition and development agreement (DDA) or a funding agreement, depending on the particular transaction.
- What recourse/repercussions are there if affordability is not maintained, and who enforces this?
Repercussions are, in large part, dependent on the financing device used including loss of the LIHTC or repayment of HOME funds. COB has indicated that SDC waivers, if used, would need to be repaid on a pro-rated basis if affordability was not maintained.

2. How are tenants selected for affordable housing?

- Does the selection use the existing Section 8 or Public Housing wait lists maintained by the county?
If HOME and LIHTC resources are used, then the rules for those two programs govern tenant application/selection. Generally, they allow each project to maintain its own application and waiting list pool. In many cases, Section 8 or Public Housing applicants cannot meet income requirements even for affordable housing units so these two lists would not be compatible.
- If not, is it first-come-first-served or are there some other criteria?
HOME and LIHTC rules require each project to establish tenant selection criteria; however, these rules must comply with fair housing law and provide a reasonable basis for tenant selection. Quite often, it is simply managed in chronological order.
- Who monitors tenants' incomes to ensure that those who are no longer low income do not continue to occupy the affordable units, and how often is this reviewed?
Tenants in affordable housing units are required to recertify annually to ensure they qualify for affordable housing units. Rules governing tenants whose income rises above the eligibility level vary, but the general provision is that affordable housing units be limited to tenants whose income does not exceed the eligibility limits.
- Who monitors to ensure that units are not sublet and are occupied by the low-income households?
This is monitored through the annual tenant recertification process. Tenants violating the terms of their lease are subject to eviction.

3. Are there legal restrictions against waiving SDC fees for a class of residential properties?

- A lawsuit alleging discrimination in SDC waivers was discussed at the Metro Policy Advisory Committee. What are the details surrounding this lawsuit and will it impact THPRD's ability to waive SDC fees for affordable units?

- City of Beaverton and City of Portland waive SDC fees for affordable housing projects; do they backfill the lost SDC revenue from some other source?
- Is there a legal requirement that the fees be backfilled by some other revenue source?

All of the legal questions have been addressed in a legal analysis from THPRD's legal counsel, copies of which have been shared with board members. In summary, the recommendation was that THPRD's current SDC methodology does not allow selective waiver for development without a corresponding payment to the SDC fund from non-SDC sources.

4. Questions specific to Washington County's proposed local option tax.

- What does the \$11,000 per child cost estimate for early learning include? Is that the annual cost per child or for each child's education through ages 0-6?

This question has not been answered since it appears the local option levy will not be presented to voters at this time.

Action Requested

No board of directors' action is requested as this is a work session for review of the topic only.