

# City of Lawrence

## Affordable Housing Advisory Board

### August 14, 2017 minutes

MEMBERS PRESENT: Stuart Boley, Rebecca Buford, Zach Davis, Dana Ortiz, Matt Sturtevant, Nancy Thellman, Erika Zimmerman

MEMBERS ABSENT: Shannon Oury, Tim Stultz

STAFF PRESENT: Scott McCullough, Director of Planning and Development Services; Danelle Dresslar, Community Development Manager; Brad Karr, Community Development Programs Analyst; Jeff Crick, Planner II; Lisa Larsen, City Commissioner

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Chair Sturtevant called the meeting to order at 11:07 am.

#### 1. Public Comment

There was no public comment.

#### 2. Approve minutes from July 10, 2017 meeting

Ortiz asked for the minutes to be amended to correct who made the motion to fund the application from Lawrence Habitat for Humanity on page three, since she had recused herself from the discussion. Karr indicated he would listen to the audio recording and correct the minutes to reflect the person who made the motion.

Boley moved to approve the minutes from the July 10, 2017 meeting, as amended. Ortiz seconded the motion. The motion passed 7-0.

Sturtevant introduced and welcomed Zach Davis as a new board member.

#### 3. Discussion about campaign regulations on educating voters

McCullough provided the board with a [memo](#) from Toni Wheeler, City Attorney, concerning the use of public funds to promote or advocate a position on a matter which is before the electorate. McCullough pointed out several important issues in the memo for the board members to consider:

- "Promoting or advocating the governing body's position on a ballot measure with public funds is not permitted..."
- "Several factors must be reviewed in order to determine whether the information provided is advocating the government's position or merely providing educational information to the voters. Those factors include the style, tenor, and timing of information put forth by the government. Educational information should not attempt to persuade nor show "favoritism, partisanship, partiality, approval or disapproval...of any issue, worthy as it may be." Op. Kan. Att'y Gen. 125 (1993) (citing Stern v. Kramarsky, 375 N.Y.S.2d 235 (1975))"
- "...City employees and advisory board members, as private citizens, are free to participate in all political issues but should exercise neutrality in the course of performing their employment and advisory board duties."

McCullough stated if a board member were to have a question about their advisory board duties, they should contact the City Attorney's office for guidance.

Ortiz asked, as Executive Directors, would this affect the individual Board of Directors for the agencies represented on the AHAB. McCullough said it was a good question, but one he could not answer; he would pass the question on to the City Attorney's office.

Zimmerman spoke to the board about the need for educating the public and how to answer the question about what would be done with the sales tax money, if approved; she felt the AHAB was the group of people to provide that answer and they needed to start those discussions. Sturtevant asked what the answer might look like; in his mind it would be a list of potential ways the funds could be used on affordable housing, but not specific projects. Zimmerman agreed the list should not say they were going to do x, y, and z, but maybe should include around five talking points to discuss with the public.

Sturtevant said listing the demonstration project as a talking point was a double-edged sword, because it was an example of what could be done, but not the only type of project that could be done. Zimmerman said maybe the AHAB should review their goals they previously created and pull some talking points out of those as a foundation for the list.

McCullough said the AHAB has had on their work plan for a while to get to those questions, even with the funds currently in the Housing Trust Fund (HTF); is there a structure to it, or do they just continue to do rounds of requests for special projects. Now that the sales tax may open up a larger source of funding, the question looms even larger. The ballot language was put together in a way that speaks for itself, by giving a good sense of what the funding will go towards.

Davis asked if the text of the ballot language has been finalized. McCullough said yes, it has been finalized and he would locate it online to display for the board.

Buford said one solid thing the AHAB could do is define the application process for the next couple of years and what they are looking for. Buford also addressed the recent newspaper editorial which suggested there must not be an affordable housing problem since there were not many applications for funding in the last round. She said to put a development project together takes years for even for-profit developers, while non-profits have to also align with different grant application processes and timelines. She felt public education should also include realistic timelines and goals. Zimmerman said if they had a consistent process that stated the application period would be at certain times of the year, they could project realistic goals to educate the public on. Buford said the AHAB had briefly discussed starting the application process for 2018 earlier, and the late start in 2017 might have contributed to the low number of applications received for the first round of 2017 applications.

Thellman thought one compelling possibility for use of funds would be whether the sales tax funds could be used to help pay for the new program the city and county shared funding of to provide vouchers for families at the homeless shelter. She said that type of program does not involve developers building units, it involves agencies already up and running and has been proven effective but it just lacks additional funding.

Zimmerman agreed with McCullough about the ballot language speaking for itself and said maybe those areas could become the talking points. A story could be told about the success of the voucher program as Thellman suggested. Ortiz said another outcome of the funding for the vouchers was to help move other people at different agencies up on the waiting list as the families at the shelter got housed.

Sturtevant said it would be a new role for the AHAB to now educate the public, instead of just to advise the City Commission as before. Boley said the AHAB needs to keep in mind it is an advisory board, so it is not what the AHAB would do with the money, but instead what would they advise the City Commission to do with the money. He said as a commissioner, he is very concerned about trying to bind future City Commissions to certain projects, given this is a 10 year tax and he would not be there

for the whole period. Using the ballot language as the basis for potential uses would be a very sound way of going about it. He felt the role of the AHAB was to say this is the sort of thing we would advise the City Commission to do with these resources and possibly looking at the history of how dollars have been spent in this community as examples of what previous commissions decided to do with the money.

Sturtevant offered a summary of the discussion so far:

- AHAB is looking for a way to educate and inform the public;
- have a clear calendar of application periods;
- have a history of how past money has been spent;
- list of potential types of projects, but be careful to say they are only potential types;
- addressing possible complications and tamping down public expectations; and
- key off the ballot language for educating the public

Sturtevant said he was imagining some type of document to be used both for talking points and to be posted on the website as well. Zimmerman agreed. McCullough said the City is developing an education packet right now, and it might be helpful to get input from the AHAB on what aspects might be helpful in a few bullet points to keep it concise. McCullough said the ballot language about other related affordable housing purposes might be where the AHAB makes recommendations to the City Commission on specific projects, and those could vary year-to-year by the type of project.

Boley said the memo from Toni Wheeler indicates "The City Manager's Office is developing informational and educational materials regarding the ballot measures. Official communications of the City should use the approved materials provided by the City Manager's Office." McCullough said this meeting would be the only time the AHAB would have to provide any input to the process. Sturtevant asked how much space they would have to provide information. McCullough said it is fairly short, possibly a tri-fold packet to keep it concise, but there could be plenty of space online. Sturtevant asked what staff would need from the AHAB for bullet points. McCullough said he would be interested to know if the AHAB was comfortable with the general categories of the housing spectrum to keep the message to the public going. Sturtevant asked if a calendar for the application process would help. McCullough said no, he did not feel it would give the public much information on what the money would be spent on over ten years. Sturtevant asked if they were now talking about two different documents. McCullough said the determination of how money is recommended to be spent, whether the sales tax is approved or not, still would need to be established at future AHAB meetings.

Thellman asked if individual members of the AHAB are allowed to actively participate or be in leadership of advocacy group campaigns. McCullough said he would have to refer her to the memo from the City Attorney's office. Buford asked about where the memo says employment, is it employment by the city or the advisory board members' private employment. McCullough said there are two sets of rules depending if the board member was acting as a private citizen or as an advisory board member. Thellman asked if it was important for a member of this board to not participate in the organization of an advocacy campaign. McCullough said he felt it would be a safe position to take. Boley said he would like to reinforce this board cannot really say what would be done with the money, since they are not the deciding entity.

Sturtevant said what he is hearing is the board can only educate through the official city document. Boley said it was possible there may be some opportunity to supplement the information online with examples of what has been done in the past. Ortiz asked if the board members could educate using the official city language, but supplement it with the non-profit agencies databases on the severity of the issues. McCullough said he would have to refer her to the City Attorney's office for that question. Boley said if a board member really wanted to advocate, they could always resign from the AHAB.

Sturtevant asked if staff should take the lead on crafting supplemental education for the website, or if members of the AHAB should participate. McCullough said the official city packet is close to being

completed, and the board could talk to Casey Toomay about the supplemental website material. Sturtevant said he would follow up with Casey and the City Attorney's office to determine what the scope of materials would be for the website, to still be education instead of advocacy.

Zimmerman moved to have Sturtevant work with city staff to create supplemental education material for the website, to be reviewed at the next AHAB meeting. Buford seconded the motion. The motion passed 7-0.

#### **4. Review draft of Assessment of Fair Housing**

Dresslar spoke to the board about the [Affirmatively Furthering Fair Housing](#) (AFFH) rule and the HUD mandated Assessment of Fair Housing (AFH). Fair housing compliance has always been a part of the federal grant process; in the past the City was required to complete an Analysis of Impediments to Fair Housing, which was updated every three to five years. The AFFH rule created a shared template format to be used nationwide by all CDBG and HOME grantee communities. The AFH must be submitted to HUD 270 days before the beginning of the community's next five year consolidated plan; Lawrence's next five year consolidated plan will begin August 1, 2018 and the AFH will be due November 1, 2017.

The AFH creation process includes community participation, collaboration, and partnerships. Both the Community Development Division and the Human Relations Division of the City Lawrence have partnered with the Lawrence-Douglas County Housing Authority to complete the AFH. Data analysis and community input is the foundation of the AFH, with the identification of contributing factors to fair housing issues and goals to address these issues being the eventual outcome of the AFH. The 45 day public comment period on the AFH will begin on September 1, 2017. Surveys were distributed and used to collect public input throughout the AFH creation process, and the overwhelming issues identified in the surveys were affordable housing and neighborhood safety.

Karr spoke to the board about the data analysis portion of the AFH. HUD identified seven main fair housing issues including:

- Segregation/Integration
- R/ECAPS (Racially/Ethnically Concentrated Areas of Poverty)
- Disparities in Access to Opportunities
- Disproportionate Housing Needs
- Publicly Supported Housing
- Disability and Access
- Fair Housing Enforcement, Outreach Capacity, and Resources

Each housing issue is analyzed in the AFH using the HUD provided data, tables, and maps for both the jurisdiction and the region.

Dresslar explained the staff recommended fair housing goals, which include:

- Increase affordable housing options
- Explore additional revenue streams for funding the Affordable Housing Trust Fund
- Maintain existing affordable housing
- Improve public perception of affordable housing
- Commission a housing needs market assessment
- Expand housing choice and access to opportunity
- Increase homeownership among low income households and members of the protected classes
- Increase recruitment and outreach to private landlords
- Improve local fair housing enforcement efforts
- Improve local fair housing outreach efforts

Each goal has to include metrics, milestones, and a timeframe for achievement. The City Commission will review and decide on the staff recommended goals at the September 19, 2017 meeting. The

executive summary section of the AFH will be completed before the beginning of the public comment period on September 1, 2017.

Ortiz asked about the overcrowding numbers of the Disproportionate Housing Needs section of the AFH. Karr said the demographics of households with disproportionate housing needs were included in the data set provided by HUD, but the numbers combine total households having any one or more of the four identified housing problems, not just those experiencing overcrowding.

## **5. Public Communication Received**

McCullough discussed with the board an [email](#) the city received from a citizen regarding affordable housing issues. The citizen had some frustrations in trying to purchase a home in Lawrence, and proposed an idea to enact an ordinance barring the rental of newly purchased housing for a period of one year. McCullough said he spoke to the City Attorney's office concerning the legality of such an ordinance, and responded to the citizen. Mayor Soden responded to the email by stating she was interested in knowing what could be done to encourage ownership versus rental investment purchases.

Buford said there are programs in the city to assist income eligible homebuyers in purchasing a home, including Habitat for Humanity, Lawrence Community Housing Trust, and the Lawrence Douglas County Housing Authority. McCullough asked the board if they were interested in directing staff to research such an ordinance, knowing the State of Kansas has already enacted legislation preventing municipalities from restricting rents. Boley reminded the board of his interest in a program such as the UniverCity program in Iowa City; he felt a program similar to it could encourage ownership versus rental investment and would benefit the community by increasing affordable housing, stabilizing neighborhoods, and maintaining the existing housing stock in good condition. Sturtevant suggested waiting until after the November ballot to see if there will be additional funding for such programs, and the board could speak with someone involved with the UniverCity program for information. Boley said the housing market study would help to understand the need in the community; this is one of the issues currently out there. McCullough said he would craft a response to Mayor Soden's inquiry.

## **6. Other New Business / Future Business**

Ortiz asked for an update on the process of adding additional members to the AHAB. McCullough said Casey Toomay would provide an update at the next meeting.

## **7. Next Meeting**

The next meeting will be on September 11, 2017. Boley asked if the AHAB should start the process for requests for funding from the HTF earlier than last time and asked to have it on the September AHAB agenda. Boley asked for an update on the housing market study to be on the September agenda also. Thellman left the meeting.

## **8. Adjourn**

Buford moved to adjourn the meeting. Davis seconded the motion. The motion passed 6-0.

### Future Meeting Dates / Tentative Agenda items

September 11, 2017 – Review draft sales tax education document; consider opening second period of applications for Housing Trust Funds; updates on housing study, adding AHAB members, and first round of HTF applications

October 9, 2017

November 13, 2017

December 11, 2017

These minutes were approved by the Board September 11, 2017.