

Sunset Clause Gives Council, Community Time to Tackle Affordable Housing Battle Brewing in Bend

by K_Guice

Amid growing concerns over affordable housing in Bend; a battle is brewing between mobile home park owners, their tenants and the Bend City Council about how to aide home owners forced to move when the parks are redeveloped.

Last Wednesday, a bandage was placed on the issue when the City Council voted 5-2 in favor to an ordinance that required park owners redeveloping their property to compensate those being forced to move. Under the measure tenants would be paid to relocate their mobile homes or receive fair market value of their home.

The sunset clause, passed by the council, is aimed at giving park owners and tenants six months to come up with a compromise. The council passed the first reading of the ordinance on May 18 after several mobile home park owners in the past year asked tenants to leave so the land could be redeveloped. The landowners then could potentially reap hefty profits.

Attorneys for mobile home park owners argued that the council is usurping property rights; stating the ordinance requires a select few to pay for a countywide problem.

The opposition voiced their disagreement. Several who spoke at the meeting referenced a court decision made earlier in the week that allowed an ordinance adopted by the city of Wilsonville. A Clackamas County Circuit Court judge ruled that earlier laws adopted at the state level did not prohibit Wilsonville from passing mobile home laws that were more restrictive.

The ordinance passed by Wilsonville was the model which Bend followed in drafting its ordinance. Wilsonville's decree, passed in 2005, was a first of its kind. It called for park owners to pay for tenants moving cost or the tax-appraised value of said mobile home if it is too old or too fragile to be moved.

The state law, passed in 1987, only requires park owners to give a 180-day eviction notice or pay \$3,500 for moving costs. Park owners who give more than a year's notice are not required to pay anything to their mobile home park tenants.

The Wilsonville ordinance is not out of the woods yet. A jury trial is scheduled for the end of July challenging whether or not it is constitutional. An 87-year-old park owner, Roger Ash, is taking the city to court stating it would cost between \$5 and \$6 million to relocate the tenants in his park. He says it is a public burden he shouldn't have to shoulder.

Some are concerned as to what effect that would have on the Bend ordinance. Dave Malkin was one of the two City Council members who voted in opposition. "This thing is not the answer," he said. Malkin pointed out that it could cost taxpayers big money, like the \$7 million court case the city recently lost.

Chris Telfer agreed that this is not the solution. She stated four reasons for her opposition, from potential legal problems and related costs to the fact that it would cost Bend residents either way. Telfer said it would add to the price of the land. That would then be passed from the park owner to the person who buys the property, which ultimately would add to the cost of the development.

Mayor Bill Friedman agreed with Telfer and Malkin to a degree. He stated that it does not and isn't intended to solve the problem. "I don't think that's our intention. This creates a virtual moratorium for a six-month period," Friedman said. "If this committee really buckles down to work and comes up with some ways to solve the problem of affordable housing ... the sunset clause makes it palatable."

Next week, the council will vote on a recommendation from a task force to impose a fee of 1/3 of 1 percent of total building permit value on new residential building permits. It is a proposal devised by a task force made up of builders, realtors, the Chamber of Commerce and citizens from the Affordable Housing Advisory Committee. The fee on new development could generate about \$2.5 million a year and would be put toward affordable housing projects.

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