

City of Oxford Housing Advisory Commission
Minutes of the December 16, 2019 Meeting
Oxford Municipal Building – First Floor Conference Room

HAC members in attendance: Sherry Lind, Glenn Ellerbe, Jason Bracken, Nicola Rodrigues, Shana Rosenberg, Steve Schnabl, and Scott Straker.

Staff members in attendance: Doug Elliott, Zachary Moore, and Sam Perry

Also in attendance: Attorney Ben Mazer from Coolidge Wall

Meeting was called to order at 1:30 pm.

Sherry requested adding discussion of HAC's role as part of the meeting. Glenn moved to approve the agenda as amended, Scott seconded. All voted in favor. None opposed.

Steve moved to approve the November 18, 2019 meeting minutes. Glenn seconded. All voted in favor. None opposed.

Zach informed the Commission that the normal meeting time for HAC (the third Monday of the month) conflicts with two upcoming City holidays – January 21st (MLK Jr Day) and February 18th (Presidents Day). Zach asked the Commission to consider moving the January and February meeting days to either the Tuesday or Wednesday following the Monday. Steve made a motion to move to the following Tuesday, and Glenn seconded. All voted in favor, none opposed.

Sam provided an update on the housing trust fund. First, he summarized that the City has been trying to activate the fund in some way, which has been sitting dormant for about 10 years. It started out with seed funding at around 10,000 dollars, and some of it was used by the Oxford Community Foundation (OCF) to purchase a home on Locust Street.

Shana entered the meeting at 1:34pm.

Sam continued that the State Auditor does not look favorably upon funds that do not have any activity. Due to this, a preliminary agreement was reached with OCF, and a Resolution to move the funds over was presented to Council, but ultimately at the December 3rd meeting Council decided not to move it.

Sherry voiced a concern over neither City Council member voting to move the funds to OCF, and this is the second HAC-related item brought to Council that has been turned down. In referencing the recorded Oxford on Demand video tape, she said there didn't seem to be a lot of support from the audience, and there was one comment from an audience member (Janice Dutton) asking why the Planning Commission was not involved or consulted. Doug said that Council's stance was that they wanted the City to maintain control of the funds. Shana shared that she did not believe there was enough explanation to Council, and expressed disappointment that a lot of work done by HAC members is not receiving

support at Council. She asked whether in-lieu fees could have gone into the donor-advised fund at OCF, and Doug replied they could not. She expressed she was under the impression they would, and that was the very reason why she supported HAC's original motion to transfer the funds to OCF. Glenn asked if he could be given an opportunity to defend his vote. He expressed that if any Council member responds to a resident's comments, they lay credence to that member's comment, thus most of the time Council simply listens to what the resident has to say. He also clarified that he meant his vote to be abstention, not an "aye," and that he didn't find the denial of the fund transfer particularly concerning because the fund still exists within the City, and things can be done with it. It can be brought back up again. Sherry inquired as to whether when somebody's comment contradicts the facts, whether they should be corrected. Doug disagreed with Sherry's assessment, as the City allows residents to voice their opinions and does not interrupt, unless it is something egregious. The point of public comments is not to get into debate.

There was some general discussion about collection of fees being utilized for a specific purpose, and how funds or fees devoted to housing might be distinguished from those for other purposes such as building permits and water/sewer tap-in fees. Steve said we already have established purposes in the Resolution that created the Housing Trust Fund. The key point about what the HAC was trying to achieve, was creating the donor-advised fund at OCF would still allow the City to have the final say on any dollar spent from it, and that should have been brought up at Council. He said the HAC had been provided clear direction to present a solution for the restrictions the State Auditor was placing on the City. Doug clarified that the State Auditor does not like to see inactive funds. Steve believed the HAC had been led on a "wild goose chase," to which Shana agreed. Jason expressed that the appearance was the City was handing over control and the benefits were not made clear, which was enough to vote against. The public had some doubts about it, and that had a lot to do with Council's vote. Steve mentioned that he had left the Council meeting early, thinking it would have gone through uncontested, otherwise he would have commented publicly.

Scott wondered how we can increase funds in the account. Glenn asked whether revenue collected by fees can be appropriated to fund after the fees have been collected, to which Doug responded that he wasn't sure. Scott posed the question of whether fees could be increased for certain things, such as rental permits, as he believes the current fees are too low. Scott said inspections for rental units typically last 10 minutes. Doug responded that charging more fees would probably cause landlords to object. Sam said Ben Mazer could probably speak to the balance between risk and benefit, and whether pursuing certain measures could open the City up to a legal challenge. Steve suggested we move on, and the HAC figure out its methodologies. Sherry suggested we need to understand Council's opinion first before HAC works hard on something. Glenn said the way to do that is to hold a work session – it's informal, and in front of all Council members but open to the public.

Moving on to next agenda item: Legal Guidance on 2020 Goals. Ben acknowledged though he hadn't been present for previous meetings or conversations, and did not want to sound duplicative, he expressed a desire to understand the HAC's needs and questions. Sherry passed down a drafted list of the top 5 HAC goals to Ben. Ben shared that he works for Law

Director Chris Conard, who is head of the municipal division at Coolidge Wall. His firm also represents Yellow Springs, another college community in Ohio that is trying to ascertain the best ways to increase affordable housing options. They retained a consultant who did a housing study showing the makeup by income bracket. Sherry inquired as to the year-round and college-aged population in Yellow Springs – several in the group believed it was around 3,000 total population, much smaller than Oxford. Sam acknowledged that he had talked to the consultant who did the study, Patrick Bowen, and he'll likely be in the running to do Oxford's housing study in 2020. Ben suggested several measures that can be done internally to create more affordable units, such as easing zoning code restrictions on density or unit types, reducing minimum lot size requirements, allowing larger buildings that still fit in with the character of single-family neighborhoods, and any other measures that would make it more conducive for developers to come to a community.

Sam shared that Age-Friendly Oxford had been granted some technical expertise from a housing consultant (Orange Splot), and the consultant validated the opinion that a City the size of Oxford should focus most on carrots, rather than sticks, and not inviting higher legal risk. Ben agreed, and articulated that there are communities across the country that have adopted inclusionary zoning policies where the provisions are seen as too burdensome and face legal challenges. When it comes to adopting provisions to affect affordable housing, it can be either optional or mandated. For instance, 10% of units to be rented below Fair Market Value could see challenges on property right infringement. Some of the cost burden can be attributed to the regulatory, approval, and/or permitting procedures. The goal could be to incentivize developers building a certain product, making the process, taxing, or regulatory process less cumbersome. Doug surmised that the City had little ability to vary taxation.

Shana expressed hope that a density bonus could help off-set the loss of money from lower income units, and sees a lot of potential infill development opportunities across town. Sam suggested allowing duplexes on corner lots, as a way to help boost housing supply that doesn't have a substantial effect on neighborhood character. Shana said realtor Brian Revalee believes the fees are fairly large here in Oxford, and that is inhibiting growth in housing supply. Scott shared his perspective that on smaller projects, say for instance a 10 unit project, that a developer would be more willing to pay an in-lieu fee rather than providing a required percentage of affordable units to ensure all of the units would sell easier; or, a developer may be more inclined to develop affordable units elsewhere in the City. Shana was resistant to this approach, since it tends to result in a concentration of lower income housing. Ben also mentioned the possibility of allowing more accessory dwelling units (ADUs) under the zoning code, and Sherry suggested building height increases as another way to increase density.

Shana asked Ben what the legal implications might be for in-lieu fees, since it does not appear many communities in Ohio are adopting such policies. Ben replied that he didn't have that information today, but could look into it. Sherry requested a focus on college towns and Midwestern communities, less of a focus on coastal places. Sam admitted that housing affordability is a nationwide crisis. Glenn also requested information on any legal precedents in municipalities for non-performing, non-owner-occupied commercial rental

property. Ben said there has been a push in some places, particularly New York, to penalize such properties that are going un-used, and stated this would be a riskier and more aggressive approach that could invite a challenge. Jason asked how common a vacant commercial property of this type is in Oxford, and Glenn replied it is very common. Sam mentioned there is a multi-site owner who has a little over half of their properties currently vacant. Glenn stated that lots of properties can't be rented because they are so rundown, but the owners don't want to sell because they do not want to lose out on their equity in the property – so these sit vacant.

Shana brought up another topic – could lodgings tax potentially collected from Airbnb hosts go toward the Housing Trust Fund? Right now, the lodging tax is going to the City and Enjoy Oxford for community, tourism, and economic development purposes. Ben said he could look into it and follow up.

Due to being short on time, Sherry requested the discussion point on the HAC's role be moved to next meeting's agenda. Glenn so moved, seconded by Steve, all in favor. None opposed.

Scott moved to adjourn at 2:36 pm. Glenn seconded, all voted in favor. None opposed.