

ORGANIZATION AND BY-LAWS OF THE STATE HOUSING COUNCIL

Foreword and Explanation

The following sets forth information concerning the State Housing Council, State of Oregon, and includes certain rules and regulations governing its membership. The State Housing Council was established by Chapter 505, Oregon Laws 1971. Its duties and responsibilities have been modified by laws in subsequent Regular Legislative Sessions.

ARTICLE 1. NAME

The State Housing Council (hereafter referred to as Council) was established in 1971 and has been appointed by the Governor in conformance with ORS 456.567 through 456.571. ORS 456.567 makes the Governor's State Housing Council appointments subject to confirmation by the Oregon State Senate.

ARTICLE 2. FUNCTIONS OF COUNCIL

Section 1. The Council shall cooperate with the Director of the Housing and Community Services Department, State of Oregon, in stimulating and increasing the supply of housing for persons and families of lower income.

Section 2. The Council shall review each loan or grant in excess of \$100,000, except for single family loans which will be reviewed if in excess of amounts established in statute or by Administrative Rule, as appropriate, proposed to be made by the Director under the Department's programs. The Council's review of such loan or grant proposals, and any decision to approve or disapprove a proposal, shall occur at a public hearing, notice of which shall be provided to the applicant not less than five days before the review hearing.

Section 3. The Council shall make special effort to respond to both private and public actions which may raise the cost of the housing supply in the open market, as the open market is the source of housing for the preponderance of lower income households.

Section 4. The Council shall be responsible for studying and commenting upon, and advising the Governor, Legislative Assembly and other state agencies and local governments concerning local, state and federal legislation or rules that affect the cost and supply of housing, both before and after they are enacted. Such legislation or rules include but are not limited to those which would:

- (a) Provide financing for the construction or rehabilitation of housing;

- (b) Subsidize new or existing housing costs for lower income households by income support, tax credit, or support service methods;
- (c) Regulate the division of land;
- (d) Regulate the use of land;
- (e) Regulate building construction standards;
- (f) Regulate fees for inspection services, permits, or professional services related to housing;
- (g) Encourage alternatives that increase housing choices;
- (h) Create or avert overlapping jurisdictional functions and their concomitant increased costs which are reflected in housing prices;
- (I) Create or avoid conflicting state and federal regulations which deprive lower income households of assistance; and
- (j) Help or hinder compliance with the housing goals established by the Land Conservation and Development Commission under ORS 197.240.

Section 5. The Council, with the advice of the Director, shall set policy and approve or disapprove rules and standards for the administration and enforcement of the Department's housing programs, as well as the establishment of criteria for granting housing benefits conferred by ORS 456.515 - 456.725; 458.210 - 458.365; 458.505 - 458.650; and 317.097.

Section 6. The Council shall approve or disapprove noninterest bearing advances proposed by the Director to be made in accordance with ORS 456.710 and the policies of the Department.

Section 7. The Council, together with the Director, shall carry out ORS 456.615 to 456.720 (Financing of Low Income Housing) as they:

- (a) Approve and adopt standards for the planning, development and management of housing projects and for audits and inspections to determine compliance with such standards;
- (b) Approve and adopt criteria for the approval of qualified housing sponsors;
- (c) Approve and establish maximum income limits; and

- (d) Approve and insure that financing is provided for manufactured housing in the Department's programs.

Section 8. Prior to making any loans under ORS 456.690 (Loan Authority of the Department), the Council (and the Director, respectively,) shall approve and adopt rules governing the making of such loans, including but not limited to:

- (a) Procedures for the submission, review and approval of requests for loans under this section;
- (b) Standards and requirements for the allocation of loan moneys available among eligible borrowers and the determination of the terms, conditions, and interest rates for such loans;
- (c) Limitations, if any, on the number and type of housing units or projects and any other characteristics for the eligibility of housing units or projects for such financing;
- (d) Restrictions, if any, on the interest rates to be charged by lending institutions on loans made from such loan proceeds and the return to be realized by the lending institution therefrom;
- (e) Commitment requirements applied to residential mortgage financing by lending institutions from the proceeds of such loans; and
- (f) Schedules of fees and other charges to be made by the Department in accepting, reviewing and acting upon applications for loans under this section.

Section 9. In carrying out Article XI-1 of the Oregon Constitution (Multifamily Housing for Elderly), the Council, together with the Director, shall approve and adopt criteria for approval of projects proposed by qualified borrowers of funds;

Section 10. The Council, together with the Director, shall establish statewide priorities for housing programs.

Section 11. The Council may, with the approval of the Governor, initiate legal proceedings in its own name to further its purposes under this article.

Section 12. The Council shall exercise its responsibilities and powers in a manner which expedites the acquisition, construction, improvement or rehabilitation of housing.

Section 13. The Council may submit proposed legislation to the Legislative Assembly on matters it considers necessary to address housing programs.

ARTICLE 3. MEMBERSHIP AND VOTING

Section 1. The Council shall consist of seven members appointed by the Governor and confirmed by the Senate.

Section 2. Members shall be appointed for four-year terms and shall serve at the pleasure of the Governor.

Section 3. Each member of the Council shall be entitled to vote at all meetings of the Council, except that a member shall not vote when he/she has an actual conflict of interest. However, if their vote is necessary to meet a requirement of a minimum number of votes to take official action, he/she will be eligible to vote, but not to participate in any discussion or debate on the issue out of which the actual conflict arises. Abstentions shall be recorded in the minutes.

Section 4. A majority vote allowing for passage of a motion before the Council shall consist of a majority vote of the appointed members.

Section 5. Council members must declare an actual or potential conflict of interest before discussion of a matter at hand before the Council by announcing publicly the nature of the actual or potential conflict.

Section 6. Seconds to a motion are not required to put an issue to a vote.

ARTICLE 4. EX PARTE CONTACTS

Section 1. The Council will be subject to compliance with the State Ethics Laws.

Section 2. Persons aggrieved by actions or inaction by the Department should be informed of appropriate means of redress:

- (a) If the complaint is a consequence of Council policy, a letter should be addressed to the Chair of the Council requesting the complaint to be placed on the Council's meeting agenda;
- (b) If the complaint relates to administrative practices of the Department that are not the result of Council directions, the persons should address a letter to the Director of Housing and Community Services.

Section 3. If a Council member is approached by an aggrieved person who does not know which course of action to follow under Section 2, the member should direct the person to write to the Chair for information concerning the correct course of action to be pursued.

Section 4. All communications covered by Sections 2 and 3 shall be in writing. A member who is approached by word of mouth shall so inform the aggrieved persons and shall send a memorandum to the Chair identifying the aggrieved persons and indicating the time of the conversation and the instructions conveyed by the member to the aggrieved person.

ARTICLE 5. MEETINGS OF COUNCIL

Section 1. Regular meetings of the Council shall be held on Fridays at intervals to be determined by the Council. Unscheduled meetings may be called by the Chair or at the request of any three members of the Council, with one week notice in advance.

Section 2. Executive sessions of the Council will be held only when they meet the provisions of ORS 192.660 (Open Meeting Law), as amended.

Section 3. Four members shall constitute a quorum. (See Article 3, Section 4, for voting requirements.)

Section 4. If a member of the Council is unable to attend a meeting, the member is expected to notify the Chair and the Director.

Section 5. Council review of loan or grant proposals shall be held at a public hearing of the Council. Notice of a loan or grant review shall be provided the loan or grant applicant not less than five working days before the review hearing.

Section 6. Written minutes shall be kept of all meetings and these shall be open to public examination.

Section 7. Meetings of the Council will be conducted using the Sturgis Standard Code of Parliamentary Procedure, unless waived by a majority of the quorum. Meetings of the Council will conform to the principles outlined in the State of Oregon Attorney General's Public Records and Meetings Manual.

ARTICLE 6. OFFICERS' DUTIES

Section 1. The officers of the Council shall be a Chair, appointed by the Governor, Vice Chair and Executive Secretary (Director).

Section 2. The Vice Chair shall be elected by the Council for a term of two (2) years at the meeting immediately preceding July 1 and shall serve from that date.

Section 3. The Director shall act as Executive Secretary to the Council. The Executive Secretary shall be responsible for keeping the records of the Council, arranging for meetings, preparing agendas and performing such other services for the Council as are customary in this role. The Director may, with the concurrence of the Council Chair, delegate some of these tasks to Department staff supporting the Council.

Section 4. The Chair will preside at all meetings and is eligible to vote on all matters except as provided in Article 3 or otherwise by law. The Chair will represent the Council on issues related to the Council's role, in accordance with the policies adopted by the Council.

Section 5. The Vice Chair shall perform all duties of the Chair in the Chair's absence.

ARTICLE 7. SUBCOMMITTEES

Section 1. The Chair shall appoint subcommittees as needed.

Section 2. The Chair is an ex officio member of all subcommittees.

ARTICLE 8. ADVISORY COMMITTEES

Advisory committees to the Council may be appointed by the Chair with the concurrence of the Council members on the initiative of the Chair or at the request of Council members.

ARTICLE 9. POLICIES

The Director shall maintain a current list of policies adopted by the Council relative to the operation of the revolving loan fund or other similar items of concern. Such a list shall be available for consideration by any member or the public.

ARTICLE 10. AMENDMENTS TO THE BY-LAWS

These by-laws may be amended by an affirmative vote of at least four members at any regular meeting, provided notice of such amendment is given at the preceding regular meeting or at least one week before the meeting where the vote is to be taken.

Council Mission Statement:

"To provide leadership in, and review and set policy for,
the development and financing of affordable housing
throughout the State of Oregon."

September 1995
Revisions Adopted 8/27/04