

## **Emailed Testimony**

- From: Richard Ellmyer ([ellmyer@macsolve.com](mailto:ellmyer@macsolve.com))  
Subject: Inclusionary Zoning SB 1533 NOT Ready For Prime Time  
Email:

Although I have been a supporter of Inclusionary Zoning I cannot support SB 1533 unless it includes the following amendment:

*Means Tested Inclusionary Housing\* that qualifies as PUBLIC HOUSING, i.e. a class of housing defined as, Means Test (<=80%MFI) + Government Subsidy (any government any type) + rental agreement, is not allowed in any neighborhood that already contains 15% or more PUBLIC HOUSING clients.*

The housing policy of the city of Portland - Targeted, UNLIMITED Neighborhood Concentration of PUBLIC HOUSING - allows it to load any neighborhood of its choosing with up to 100% PUBLIC HOUSING clients. This clearly violates the Fair Housing Act of 1968 as recently reaffirmed by the United States Supreme Court.\*\*\*\* As currently written, SB 1533 could inadvertently or intentionally exacerbate Portland's disregard for the federal goal of more Equitable Distribution of Public Housing.

Richard Ellmyer  
North Portland

Author of more stories on the politics, players and policies of Public Housing and its euphemisms, Affordable/ Regulated Affordable/ Publicly Subsidized Affordable and Low-Income Housing in Multnomah County over the last fourteen years than all other journalists and elected officials combined.

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### **Four-pronged, 'high-wire' housing deal debated in Salem**

Feb. 9, 2016 By Taylor Anderson

<http://www.bendbulletin.com/newsroomstafflist/3981706-151/four-pronged-high-wire-housing-deal-debated-in-salem>

#### Published Comment

There are *two* types of inclusionary zoning i.e. Market Rate Inclusionary Housing and Means Tested Inclusionary Housing.

**Market Rate Inclusionary Housing** is built to be affordable\*\* to a specific economic constituency. However, it may be rented by anyone with the ability to pay.

**Means Tested Inclusionary Housing** is built to be affordable\*\* to a specific economic constituency. However, only a *range* of buyers within a restricted MFI are eligible to participate. Only those at the top of that MFI range will find the property affordable.\*\* This class of housing is similar to Public Housing\*\*\* and in some cases may actually be Public Housing.\*\*\*

The question perpetually arises with inclusionary zoning, Public Housing\*\*\* and other attempts at Affordable Housing\*\*, which is *never* answered: For WHOM are these units being built and what statistical data has been used to determine the need by neighborhood?

"Lawmakers are still working on the details in a proposal to require builders to include in their projects a portion of units held at below-market rates for low- and middle-income tenants."

This takes us out of the world of Market Rate Inclusionary Housing and into the realm of Means Tested Inclusionary Housing.

"Also left open are the incentives a city would have to offer developers in exchange for lost revenue from the below-market units ... property tax abatements."

*This takes us out of the world of Inclusionary Housing and into the realm of PUBLIC HOUSING.*\*\*\*

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AFFORDABLE HOUSING is a mathematical construct defined as, Rent/Mortgage + Insurance + Taxes + Utilities <=30% Household Income. EVERY house, condo and apartment is AFFORDABLE to someone.

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PUBLIC HOUSING is a class of housing defined as, Means Test (<=80% MFI) + Government Subsidy (any government any type) + rental agreement.

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### **The End of Federally Financed Ghettos**

July 11, 2015 New York Times Editorial Board

[http://www.nytimes.com/2015/07/12/opinion/the-end-of-federally-financed-ghettos.html?emc=edit\\_th\\_20150712&nl=todaysheadlines&nid=64450595&r=0](http://www.nytimes.com/2015/07/12/opinion/the-end-of-federally-financed-ghettos.html?emc=edit_th_20150712&nl=todaysheadlines&nid=64450595&r=0)

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The First Amendment to the Constitution of the United States of America not only guarantees American citizens free speech but also the right "to petition the government for redress of grievances." This means that elected officials are not required to respond to or even read, listen or view citizen communications. But it does mean that **elected officials cannot preemptively stop citizens from contacting them** by any means, be it by visit, phone, package, letter, email or marching in front of their offices.

Every elected official serving in the United States of America either explicitly or implicitly affirms support for the Constitution of the United States of America. If you are an elected official in the U.S. who can produce evidence that you do NOT support the Constitution of the United States of America and therefore are NOT subject to the First Amendment then please notify me immediately.

In the more than thirteen years that I have been writing and publishing these commentaries about our community better than 99.5% of those receiving my "Interested Parties" emails are, in fact, interested. The numbers range from a handful to many hundreds of thousands depending on the issue of the day.

The *Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003* also known as the *CAN-SPAM Act of 2003* specifically exempts **political speech**. It was authored by senator Ron Wyden. A call to his staff will clarify this legislation. Over the last nine years only a *handful* of the most egregious **commercial** violators have successfully been tried and convicted. The law did not work as many of us who helped develop it had hoped. Spam, as defined in this act, is an international problem which requires an international solution. Signed emails with true headers whose content is related to government and politics that the receiver considers "bothersome" are not spam.