

## **Aven, Heather M.**

---

**From:** Richard Conoboy <riton@comcast.net>  
**Sent:** Tuesday, September 15, 2020 9:41 AM  
**To:** Aven, Heather M.  
**Subject:** Info for Thursday's PC meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Heather,

Could you ensure that this message goes to all the commission members prior to Thursday's meeting. Thanks.

*I have been reviewing the municipal code for the appearance of the word family. A search of the code results in 199 hits. As one might guess, most of those code mentions come under Title 20, Land Use Development. But there are also many hits on the word family outside Title 20 having to do with impact fees, health and sanitation, garbage collection, business taxes, affordable home ownership, access to immigrant services, etc. There may also be issues with regard to the rental of SF homes by room rather than by house and how that might change the situation when the definition of family is changed. Dick Conoboy*

Dick

## Aven, Heather M.

---

**From:** Richard Conoboy <riton@comcast.net>  
**Sent:** Thursday, September 17, 2020 10:00 AM  
**To:** Aven, Heather M.  
**Subject:** FW: Family Definition

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Heather,

Another note for the commissioners for this evening if it is possible to get this to them. Thanks,

Dick

---

**From:** Richard Conoboy <[riton@comcast.net](mailto:riton@comcast.net)>  
**Sent:** Thursday, September 17, 2020 9:11 AM  
**To:** 'lapool@cob.org' <[lapool@cob.org](mailto:lapool@cob.org)>; 'rmsepler@cob.o' <[rmsepler@cob.o](mailto:rmsepler@cob.o)>  
**Cc:** 'prufatto@cob.or' <[prufatto@cob.or](mailto:prufatto@cob.or)>  
**Subject:** Family Definition

Lisa and Rick,

Following up with you on last night's MNAC meeting. I sent the following to the commissioners a few days ago and covered the same with MNAC, although you already might have been provided a copy of the text.

*"I have been reviewing the municipal code for the appearance of the word family. A search of the code results in 199 hits. As one might guess, most of those code mentions come under Title 20, Land Use Development. But there are also many hits on the word family outside Title 20 having to do with impact fees, health and sanitation, garbage collection, business taxes, affordable home ownership, access to immigrant services, etc. There may also be issues with regard to the rental of SF homes by room rather than by house and how that might change the situation when the definition of family is changed. "*

I still don't feel I have an adequate answer to the use of the term "family" throughout the code. Am I to understand that the term is re-defined from one code title to the next? This is quite unsettling and for me a exquisite producer of cognitive dissonance. Perhaps our city attorney might provide some enlightenment. 10 years ago when this topic arose one the principal reasons for dropping it at that time, as I remember, was that the entirety of the code would have to be scrubbed to weed out problems with redefining the term. Or is it just a term of convenience depending on the topic?

I would also like to bring up again the issue of changing enforcement of infractions of rules, such as the illegal boarding house, to civil infractions to ease enforcement. We have been talking about that for years and have not moved an inch as far as I can tell. This may influence how we think of changing the definition of family and attendant enforcement issues.

Again, this issue is one of tremendous importance for changing the definition has the potential to essentially eliminate, for all intents and purposes, differences between RM and SF. If this is the secret goal, then let's bring it public and stop beating about the bush. Moreover, this issue has all the possibility in the world to become a profit windfall for landlords who already control half our housing resources. We need look no farther for examples than the [megaplexes](#)

[on Iron and Humbolt Streets](#) about which complaints were made as soon as they were occupied. The city's response was to "monitor" the situation. Result? Bupkis.

Given the current economic and health crisis we are in, is this really the time to be acting on such a substantive issue? Public participation was difficult even before switching to video conferencing which I now find unbearable. What is the rush? **Will there be a component to adopted changes that the new rules will (must), in fact, produce more affordable housing in the private sector?** Or is this, as I called it above, a rush to give gifts to landlords and developers? And just when are we going to start treating rentals as businesses requiring B&O taxes and licensing. As pointed out last night, you need a license to cut hair here but providing a basic human need, such as shelter, gets a pass.

And last, as I explained at MNAC, do we want to give this to a planning commission whose composition will change drastically in mid-consideration? Do we really want to hand over this issue to a commission whose membership on January 1<sup>st</sup>, 2021 will have **only ONE member with more than a year of commission experience?**

Regards,

Dick

## Aven, Heather M.

---

**From:** Richard Conoboy <riton@comcast.net>  
**Sent:** Friday, September 18, 2020 12:46 PM  
**To:** Aven, Heather M.; Grp.PL.Planning And Development Commission  
**Subject:** Megaplex Rentals

Commission Members,

At the work session on the family definition, Mike Estes, spoke to the issue of the creation of oversized homes in SF neighborhoods built exclusively to house large groups of single rentals. Here are some of the examples I wrote about **over 5 years ago**. City hall did a collective shrug and here we are today:

<https://nwcitizen.com/entry/hansen-iron-street-rental-megaplex-planned-for-york-neighborhood/>  
<https://nwcitizen.com/entry/parentage-of-the-hansen-iron-st.-rental-megaplex-found-on-humboldt-st/>  
<https://nwcitizen.com/entry/hansen-iron-st.-rental-megaplex-part-ii/>  
<https://nwcitizen.com/entry/single-family-home-rental-got-40000-per-year-to-spend/>  
<https://nwcitizen.com/entry/megaplex-infection-spreads-to-sehome/>

The basic modus operandi of these developers is to buy an existing home in a SF neighborhood and raze it in order to build what is essentially a 6,7,8 room "SF home", that is, a big box with a Potemkin inspired front porch to give a wink and a nod to neighborhood character. In the case of homes on Jersey Street (see last link above) that were replaced by megaplexes, a fire in one dump of a rental destroyed that rental and the other equally dumpy rental next door to pave the way for a couple of megaplexes which are operating today.

Rooms are rented separately which does not even give a hint of adhering to code that a "family" lives there. Just blatant, in your face, "Bellingham, I will build what I want and you can take a hike". Take a look at the building permit for the megaplexes on Iron St for which the **permits were granted only on the stipulation that the "homes" would not be used for renting to a large group in violation of the code.** They operate today with impunity, filled to the rafters.

Since references to court cases on family definition are flying about during this discussion like confetti on a parade, may I offer this one in [Stegeman v. City of Ann Arbor](#) wherein the judge issued this statement. *"To say that a family is so equivalent to a ragtag collection of college roommates as to require identical treatment in zoning decisions defies the reality of the place of the family in American society, **despite any changes that institution has undergone in recent years.** Only the most cynical among us would say that the American family has devolved to the point of no greater importance or consideration in governmental decision making than a group of college roommates."*

So here we all are with the result of 4 decades of our city's laissez-faire in the realm of rentals. You can squeeze the water balloon of family definition all you want but **without a basic overhaul of the overall systemic abuse in landlordia**, that water in the balloon will just move to the other end.

Regards,

Dick Conoboy