The following are summary minutes for the meeting of the City of Las Cruces – Housing Policy Review Committee on May 18, 2022. The meeting was held via Zoom and in Room 2007A at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

Members Present:
Kassandra Gandara, City Council
Johana Bencomo, City Council
Yvonne Flores, City Council
Juan Olvera, Mesilla Valley Public Housing Authority

Members Absent:
Sonja Unrau, NM Mortgage Finance Authority
Benjamin Beard, Las Cruces Home Builders Association

Others Present:
Natalie Green, Housing Neighborhood Service Manager
Jan Lauterbach, Housing Development Coordinator
Kevin Wilson, Housing Development Coordinator
Cynthia Villanueva, Administration, Economic Development
Francisco Pallares, Deputy Director Economic Development
Sergio Ruiz, Policy Analyst
Christine Rivera, City Clerk
Eric Enriquez, Assistant City Manager
Nicole Martinez, Director, Mesilla Valley Community of Hope
Jan Lauterbach, Housing Development Coordinator
Cynthia Villanueva, Administration, Economic Development
Francisco Pallares, Deputy Director Economic Development
Sergio Ruiz, Policy Analyst
Christine Rivera, City Clerk
Eric Enriquez, Assistant City Manager
Nicole Martinez, Director, Mesilla Valley Community of Hope

1. Call to Order: Councilor Bencomo called the meeting to order at approximately 2:05.

2. Conflict of Interest: No conflict of interest was proclaimed.

3. Acceptance of the Agenda: Motion to accept the agenda by Councilor Flores, seconded by Councilor Gandara. Motion passes.

4. Minutes for Approval:
   a. Housing PRC Meeting of April 20, 2022: Motion to accept the Minutes by Councilor Gandara, seconded by Councilor Flores. Motion passes.
5. **Action Items:** None.

Those present and online introduced themselves.

6. **Agency Spotlights:**

   a. **NM Voices for Children:** Divya Shiv gave the presentation. She is a research and policy analyst at NM Voices for Children and works on issues related to health and housing. NM Voices for Children is a non-partisan, nonprofit that was formed roughly 30 years ago by a group of pediatricians to address issues they were unable to solve in their clinics; education, economic wellbeing, food, housing, and etcetera. The mission remains the same; to "champion public policies that improve the wellbeing of New Mexico's children, families, and communities".

   Daily they do research, policy analysis, and advocacy typically at the state legislature level around a broad array of issues including education, economic wellbeing, health, and etcetera. Every year a kids data book is compiled which is a fabulous resource showing how New Mexico children and families are faring in the state across a wide array of issue areas. Ms. Shiv recommends the Board looks at the data on the website; www.nmvoices.org. Ms. Shiv comes from a background of community organizing around the issue of housing in the state of Washington. At NM Voices it is a relatively new issue area as an organization. Housing issues can impact physical and mental health as well as someone's economic wellbeing to maintain a job and children's education.

   She does not believe that housing is an issue due to the pandemic but rather has been an issue prior to that; COVID just exacerbated the issue. Currently in New Mexico they have a need of about 32,000 affordable housing units just to meet the demand but doesn't take into account future demand. In 2020 there was the highest increase in homelessness across the country and roughly 16 evictions per day; pre-pandemic data which means it is probably undercount. In terms of what NM Voices for Children does is they spend much of their time on education and capacity building; presentations, give interviews, write op-eds about housing affordability, homelessness, tenant protection, and statewide legislative advocacy. This past legislative session they tried to support a bill on tenant protections and Representative Rubio sponsored it. They also testified and advocated in support of increased recurring funding for building and developing more affordable housing.

   Recently they moved into city-wide advocacy as Albuquerque is developing and introducing its source of income discrimination ban. Ms. Shiv welcomed the Board to reach out if they have any questions. Councilor Flores asked what was going on with the tenant rights legislation. It was introduced last session. On the last day of legislative session it made its way through all of the committees except the last committee. Ultimately it did not get passed. It would have extended the
eviction timeline; NM is one of the shortest eviction timelines in the country which makes it difficult for tenants to get access to financial and legal resources. Representative Rubio stated that when the pandemic began and people were asked to stay home many people were being evicted and she as well as Representative Romero from Santa Fe felt it was important to address the issue.

This legislation tenant rights has been in the works since then. They tried to put it into special sessions but had to wait until 2021 legislation. It passed the House with a lot of support after a lot of compromise; passed a committee in the Senate; and the last Senate committee never received a hearing. This year they introduced an easier bill to pass as they knew the bigger bill wouldn’t pass in a 30 day session. The governor put it on her agenda as well. It was the last version of what was passed in 2021 which was supported by the Landlord Association but it did not get a hearing in Senate Judiciary. Representative Rubio stated that there are legislatures within the state who do not want to address the issue around housing and so it is critical that the work being done at the city level is being done. They do intend to reintroduce a version for the 60 day session: hopefully more broader and bolder than before. She hopes the city will take on some of the information and put it towards what’s happening locally, especially income. A landlord can refuse to take a certain type of income. It is up to the cities to push forward on that as well due to issues at the state level. Councilor Bencomo invited Representative Rubio back when they have the legislation proposal ready so the Board can support her.

7. General Discussion:
   a. Source of Income Discrimination Ordinance: Natalie Green stated that they are bringing back the revision to chapter 13. She did review chapters 14 and 13 and believes chapter 13 is the most appropriate place for the ordinance. The Human Rights on focuses on employment and City discrimination and the provision of municipal services. She included both the City version which still needs a section on the enforcement piece; collaborate with legal and codes to make sure it works with their administrative processes. Both Albuquerque and Santa Fe are moving forward with their own source of income discriminations. Albuquerque went to their committee process but Ms. Green hasn’t seen if it’s made it to the larger council yet. Ms. Shiv stated that Albuquerque’s passed the Finance and Governing Committee and will be heard at the general council on June 6th.

Councilor Gandara asked what the budgetary implication is for the Albuquerque one. Albuquerque’s version is asking for a feasibility study and training, a study for an incentive program. There is also some educational materials to be purchased. Ms. Green suggested having training in the enforcement piece of it. She added that Las Cruces has one of the most comprehensive fair housing ordinances in the state although it is unknown if it’s been enforced. The definition of source of
income is similar to the definitions in the Colorado and Austin one. They are also open to suggestions from members of the public and the Board for the definition. Any source of income with verifiable money, compensation, or a housing assistance that’s lawful in the state of New Mexico paid to or on behalf of the renter/buyer. It would include things like child support, life insurance policies, payment vouchers, and etcetera. A lot of time there is discrimination based on SSI or SSDI and rental subsidy programs.

They were able to go through the section and add source of income to be similar to a protective class. In all housing transactions it would be prohibited to discriminate based on race, ethnicity, color, religion, sex gender, disability, source of income, familial status, sexual orientation, spousal affiliation, ancestry, or natural origin. Homeowners can’t refuse to sell based on source of income and can’t have different terms and conditions either. Homeowners also can’t advertise their homes as no vouchers. If an apartment is for rent and someone came to view it the owner can’t refuse to show them the unit based on a voucher. Most of these are based off of the Fair Housing Law; source of income was simply added. The administering department is responsible for most of the enforcement from an administrative side; currently it is the Economic Development Department. Due to this they need to flush out what the municipal fine would be, working with codes. Ms. Green suggested rewriting the section to model other sections in ordinances that has a ticketing component. She will need to research that from other sections. In a previous legislation the source of income part was highly contentious and was removed.

Councilor Flores asked for clarification about the enforcement section 13-7 on page six, if it has to be rewritten to state the enforcing people. Ms. Green stated some areas need to be clarified; when it was created it was in Community Development and so there is language that is for them rather than Economic Development. When there is a complaint it is forwarded under the Fair Housing Code to the Department of Housing and Urban Development. As source of income isn’t part of the federal level the enforcement piece will need to be broken out at the local level. At the federal level there is enforcement action through HUD but not for source of income. For Fair Housing, every call is logged and staff makes a determination of whether it should be forwarded or not. Nicole Martinez added that voucher clients tend to be denied very often; perhaps every other to every couple days a voucher is denied. Jan Lauterbach stated that they don’t have as many complaints but have received a call recently where she waited two years for a Section 8 voucher and then her landlord wouldn’t accept it.

Councilor Gandara believes the data is good to have when this comes before Council. She recommended they also use the data to educate the public as to why this is happening. A couple years ago CYFD met with
landlords and educated them on vouchers while also seeing their side of the story. Ms. Green commented that they might be able to get data from the Housing Authority on the number of extensions. Juan Olvera stated that lately there’s been a lot of extensions of six months or longer for people. Officer Roach stated that he doesn’t recall ever having received a complaint about this in his section of codes. Yesterday he and some other officers discussed this ordinance and how enforcement would happen. If codes is the one to write the ticket they would have to duplicate the work Economic Development does with the complaint due to the fact that they have to be able to go to court and testify. Officer Roach recommends that if this ordinance is passed they have training on how the questions will be asked; dealing with protective classes and don’t want to get in trouble.

The program for codes typically looks for voluntary compliance prior to a citation. Officer Roach presumes this falls in the same line. This will also require discussion with City Legal to make sure they get everything right. Officer Roach explained voluntary compliance; instead of immediately ticketing they give the homeowner a chance to clean things up as well as educate them on why ordinance exists. So long as progress is being made codes will work with them; if they don’t then a citation will be given. If the person takes care of things prior to trial then codes will work with them again and have the trial dismissed. There are some exceptions for public safety issues, such as parking in front of a fire hydrant. Kevin Wilson added that the Landlord Association spent a lot of money and time passing legislation to make sure that the eviction process was one of the quickest in the nation. He believes that they should use the same time and effort to make sure that this particular violation is swift; people without a roof over their heads shouldn’t be forced to wait for a home.

Officer Roach stated that if the administrator has already done the foot work and presents the work to codes for them to cite the landlord they may not have to redo the process and rather issue the citation right away. At that point they will subpoena the administrator or designee to court for testifying. Typically codes standard response is roughly five days to almost everything to begin the process. He recommends the administrator uses a general practice as well; there could be a case by case scenario if they need to speed things up. Councilor Gandara asked if the municipal court has the capacity to handle the increase in cases; this needs to be rapid as the people with vouchers don’t have a place to live. She doesn’t like the idea of waiting for the landlords to do voluntary compliance with a time frame but also is uncertain about how much the municipal court can handle within a short time frame. She suggested a mediation court.

Ms. Green added that even with the source of income added to the ordinance they could still deny renting to voucher holders due to the vouchers being based on a payment standard; if the rent is higher than the payment standard the landlord wouldn’t be denying based on voucher but
rather payment. She believes they should work on the incentive piece as well. She and Ms. Martinez spoke with the lady who was the consultant for CYFD’s pilot program in Albuquerque, Taos, and one other city. It’s for youth vouchers. Part of it is an incentive program to take the voucher and to have a risk mitigation fund in case there is excessive damage to the home which the landlord can access. A landlord may be hesitant to take a voucher as it seems daunting and they may fear the unit won’t be up to code so they would receive a certain amount of money to bring the building up to code in order to accept a voucher holder. It has only been a month or two but there is data being taken. Ms. Green is waiting for more information.

Representative Rubio stated that looking at it from a big picture around housing policy she believes that historically many cities have gone towards the direction of sanctioning landlords. While it has been somewhat helpful it puts a lot more of the burden on tenants themselves which can be difficult. If many complaints are needed to initiate the investigations, especially from low income tenants who may fear retaliation or undocumented people who fear authority, they may not make the complaint. She recommended standard housing; targeting a certain area with certain multi-family units are located and having those target areas be proactive in inspections which would hopefully lead to being proactive in the future. Councilor Bencomo stated one of the biggest pieces to figure out is the administrator and enforcement so work isn’t duplicated. She asked if the fine amount needs to be put in the ordinance. Officer Roach stated that the ordinance already lists a not more than $500 fine or imprisonment for 90 days or both; section 10 of the municipal code. Ms. Green asked if there is a business registration enforcement; there is one. She asked if they could do the enforcement similar to that where they receive the call and send it to codes to do the investigations.

There needs to be clarification on the amount of time between when the complaint is made and the enforcement is issued. Councilor Bencomo would like to honor the voluntary compliance but this is an urgent matter. She believes there should be a middle ground to find a time frame that makes the most sense but also educate landlords; Albuquerque is asking for money for educational materials for landlords and Las Cruces should be able to amplify that here rather than recreating everything. If the education is done at the beginning and landlords still deny people then it can be said that they received enough time already to come into compliance. Councilor Bencomo added that the risk mitigation fund as part of the entire budget for training would include the codes officers on how to educate and talk to landlords. Ms. Green said that she has seen a potential budget for a pilot. She believes Housing Authority was piloting funding with some they have received as well. When the ordinance is brought back for action they will also bring a conversation with risk mitigation, landlord incentives, and what it will all look like. Once she sees
the CYFD data on their pilot program she will know when they can bring in back, possibly next month.

Nicole Martinez added that Community of Hope and Housing Authority could also do some of the education with landlords as they do some anyway. They can also begin collecting data on when landlords refuse vouchers and send it to the City. She believes it’s helpful to have administration from the City when a voucher is refused. She would like to partner with the City to help provide education in the beginning. They need to figure out how to not jeopardize the landlord/tenant relationships with the educational piece that’s beneficial for everyone but also informing them that they can’t just refuse. Ms. Martinez asked how Albuquerque is doing their enforcement. Councilor Bencomo can follow up with Ms. Shiv on that information. There is a specific group in Albuquerque that focuses on this that Ms. Martinez can also reach out to.

Councilor Flores is concerned about whether the ordinance has enough teeth. Codes enforcement tends to be for the owner of the property for weeds or if a property is dilapidated. With a landlord it may not solve the problem as they may pay their fine and then move on. Courts also have a backlog which will take time. If the City has to send the information to the Fair Housing complaints it is moved to them. Ms. Green stated that if Albuquerque, Santa Fe, and Las Cruces push this forward it may force some sort of challenge at the state level to either put legislation in place or be a court challenge with a judicial decision. It could be a Title 7 violation and under the Fair Housing Act. Representative Ruiz did a revision of the landlord/tenant resolution for legislature and has sent it to Councilor Flores and Ms. Green; they’ve read it and recommended adding broader landlord/tenant actions.

Officer Roach stated it’s already in the ordinance under section 110, 13-7, letter F; “each separate violation shall constitute a separate offense. In a case of a continuing violation each day that a violation continues after notice from the City and request for correct shall constitute as a separate offense”. Codes has it all the time where people pay the fine and believe they don’t have to make the corrections but in certain situations they go back every day to issue a new citation as well as educate them that each day is $500. They would also need to work with the municipal court that they would be encouraged to look at utilizing the maximum fines. It would take a lot for the word to get out that the City is being serious on this ordinance. Councilor Bencomo believes there is an obvious and systematic failure when it comes to housing and protecting people who are vulnerable. In order to change that change has to sometimes come at incremental levels. She believes this is part of that process and the fact that other cities are also doing this which can make a bigger impact.

Nicole Martinez added that this is the perfect time to talk about language as well. When a voucher doesn’t meet the full rent, it only happens if a
tenant has their own income; the tenant would be expected to pay 30% of their rent with the voucher subsidizing the rest. Therefore the landlord shouldn’t be able to deny that. The language needs to be fixed with that saying it would be income as well as voucher. Councilor Gandara stated that there seems to be a disconnect with entities dealing with this and the next step to enforce it. She believes an educational campaign needs to be created; ways to report anonymously as well. She is also interested in how other parts of the nation deal with this, straight to codes or some middleman.

There are also many times when tenants abuse the property which is the landlords concern. The narrative out there that says not everyone does that but people who do may be afflicted with trauma or depression. Councilor Gandara feels that as they do trainings those are other areas to educate. The mitigation funds in the initial rollout would be beneficial. Ms. Green added that they are funding legal aid this year as health public services. There used to be a Fair Housing enforcement in this area but it fell apart; a retired fair housing investigator trained them but is gone now. This area is poorly served in terms of housing issues. Councilor Bencomo added that Central Law and Poverty could have some legal resources to educate people.

b. 10-Year Plan to End Homelessness: Councilor Bencomo stated that this topic can be the first topic next month as well if they aren’t able to make it through the full presentation today. Natalie Green gave the presentation; the 10-Year Plan was adopted many years ago. It was an unfunded mandate and a group worked on some of the issues. Ms. Green believes it would be helpful to update this Plan as well as the action items; there are good bones. The vision statement, some language, and some best practices are outdated and changed. She included Albuquerque’s version as well to view. The overarching purpose is to plan for outcomes and focus on both developing interventions to keep people from becoming homeless as well as swift actions to help house people. It also talks about building infrastructure around poverty, homelessness, and etcetera.

One high level priorities is to break the cycle of homelessness with an education component around the negative perceptions around homelessness which many times are inaccurate. The Plan called for developing a communication plan around discussions about people experiencing homelessness. Ms. Green believes that’s something they need to circle back to. There needs to be additional development around discharge plans which she defers to Ms. Martinez on. There’s a community plan for homeless prevention that needs to happen. Ms. Martinez stated that it’s not nearly to the level it used to be there’s been a lot more communication and education with hospitals and jails which help the discharge. Prevention of homelessness is more affordable than long term effects of homelessness.
Many of the action items were accomplished in terms of increasing transitional housing beds and creating some permanent supportive housing units. The Plan called for an increase in emergency shelter beds. Gospel Rescue Mission is expanding their meals and will eventually phase their space as well; the portable will serve three hot meals. They need funding to do the rest of the work. The Plan called for an increase of 140 permanent supportive housing units and they are currently to roughly 44. There is an opportunity with Brewer’s Oil to implement the additional development of permanent supportive housing with housing in general. Community of Hope has been great with rapid rehousing. The Plan called for 30 but Community of Hope is upwards of 150 now. The Plan also calls for an increase in supportive services, case management, mental health, legal, substance abuse and detox, and workforce. Many of that happens currently at Community of Hope; need to build or expand on that.

Transportation opportunities were talked about at Council for expanded hours and low income bus passes or free rates. As part of the Master Plan for the Community of Hope campus Transit recommended they install a bus pull in since it’s one of their busy stop; a bus shelter can then be put in again. The Plan talks a lot about community and collaborative efforts which may be the hardest piece to it; bring in the business and church community; increase funding for family units and beds; involve the local faith community; advocate for additional policy change. Many items have happened but not as it was planned out. Ms. Martinez suggested being more specific with the second priority; low income tax credits, utilizing the housing trust fund, maximizing what’s going in, GO Bond, and etcetera. Many things in the Plan didn’t exist when it was written but is now.

Councilor Bencomo asked what the process with updating the Plan would look like. Ms. Green stated that it would be a new process as none of the staff was working at the City when it was created. Her initial goal is to have one of the new interns update some data and inventory. Then they can update goals through this Committee. Councilor Gandara recommended hiring a researcher and evaluator to dig into what has been done, where they’re at, and work on updating the plan. She believes the public is pressing them to work towards this goal and they can present this plan to the community on where everything is. On Monday Council approved the hiring of a consultant for the Home ARP; focuses on homelessness. As part of that there is a gap and needs analysis as well as a stakeholder consultation process. The goal is to put both of them together or at least take some actions outlined in the Home process; $1.7 million to address homeless issues.

Councilor Gandara believes it’s important for the City to research where they’re at, where the gaps and barriers are, and create a new plan. That is what the Home ARP requires. Ms. Green will leverage what they’re doing with the Home ARP to speak to this Plan. Councilor Bencomo
added that she believes the moment is ripe to do something like this; the pandemic created many issues with homelessness and substance abuse. Ms. Green added that NMFA just put out or will put out an RFP for housing for people experiencing homelessness. Long-term pieces are critical to this Plan but people are also desiring short term strategies to fit in. They hope those vocal people will be part of the solution. Ms. Bustamante commented that she is still learning new things but she recently went to a housing first conference in Seattle and saw a presentation on homelessness in Finland who has a national goal to eradicate homelessness by 2027. This plan was meant to be 10-year and it is now 14 years old.

Some things Finland did is transitioned shelters into efficiency units to provide support, any new construction apartments must have a section designated to low income or affordable housing, as well as more. She recommended that the City be radical in what they’re willing to support and how they’re willing to look at things differently to end homelessness. Expanding shelter beds and things are good but in a sense they just continue to increase the need for people to remain homeless. Emergency shelter is no longer a best practice and with this Plan the political will around affordable housing can be built.

8. Future Items for Review: Councilor Bencomo suggested meeting with Ms. Green prior to the next meeting to discuss the clearest next step. In June there is to be a larger discussion around homelessness to include the Master Plan: recommendations, House America Proclamation which sets a goal for unity production, rental expansion as a short term solution to visibly address concerns around homelessness, and etcetera. The Master Plan calls for moving forward with an RFP for development partner on Brewer’s to have a real housing development. There is also the infill review. Ms. Green asked if FYI can be the agency spotlight next month; they agreed.

9. Adjournment: The meeting adjourned at approximately 3:34 p.m.