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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PORTLAND METROPOLITAN)
ASSOCIATION OF REALTORS, a)
Domestic Nonprofit Corporation; HOME)
BUILDERS ASSOCIATION OF)
METROPOLITAN PORTLAND, a)
Domestic Nonprofit Corporation;)
BUILDING OWNERS AND MANAGERS)
ASSOCIATION OF OREGON, a Domestic)
Nonprofit Corporation; NAIOP OREGON)
CHAPTER, a Domestic Nonprofit)
Corporation; PORTLAND BUSINESS)
ALLIANCE, a Domestic Nonprofit)
Corporation; COMMERCIAL)
ASSOCIATION OF BROKERS)
OREGON/SOUTHWEST WASHINGTON,)
a Domestic Nonprofit Corporation; and)
OREGON ASSOCIATION OF)
REALTORS, a Domestic Nonprofit)
Corporation,)

Plaintiffs,)

v.)

CITY OF PORTLAND,)

Defendant.)

Case No. 15CV19696

**PLAINTIFFS' REPLY TO CITY OF
PORTLAND'S MEMORANDUM OF
LAW**

I. INTRODUCTION

This case involves a fundamental disagreement about the City's duties to the public arising under State law, ORS 223.297 to 223.314 (the "SDC Act"). Plaintiffs believe that SDC Act requires Oregon municipalities to prepare capital improvement plans ("CIPs") identifying specific capital projects to be funded, and to develop a methodology to access capital improvements fees to raise the funding. The City believes that it works the other way

1 around. The City believes that the SDC Act sets forth "minimal" requirements that permit
2 municipalities to develop methodologies to access capital improvements fees to fund capital
3 projects that have not yet been identified.

4 This issue before this Court is a matter of statutory interpretation. If this
5 Court determines that SDC Act imposes duties on municipalities as explained below, then the
6 City has necessarily failed to satisfy its obligations under the statute. In this case, Ordinance
7 187150 should be annulled or reversed.

8 In our Opening Brief, we also pointed to findings made by the City in
9 Ordinance 187150 which were unsupported by evidence in the record. The City has
10 responded, not by pointing to evidence to support its findings, but by arguing that its
11 unsupported findings do not matter. In each case, as discussed below, the City understates
12 the impact of its erroneous findings. For this reason too, Ordinance 187150 should be
13 annulled or reversed.

14 **II. ARGUMENTS IN REPLY**

15 **A. The City's CIP does not comply with the SDC Act**

16 As an initial point, many of our disputes with the City are legal, not factual.
17 Under ORS 34.040, a party can challenge a City Ordinance on several grounds, including
18 lack of substantial evidence, ORS 34.040(c), and improper construction of applicable law,
19 ORS 34.040(d).

20 At several points in its brief, the City conflates these two types of challenges.
21 The prime example is in connection with the City's failure to prepare an adequate ("CIP").
22 As discussed in detail below, the SDC Act requires the City, before it imposes an SDC, to
23 create a CIP that includes a list of all capital improvements to be funded by the SDC. ORS
24 223.309(1).

25 In our Petition and Opening Brief, we argued that neither the CIP that the City
26 adopted (the "Adopted Plan") nor the partial list of projects that the City later added to the

1 record (the "20-Year Wish List") comes close to meeting the specific statutory guidelines set
2 out in the SDC Act. In response, the City points to the testimony of its consultant Randy
3 Young, who stated that the City's CIP complies with ORS 223.309(1). (City's Brief at 8.)
4 Based on this testimony, the City argues: "Substantial evidence supports the Council's
5 determination that the 2015 Park [CIP] complies with ORS 223.309(1)."

6 This completely misses the point. The question of what ORS 223.309(1)
7 requires is a question of law for the Court. "In no event is the *meaning* of a statutory term
8 determined as a question of fact. That is because statutes are—by definition—law, and their
9 interpretation is always a question of law." *Karjalainen v. Curtis Johnston & Pennywise,*
10 *Inc.*, 208 Or App 674, 681, 146 P3d 336 (2006) (citing *Miller v. Water Wonderland*
11 *Improvement District*, 326 Or 306, 309, 951 P2d 720 (1998)) (emphasis in original). There is
12 no factual disagreement about what the City submitted as a CIP in an attempt to meet the
13 statutory requirement. The question is whether the City's CIP complies with the
14 requirements of the statute. This is purely a question of statutory interpretation, which is
15 reviewed *de novo* by the Court. "Substantial evidence" is meaningless in this context.

16 The SDC Act provides that capital improvement fees must be "calculated to
17 obtain the cost of capital improvements for the projected need for available system capacity
18 for future assets." ORS 223.304(2)(b). The Oregon Legislature made clear that, before
19 establishing a capital improvement fee "by ordinance or resolution, a local government shall
20 prepare a capital improvement plan * * * that includes a list of the capital improvements that
21 local government intend to fund, in whole or in part, with the revenues from an improvement
22 fee and the cost, timing and percentage of costs eligible to be funded with the revenues from
23 the improvement fee for each improvement." (ORS 223.309(1)) (emphasis added.).

24 Here, there is no dispute that the Adopted Plan fails to satisfy the requirements
25 of the SDC Act. In fact, after Plaintiffs identified deficiencies with the Adopted Plan, the
26

1 City scrambled to insert the 20 Year Wish into the record to address them. But the 20 Year
2 Wish List does not satisfy the statute either.

3 For the 20 Year Wish List to satisfy the requirements of the SDC Act, the City
4 must persuade this Court that, for each capital improvement, the 20 Year Wish List includes
5 the (1) estimated cost, (2) timing, and (3) percentage of costs eligible to be funded with
6 revenues from the improvement fee. ORS 223.309(1). As discussed in detail in Section
7 IV.B of our opening brief, the 20 Year Wish List does not include the required information.
8 For example, some projects contain no more detail than: "Unidentified Central City
9 Projects" and "Unidentified Non-Central City Acquisitions." The deficiencies are so
10 pervasive that none of the "capital improvements" include all of the required information.

11 Because the 20 Year Wish List lacks the information required by the SDC
12 Act, the City urges this Court to simply make guesses to fill in the blanks. The City argues
13 that it "logically could infer * * * that the aggregate numbers presented in the" 20 Year Wish
14 List are the sum of the cost estimates for each individual project. The projects identified in
15 the 20 Year Wish List include Linnton, Humboldt, Hillsdale, Unidentified Central City
16 Projects, Unidentified Non-Central City Acquisitions, and other generic descriptions. The
17 City suggests that a cost estimate for each project—even the unidentified projects—is kept
18 in some undisclosed document, and those undisclosed cost estimates are used to form the
19 aggregate numbers included in the 20 Year Wish List. The City cannot save the 20 Year
20 Wish List with inferences, undisclosed documents, and undisclosed cost estimates. The SDC
21 Act requires the 20 Year Wish List to include a cost estimate for each project. It does not.
22 The City failed to comply with the SDC Act.

23 The City also asks this Court to bless its CIP based on the City's consultant's
24 testimony that the City's CIP complies with Oregon law. This request underscores the
25 delicate nature of City's arguments. Randy Young is the City's paid consultant. He is not a
26

1 lawyer. He is not even an Oregonian. Randy Young's purported understanding of Oregon
2 law is irrelevant. He has no business advising this Court how to interpret an Oregon statute.

3 The City admits that it has not yet determined how it will spend the money
4 raised by these SDCs.¹ With this admission, at the end of the day, the only way the City can
5 satisfy the requirements of the SDC Act is by asking this Court to write them out of the
6 statute. The City tries to justify this extraordinary request by rationalizing that, since the
7 City's CIP can be modified after the Ordinance goes into effect, the current deficiencies
8 should be excused. After all, the City can fill in the blanks later. This misses the point
9 entirely. Capital improvement fees are relatively obscure fees that can be collected without
10 revision or reenactment for 20 years. After the fees are properly enacted, there are few
11 opportunities for the public to weigh in on how, when and where public monies generated by
12 these fees should be spent. This is why the Oregon legislature enacted strict requirements
13 into the SDC Act, which limit the purposes for which improvement fees can be spent and
14 define procedures by which they may be enacted. If those procedures are disregarded, the
15 important public oversight mandated by the Oregon legislature will be lost.

16 Public oversight is important because the size of the slush fund the City is
17 attempting to create is enormous. In its Brief, the City does not even address the fact that the
18 capital improvements it intends to fund with the Ordinance 187150 skyrocket in 2020 from
19 \$4.75 million per year to \$53 million per year. Similarly, the City does not address the fact
20 that the new capital improvement fee is projected to raise more than \$1 billion, which far
21 exceeds the costs of the projects identified in the 20 Year Wish List.

22 Likewise, the City does not mention that the creation of a gigantic slush fund
23 would allow the City to avoid further public scrutiny about how it will spend funds generated
24 by its new fee that exceed those needed to fund properly identified capital projects. This is

25 ¹ See City Brief at 12-13: "Until the City determines how it actually will spend the money, 'there is no reason to
26 believe that it will spend the SDC funds inappropriately, and, thus, there is no justiciable controversy.'" (Citation omitted; emphasis added.)

1 because, had it followed the rules, the City would have been required to provide notice, hold
2 a hearing if requested, and any "decision of a local government to increase the [SDC] by
3 modifying the list may be judicially reviewed" (ORS 223.309(2)) for funds used on new
4 projects. None these protections apply to unallocated funds already collected.

5 As discussed above, it is this Court's province to interpret the SDC Act and to
6 determine whether, in accordance with the statute's plain terms, the City must prepare a CIP
7 with the specific plan with the specific information identified in the statute, or whether the
8 City may leave out the detail, collect public money, and then decide later how and when it
9 will be spent.

10 **B. The City's investment per person calculation is not supported by**
11 **substantial evidence.**

12 The City's attempt to change from a "number of acres per person" to a "per
13 capita" investment SDC calculation is not supported by substantial evidence in the record.
14 An investment per capita calculation requires an honest accounting of the "investment" and
15 of the "capita." The City fails on both numbers.

16 **1. The City's "investment" calculation is flawed.**

17 As an initial matter, there is not substantial evidence in the record to support
18 the City's assumption that the "current value" is \$3.5 billion for park assets and land. (*See*
19 *City Brief at 14.*) The City's consultant relied upon the Portland Parks inventory for park
20 assets, and valued those assets at \$1.2 billion. (Record at 40.) The consultant then made up
21 the value of the City's park land, assuming that the value of the park land was equal to "the
22 average per acre Real Market Value of all tax parcels in Portland from Multnomah County's
23 tax assessment data base." (Record at 158.)

24 There is no support for the City's assumption, which, for example, does not
25 take into account actual or historical acquisition costs of park land. The City's refutation of
26 the example of Forest Park is particularly telling. In its calculation, the City assumes that

1 every acre of Forest Park is worth the "average per acre Real Market Value of all tax parcels
2 in Portland." The City further assumes that, to maintain "current levels," a future resident of
3 Portland will buy land at "today's prices" for a new Forest Park. The City fails to
4 acknowledge that the acquisition cost of Forest Park had no bearing on the value of "tax
5 parcels in Portland," whether based on dollars from yesterday, today, or tomorrow.

6 Next, the City readily admits that there isn't sufficient available land to
7 maintain a particular number of acres per resident. (Record at 39.) Indeed, that's one of the
8 reasons that the City wants to move to a cost per person metric. But if the land is not a factor
9 going forward (i.e., because there isn't enough of it), then land should not be included in the
10 current valuation of the City's park assets for a consistent comparison. Instead, the City
11 wants to change the rubric between current values (which includes all land) and future values
12 (which cannot include the same ratio of land). This is all the more true when the City
13 abandons any effort to determine where there are deficiencies or surpluses in the City. For
14 example, the City seems content to throw up its hands at the long-recognized park
15 deficiencies in East Portland, while ignoring the surplus of space contained in Forest Park.
16 For the City's approach to be honest, it must disregard the value of land in its calculations of
17 park assets, lowering its "current value" calculation by \$2.2 billion.

18 Relatedly, the City has no basis for concluding that any new park land will
19 come at the price tag of current land values, let alone the average of current land values
20 throughout the City. That is, the City will not be purchasing park space by leveling a high
21 rise downtown or by destroying buildings in the Pearl. Rather, the land that will become
22 available will be in other areas of the City, which may have lower prices than the City
23 average (we don't actually have information related to this point, which proves that the City
24 has not made its decision based on "substantial evidence" in the record). Moreover, the
25 City's approach does not take into account actual acquisition costs. For example, much of the
26 City's parks land has been donated and acquired at next to nothing. By changing the metric

1 the way it does, the City is taking away the ability to take such donations into account for
2 perpetuity: the new cost per person metric has no forgiveness for any changes or donations in
3 the future and instead tethers the future to the "current value" the City has chosen as its
4 lodestar.

5 Next, the City's valuation of the land it does include is arbitrary. The City
6 uses the "current value" of land, but that number is both arbitrary and random. (*See Record*
7 *at 40.*) As anyone living in the City for almost any period of time knows, land values change
8 significantly and rapidly. The City's "snapshot" approach of land inventory at a particular
9 time is subject to unpredictable whims. Using the City's "current value" of land approach
10 yields drastically different results depending on the year.

11 The City's arbitrary, random, and inflexible approach should be rejected.

12 **2. The City's conclusion about Park capacity is unsupported.**

13 The City makes little effort to justify its finding that there "is no existing
14 unused capacity, nor is there any deficiency" in the existing parks system. Ordinance
15 187150, Ex. A, p. 9. As we discussed at length in our Opening Brief, this finding contradicts
16 literally every statement the City has made on this question in the last decade, as recently as
17 the City's 2015 Parks budget.

18 Rather than pointing to evidence to support its finding - - and there is none in
19 the record - - the City argues that it does not matter, because these SDCs "cannot be used to
20 make up for existing deficiencies." (City's Brief at 13.) In other words, the City is arguing
21 that, because these SDCs can only be used for new capital improvement projects to meet
22 increased demand from new construction, it makes no difference that the City is now
23 pretending there are no deficiencies in the existing system.

24 This begs the question why the City would bother to make this unsupported
25 finding. If the issue of existing deficiencies has nothing to do with these SDCs, why not just
26 repeat what the City said in the 2015 budget, or the Parks 2020 Vision, or any of the other

1 places where the City has pointed to significant, longterm deficiencies in the existing Park
2 system? If it doesn't matter, why go to the effort of making this abrupt, unjustifiable change
3 of direction?

4 The answer, of course, is that it does matter. As the City concedes, these
5 SDCs can only be used to fund new capital projects necessitated by new construction. By
6 declaring that, as of May 27, 2015, the Parks system was in perfect equilibrium, the City has
7 declared that there was no need for any new capital project of any kind as of that date. By
8 the City's logic, therefore, any shortfall in Park capacity after May 27 must necessarily be the
9 result of demand created by new construction. After all, everything was perfect on May 27.
10 And because, by the City's logic, any shortfall identified after May 27 must necessarily be the
11 result of new construction, it follows that any shortfall identified after May 27 can be
12 remedied with these SDC funds, even if the shortfall had been identified for years in
13 documents like the Parks 2020 Vision. This is completely inconsistent with the statutory
14 mandate that "Improvement Fee" SDCs like these may only be spent on capital projects
15 necessitated by new users, and cannot be used to fill deficiencies in the existing system.
16 ORS 223.304(2)(b).

17 The result is that, if this finding is upheld, the City will have carte blanche to
18 use these SDCs to fund any project it chooses. Even if a project is exactly designed to fill an
19 existing deficiency that has been identified for years in Parks documents, it would still, under
20 the City's argument, qualify for SDC funding. By magically wiping out all existing
21 deficiencies as of May 27, the City is declaring that all deficiencies must be caused by new
22 construction, and therefore that all new construction can be funded by these SDCs.

23 The City has made a finding that is unsupported by evidence and contradicted
24 by years of findings and statements by the City itself. Contrary to the City's argument, this
25 unsupported finding will have an enormous effect on how these SDCs will be spent. This
26

1 key finding is not supported by substantial evidence, and the court should remand on that
2 basis.

3 **C. The City's open space acquisitions should be excluded from the**
4 **City's CIP.**

5 The City improperly included certain open space in its CIP. The City's
6 definition of "open spaces" does not have support in the record. The City's reliance on *Home*
7 *Builders Ass'n. v. City of West Linn*, 204 Or App 665 (2007), does it no good. What the City
8 fails to recognize is that the City of West Linn's SDC was only later upheld because West
9 Linn changed its SDC calculation to exclude certain "open space" areas prior to the case
10 reaching the Court of Appeals. 204 Or App at 659-60.

11 In *City of West Linn*, the Court of Appeals found support in the record below
12 that "open space" included land that was "generally available to the public as a park or
13 recreation asset or facility." *Id* at 671. Importantly, the court's decision had nothing to do
14 with "aesthetics." And the court's conclusion circumscribed West Linn's authority: the city
15 still had to remove from its calculation lands "not generally available to the public as a park
16 or recreation asset or facility." *See id*. The City has not done so here. Under the City's
17 argument, anything that relates to "sports," "fitness," or "aesthetics" could constitute park
18 space. The City's newfound definition drastically exceeds the Court of Appeals' holding in
19 the West Linn case, and is devoid of any logic.

20 **D. The City's population growth estimate is flawed, and it matters.**

21 In Ordinance 187150, the City states "The Metro population and employment
22 data for the City of Portland projects population growth of about 99,000 by the year 2035."
23 This is false: Metro actually projects growth of 205,594 by 2035. The City, without any
24 rationale other than to understate the financial impact of the new SDCs, reduced Metro's
25 population growth estimate by 51.63%. The City does not dispute that it did this, or point to
26 any evidence in the record to justify its invented population estimate.

1 Instead, the City makes three arguments to excuse its conduct: (1) The Court
2 can't consider the actual Metro projection, only the City's false report of that projection; (2) it
3 doesn't matter anyway, because the population estimates are irrelevant; and (3) case law
4 supports the City. All these arguments are wrong.

5 **1. The Court may consider Exhibits 4 and 5.**

6 First, the City argues that this Court cannot consider the real Metro population
7 growth estimate for 2015-2035, but can only consider the City's misstatement of that
8 estimate. (City's Brief at 3.) Metro projects that the City will grow by 205,594 residents by
9 2035. But in ordinance 187150, the City states: "The Metro population and employment data
10 for the City of Portland projects population growth of about 99,000 by the year 2035." Now,
11 the City appears to argue that, because it did not put the real Metro estimates in the record
12 (even though the issue of the City's reduced estimate was addressed in the record), the Court
13 is stuck with the City's false statement, and cannot even look at what Metro really said.

14 This is an extraordinary argument for the City to make. There is a direct,
15 obvious misstatement of fact on the face of Ordinance 187150. The City should want to fix
16 it; instead, the City tries to take procedural advantage of the fact that the real numbers aren't
17 in the record. No responsible government body should make this argument.

18 In any event, however, the argument doesn't work. By stating "The Metro
19 population estimate is X," the City has put the Metro estimate into the record and before this
20 Court. The City cannot prevent the Court from looking at public records that the City itself
21 relied on in making its findings. Because the City has stated that its calculations were based
22 on the Metro projection, the Court can consider evidence about what the Metro projection
23 actually is. As the Oregon Supreme Court recognized in *Alt v. City of Salem*, 306 Or 80
24 (1988), in writ of review proceedings, "a record may be supplemented" under "certain
25 circumstances," such as to resolve a procedural irregularity (e.g., whether someone received
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1 actual notice, even though the records indicate she did). *Id.* at 84 & n.6 (collecting cases).

2 We have such an irregularity here.

3 The City admits in the record that it used Metro's 2013 calculation of
4 projected population growth in calculating its SDCs. (Record at 5; *compare* Exhibit 5.) The
5 City's reference in Ordinance 187150, however, is that the population growth is for 99,000
6 people over the next 20 years. (Record at 5.) The actual number, as relied upon by the City
7 in making its determination below, is 205,594. Thus, either the City has no support for its
8 99,000 person figure in the record (because that number is simply made up), or the City must
9 concede that it relied upon the 2013 Metro population projection of Exhibit 5, which means
10 that there is no dispute as to the factual record below. In either case, the Court may consider
11 Exhibit 5.

12 **2. The City's invented growth estimate matters.**

13 Next, the City argues that it did not need to accurately report the Metro
14 population projections, because the new SDCs are based on a "per capita" calculation and
15 will remain constant on a per-person basis. This begs the question why the City bothered to
16 adjust the Metro projections by exactly 51.63%, the precise number necessary to create the
17 appearance that the new SDCs will not raise any additional funds. If this is really a non-
18 issue, why not just use the real Metro projections? It is also worth noting that the City makes
19 no attempt to justify its revision of the Metro projection, or to argue that its estimate of
20 99,000 new residents is based on evidence.

21 As we argued in our opening brief, the population number does matter,
22 because it is the basis for the projection of how much money these SDCs will raise. The
23 SDC Act requires the City to identify specifically the capital improvements it intends to fund
24 with these fees. Based on Metro's actual projected growth numbers, the City's proposed fees
25 will raise more than one billion dollars over the next 20 years. The City's woefully
26 inadequate CIP does not begin to explain to the public how the City would spend this much

1 money. Even counting fantasy projects like "Linnton" and "Unidentified Central City
2 Project," the City's CIP falls hundreds of millions of dollars short of explaining how this
3 money will be spent. This is what we mean when we say the City is creating a slush fund.
4 By understating the projected population growth, the City can make it appear that these
5 SDCs will raise far less than they actually project to raise. Because there is no evidence for
6 the City's population growth projection, it follows that there is no evidence for the City's
7 projection of the revenue these improvement fees will raise. And because there is no
8 evidence for the revenue projection, the CIP, which is based on that projection, is necessarily
9 and fatally flawed.

10 **3. Case law does not "foreclose" this argument.**

11 Finally, the City argues that case law "forecloses" the argument that the City's
12 population estimates must be supported by substantial evidence. This argument misstates the
13 relevant case law. The City's reliance on *Home Builders Ass'n v. City of Springfield*, 211 Or
14 App 658, 665 (2007) and *City of West Linn*, 204 Or App at 655, is misplaced. (City Brief at
15 16.) In *City of Springfield*, 211 Or App at 665, the question was which of the various sets of
16 different population data in the record the defendant City should have used. But this is not a
17 case about choosing between valid sets of data. Here, the data are not in question – no one
18 disputes the merits of the Metro projections; instead, the issue is whether the City may
19 disregard the data in the record to make up its own preferred population growth. *City of*
20 *Springfield* does not support such a result.

21 Nor does the *City of West Linn* decision supports the City's argument. There
22 was no argument in that case about the adequacy of the evidence for the City's population
23 estimates. 204 Or App at 655. Nor did the Court hold, or even suggest, that the issue of
24 population is somehow irrelevant in SDC cases. As explained above, the City's artificially
25 reduced population estimates are important in this case because here, the City has not created
26

1 an adequate CIP that accounts for the funds these capital improvement fees will raise. The
2 *Springfield* and *West Linn* cases have no bearing on this issue.

3 **E. The City's SDC fees inappropriately link square footage to park use.**

4 The parks SDCs cannot be based on the size of square footage of new
5 structures because there is no evidence in the record linking size of home to use of parks.
6 The City's "data" show that larger houses support, on average, a greater number of people.
7 (Record at 40.) The City's data, however, do not take the next necessary step and show that
8 larger houses necessarily make more (or less) use of the City's parks.

9 The City's calculation also lacks factual support. In particular, the numbers
10 supporting Table 3.2 (Record at 144) has been improperly manipulated without reason. As
11 stated in the record at page 84, the City supposedly based its information from the 2011
12 American Housing Survey ("the Survey"). But the Survey data does not match the dwelling
13 unit sizes that the City includes in Table 3.2. The City tacitly acknowledges this point in the
14 redline at page 84, where it clarifies that the ranges of dwelling units were not "reported in"
15 the Survey, but rather were "tabulated from" the Survey, whatever that means. The upshot is
16 that the City's assumptions in Table 3.2 actually have no factual support.

17 The relevant summary of answers for the Survey is attached.² Again, the City
18 may criticize us for asking the Court to look at the actual documents on which the City
19 purportedly relied, rather than the City's revisions to those documents. But the City's

21 ² The City's five dwelling unit sizes are (in square feet): (1) less than 700; (2) 700-1199; (3)
22 1200-1699; (4) 1700-2199; and (5) 2200 or more. The Survey gathered information on the
23 following sizes (also in square feet): (1) less than 500; (2) 500-749; (3) 750-999; (4) 1000-
24 1499; (5) 1500-1999; (6) 2000-2499; (7) 2500-2999; (8) 3000-3999; and (9) 4000 or more.
25 There is no way for the City to have come up with data for its categories 2, 3, 4, or 5.
26 Attached as **Exhibit 11** are excerpts of the 2011 American Housing Survey for the United
States (available at <http://www.census.gov/programs-surveys/ahs/data.2011.html>) and
excerpts of the 2011 American Housing Survey Summary Table for the Metropolitan Survey
Area of Portland-Vancouver-Beaverton (available at <http://www.census.gov/programs-surveys/ahs/data/2011/ahs-metropolitan-summary-tables.html>).

1 unexplained, unjustified revision of source documents is not evidence. It is the City
2 rewriting evidence to fit its narrative. Either (1) the Survey can be considered as part of the
3 Record, because the City references and relies on it, in which case the evidence contradicts
4 the City's revisions to the survey; or (2) neither the survey nor the City's revisions to the
5 Survey may be considered, in which case there is no evidence at all on this point. It simply
6 cannot be the answer that the City can purport to rely on a public document, misstate the
7 contents of the document, and then bar the Court from considering what the document
8 actually says.

9 **F. The new SDC fees will make homes less affordable.**

10 At a time when the City of Portland has declared a "state of emergency" in
11 housing, the new Parks SDC fees will dramatically raise the cost of new construction. The
12 fees on non-central city single family homes will increase by almost 52%. The City now
13 argues that these increases will not have an impact on housing or affordability in the area, but
14 that argument is contrary to the record. Throughout this process the City itself recognized
15 that these fees would impact housing affordability. As Commissioner Saltzman stated:

16 While I think that we are great at talking about how we need to
17 be strategic in assessing the impact on fees on development – and let's not
18 forget that development means housing. I mean, we're not taxing the
developers, we're taxing the prospective purchasers of housing.

19 And while we can take great pride that we have a low income
20 exemption here, I think as we know from the housing report that we received
just last month, Portland is unaffordable to people from all incomes – low
21 income, totally dark. You can't afford to live in the city. Median income?
22 You can afford to live east of 827nd [sic] and in North Portland. 80% of
income, which is a family of four earning \$55,000 – you can live east of 82nd
or in far North Portland.

23 So clearly, to pass a fee like this in such a vacuum in a one-off
24 fashion – and that is a one-off fashion, we're doing fee increases as we think
there are three votes to do them rather than any sort of strategic,
25 comprehensive look. . . . [B]ut I still don't understand why there has to be such
a tremendous overall revenue increase associated with that, especially when
we're facing a crisis for middle income earners in this city. We have a crisis
26 for low income earners, but we have a crisis for middle income earners, too.

1 They can no longer afford to buy a house in the central city and that's in fact
2 where the SDCs are going to increase the most.

3 (Record at 16-17 (emphasis added).)

4 Commissioner Novick also pointed to affordability as being a critical issue:

5 If we adopted the same methodology for transportation SDCs
6 as parks SDCs – and intuitively, I don't really see where the logic is much
7 different than the transportation SDCs for a 1700 square foot house would go
8 up from around \$3000 to over \$30,000. I don't think that we would make that
9 jump without taking a long look at the consequences for housing affordability.
10 So, I think that it makes sense to delay this decision until we take a longer
11 look at the impact of SDC fees as a whole on housing affordability."

12 (Record at 17 (emphasis added).)

13 These new SDC fees will have significant impact on some of the most
14 vulnerable residents of our City, at a time of declared housing emergency. The City now
15 argues that the Court cannot consider this issue in this proceeding. This argument asks the
16 Court to ignore the real-world consequences of allowing the City to raise this allocated slush
17 fund on the backs of its new and vulnerable residents. It is also legally incorrect. As
18 explained in Plaintiffs' opening brief, the City's approach does not meet the objective of ORS
19 223.304(b)(A) to ensure the "equitable shar[ing]" of park costs between current and future
20 users. Rather, the new SDC fees disproportionately impact future users to create a slush fund
21 of unallocated cash for the City.

22 **III. CONCLUSION**

23 The public has a right to know how its money will be spent. To protect this
24 right, the Oregon legislature enacted rules governing how SDC fees shall be developed, and
25 how monies generated from SDC fees may be spent. Here, the City has boldly disregarded
26 Oregon law and, as a result, created massive slush fund that it hopes to spend without public

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1 oversight on projects that have not even been identified. The City's conduct is unacceptable
2 and unlawful. For the reasons discussed above and in our opening brief, the Court should
3 annul or reverse the City's adoption of Ordinance 187150.

4 Dated this 20th day of November, 2015.

5 TONKON TORP LLP

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CERTIFICATE OF SERVICE

I certify that the foregoing **PLAINTIFFS' REPLY TO CITY OF PORTLAND'S MEMORANDUM OF LAW** was served on the following, via email and mailing, by depositing with the U.S. Mail in Portland, Oregon, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Harry Auerbach
harry.auerbach@portlandoregon.gov
Chief Deputy City Attorney
Portland City Attorney's Office
1221 SW 4th Avenue, Room 430
Portland, OR 97204

Dated this 20th day of November, 2015.

TONKON TORP LLP

By s/ Paul Conable
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Steven D. Olson, OSB 003410

Attorneys for Plaintiffs

037922/00001/6812187v2

American Housing Survey for the United States: 2011

Current Housing Reports

Issued September 2013

H150/11



U.S. Department of Housing
and Urban Development
OFFICE OF POLICY DEVELOPMENT AND RESEARCH

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

Dates of Current AHS Metropolitan Areas: 1974 to 2011

Area	2008– 2011	2003– 2007	1998– 2002	1995– 1997 ¹	1992– 1994	1988– 1991	1984– 1987	1981– 1983	1980	1977– 1979	1974– 1976
Anaheim-Santa Ana, CA PMSA ²	11	X	02	X	94	90	86	81	X	77	74
Atlanta, GA MSA	11	04	X	96	X	91	87	82	X	78	75
Baltimore, MD MSA	X	07	98	X	X	91	87	83	X	79	76
Birmingham, AL MSA	11	X	98	X	92	88	84	X	80	X	76
Boston, MA-NH CMSA	X	07	98	X	93	89	85	81	X	77	74
Buffalo, NY CMSA ²	11	X	02	X	94	88	84	X	X	79	76
Charlotte, NC-SC MSA	11	X	02	95	X	X	X	X	X	X	X
Chicago, IL PMSA	09	03	99	95	X	91	87	83	X	79	75
Cincinnati, OH-KY-IN PMSA ²	11	X	98	X	X	90	86	82	X	78	75
Cleveland, OH PMSA ²	11	04	X	96	92	88	84	X		79	76
Columbus, OH MSA	11	X	02	95	X	91	87	82	X	78	75
Dallas, TX PMSA ²	11	X	02	X	94	89	85	81	X	77	74
Denver, CO MSA	11	04	X	95	X	90	86	83	X	79	76
Detroit, MI PMSA	09	03	99	95	93	89	85	81	X	77	74
Fort Worth-Arlington, TX PMSA ²	11	X	02	X	94	89	85	81	X	77	74
Hartford, CT MSA	X	04	X	96	X	91	87	83	X	79	75
Houston, TX PMSAs	X	07	98	X	X	91	87	83	X	79	76
Indianapolis, IN MSA ²	11	04	X	96	92	88	84	X	80	X	76
Kansas City, MO-KS MSA	11	X	02	95	X	90	86	82	X	78	75
Los Angeles-Long Beach, CA PMSA ²	11	03	99	95	X	89	85	X	80	77	74
Memphis, TN-AR-MS MSA	11	04	X	96	92	88	84	X	80	77	74
Miami-Ft. Lauderdale, FL CMSA	X	07	02	95	X	90	86	83	X	79	75
Milwaukee, WI PMSA ²	11	X	02	X	94	88	84	X	X	79	75
Minneapolis-St. Paul, MN-WI MSA	X	07	98	X	93	89	85	81	X	77	74
New Orleans, LA MSA	09 and 11	04	X	95	X	90	86	82	X	78	75
New York-Nassau-Suffolk- Orange, NY PMSAs	09	03	99	95	X	91	87	83	80	X	76
Northern NJ PMSAs	09	03	99	95	X	91	87	X	X	X	X
Oakland, CA PMSA ³	11	X	98	X	X	X	X	X	X	X	X
Oklahoma City, OK MSA	X	04	X	96	92	88	84	X	80	X	76
Philadelphia, PA-NJ PMSA ²	09	03	99	95	X	89	85	82	X	78	75
Phoenix, AZ MSA ²	11	X	02	X	94	89	85	81	X	77	74
Pittsburgh, PA MSA	11	04	X	95	X	90	86	81	X	77	74
Portland, OR-WA PMSA	11	X	02	95	X	90	86	83	X	79	75
Providence-Pawtucket- Warwick, RI-MA PMSAs	11	X	98	X	92	88	84	X	80	X	76
Riverside-San Bernardino- Ontario, CA PMSA ²	11	X	02	X	94	90	86	82	X	78	75
Rochester, NY MSA	X	X	98	X	X	90	86	82	X	78	75
Sacramento, CA PMSA	11	04	X	96	X	X	X	83	80	X	76
St. Louis, MO-IL MSA	11	04	X	96	X	91	87	83	80	X	76
Salt Lake City, UT MSA	X	X	98	X	92	88	84	X	80	77	74
San Antonio, TX MSA	X	04	X	95	X	90	86	82	X	78	75
San Diego, CA MSA ²	11	X	02	X	94	91	87	82	X	78	75
San Francisco, CA PMSA ³	11	X	98	X	X	X	X	X	X	X	X
San Jose, CA PMSA	11	X	98	X	93	88	84	X	X	X	X
Seattle-Tacoma, WA PMSA ⁴	09	04	X	96	X	X	X	83	X	79	76
Tampa-St. Petersburg, FL MSA	X	07	98	X	93	89	85	X	X	X	X
Virginia Beach-Norfolk- Newport News, VA-NC MSA ⁵	11	X	98	X	X	X	X	X	X	X	X
Washington, DC-MD-VA MSA	X	07	98	X	93	89	85	81	X	77	74

X Not applicable.

¹ No areas surveyed for 1997.

² Same area since beginning. All other areas change boundaries over time; see map or list of counties in each report.

³ Formerly with San Francisco-Oakland, CA, PMSAs.

⁴ Formerly Seattle-Everett, WA, PMSA.

⁵ Currituck County, NC, was added to the geographic definition in 1998.

Dates of Current AHS Metropolitan Areas No Longer in Sample: 1974 to 2011

Area	1998– 2011	1995– 1997 ¹	1992– 1994	1988– 1991	1984– 1987	1981– 1983	1980	1977– 1979	1974– 1976
Albany-Schenectady-Troy, NY ²	X	X	X	X	X	X	X	X	X
Allentown-Bethlehem-Easton, PA-NJ ²	X	X	X	X	X	X	X	X	X
Colorado Springs, CO ²	X	X	X	X	X	X	X	X	X
Grand Rapids, MI ²	X	X	X	X	X	X	X	X	X
Honolulu, HI ²	X	X	X	X	X	X	X	X	83
Las Vegas, NV ²	X	X	X	X	X	X	X	79	76
Louisville, KY-IN ²	X	X	X	X	X	83	80	X	76
Madison, WI ²	X	X	X	X	X	81	X	77	75
Newark, NJ (now covered by Northern NJ) ²	X	X	X	X	X	81	X	77	74
Norfolk-Virginia Beach-Newport News, VA MSA	X	X	92	88	84	X	X	78	75
Newport News-Hampton, VA MSA	X	X	X	X	X	X	X	78	75
Omaha, NE-IA ²	X	X	X	X	X	X	X	79	76
Orlando, FL ²	X	X	X	X	X	81	X	77	74
Paterson-Clifton-Passaic, NJ (now covered by Northern NJ) ²	X	X	X	X	X	82	X	78	75
Raleigh, NC ²	X	X	X	X	X	X	X	79	76
Saginaw, MI ²	X	X	X	X	X	X	80	77	74
San Francisco-Oakland, CA PMSA	X	X	93	89	85	82	X	78	75
Seattle-Tacoma, WA	X	X	X	91	87	X	X	X	X
Spokane, WA	X	X	X	X	X	81	X	77	74
Springfield-Chicopee-Holyoke, MA-CT ²	X	X	X	X	X	X	X	78	75
Tacoma, WA ²	X	X	X	X	X	81	X	77	74
Wichita, KS ²	X	X	X	X	X	81	X	77	74

X Not applicable.

¹ No areas surveyed for 1997.

² Same area since beginning. All other areas change boundaries over time; see map or list of counties in each report.

Table C-02-AH.

Rooms, Size, and Amenities—All Housing Units[Numbers in thousands, except as indicated. **Weighting consistent with Census 2010.** X not applicable; Z represents or rounds to zero. See Appendix A for definitions]

Characteristics	Total housing units	Seasonal	Year-round										New construction past 4 years	Manufactured/mobile homes		
			Occupied			Vacant										
			Total	Owner	Renter	Total	For rent	Rental vacancy rate	For sale only	Rented or sold	Occasional use/URE	Other vacant				
Total	132,419	4,133	128,286	114,907	76,091	38,816	13,379	3,906	9.1	1,715	786	3,610	3,362	3,111	9,049	
Rooms																
1.....	601	95	506	391	18	374	115	49	11.5	Z	4	26	35	12	9	
2.....	1,404	148	1,256	952	98	854	305	126	12.7	10	18	72	79	49	28	
3.....	11,433	584	10,849	9,107	1,033	8,074	1,742	869	9.6	73	80	405	315	231	424	
4.....	23,636	1,238	22,399	18,780	6,319	12,461	3,619	1,406	10.1	259	198	967	790	413	2,764	
5.....	30,440	1,020	29,420	25,921	17,101	8,820	3,499	872	8.9	471	204	963	990	730	3,362	
6.....	27,779	514	27,264	24,966	19,910	5,056	2,298	394	7.2	392	145	674	694	569	1,589	
7.....	17,868	264	17,603	16,613	14,705	1,908	990	123	6.0	252	55	283	278	458	647	
8.....	10,749	143	10,606	10,146	9,403	743	460	40	5.0	138	50	130	102	324	192	
9.....	4,854	39	4,815	4,616	4,317	299	198	18	5.7	74	17	35	54	158	20	
10 or more.....	3,654	87	3,567	3,415	3,187	228	152	10	4.2	46	15	55	25	168	14	
Bedrooms																
None.....	1,413	191	1,222	912	72	840	310	124	12.8	12	19	73	82	29	19	
1.....	14,924	633	14,290	12,067	1,731	10,336	2,223	1,149	9.9	83	104	492	394	301	540	
2.....	35,083	1,564	33,519	28,656	13,197	15,459	4,862	1,701	9.8	424	249	1,343	1,145	578	3,579	
3.....	54,245	1,209	53,036	48,565	39,306	9,259	4,471	753	7.4	821	305	1,275	1,317	1,252	4,308	
4 or more.....	26,755	535	26,220	24,707	21,785	2,921	1,513	179	5.7	375	109	427	424	952	604	
Complete Bathrooms																
None.....	1,808	465	1,343	494	190	304	849	118	27.7	68	33	134	496	38	226	
1.....	46,800	1,513	45,287	39,268	15,118	24,150	6,018	2,388	8.9	427	344	1,380	1,480	443	2,733	
1½.....	16,666	323	16,343	15,066	11,232	3,834	1,277	350	8.3	188	81	351	308	124	690	
2 or more.....	67,145	1,832	65,314	60,079	49,551	10,528	5,235	1,051	9.0	1,033	327	1,745	1,078	2,506	5,399	
Square Footage of Unit																
Single detached and manufactured/mobile homes.....	92,023	3,175	88,848	80,951	68,340	12,611	7,897	997	7.3	1,371	478	2,536	2,515	2,139	9,049	
Less than 500.....	973	181	792	618	357	262	174	21	7.2	5	5	84	60	26	315	
500 to 749.....	2,678	429	2,250	1,818	1,079	739	432	68	8.4	51	7	170	137	9	1,023	
750 to 999.....	6,529	485	6,045	5,150	3,573	1,577	894	154	8.8	95	43	303	298	36	2,020	
1,000 to 1,499.....	20,919	708	20,212	18,255	14,546	3,709	1,957	302	7.5	308	123	565	658	294	2,898	
1,500 to 1,999.....	20,560	451	20,109	18,470	15,987	2,484	1,638	185	6.9	330	98	533	492	473	1,279	
2,000 to 2,499.....	14,343	262	14,081	13,179	11,951	1,227	902	82	6.2	196	54	309	262	342	387	
2,500 to 2,999.....	7,553	147	7,406	7,021	6,546	475	385	23	4.6	111	35	128	88	249	112	
3,000 to 3,999.....	7,225	113	7,112	6,735	6,405	330	377	34	9.2	98	26	134	85	329	65	
4,000 or more.....	4,479	135	4,344	4,034	3,789	245	310	32	11.6	78	27	98	74	209	152	
Not reported.....	6,762	264	6,498	5,671	4,108	1,563	827	96	5.7	100	60	211	360	173	798	
Median (square feet)	1,700	1,200	1,750	1,800	1,800	1,301	1,500	1,250	X	1,700	1,514	1,500	1,400	2,200	1,100	
Lot Size																
1-unit structures ¹	96,386	3,189	93,197	84,896	70,218	14,677	8,301	1,202	7.5	1,413	498	2,593	2,595	2,285	8,888	
Less than 1/8 acre.....	15,638	494	15,144	13,354	9,740	3,614	1,790	384	9.5	271	97	527	511	339	2,206	
1/8 up to 1/4 acre.....	25,011	779	24,231	21,949	17,560	4,389	2,282	350	7.3	436	134	679	684	528	1,480	
1/4 up to 1/2 acre.....	17,705	438	17,266	15,947	13,795	2,151	1,319	172	7.3	254	110	408	376	453	792	
1/2 up to 1 acre.....	11,321	327	10,994	10,213	8,826	1,387	781	82	5.5	157	42	252	247	229	778	
1 up to 5 acres.....	19,076	763	18,313	16,835	14,402	2,433	1,477	176	6.7	198	84	516	503	522	2,551	
5 up to 10 acres.....	3,037	99	2,938	2,719	2,461	259	218	12	4.5	27	12	93	75	92	541	
10 acres or more.....	4,599	288	4,310	3,877	3,433	444	433	27	5.6	69	19	119	199	121	539	
Median (acres)	0.25	0.32	0.25	0.26	0.30	0.19	0.25	0.16	X	0.25	0.25	0.25	0.25	0.32	0.45	
Selected Amenities²																
Porch, deck, balcony, or patio.....	110,871	3,334	107,537	97,550	69,885	27,665	9,988	2,474	8.1	1,433	587	2,949	2,545	2,726	7,753	
Telephone available.....	112,073	X	112,073	112,073	74,729	37,344	X	X	X	X	X	X	X	2,360	6,989	
Usable fireplace.....	44,033	938	43,095	40,371	34,700	5,672	2,724	431	7.0	567	174	932	620	1,265	1,296	
Separate dining room.....	60,506	996	59,510	54,923	43,300	11,623	4,587	1,110	8.7	821	290	1,105	1,261	1,357	2,327	
With 2 or more living rooms or recreation rooms, etc.....	36,817	472	36,345	34,576	31,242	3,334	1,769	209	5.8	476	125	550	409	985	1,112	
Vehicle Parking																
Garage or carport included with home.....	83,333	1,783	81,550	75,431	60,389	15,042	6,119	1,007	6.2	1,174	403	1,971	1,563	2,246	3,368	
Garage or carport not included with home.....	48,818	2,309	46,509	39,420	15,663	23,757	7,089	2,854	10.6	523	381	1,596	1,735	844	5,654	
Driveway or off-street parking available.....	40,505	1,978	38,528	32,759	13,719	19,039	5,769	2,331	10.8	437	316	1,362	1,322	734	5,259	
Driveway or off-street parking not available.....	8,278	326	7,953	6,651	1,944	4,707	1,302	519	9.9	83	65	232	403	110	392	
Driveway or off-street parking not reported.....	35	6	29	10	Z	10	19	4	28.3	4	Z	2	9	Z	3	
Garage or carport not reported.....	268	41	228	56	39	17	171	45	72.3	18	2	42	65	21	27	

¹ Does not include cooperatives or condominiums.² Figures may not add to total because more than one category may apply to a unit.

- The Los Angeles MSA matches the 2003 OMB definition for the Los Angeles-Long Beach-Glendale Metropolitan Division.
- The Oakland MSA matches the 2003 OMB definition for the Oakland-Fremont-Hayward Metropolitan Division.
- Included in the Providence NECTAD, but not in the 2003 OMB definition for the Providence-New Bedford-Fall River MSA are: Bellingham and Plainville (in Norfolk County, MA); Blackstone and Millville (in Worcester County, MA). Included in OMB's 2003 definition of the Providence-New Bedford-Fall River MSA, but not in the Providence MSA are: Acushnet, Berkley, Dartmouth, Dighton, Easton, Fairhaven, Freetown, Mansfield, New Bedford, Norton, Raynham, and Taunton (these are in Bristol County, MA); and New Shoreham and Westerly town (in Washington County, RI).
- The San Francisco MSA matches the 2003 OMB definition for the San Francisco-San Mateo-Redwood City Metropolitan Division.
- The St. Louis MSA does not include Sullivan City, which is legally part of OMB's 2003 definition, though it resides in an outlying county.

In some areas, the following adjustments were made:

- Counties/Minor Civil Divisions (MCDs) were added or dropped so that the definition of each metropolitan area in sample was consistent with the final 2003 OMB definition of the metropolitan area and sample was selected in these added areas.
- The sample in the counties/MCDs in the previous definition that were also in these new definitions (i.e., continuing counties/MCDs) was adjusted to maintain an overall sample size of 4,500 and in some cases it was replaced by new sample for confidentiality reasons.

Table B-1 provides the size of the supplemental sample in each of the 29 metropolitan areas. This sample was combined with the existing sample in these areas to produce metropolitan estimates.

Table B-1.
2011 Sample Size for the 29 AHS-National-Based Metropolitan Areas

(In housing units)

Metropolitan area	Basic sample	Supplemental sample	Total sample size
Anaheim, CA	517	4,011	4,528
Atlanta, GA	991	3,578	4,569
Birmingham, AL	296	4,387	4,683
Buffalo, NY	308	4,149	4,457
Cincinnati, OH	434	4,132	4,566
Cleveland, OH	551	4,129	4,680
Columbus, OH	427	4,157	4,584
Dallas, TX	787	3,827	4,614
Denver, CO	673	3,777	4,450
Fort Worth, TX	401	4,184	4,585
Indianapolis, IN	415	4,144	4,559
Kansas City, MO	581	3,978	4,559
Los Angeles, CA	1,884	2,708	4,592
Memphis, TN	272	4,233	4,505
Milwaukee, WI	390	4,203	4,593
New Orleans, LA	301	4,545	4,846
Virginia Beach, VA	403	4,249	4,652
Phoenix, AZ	808	3,731	4,539
Pittsburgh, PA	652	3,955	4,607
Portland, OR	608	4,019	4,627
Providence, RI	316	4,368	4,684
Riverside, CA	735	3,902	4,637
San Diego, CA	595	3,967	4,562
San Francisco, CA	430	4,085	4,515
San Jose, CA	339	4,153	4,492
St. Louis, MO	652	3,917	4,569
Charlotte, NC	522	4,100	4,622
Oakland, CA	555	3,995	4,550
Sacramento, CA	462	4,118	4,580

Table B-2 summarizes the interview activity for the two AHS samples and for the combined sample. The table provides the response rate, number of eligible units (comprised of completed interviews and noninterviews), and the number of units visited but ineligible for interview.

Table B-2.
Interview Activity for the 29 AHS-National-Based Metropolitan Areas

Metropolitan area	Unweighted response rate ¹ (percent)	Weighted response rate ² (percent)	Eligible units			Ineligible ⁴
			Total	Inter-viewed	Not inter-viewed ³	
TOTAL	87.2	87.6	177,506	154,752	22,754	8,892
AHS-MS	87.1	88.0	110,366	96,092	14,274	6,335
AHS-N	87.4	87.5	67,140	58,660	8,480	2,557

¹ The unweighted response rate is computed by dividing the unweighted number of interviews by the unweighted total number of cases eligible for interview and multiplying by 100.

² The weighted response rate is computed by dividing the weighted number of interviews by the weighted total number of cases eligible for interview and multiplying by 100.

³ Sample units were classified as "Type A" noninterviews because (a) no one was at home after repeated visits, (b) the respondent refused to be interviewed, or (c) the interviewer was unable to find the unit.

⁴ Sample units were found to be ineligible because the unit no longer existed or because the unit did not meet the AHS definition of a housing unit.

Characteristics	Total housing units	Seasonal	Year-round										New construction past 4 years	Manufactured/mobile homes	
			Occupied					Vacant							
			Total	Owner	Renter	Total	For rent	Rental vacancy rate	For sale only	Rented or sold	Occasional use/URE	Other vacant			
Total	934.0	2.3	931.7	658.5	553.7	304.8	73.2	24.7	7.3	9.3	11.0	11.0	17.1	31.8	34.4
Rooms															
1	3.9	-	3.9	2.5	-	2.5	1.4	0.3	9.5	-	-	-	1.1	-	-
2	12.2	0.1	12.1	11.1	0.2	10.8	1.1	0.7	5.8	-	0.1	0.2	0.1	0.3	-
3	79.5	1.5	78.0	69.9	10.1	59.9	8.1	5.2	8.0	0.1	0.6	1.8	0.4	7.0	3.7
4	153.4	0.3	153.1	131.6	38.5	93.2	21.5	6.1	5.8	0.5	6.1	3.9	4.9	1.8	9.6
5	208.9	0.1	208.8	190.4	118.5	71.9	18.4	9.0	10.9	2.5	1.4	1.4	4.0	12.6	10.8
6	172.4	0.1	172.3	161.3	115.0	46.2	11.1	2.0	4.2	1.6	1.6	1.4	4.4	8.0	2.0
7	128.4	0.2	128.2	124.3	115.3	9.0	3.9	0.3	3.1	1.4	0.1	0.2	1.9	4.2	2.0
8	95.0	-	95.0	90.7	83.0	7.7	4.3	1.0	11.8	2.7	-	0.3	0.2	2.6	0.2
9	50.4	-	50.4	49.7	48.1	1.6	0.7	0.1	5.8	0.1	-	0.4	0.1	0.4	-
10 or more	29.9	-	29.9	26.9	25.0	1.9	3.0	-	-	0.4	1.1	1.3	0.1	0.8	-
Bedrooms															
None	13.9	0.1	13.8	10.2	0.3	9.9	3.6	1.9	15.6	-	0.2	0.3	1.2	0.3	-
1	97.6	1.7	95.9	84.8	12.5	72.3	11.1	5.6	6.6	0.1	3.0	2.0	0.4	5.2	7.4
2	251.2	0.2	251.0	221.0	88.4	132.6	30.2	11.3	7.6	2.6	4.8	4.8	6.6	6.7	12.5
3	377.4	0.3	377.1	358.2	285.2	73.0	18.9	5.6	7.0	2.3	1.8	2.0	7.1	13.7	16.1
4 or more	193.8	-	193.8	184.3	167.3	17.0	9.4	0.4	2.2	4.3	1.1	1.8	1.8	3.8	0.5
Complete Bathrooms															
None	6.1	0.3	5.8	2.5	0.5	2.0	3.3	0.1	4.5	0.1	0.1	0.2	2.8	0.1	0.3
1	318.1	1.7	316.4	286.0	99.9	186.1	30.3	13.0	6.3	2.2	7.7	2.5	5.3	7.6	12.9
1 1/2	101.3	0.2	101.1	89.2	57.2	32.0	11.9	3.1	8.7	0.4	1.1	2.5	0.9	3.7	0.9
2 or more	506.6	0.1	506.5	480.8	396.1	84.7	27.7	8.6	9.2	6.6	2.1	6.3	4.2	20.3	20.3
Square Footage of Unit															
Single detached and manufactured/mobile homes	651.8	1.0	650.8	611.6	516.5	95.1	39.3	6.6	6.4	8.4	4.7	7.3	12.1	15.8	34.4
Less than 500	5.9	0.1	5.8	3.9	3.5	0.4	1.9	0.1	4.8	0.1	1.5	0.2	-	0.1	2.9
500 to 749	17.0	-	17.0	14.6	9.7	4.9	2.3	1.0	17.1	-	0.1	0.1	1.1	-	5.9
750 to 999	32.9	0.1	32.8	29.4	14.5	14.9	3.4	0.6	3.8	0.1	-	1.9	0.8	-	2.5
1,000 to 1,499	163.4	0.4	163.1	153.6	121.8	31.9	9.4	2.8	8.1	1.3	2.4	0.5	2.4	1.4	11.5
1,500 to 1,999	165.8	0.1	165.7	157.4	135.3	22.2	8.3	1.6	6.8	2.0	0.4	0.1	4.2	4.0	7.9
2,000 to 2,499	117.1	0.1	117.0	111.9	102.3	9.5	5.2	0.3	3.0	1.4	-	2.2	1.3	4.6	1.7
2,500 to 2,999	57.9	-	57.9	56.9	53.8	3.0	1.0	0.2	5.2	0.1	0.2	0.4	0.2	2.3	0.1
3,000 to 3,999	44.4	0.1	44.3	43.4	41.2	2.2	0.9	-	-	0.1	-	0.5	0.3	2.7	-
4,000 or more	30.8	0.1	30.7	26.8	24.8	2.0	3.9	-	-	2.4	-	1.3	0.2	0.6	-
Not reported	16.5	-	16.5	13.6	9.5	4.0	2.9	-	-	1.0	0.1	0.2	1.6	0.1	1.9
Median (square feet)	1,771	1,265	1,771	1,800	1,820	1,400	1,500	1,400	(X)	2,100	1,345	2,100	1,500	2,100	1,168
Lot Size															
1-unit structures ¹	677.3	1.0	676.3	637.0	520.0	116.9	39.3	6.4	5.1	8.7	4.8	7.6	11.7	17.8	34.3
Less than 1/8 acre	167.3	0.1	167.2	159.6	109.2	50.4	7.6	2.1	4.0	2.5	0.4	0.4	2.1	3.6	15.5
1/8 up to 1/4 acre	236.0	0.3	235.8	222.5	191.4	31.1	13.2	2.6	7.8	2.6	1.2	1.6	5.2	4.8	1.7
1/4 up to 1/2 acre	92.2	-	92.2	87.7	75.4	12.2	4.5	0.4	3.1	1.1	1.3	1.5	0.2	0.4	1.4
1/2 up to 1 acre	35.2	0.1	35.1	33.1	27.1	6.0	2.0	-	-	-	0.1	0.1	0.3	0.5	2.5
1 up to 5 acres	81.7	0.3	81.4	75.7	66.2	8.4	5.7	1.0	9.8	0.1	0.2	3.2	1.2	5.4	4.9
5 up to 10 acres	33.2	-	33.2	31.2	28.0	3.2	1.9	-	-	1.2	0.1	0.3	0.4	2.6	5.8
10 acres or more	31.7	0.2	31.5	27.1	22.5	4.6	4.3	0.2	4.6	1.1	0.2	0.4	2.4	0.6	2.6
Median (acres)	0.20	0.90	0.20	0.20	0.23	0.13	0.23	0.13	(X)	0.23	0.34	1.00	0.23	0.50	0.23

Selected Amenities ²															
Porch, deck, balcony, or patio	842.6	1.0	841.6	782.5	528.1	254.4	59.1	20.2	7.2	8.1	6.3	9.6	14.9	28.3	31.4
Telephone available	840.5	(X)	840.5	840.5	545.7	294.9	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	30.3
Usable fireplace	496.1	0.7	495.4	464.2	370.3	93.9	31.2	7.6	7.5	6.8	2.8	5.5	8.5	15.1	2.7
Separate dining room	426.3	0.4	425.9	396.3	306.6	89.7	29.6	9.2	9.0	6.2	5.2	3.7	5.3	12.1	9.2
With 2 or more living rooms or recreation rooms, etc.	328.0	0.3	327.8	312.6	285.4	27.2	15.1	2.7	8.7	4.9	2.8	2.3	2.5	9.0	6.5
Vehicle Parking															
Garage or carport included with home	679.1	0.4	678.7	643.7	494.0	149.6	35.1	9.1	5.7	6.8	3.8	7.1	8.3	24.3	21.7
Garage or carport not included with home	254.0	1.9	252.1	214.8	59.7	155.2	37.2	15.6	8.8	2.5	7.2	3.9	7.9	7.5	12.0
Driveway or off-street parking available	217.6	0.8	216.8	186.1	52.6	133.5	30.8	12.4	8.2	1.2	6.9	3.6	6.5	4.9	11.9
Driveway or off-street parking not available	36.4	1.1	35.2	28.8	7.1	21.7	6.4	3.2	12.6	1.3	0.3	0.3	1.4	2.6	0.1
Driveway or off-street parking not reported	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Garage or carport not reported	0.9	—	0.9	—	—	—	0.9	—	—	—	—	—	0.9	—	0.7
¹ Does not include cooperatives or condominiums.															
² Figures may not add to total because more than one category may apply to a unit.															