

# CITY OF PORTLAND

## 2018 Federal Legislative Agenda





# CITY OF PORTLAND COUNCIL

Mayor Ted Wheeler

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Commissioner Dan Saltzman

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## 2018 FEDERAL LEGISLATIVE AGENDA

### FEDERAL PRIORITIES

AFFORDABLE HOUSING, HOMELESS ASSISTANCE, MENTAL HEALTH & SUPPORT SERVICES

RESPONSE TO THE OPIOID CRISIS

IMMIGRATION

INVESTMENT IN URBAN INFRASTRUCTURE

URBAN AREAS SECURITY INITIATIVE

TAX REFORM

PORTLAND HARBOR SUPERFUND CLEAN-UP

### FEDERAL POLICY POSITIONS

PROTECTING LOCAL DECISION MAKING

INVESTING IN VITAL INFRASTRUCTURE

PROVIDING PUBLIC SAFETY AND RESILIENCY

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## FEDERAL PRIORITIES

### AFFORDABLE HOUSING, HOMELESS ASSISTANCE, MENTAL HEALTH & SUPPORT SERVICES

#### Affordable Housing

The City of Portland advocates for secure funding for the Community Development Block Grant, the HOME Program, Housing Choice Vouchers, the HUD-Veterans Affairs Supportive Housing Program for homeless veterans, as well as provide needed reforms and updates to the Low Income Housing Tax Credit to ensure they provide assistance to those most in need. The City will oppose any weakening of protections under the Fair Housing Act. The City will also advocate for consideration of affordable housing development as part of federally funded transit investments.

#### Homeless Assistance

The City advocates for stable funding for programs within the McKinney–Vento Homeless Assistance Act to provide services to homeless children and youth, and will urge the continuation of the United States Interagency Council on Homelessness that is coordinating a cross-agency strategy to end homelessness.

#### Mental Health and Support Services

The City advocates for funding programs and services through the Substance Abuse and Mental Health Services Administration to serve those in need, ensure the flexibility of Medicaid funding to provide supportive services, advocate for the Supportive Services for Veteran Families program that provides services to very low-income families living in or transitioning to permanent housing, support re-entry programs to break the cycle of incarceration and homelessness, and support programs through the Workforce Innovation and Opportunity Act that provide job training and remove barriers to employment.

### RESPONSE TO THE OPIOID CRISIS

The City is seeking strong, focused federal action to assist local communities in combating the opioid crisis impacting communities across our country. Funding for recovery and prevention programs, training for first responders who engage with those experiencing overdoses, and laws to prevent the over-prescription of opioids are needed to address this crisis.

### IMMIGRATION

Portland is a stronger city because of the people who have immigrated and settled here, and we recognize that the immigrant and refugee communities in Portland contribute significantly to our workforce, economy, neighborhoods, and culture. Because we value our neighbors:

The City of Portland supports the enactment of comprehensive immigration reform to provide a pathway to citizenship, including the enactment of the Dream Act, and guest worker programs.

Additionally, the City of Portland will strongly oppose legislative and administrative actions to limit eligibility of federal funding based on a city's status as a "sanctuary city" or "sanctuary jurisdiction". The removal of a city's eligibility could have a severe impact on the ability to provide public safety or public services, and could harm public trust within immigrant communities.

## FEDERAL PRIORITIES

### INVESTMENT IN URBAN INFRASTRUCTURE

The City will advocate for federal funding programs, partnerships, and finance opportunities (such as public-private partnerships) to address the infrastructure needs of our nation's cities, including surface transportation infrastructure, drinking water systems, sewer systems, broadband systems, and utility grid investments.

### URBAN AREAS SECURITY INITIATIVE

The Urban Areas Security Initiative (UASI) program assists high-threat urban areas build their capacity to prevent, respond to, and recover from natural disasters and terrorism. The City provides regional leadership for the Portland UASI region, which covers the Portland metropolitan area, including Clark County, Washington. UASI funding has been important in increasing our regional preparedness, including resources to build our capacity to be a resource to throughout our state. The City supports continued funding for the UASI program, and additionally asks that the Department of Homeland Security consider prioritizing funding to those UASI regions which aim to meet FEMA's National Preparedness Goal through preparing for the threats and hazards that pose the greatest risk to the security of the United States.

### TAX REFORM

#### Municipal Bonds

Municipal Bonds are an essential tool used by cities across the country to fund critical infrastructure projects. The City opposes changes to the federal tax code that would negatively impact the federal tax exemption on municipal bonds. Such changes could threaten the City's ability to fund infrastructure projects by raising the costs of financing, thereby increasing the burden on taxpayers and ratepayers.

#### Private Activity Bonds & Low Income Housing Tax Credit

The elimination of these bonds would impact the City's future plans to support the construction of affordable housing. Private Activity Bonds are a tool to provide special financing benefits for qualified projects, such as affordable housing construction. The elimination of these bonds has an additional impact of losing the 4% Low Income Housing Tax Credit for projects financed by PABs, making affordable housing construction harder to finance or infeasible altogether. The loss of the Low Income Housing Tax Credit means potentially up to 600 affordable units currently in the pipeline would not move forward – and an untold number of future units.

#### State and Local Tax (SALT) Deductibility

By allowing individuals the ability to deduct all state and local taxes from their federal taxes they avoid being taxed twice on the same income. Additionally, the SALT deduction on property taxes, along with deduction on mortgage interest, provides a strong incentive for homeownership. The deduction is also fundamental to the way states and localities budget for and provide critical public services.

## FEDERAL PRIORITIES

### New Market Tax Credit Program

The NMTC Program incentivizes community development and economic growth using tax credits that attract private investment to economically distressed communities. The City supports the continuation of the NMTC program to strengthen the work of the Portland Community Investment Fund which provides capital and technical assistance to community-supported projects that deliver critical services to low-income people throughout the City of Portland.

### Brownfields Tax Incentive Program

The Brownfields Tax Incentive encourages the cleanup and reuse of brownfields. Under the Brownfields Tax Incentive, environmental cleanup costs are fully deductible in the year incurred, rather than capitalized and spread over time. This tool will encourage investment in the clean-up of sites and return these sites to productive use. Many of these sites are in underserved communities.

### Historic Tax Credit Program

The Federal Historic Tax Credit provides an income tax credit for the rehabilitation of buildings listed in the National Register of Historic Places. The credit has been used for the rehabilitation of buildings in Portland, including for housing, office, and arts & cultural institutions.

## PORTLAND HARBOR SUPERFUND CLEAN-UP

The Willamette River is critical to the health and well-being of our citizens and economy, and the City has a vested interest in a successful clean-up of the Portland Harbor Superfund site. The City will lead with other public agencies and private parties to make sure the cleanup is completed successfully and responsibly. The City's interests include environmental protection, economic development, job training, fiscal responsibility, and livability. The City supports moving forward with the current Record of Decision issued by the U.S. Environmental Protection Agency. The City also supports the reinstatement of the Superfund tax.

## FEDERAL POLICY POSITIONS

### PROTECTING LOCAL DECISION MAKING

#### **National Flood Insurance Program Compliance with Endangered Species Act**

The City of Portland implements floodplain development regulations as required by the Federal Emergency Management Agency (FEMA) to provide Portland businesses and residents with access to federally-backed flood insurance available through the National Flood Insurance Program (NFIP). Two actions: A 2016 Biological Opinion (BiOp) by the National Marine Fisheries Service (NMFS) regarding FEMA's management of the NFIP in Oregon, and FEMA's current Programmatic Environmental Impact Statement (PEIS) on the national NFIP, will affect local land use and development decisions in Portland and across Oregon. The City seeks assistance from Congress and the administration to identify a path for compliance, and clarification of the relationship between the BiOp and the PEIS. The City will advocate for prioritized remapping of the Columbia and Willamette Rivers, using protocols that include climate change; request FEMA issue clear and timely guidance; request additional funding for FEMA's Pre-Disaster Mitigation program to assist communities; and support legislation to help flood-prone areas move susceptible flooded development out of the floodplain.

#### **Climate Change and Energy Policy**

In 1993, Portland and Multnomah County created the first local action plan for cutting carbon in the United States, with a goal of achieving a 40 percent reduction in carbon emissions by 2030 and an 80 percent reduction by 2050 (compared to 1990 levels). Local governments throughout the world are demonstrating leadership in implementing climate policy. In 2017, Portland City Council passed a resolution setting Portland on a path to be 100% renewable in every sector (electricity, thermal and transportation) by 2050. Withdrawal from the 21st Conference of Parties (COP21) in Paris by the United States forfeits our international leadership role on this issue, and abdicates our ability to be at the forefront of long term growth in green jobs. While action falls to American cities, we still need federal support through actions and policies which promote, and not interfere or preempt, current or future actions by cities to meet their climate goals through local policies and investments in renewable energy, such as biogas.

#### **Smart and Emerging Transportation Technology Regulation**

Disruptive new mobility technologies are just beginning to impact our transportation system. Technologies such as Automated Vehicles (AV) have the potential to bring both benefits and challenges to cities. AVs could decrease traffic fatalities, increase the adoption of electric vehicles, and provide new mobility services to disadvantaged communities. However, they may also increase vehicle miles traveled and carbon pollution. Federal regulation must not pre-empt cities' ability to put in place regulations for technologies that are placed within or are operating within public right-of-way. The federal government must also allow local governments to shape the implementation of new technologies so that our citizens can fully benefit. Finally, the City of Portland will be working collaboratively with the state of Oregon, to use new technology to implement a transformative new congestion pricing policy – congress nor the administration should not pre-empt this work.

#### **Ensuring Access to Health Care**

The City supports the work of its community health providers and partners to address the needs of the community. The City will oppose attempts to preempt access or limit health coverage, such as access to reproductive health, mental health, and addiction treatment services, to those in need.

## FEDERAL POLICY POSITIONS

### PROTECTING LOCAL DECISION MAKING

#### Protecting Local Authority on Revenue and Telecommunications Service Enhancements

##### Communications Act Rewrite

Cities play an important role in encouraging competition among broadband, telecommunications, and video providers. Local tools include managing the public right-of-way, implementing local zoning policies, providing local consumer protection, enforcing build-out requirements, and ensuring vibrant community media. The City will advocate for continued local government input into issues having impacts on land use and access.

##### Local Revenue Generation through Digital Delivery

The City will oppose legislation that would preempt state or local taxing authority on wireless service providers and their property, preventing the City's ability to bring fairness and equity to our existing phone tax system. The City will also oppose preemptions on state and local governments' ability to tax "digital goods and services", creating a nationwide "tax preference" for online goods and services over competing brick-and-mortar sales.

#### Chemical Security

Portland seeks continued assistance from Oregon's congressional delegation to maintain local authority over chemical treatments and processes for drinking water systems, and for the Environmental Protection Agency to continue as the agency in charge of chemical security-related matters related to drinking water systems.

#### Tribal Sovereignty

The City will continue to build relationships with tribal partners in the Portland region, across the state, and across the country, and support in ensuring that their sovereignty and treaty rights are upheld.

#### Protecting Funding for Arts and the Humanities

The City supports the work of the National Endowment for the Arts (NEA), and the National Endowment for the Humanities (NEH), and opposes any reductions in funding. Grants from the NEA and NEH have a direct impact on local institutions, libraries, non-profits, and artists. The impact of the arts and humanities on our communities is immeasurable and should be a shared commitment by our nation.

#### Supporting Access to Legal Services

Access to justice is a fundamental American value. The Legal Services Corporation is a publicly funded, non-profit corporation established by the United States Congress that seeks to ensure equal access to justice under the law for all Americans by providing funding for civil legal aid to those who otherwise would be unable to afford it. The City supports continued funding for legal aid, which improves low-income Americans' access to courts to effectively protect their legal interests, their livelihoods, their health, and their families.

## FEDERAL POLICY POSITIONS

### INVESTING IN VITAL INFRASTRUCTURE

#### Vision Zero

Portland is a national partner with other communities that have adopted a Vision Zero strategy to address safety for all users. The US Department of Transportation should prioritize discretionary funding to cities that have adopted Vision Zero strategies to implement their plans and provide safer streets for all road users.

#### Capital Investment Grant Programs

The City will advocate for enhanced funding for competitive programs within the Department of Transportation, such as the FASTLANE program (focused on freight and highways), TIGER program (multimodal, focused on economic development), and the New Starts/Small Starts programs (focused on transit) to provide essential investment in the growth of cities. These are important tools to meet the growing transportation demands of the Portland metropolitan area.

#### Bike Share as Transit

Congress should clarify that bike share systems are capital projects eligible to receive federal funding as a transit improvement, that memberships in bike share programs should be treated as a benefit akin to a transit pass, and that bikes share systems be an eligible project under the Congestion Mitigation & Air Quality Improvement Program.

#### Transportation Research Funding

To meet growing demands on the transportation system and create dynamic new solutions at the local, regional, and national level, the City supports continued investment in the Research and Innovative Technology Administration (RITA). The City also advocates for further investment in programs like the Smart City Initiative, bringing multiple levels of government and private partners together to help build safer, more efficient transportation systems.

#### Levee Ready Columbia

The City will continue to work with Multnomah County Drainage District #1, Multnomah County, the Port of Portland, and other stakeholders through Levee Ready Columbia, to ensure the Columbia Corridor levee systems are recertified, remain accredited, and continue to reduce the risk of flooding. Continuing their work with the US Army Corps of Engineers, the project partners are requesting the selection of the Portland Metropolitan Levee System Project as a USACE General Investigation New Start Feasibility Study in the USACE FY17 work plan.

#### Willamette River Restoration Projects

The Bureau of Environmental Services is pursuing funding for the Lower Willamette River Environmental Ecosystem Restoration Project, and the Oaks Bottom Wildlife Refuge Aquatic Habitat Restoration Project. The City will work with project partners to seek funding for these projects.

#### High Quality Liquid Assets

The City supports legislation that would classify municipal securities as High Quality Liquid Assets (HQLA). Qualifying a broad range of municipal securities as HQLA-eligible increases the demand for these bonds and has a beneficial impact on the City's borrowing costs.

## FEDERAL POLICY POSITIONS

### PROVIDING PUBLIC SAFETY AND RESILIENCY

#### Domestic Violence Prevention

The City will continue to work with the congressional delegation and local partners to advocate for programmatic funding and legislation to assist victims of domestic violence. Examples include advocating for specific resources and policies to mitigate homelessness among survivors of domestic violence, and to ensure access to justice for victims in both family and criminal court proceedings.

#### Human Trafficking Prevention and Recovery

The City of Portland is committed to expanding law enforcement, legal protection, and increasing resources to help sex trafficking victims overcome the severe trauma they have experienced. This effort involves protecting human rights, valuing and respecting exploited individuals, and holding perpetrators accountable to help prevent future abuse. The City of Portland will pursue every opportunity to support federal resources to ensure to establishment of a coordinated network of trauma-informed services and policies to help all survivors of sex trafficking rebuild their lives and reintegrate into our community.

#### Department of Justice Grant Programs

The Portland Police Bureau requests continued funding for programs that support the Bureau's mission, including the Byrne Justice Assistance Grant (JAG), Community Oriented Policing Services (COPS), and the Transit Security Grant Program. These programs fund community policing efforts and support a broad range of efforts to prevent illegal drug activities and human trafficking, control violent crime, and improve the criminal justice system.

#### Department of Homeland Security Grant Programs

The Portland Bureau of Fire & Rescue requests continued funding for programs impacting the Bureau's core mission, including the Metropolitan Medical Response Systems program, and the Fire Prevention & Safety Grants program. These programs fund the ability to respond effectively to complex incidents such as CBRNE (chemical, biological, radiological, nuclear and explosives) events, human caused disasters, and pandemics. The City will also advocate for the Assistance to Firefighters Grant program to help the Portland Bureau of Fire & Rescue better serve the public through training, enhanced operations efficiencies, foster interoperability, and support community resilience.

#### Wildfire Funding

We have been witness to historic wildfires in the West, and the frequency and intensity will continue to worsen due to the impact of climate change. Unlike for other natural disasters, where agencies can draw from an emergency fund to pay for disaster response, the U.S. Forest Service and Interior Department do not have access to disaster funds and are forced to "fire borrow" – or take money and staff from other important programs, such as the collaboration between the US Forest Service and the Portland Water Bureau in the Bull Run Watershed. The City supports an end to the "fire-borrowing" practice as provided for in the Wildfire Disaster Funding Act of 2017.

## FEDERAL POLICY POSITIONS

### PROVIDING PUBLIC SAFETY AND RESILIENCY

#### Earthquake Early Warning System

The City supports funding of the full development and deployment of the U.S. Geological Survey's ShakeAlert system, including installing seismic sensors throughout the West Coast. The system could provide the public and local authorities up to several minutes of advance warning depending on the location of the quake.

#### Federal Cannabis Regulation

The City seeks assistance from the Federal government to obtain legal and regulatory clarity in order to protect the community and livability of Portland, while continuing to provide for state and local regulation and authority over the cannabis industry. Regulations allowing legal cannabis businesses within Oregon to conduct business under the same banking and insurance laws as other businesses would benefit the community, the consumer, and law enforcement.

#### Waters of the U.S.

The Clean Water Act gives the federal government jurisdiction over "Waters of the U.S." The federal definition of "Waters of the U.S." has been in flux for decades, with the debate intensifying due to new rules being considered. The Bureau of Environmental Services (BES) has an interest in a strong and scientifically-based because, as a utility, BES constructs facilities and discharges in and around Waters of the U.S., and are therefore subject to regulations that apply within areas covered by the definition. Additionally, BES regulates actions taken by private and public entities within City limits to waterways, wetlands, and drainages to comply with obligations under the Clean Water Act and Endangered Species Act.

The City of Portland operates without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age or disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations, including Title II of the ADA, ORS chapter 659A, and Portland City Code Chapter 23. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin.

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