

The Oregonian

Should Portland help ex-offenders, require employers to wait to know criminal history?

*By Andrew Theen
March 18, 2015*

Portland is considering an ordinance that would require employers to wait until they make a formal job offer to evaluate a job candidate's criminal history.

A first reading is scheduled for March 25, according to Mayor Charlie Hales' office.

Portland would be far from alone in joining a movement to "Ban the Box," a reference to a common job application question that asks applicants to check whether they have a criminal history.

According to research from the city attorney's office, at least eight large U.S. cities have taken on the issue, each with a different approach (click here for more):

- San Francisco's Fair Chance Ordinance allows employers to ask about a criminal record after the first job interview or upon a formal job offer. For violators, the city levies \$50 to \$100 fines and allows aggrieved parties to sue.
- Baltimore's Fair Criminal Record Screening Practices are perhaps the most stringent, penalizing employers that violate the law with a \$500 fine, misdemeanor charge and up to 90 days in jail.
- Seattle's policy is more lenient than what Portland is considering, allowing private employers to review an applicant's criminal history after "applications are sorted for qualified candidates."

Judy Prosper, deputy city attorney said some 108 cities and counties as well as 30 states have policies in place. Prosper said Portland would be "at the forefront" of what's becoming a growing trend of pushing the criminal history discussion to the end of the recruitment process.

What do you think?

Should Portland enact an ordinance that would require employers wait until offering someone a job to inquire about his or her criminal history? Why or why not? Take our poll, and leave your thoughts in the comment section.

Portland plan to help ex-offenders find jobs takes shape

*By Andrew Theen
March 18, 2015*

A week ago, the Portland City Council heard passionate testimony from employers, employees and out-of-work ex-felons who said a person's criminal history shouldn't be used to screen job applicants.

Next Wednesday, Mayor Charlie Hales plans to unveil a refined version his plan, which he and advocates say would help level the playing field for ex-offenders. The City Council will hold an initial discussion of the proposal.

Hales embraced the nationwide "Ban the Box" movement in his State of the City address in January. Early last year, the city removed a box from formal job applications asking whether a candidate had been convicted of a crime.

The bones of the new policy, to extend the effort to the private sector, remain the same as a draft discussed last week.

Employers, including private businesses with as few as six employees, would be prevented from conducting a background check or asking about a candidate's criminal history until there's a conditional job offer on the table. Exceptions include law enforcement positions and jobs in which a criminal background or the nature of a felony record would affect the candidate's job qualifications.

But the crux of the plan is to remove what advocates say is a powerful screening tool, essentially an excuse, that employers may use to dismiss an otherwise qualified job candidate.

Hales' staff and the city attorney's office are still tweaking parts of the plan, including a controversial provision that would grant the job applicant the right to sue if they feel aggrieved. Hales' staff says the city is still debating the best way to enforce the proposed rule change.

Who stands to benefit from the plan? Ex-felons such as Mike D'EPiro.

D'EPiro testified before the City Council last week, saying it's been "absolutely impossible" to get back into the job force since he was released from prison after serving six years for a robbery conviction.

In 2008, the then 27-year-old D'EPiro was arrested and charged with robbing a Rite Aide pharmacy on Southwest Tualatin Valley Highway and selling OxyContin pills.

He had a job in sales at the time but was also in the midst of a five-year drug problem. He slipped a note to the pharmacist that said, "I have a gun, give me all your pain meds." The note, D'EPiro said, made it a Measure 11 crime.

Since being released in December, 12 businesses have rejected D'EPiro outright, he said.

D'EPiro has a job through his family, but he's ready to get back into sales and help support his four children. He's upfront with employers about his past but wants to avoid checking a box, which he said is an automatic disqualification.

"I can sell my skills. I know what I'm good at. I know what I'm not good at," he said. "If I have the ability to sit down in front of somebody, it's not too difficult for me to sell myself."

If Portland approves a plan, it would join San Francisco; Seattle; Washington, D.C.; Baltimore; Columbus, Ohio; Philadelphia and other cities with such a policy.

The Portland Tribune

County, city dig deep on homelessness

*By Jennifer Anderson
March 19, 2015*

On April 1, a few dozen community leaders will meet to move forward with an audacious goal: to find "A Home for Everyone," as their initiative is called.

Upon taking office last summer, Multnomah County Chair Deborah Kafoury worked with Portland Mayor Charlie Hales to appoint a coordinating board and ask them a question: "What would it take to reduce the unmet need for housing for all homeless populations by half?"

"The nature of this charge was so specific, it really focused the (county) board, the staff," says Marc Jolin, the former JOIN executive director who was hired to lead the Home for Everyone initiative.

"I think we've talked about (the problem) in these terms before, but it's the first time we've looked systemwide to assess the population, attach a number to the people and the dollars it would take" to tackle it.

Before his 15 years with the nonprofit JOIN working on the city's 10-Year Plan to End Homelessness, Jolin worked on housing issues in Chicago.

He says he's never seen a housing plan that is quite as targeted, collaborative and grounded in data as the one underway.

According to the latest data, 1,700 people sleep on the sidewalks each night.

In January, Kafoury underscored the urgency of the issue.

"This past month, we committed to end all veteran homelessness by the end of 2015 and we were awarded a \$2 million federal grant to house 130 chronically homeless households," she said.

"However, no matter how efficient or well-coordinated our system becomes, unless we have new tools such as inclusionary zoning and more dollars to develop affordable housing units, we won't make a significant impact on the housing gap, especially for our extremely low-income neighbors."

The April 1 coordinating board meeting will include leaders from the city, the county, the city of Gresham, Home Forward, Meyer Memorial Trust, and various local service providers and other housing advocates. They've been meeting since fall to prioritize and implement recommendations they made in their smaller work groups in past months.

They'll talk about proposed changes to the way providers share data in their "Homeless Management Information System."

And they'll appoint two new co-chairs to lead them through the process, since Jolin and the other co-chair stepped down to tend to their other duties.

Needs of veterans

Veterans are the first of four areas the group is addressing, each with its own action plan. The others are: safety off the streets, housing, and health.

Two dozen people sit on the committee to address veteran housing. In their January action plan, called Operation 424, they outline the strategies and challenges for meeting their goal to house all chronically homeless vets by the end of this year.

According to the latest data:

- 413 veterans sleep on the street, in shelters or transitional housing each night.
- In one year, about 785 veterans experienced homelessness in the county, comprising 11 percent of the county's homeless population and 8 percent of the overall county population.
- Nearly 40 percent (314 veterans annually) are chronically homeless
- About 15 percent of homeless vets aren't eligible for federal benefits and can't access those resources. Most of those are not chronically homeless.
- About 14 percent of veterans are people of color, and many experience unmet health care, mental health or substance abuse needs, as well as unemployment or criminal backgrounds.

Yet, Jolin says the plan "feels like it's within reach" because both the federal and local governments have made it one of their most urgent priorities.

The action plan asks for \$350,000 from the county budget to leverage Veterans Affairs Supportive Housing vouchers from the U.S. Department of Housing and Urban Development, which provide housing and services for homeless, disabled veterans.

Some of the \$350,000 will go toward rent assistance for those not eligible for the vouchers.

Portland also is using \$6 million in federal Supportive Services for Veterans Families grants during the next three years, to assist about 750 veteran households.

"This work is a priority," Jolin says. "The desire of the executive committee to make something of this opportunity, to make progress now."

City gets little traction trying to rein in short-term rentals

*By Steve Law
March 19, 2015*

The city of Portland is poised to adopt a "No More Mister Nice Guy" approach to Airbnb and other companies that broker short-term rentals in peoples' homes.

Last year, Portland became one of the nation's first big cities to roll out the welcome mat and legalize such programs, which allow anyone to rent out spare rooms on a nightly basis. But few of the more than 2,000 local hosts and 11 booking companies are returning the city's love by complying with Portland's regulations.

In response, the city Revenue Division recently sent warning letters threatening to fine five of the booking companies a collective \$503,000 if they aren't in compliance by April 5. The fines could continue piling up as long as they remain out of compliance.

Last summer, the city started requiring permits before people rent out their properties for the night, which requires a \$178 permit fee and a cursory safety inspection of their property. So far, only 105 local hosts — probably less than 5 percent of those doing short-term rentals — have received the required city permit. Another 76 applications are pending, according to the Bureau of Development Services.

The Bureau of Development Services only enforces the permit requirements if someone complains about a specific property. But the city Revenue Division, which collects lodging taxes, is taking a more proactive approach. Pushed by the Revenue Division, the City Council adopted a new ordinance taking effect Feb. 20 that imposed new requirements on the booking agents who broker short-term rentals, such as Airbnb.

The Revenue Division is taking a “graduated approach” to enforcing that ordinance, said director Thomas Lannom. He started by sending letters in January and February alerting 11 companies that broker short-term rentals of the city’s new requirements, which include collecting lodging taxes on behalf of the city where possible, and assuring local hosts get city permits before displaying their homes on web listings. Eventually, the city reserves the right to get the names and addresses of all local hosts from the companies.

On March 5, Lannom sent out second warning letters to five of those companies that haven’t responded adequately, threatening fines. The other six companies are either working with the city, Lannom said, or not enough time has elapsed for them to get the second warning letter.

Airbnb is the dominant player in Portland’s short-term rental market, and it continues to attract new hosts. A recent post by the Inside Airbnb website found 1,959 listings within the city.

Other companies on the city’s target list of booking agents are: Craigslist, FlipKey, HomeAway, OnlineVacationRentals, Rental.com, TripAdvisor, Vacasa, Vacation Home Rentals, Vacation Rentals.com and VRBO.

A recent spot check of five local Airbnb listings found none had city permits posted clearly on the listings, as required by the new city ordinance.

Airbnb declined interview requests on the subject. Corporate spokesman Nick Papas emailed a brief statement saying the company was working to educate its local hosts about the city rules. He did not respond to questions about the company’s failure to comply with the new city ordinance.

Still, Airbnb has been collecting lodging taxes for the city, even if the overwhelming majority of its hosts are failing to get permits.

Mayor Charlie Hales recently called Airbnb a good negotiating partner with the city, and said he believes it will comply with the new rules, eventually. “I’m optimistic we’ll be able to get there,” Hales said.

Dana Haynes, the mayor’s spokesman, said it takes time to get full enforcement of new city regulations. Many short-term rental hosts are likely not paying attention to decisions by the City Council, he said.

“We’re not assuming malice or ill-intent by anybody,” Haynes said. “If we’re not at 100 percent compliance with Airbnb today, we’re not worried about it. We will get there.”

The easiest way to get full compliance is if Airbnb adhered to the rule requiring permits before it advertises hosts on its website.

The Portland Mercury

City Council Just Approved A New Cab Company—With No Controversy

*By Dirk VanderHart
March 18, 2015*

Starting a cab company in this city used to be a big deal.

For proof, look back a scant three years, when upstart outfit Union Cab proposed a new service it said would be fairer for drivers, but which drew outrage, threats of legal action, and, most dramatically, a parade of taxis laying on their horns as they circled city hall. Oh, and some unsettling racial undertones pervading that angst.

By the time Union Cab finally convinced both Portland's Private For-Hire Transportation Board and city council it was legit, it had been fighting for more than four years.

Contrast that with the relatively effortless path of EcoCab, the Longview-based cab company that applied for cab permits last Halloween and this morning saw city council unanimously approve its presence on Portland streets. This city's changed, people.

We first reported EcoCab's oncoming success back in February, when the company won over Portland's taxi board with a plan to bring 51 new, mostly electric, cabs on the roads. The board unanimously approved that application, sending it to city council, and also took the unprecedented step of okaying 242 new, additional cabs. In an age when Uber and Lyft are knocking at the door—held off by little more than the specter of a lawsuit and the likelihood of eventual access—the thinking went that Portland's cab companies could stand to bulk up their fleets.

Still, the loosely given permits shocked longtime cab company managers, who were used to the city's strict regulation of permits, and wary that a flood of new taxis could hurt drivers' already meager wages.

The wage piece isn't lost on city council. At this morning's hearing, Commissioner Amanda Fritz raised questions about EcoCab's model, which treats drivers as employees making \$10 an hour as opposed to contractors subject to the whims of the market (like most companies). Fritz was concerned about the \$10 figure, she said, but then read research that drivers make an average of \$6.10 an hour, once they've paid daily fees to their employer.

"Obviously it's still a very challenging profession for people to make a living wage on," she said.

Commissioner Steve Novick said he's spoken to state Labor Commissioner Brad Avakian about changing state law to improve cab drivers' situation, something he said he'll "continue to explore."

EcoCab's smooth path to legitimacy was greased by more than a changing culture. The company won the support of other cabbies by saying it would circulate drivers only when cabs are in highest demand—like bar close on the weekend. The company will still provide dispatch service 24/7, as required, owner Ron Knori told the Mercury in February.

EcoCab's going to initially use 15 permits, 12 of them for fast-charging electric Nissan Leafs, Knori said. The remaining three will be vans that can accommodate wheelchairs, as required by city code. EcoCab is planning an eventual fleet of 51 vehicles.

The company may not have long to get up and running before Portland's cab market changes for good. A new "innovation task force" is currently reviewing rules cab companies and "transportation network companies" like Uber and Lyft will need to abide by going forward. Cabbies have insisted that the internet invaders abide by the same strict regulations—over things like insurance, availability, and being able to carry wheelchairs—that cabs have to live with.

But the rules aren't expected to be finalized by April 9, the date Uber has said it will re-enter Portland. The company barged into town last year, against the will of city officials and in breach of city regulation, before agreeing to pull back while city hall got its house in order.

At this morning's hearing, Fritz suggested that the April 9 date may not be the banner day for the free market some are hoping for.

"I don't think Uber and others should assume that we're going to let them operate in our city" if they're not complying with the city code, Fritz said.

An Office Among Officers

Our New Police Reform Watchdog Just Moved in with the Cops

By Dirk VanderHart
March 18, 2015

PAUL DE MUNIZ could be called the linchpin of Portland police reform.

A former head of the Oregon Supreme Court and one of the state's most respected voices on justice issues, De Muniz serves as an ear to the streets. He's the crucial anchor for a team of national

researchers charged with listening to Portlanders' concerns about cops and offering frank, potentially unwelcome reports that might reshape the Portland Police Bureau.

So where is the former justice headquartered for this brashly independent role? Right next to the very police he's supposed to be hearing complaints about.

Roughly a month ago, De Muniz quietly relocated his office from an East Portland community center to the same East Burnside building that houses traffic cops and the Office of Neighborhood Involvement's crime prevention staff. City officials promise the situation is temporary, and De Muniz is holding meetings with community members outside the city building.

But there does not appear to be an active search underway to find him new digs. What's more, those watching Portland's police reform process complain the move was never announced. They worry De Muniz's current office sends a signal to the community that contradicts the independence he's supposed to represent.

"Given the scope of work and the level of distrust of the police bureau, I think it is a very grievous and grave mistake," says Dr. T. Allen Bethel, co-chair of the Albina Ministerial Alliance Coalition for Justice and Police Reform. "There are plenty of other places he could have gained a temporary space."

It's hard to overstate De Muniz's importance to Portland's ongoing police reform efforts, which sprang from a 2014 settlement with the US Department of Justice over cops' use of force against mentally ill Portlanders. When city council decided last year, against some advocates' wishes, to bring in Chicago researchers to oversee the police bureau's progress under that settlement, they cited De Muniz's involvement as the deciding factor. While University of Illinois at Chicago professor Dennis Rosenbaum is technically the leader of the "compliance officer/community liaison" (COCL) team, De Muniz is its local face.

"I believe in the voice of the community," De Muniz told city commissioners at a November hearing. "I'm going to dedicate myself in this process to make sure that the community voices are heard."

What's more, De Muniz is the chair of the Community Oversight Advisory Board, a citizen panel that will scrutinize cops' progress along with the research team, helping to ensure police meet the particulars of the settlement with the feds.

De Muniz and his colleagues have said they'd insist on autonomy in these roles—a fact that showed through in an ordinance city council passed in late January.

"The COCL... requires office space which is not in a city building," the ordinance read. It specified that a community center called the Rosewood Initiative, at SE 161st and Stark, would serve as De Muniz's home base.

But De Muniz now says the center didn't meet his needs.

"They couldn't get my computer hooked up," he tells the Mercury. "I kept pushing the city. Finally I said, 'I've gotta do work.'"

De Muniz says he's been in his new office, at the corner of E Burnside and 47th, for around a month, but that he's rarely there. "I'm out talking to people."

The former judge works in Salem, but a contract Portland officials signed with Rosenbaum, De Muniz, and several other researchers dictates De Muniz is supposed to be in Portland two or three days a week until July, and once a week after that. According to a public calendar posted on the city's website, he was in his Portland offices nine times between February 23 and March 16. In that time he also met with two police officials and Commissioner Steve Novick, attended two community forums, and spent time meeting with the public at the Rosewood Initiative and two other locations.

No one questions the former judge's abilities or commitment to his job. Plenty of people question his move to a police building.

"It gives the impression that the COCL is linked to the police," says Tom Steenson, a Portland attorney who's serving on the community board De Muniz chairs. "It's a very bad idea."

Jo Ann Hardesty, a frequent police critic and president of the local chapter of the National Association for the Advancement of Colored People, worries the offices make De Muniz less accessible.

"If he's working out of a police bureau now, he's certainly not seen as a grassroots person," she says. "People don't go to the police precinct."

And Bethel, pastor at Northeast Portland's Maranatha Church, says the explanation of De Muniz's office being temporary doesn't cut it.

"That's one of the most lame-duck excuses anyone can make," he says. "Temporary needs to end today."

Not everyone's alarmed. Avel Gordly, a former state senator and another member of the community oversight board, understands the criticisms. But she doesn't agree.

"He's putting in a lot more time than the days and hours prescribed," says Gordly. "It's a temporary situation that will be remedied as quickly as he can make it happen."

It's actually unclear who's supposed to be finding De Muniz a new space.

"The city is going to have to deal with it," he told the Mercury on March 12.

But the mayor's office, overseeing the contract with De Muniz and his colleagues, suggests that's not the case. Mayoral staffer Deanna Wesson-Mitchell says the COCL team can name its own space.

"It's up to him," she says. "Our job is to make sure they have what they need."

She also thinks De Muniz might want to hold off on a move until the oversight process is completely off the ground. "Moving again might be a lot [to take on]," Wesson-Mitchell says.

Whatever the case, one thing's certain: When the move comes, De Muniz won't lack for assistance.

"I'll help him move," says Community Oversight Advisory Board member Steenson. "My back's in good shape."

Hall Monitor

Portland's Greenest Inequity

By Dirk VanderHart
March 18, 2015

FOR A CITY enamored of its green spaces, Portland's weirdly absent when it comes to patrolling them.

Consider: The city has 212 parks, and thousands more acres in natural areas. All told, parks land makes up more than 12 percent of Portland's total area.

And to watch over that vastness? To assist users and "tut-tut" casual inebriants and—as a last resort—ban problematic parkgoers or call police? Portland employs just seven full-time rangers, with a roving cast of as many as 12 seasonal helpers in busy months.

But it's worse than even that.

Deals the parks bureau struck years ago—wrapped up in efforts to expand the ranger program—have created a situation where the sparse staff patrols the Westside almost exclusively. Eastside parks, which sit in some of the city's poorest neighborhoods and inspire almost two-thirds of total calls for service, get just 14 percent of rangers' attentions, according to a report presented to Portland City Council on March 11.

"Even more significant, the services in the east tend to be reactive and less proactive," the report says.

It's shockingly unfair news, and it comes at a time when rangers might be most useful.

As staffers from other city bureaus stressed repeatedly at the council meeting: Portland's parks have seen a sizeable uptick in homeless campers in recent years.

In places like Washington Park, along the Springwater Corridor, and in boats that park at public docks, the ranger staff is reporting hundreds more encounters with homeless people than just a few years ago.

That's just where they patrol.

"The lack of ranger coverage for our Eastside properties makes it nearly impossible to keep up with calls we get about camping and other dangerous situations," Maggie Skenderian, a watershed manager at the Portland Bureau of Environmental Services, told city council. "We're at our wit's end."

Given all this, an increase to the ranger program might seem like an easy call. And it's made more attractive by Parks Commissioner Amanda Fritz's pledge to have representatives from homeless rest area Right 2 Dream Too begin training ranger staffin sensitively talking to homeless people who use the parks.

But even in fat budget times—the city could have at least \$31 million extra to play with next year—Eastsiders aren't guaranteed the service they deserve.

For next year's parks budget, Fritz has requested \$84,500 to convert six seasonal ranger jobs to full time (less than the nine positions she spoke of in January). That might not amount to more services. As part of Mayor Charlie Hales' requirement that any new money be offset by cuts, the positions could come at the expense of remaining seasonal rangers.

"In some ways it will decrease services," Fritz said at the March 11 meeting. "What we really need are seven more full-time rangers in addition to the seasonal rangers."

Even so, Fritz's request is far from guaranteed. The city budget office has recommended denying the money, since it wouldn't improve service levels. And Hales, while agreeing on the need for more rangers, says he wants solid data on how many more should be added. He also wants to be sure there's money to continue paying the Multnomah County Sheriff's Office's River Patrol to patrol local docks.

"I love the rangers program," Hales said. "But before we get to simply funding more rangers with the money we have, we've got some things to work out."

Don't Call It a Comeback

The Push to Revive Voter-Owned Elections Has Run Aground

By Denis C. Theriault

March 18, 2015

WHEN HE TOOK ON Commissioner Dan Saltzman for a city council seat last year, Concordia University professor Nick Caleb limited individual campaign contributions to \$50—a symbolic rebuke to the big money that can tilt elections in this town.

Caleb lost, and for his next race—a newly announced bout for Commissioner Steve Novick's seat in May 2016—he's abandoned the \$50 cap.

"Until we get publicly financed elections, it's impossible to compete on that level," Caleb told the Mercury on March 11.

And that public financing? It's not even on the horizon.

Almost two years after champions of Portland's scuttled "voter-owned elections" met quietly to plot the program's resurrection, supporters tell the Mercury talks are dead for the foreseeable future.

Backers in the labor movement—who'd need to invest precious dollars to mount a serious campaign in 2016—have seen other candidates and issues take top billing in recent months. Good-government advocates have begun focusing on more immediately attainable electoral reforms. The city's general fund, which paid for the campaigns, has tightened amid hand wringing over crumbling roads and city buildings.

And one of the effort's driving organizers and most potent symbols, Commissioner Amanda Fritz, has changed her mind about the timing of a campaign.

Prodded by the sudden death of her husband last fall, Fritz has decided to seek a third term next year instead of stepping down from Portland City Council like she'd planned. As the only non-incumbent to win office using public money, she was supposed to be the face of the restoration push. Now She's decided the city has more pressing needs.

"The money hasn't been there," says Fritz. "But even if we had consensus, truly it is more urgent to fix our streets and buy back programs and jobs lost in the recession."

In Portland, publicly funded campaigns took wing in 2005, a year after Tom Potter and Jim Francesconi ran one of the most expensive mayoral races in city history.

The process was simple. To qualify for public dollars, candidates for city office had to show momentum by collecting hundreds of \$5 contributions. Commissioner and auditor candidates received \$150,000 in exchange for 1,000 such gifts. Mayoral candidates were given \$200,000 so long as they collected 1,500.

But in practice, the process led to few successes. Fritz rode public money to office. So did Commissioner Erik Sten, who used the system to win re-election. But seven other candidates tried and failed—including council candidate Emilie Boyles, who illegally used the money to pay her daughter for internet marketing.

When the program went back before voters in 2010, a recession-tainted year with lower turnout and a right-leaning electorate, the Portland Business Alliance seized on the program's track record to tip it to defeat.

It lost by a mere 1,600 votes—enough to spark revival talks in 2013. Now, those are dead.

"We just stopped talking about it," says Joe Baessler, state political director for the American Federation of State, County, and Municipal Employees (AFSCME) Local 75.

Baessler, whose union fought to defend voter-owned elections, sat in on the 2013 strategy meetings, a year after 2012's mayoral race set new records for spending and lent the project new urgency. Some advocates, he said, wanted to push ahead in 2014. Others insisted on 2016—a presidential year with higher turnout and younger and more progressive voters.

But now that 2016's nigh?

Labor's still not ready to jump in. Baessler says unions need to save money to fend off what could be a slew of anti-labor state ballot measures.

Beyond that, groups like Common Cause Oregon say they're watching other reforms, like campaign contribution limits and tighter rules on financial disclosure, up for debate in Salem this legislative session. Statewide reforms might prove more attractive than fighting to revive a city program.

Moreover, Baessler worries national progressive groups may not be willing to invest in left-leaning Oregon when that money could be spent in battleground states.

"There are a lot of big obstacles" in front of voter-owned elections, says Baessler. "And none of them are because it's a bad idea."