

The Oregonian

Portland Police contract makes headway on recruiting, stands still on accountability: Editorial Agenda 2016

*By The Oregonian Editorial Board
September 17, 2016*

There's a fair amount of self-congratulation by city officials over the tentative contract that Portland has negotiated with Portland Police officers.

Some of it is deserved. The contract, negotiated under Mayor Charlie Hales, aims to immediately attract, recruit and retain officers to help shore up the severely short-staffed police force. Among other things, the contract calls for increasing the starting salary for police officers and cutting the probationary period for officers transferring from similar positions at other law enforcement agencies. While salary boosts for higher-ranking officers will require the city to find millions more dollars in coming years, Hales is absolutely correct in arguing that public safety is job one for the city. With 67 vacant positions currently and some 300 plus more expected in the next five years, the city must act.

But Portlanders should not be misled that the contract represents a major step forward for police accountability.

The agreement makes some progress by doing away with the "48-hour rule," a provision giving officers two days before they must answer questions from personnel investigators about the incident. Yet it still has a long way to go. The tentative contract does not require officers who have used deadly force to immediately give a statement of what happened to administrative investigators, as federal Justice Department officials have demanded as part of a police-reforms agreement settling excessive force claims against Portland Police.

It's difficult to evaluate many aspects of the contract, because city officials have so far refused to release it. They claim it's not public until the union ratifies it or if all parties agree to release it. But their descriptions of what the contract does – and does not – contain show that the city still faces a lot of work ahead to enshrine practices that genuinely move police accountability forward.

It would seem like the removal of the 48-hour rule should be a huge accomplishment, considering the many calls for its deletion from the police contract over the years. But as Hales himself noted to The Oregonian/OregonLive Editorial Board, getting rid of it is more about restoring "public credibility" than it is about changing actual practice. Why? Because as Portland Police Chief Mike Marshman acknowledged, the internal affairs officers who investigate police shootings for violations of policy or training usually wait 48 hours or so anyway before approaching officers for their account. (This is separate from a criminal investigation conducted by detectives in which police officers retain their constitutional right to remain silent.)

Like the public, federal Justice Department officials have not seen the police contract. U.S. Attorney for Oregon Bill Williams told The Oregonian/OregonLive Editorial Board that the removal of the 48-hour rule is "an important enhancement to police accountability and public trust." As critics have often noted, a police officer's recollection of what happened can be contaminated by outside information or media coverage. But Williams also said that his office is

continuing to assess the city's compliance with the police-reforms settlement. Presumably, that would include its insistence on more timely statements from officers in shootings.

Marshman claims the delay is to let investigators collect as much information and evidence first. However, experts and the federal Justice Department agree that's not the best investigative technique.

It also shows why it's easy for the union to give the 48-hour rule up: Why press for a contractual promise when you're already getting it in practice?

The city said that it's continuing to work with federal justice officials, the union and the Multnomah County District Attorney's office to come up with a process that satisfies the Justice Department's demand for on-scene accounts from officers who have fired their weapons. Good. Pushing through real changes, rather than cosmetic ones, is the only effective way to boost public credibility.

The Portland Tribune

Former Water Bureau staffer smells 'spin' in tree-cutting plans

By Nick Budnick

September 15, 2016

Tricia Knoll thinks the Portland Water Bureau is improperly downplaying plans to cut down 200 or more trees at picturesque Washington Park.

Knoll is no stranger to public relations; she's a former longtime water bureau spokesperson. She held the job for a decade, and became accustomed to her employer being in the spotlight in ways it didn't like.

Now, she says, it's time for the bureau to be in reporters' "crosshairs" once again.

The city plans to cut down 209 trees by early October in connection with the project to replace two open-air reservoirs at Washington Park with a new covered one. The decision, approved by the City Council last year, came in response to escalating pressure from the federal government.

The fear: a fatal outbreak of water-borne parasites. Including a similar project underway with the Mount Tabor reservoirs, the cost of reservoir capping is expected to exceed \$200 million.

Knoll doesn't oppose the capping of reservoirs. In fact, she wholeheartedly supports it.

But she's also a tree-lover and a self-described "eco-poet" who volunteers at the Rose Garden. She's worked with plenty of engineers during her time at the city, and questions whether the city is being as careful as it could be with the treasured resource of Washington Park's trees.

"My experience is that engineers have the attitude 'When in doubt, take it out. If it's in our way, make it go away,'" Knoll says.

She says her antennae were first raised by the city's flier publicizing the plans, which stressed that no "old-growth" would be cut.

That may be true, Knoll says, but that's because old growth is rarely found in the area.

“There’s so darn little old growth anywhere in Washington Park. We were called 'Stumptown' for a reason, and the reason is the whole place was logged.”

The city’s flier also stressed that the Douglas firs cut down would be used to help restore Bull Run habitat.

Knoll says that the Bull Run habitat work can get its trees from anywhere. “I’m worried that this is mostly spin. Like saying we’ll turn dead birds into cat food.”

Fielding questions sparked by the former water bureau spokeswoman is the current one, Jaymee Cuti — herself a former reporter.

The bureau is sending out information, such as about old-growth trees, that the public has expressed interest in, she says, noting that the bureau plans to replant 20 percent more trees than required.

In response to the questions raised by Knoll, Cuti sent over a map of the trees slated to be cut. For most of the trees, cutting is necessary, while nearly 20 percent of the trees are being cut because they are non-native, “invasive” species, according to the city.

"Old growth" definitions vary, but some of the trees to be cut will be pretty old. According to the city, the area was replanted after clearcutting 120 years ago.

“The new reservoir will supply water to Portland’s west side and serve more than 360,000 people, including all downtown businesses and residents, 20 schools, three hospital complexes, more than 60 parks, and the Oregon Zoo,” Cuti wrote in an email, adding that the bureau engaged in a "lengthy and extensive" public outreach process.

But looking at the map and other information, Knoll’s fears are not assuaged.

“I do hope (Southwest Portland) neighbors understand that ... some big trees are going to fall, and I for one, feel a sadness for the loss of those giants," Knoll says. "Some appear to be big Douglas firs across the road from the reservoir — and that is going to come as a shock to people who know and love this park."

Knoll's concerns are echoed by a prominent local advocate, Bob Sallinger of the Audubon Society of Portland, who just heard about the city's plans. "We would have real concerns about that level of tree loss. Even though they are mitigating for it, obviously it will take decades to replace mature trees."

Willamette Week

Tenants, Landlords Are Battling With Legal Memos Over City’s Ability to Ban No-Cause Evictions

*By Rachel Monahan
September 16, 2016*

The fight over tenant protection in Portland has turned into a battle of dueling legal memos.

On the one side is the pro-renters group Portland Tenants United, better known for its loud protests (see video below) and its call for a rent freeze.

On the other side is Multifamily NW, an association of landlords.

Portland Tenants United has presented city elected leaders with a legal memo, dated Sept. 12, that argues state law allows the city to impose rent control on an emergency basis, to ban evictions for which landlords offer no reason, and to require landlord to pay tenants' moving costs when evictions aren't for cause.

Multifamily NW has have its own legal memo—dated Sept. 14—that argues the city cannot restrict "no cause" evictions without a change of laws at the state level. (The group also has a political action committee, the newly renamed Equitable Housing PAC, which has begun fundraising by warning of "radical" tenant groups.)

Tenants and landlords are gearing up for a fight in Salem next year, after House Speaker Tina Kotek announced on Sept. 12 that she would push for a ban on no cause evictions as well as emergency rent control laws statewide.

But there's a possibility the city could act without action from the legislature. That's what the tenants are pushing for and the landlords are pushing against.

Portland Tenants United has a significant ally in Mayor-elect Ted Wheeler, who in February said he would restrict "no cause" evictions and has promised to act even without movement from the state.

"We've led on this issue," says Wheeler spokesman Michael Cox. "We made addressing Portland's housing crisis a centerpiece of our campaign, and we are prepared to explore the full range of options to ensure Portlanders are not priced out or moved out of our city."

But the tenant groups still face an uphill battle in their case to get the city to act immediately.

The city attorney had already weighed in, declaring state law preempts the city from banning no cause evictions — a view Wheeler said in May he wouldn't let dictate his policies.

But City Commissioner Dan Saltzman, who met with Portland Tenants United earlier this week and (like Wheeler) was presented with a copy of the legal memo, remains unconvinced.

"With everything Speaker Kotek has said about what she hopes to achieve in the next session, I think that's where the focus of the action should be," says Saltzman.

"The city doing something precipitous that may not withstand a challenge, I'm not sure it serves any purpose at this point," he says, "and in fact may detract from the legislative efforts."

Portland Tenants United organizer Margot Black says Saltzman is wrong.

"If he thinks that throwing a life raft to the tenants of Portland who can't wait for July for whatever watered down loophole-ridden bill comes out of the legislature, then he's not listening to or representing Portlanders," she says.

It's been a year since tenant groups began pushing the city and the county institute rent freeze. In the last year, much has changed. City Hall declared a housing emergency and passed rules requiring 90-day notices for rent increases and no cause evictions.

The Legislature followed up by passing laws that allow inclusionary zoning and the 90-day notice for rent hikes.

But state law explicitly prohibits rent control with an exception for natural or man-made disaster that "eliminates a substantial portion" of the housing stock.

Whether Portland's rental crunch meets the definition of a disaster is what landlords and tenants are arguing over.

John DiLorenzo, the lawyer who sued the city last year over the 90-day notice, and who prepared the legal memo for the landlords this week, says the only reason the city's 90-day notice wasn't overturned was because the Legislature changed state law.

Otherwise, he says, the city wouldn't have been able to defend its policy in court. "We were close to winning that case," says DiLorenzo.

Black says the city can still pressure landlords into immediate negotiations.

"We want them to come to the table," she says, "to work out a more sustainable solution that keeps tenants stabilized in their homes."

We've Been Renting Our Portland Basement Bedroom for More Than a Year on Airbnb. We Can't Justify It Anymore.

*By Mary-Margaret Wheeler and Greg Weber
September 19, 2016*

We have been Airbnb hosts in Portland for about a year and a half. We have loved it and taken great pride in being Superhosts (search for "Sweet Suite with Kitchenette" in Portland).

Recently, however, our association with Airbnb has become an embarrassment. We urge Airbnb and the City of Portland to enforce the existing rules regarding Airbnb rentals.

We think of ourselves as being ideal Airbnb hosts and used to love telling our friends about our experiences. We began renting out our basement bedroom suite in the Spring of 2015 when one of us was laid off. The income helped us make it through a difficult time, including helping pay the mortgage on our new house. We didn't want a full-time roommate because the sound barrier between the upstairs living room and the downstairs bedroom is very poor. For short periods of time, we avoid using the living room, but for longer periods it's harder to cohabit comfortably.

We are temperamentally and professionally rule followers. When conversations about Airbnb first started in Portland, we weren't sure we could do it because of the ambiguities, but then Airbnb and the City of Portland came to agreement on terms and rules that were clear and, in our minds, very reasonable. We followed the City's process and found it quick and painless to become licensed (although we had one small hiccup—more on that below).

Airbnb was a great fit for us. We have always loved hosting parties and guests. We enjoy anticipating people's needs and making them as comfortable as possible. We also had experience as landlords of a duplex we'd lived in and managed for 12 years before moving to our new house. The City of Portland's Landlord Training class was very helpful and we took professional pride in applying what we learned about safety, fair housing, security, and privacy to the world of hospitality.

We also loved the culture of Airbnb: the focus on hospitality and service, the ease of using the system, the welcome and support we experienced from the company as hosts. And most of all, we loved the guests: people from all over (but mostly Canada in our case) who were friendly and returned our hospitality with kindness and gratitude. The money was also pretty great to have, make no mistake.

The attacks on Airbnb at first were easy for us to ignore or dismiss. Even as the rental market and housing crisis worsened, we believed from personal experience and the data that these were not caused by Airbnb, and we dismissed the attacks as hyperbole and a distraction from larger forces at work.

We knew that we weren't personally removing rental stock from Portland, and felt that the rules protected against that. Our guests were often young people who didn't seem to be people of great means. The ability to easily donate to Central City Concern by assigning a percentage of our earnings also made us feel good. (At the beginning of this year, that option was removed. We were told it would be replaced with something else, but we haven't heard what it is.)

When the #airbnbnwhileblack hashtag came out, we were embarrassed and disappointed but, on reflection, not surprised. We had seen conversations in Airbnb forums that recommended practices that would easily lead people to discriminate. We knew that it's easy for individuals to fall into discriminatory practices if they "follow their gut"—something many hosts talk about doing.

But where was the response from Airbnb? The education and guidance? This was a serious problem and we didn't hear anything from Airbnb as hosts that seemed to take it seriously or offer any number of possible solutions.

In the last week Airbnb CEO Brian Chesky finally sent a message to us as hosts outlining a response to the issue of discrimination. It remains to be seen whether this is too little, too late. We appreciate that it's better to do some things thoughtfully, but the delay on this issue really hurt.

Recently, it has come out that an Airbnb employee has been flouting Portland's regulations and renting out multiple units. We have also learned that Portland has the second highest rate of units listed that are out of alignment with the rules and guidelines.

Not only does this support the increasingly popular view that Airbnb is damaging our housing market, it also tells us that Airbnb really doesn't care about hosts like us. We thought we embodied the spirit and soul of Airbnb: welcoming people into our home, not properties we'd purchased to rent out.

Why on earth doesn't Airbnb enforce the existing rules in Portland? The argument that Airbnb relies on revenue from the bulk hosts like Rebecca Rosenfelt is starting to sound pretty convincing, and the fact that she is an Airbnb employee seems to illustrate just how little the company cares, and is particularly infuriating.

Furthermore, those bulk hosts hurt our bottom line, even if we didn't care about the bigger issues. How are small time hosts like us supposed to compete with a fleet of capital-rich Realtors and investors?

We also think the City should play a more active role in enforcement although honestly, we don't understand why the City should have to do Airbnb's work for them. If other people can find these illegal listings, why can't Airbnb?

Why not require the license number to be posted as opposed to (as happened to us at one point)—actually REMOVING the license number?

The one hiccup we had in the City's process was not realizing that we needed to register as a City of Portland Business as well as an Airbnb unit (we don't pay business taxes so we weren't in arrears, but it is a requirement). When we were contacted by City staff to fix this, the process

was pretty easy but we did need that bit of a nudge. That was almost a year after we'd first registered and we do think the City could do better on this.

We don't know what the City needs to improve its enforcement process, but we want to clearly communicate that as Portland voters and Airbnb hosts, strong enforcement helps hosts like us and we are fully in support of it. If it takes City of Portland action to get Airbnb to enforce the existing regulations, then that should be done.

For now, both of us are working, and our license is up for renewal in October. We will fulfill the commitments we have made to our visitors coming in but have blocked dates beyond September. We are discussing ways to soundproof our living room floor to make long-term house-mates more feasible.

But we are heartbroken about all this, and would love to be proud members of the Airbnb community again. We would welcome discussions with Airbnb and the City addressing these matters. Even more so, we would celebrate direct and immediate action.

Steve Novick's Chief of Staff Leaving to Join Portland Bureau of Transportation

*By Beth Slovic
September 15, 2016*

Chris Warner, chief of staff to Portland Commissioner Steve Novick, is leaving Novick's office to become assistant bureau director at the Portland Bureau of Transportation.

Warner will replace Maurice Henderson, whom Mayor-elect Ted Wheeler named his chief of staff in August.

Warner's transition won't happen until Nov. 14, after his boss faces re-election against Chloe Eudaly. The announcement comes at an awkward time, however, just weeks before Election Day.

Warner has not returned a phone call from Wednesday about the job change. A spokesman for PBOT, John Brady, confirmed the hiring Thursday.

Warner joined Novick's staff after Novick won office in 2012. He previously worked for Multnomah County Commissioner Loretta Smith. He was also once a transportation adviser to former Gov. Ted Kulongoski.

As commissioner, Novick has overseen the transportation bureau since 2013. With Warner, he fumbled on early efforts to secure additional funding for street repair but in May secured a 10-cents-per gallon Portland gas tax. Money from that tax will start flowing in January.

The Portland Mercury

We're Number Three! Bicycling's Best Bike City Rankings Are About to Drop

By Dirk VanderHart

September 19, 2016

It's an every-two-year tradition: Bicycling magazine releases a list of the country's best cycling cities, and we in Portland find reason to gripe or rejoice.

For a long time, Portland dominated the field. Then it became a battle between Portland and Minneapolis for the top spot. But lately the metropolises have been getting shine.

Two years ago it was NYC nabbing the title. And this year it's Chicago, according to a report in the Chicago Tribune this morning.

Bicycling magazine is set to announce Monday that Chicago is now the best bike city in the United States, unseating New York City. This is good news for Rahm Emanuel, who had pledged when he became mayor to make Chicago the most bike-friendly place in the country.

This year, NYC's back to number four. And Portland's climbed from fourth place to third, according to the Trib.

San Francisco was ranked second-best bike city, followed by Portland, Ore.; New York City; and Seattle. Minneapolis; Austin, Texas; Cambridge, Mass.; Washington, D.C.; and Boulder, Colo., rounded out the top 10.

What's it mean? Well, that Chicago's done a good job building out its bicycle infrastructure, for one. Portland's stalled out somewhat in creating the type of super-comfortable "protected" bike lanes that advocates say pay dividends in getting people to begin riding.

But it also means that Bicycling wants its rankings to generate buzz (yep, I am their pawn), and that it's boring if it's just Portland and Minneapolis duking it out. We've noted that plenty of cities have made admirable strides in recent years, but Portland's also still crushing other big cities when it comes to bicycle commuting. Plus, we just added bike share, new "buffered" bike lanes have popped up in Old Town, the Better Naito project might become permanent, and there's talk of a real-deal protected bike lane in downtown.

Anyway. We're number three. Whatever that counts for.