

The Oregonian

Mayor Ted Wheeler summoned to jury duty

By Aimee Green

February 16, 2017

Portland Mayor Ted Wheeler must report to the Multnomah County Courthouse next Wednesday for jury duty.

Wheeler -- just like 150 to 200 other county residents on any given day -- got called for service. He'll "show up just like everyone else," said Michael Cox, a spokesman for the mayor.

"He's going to do his civic duty," Cox said.

In Multnomah County, potential jurors are told to report to the jury assembly room for up to two days as part of a pool of people who could be assigned to trials that are about to begin. If selected for trial, they must serve the entire length of trial, whether it's for days or weeks.

Wheeler's prominent leadership position doesn't mean he'll get an automatic pass to sit on a jury. Judges can dismiss people if they know the parties -- the plaintiffs or the defendants -- involved in the trial.

Potential jurors also can ask to be excused if serving would create an "undue hardship," such as seriously hindering obligations or the need to care for a relative or child. But a judge has the ability to deny such requests based on the individual circumstances.

A lack of qualified jurors has prompted trial attorneys to make some surprising choices in the past: defense attorneys, judges and even sheriff's deputies all have sat on juries.

Jurors are randomly summoned to report for duty by using driver's license and registered voter records. State law generally prohibits jurors from being called on more than once every two years, but some residents go decades without ever receiving a summons.

Portland renter relocation payments survive federal court hearing

By Elliot Njus

February 15, 2017

Portland's tenant relocation payment ordinance survived a hearing in federal court Wednesday as a judge sent the case back to state courts.

Landlords who had filed a lawsuit seeking to overturn the ordinance sought an order Wednesday preventing the ordinance from taking effect while the case was argued.

But Judge Michael Simon of the U.S. District Court of Oregon denied the petition for a stay, saying it was too late for the court to prevent the ordinance from taking effect. The rule was passed as an emergency ordinance and took effect immediately.

The case had moved to federal court at the request of city attorneys because the landlords made arguments based in the U.S. Constitution and federal law. But the landlords' attorney, John DiLorenzo, dropped those arguments Wednesday after Simon said he was "very, very skeptical" of the claims.

The main basis for his case, DiLorenzo said, is a statewide pre-emption on rent control, an issue Simon said was best left for the state court system to decide.

The merits of the lawsuit, however, weren't argued Wednesday.

The rule is an early piece of hallmark legislation from new Portland Commissioner Chloe Eudaly, who campaigned on housing issues. It requires landlords to pay from \$2,900 to \$4,500 to tenants they evict without cause, who are not offered lease renewal or who move after the landlord raises the rent by 10 percent or more in one year.

Right 2 Dream Too homeless camp and Portland Water Bureau vie for same space

*By Jessica Floum
February 14, 2017*

Portland's best-known camp for the homeless may, like its residents, have found a temporary rather than permanent home.

Portland Commissioner Amanda Fritz has set her sights on relocating the West Burnside-based Right 2 Dream Too homeless camp to a parking lot on Southwest Naito Parkway, but that would require the camp to move again by May 2018.

As was first reported by the [Portland Mercury](#), the Portland Water Bureau will begin construction on the Naito site starting that month to build a seismically resilient water pipe to deliver water to Portland's west side in the event of an earthquake.

Fritz has worked for years to find a new home for the self-governed homeless community, which must vacate its current Old Town property by April so the Portland Development Commission can complete a [\\$1.2 million deal](#) to buy the property. Fritz is considering a parking lot at Southwest Market Street and Southwest Naito Parkway, owned by the Parks & Recreation Bureau that she manages.

However, the parks department has already agreed to let the water bureau use the site for construction of a 4,500-foot-long pipe that would send drinking water below the Willamette River to the city's west side, said Water Bureau Director Mike Stuhr. The bureaus have discussed the water agency's use of the site for more than a year, Stuhr said.

The site is the only one that meets the project's requirements, Stuhr said. It allows the Willamette River Crossing to connect to the major pipes on either side of the river, while staying above the areas where the ground is expected to turn to liquid during the major [subduction zone earthquake](#). It also meets the elevation requirements for the pipe's gravity system to operate.

Portland City Council voted in December 2015 to approve spending at least \$4 million toward the project. The project is expected to cost around \$56 million.

"I'm not concerned at all that the parks bureau isn't going to live up to what they committed to," Stuhr said.

The project, Stuhr said, will require use of the entire site and involves large, heavy equipment.

The parks department and water department do not intend to share the site, said Sonia Schmanski, chief of staff to water bureau Commissioner Nick Fish.

"Commissioner Fish and Commissioner Fritz are in agreement that it wouldn't be safe or appropriate to co-locate them," Schmanski said. Fritz declined to comment.

The Portland Tribune

City and state seek to seize Superfund initiative

By Steve Law

February 16, 2017

The city of Portland and state of Oregon are seizing the initiative to jump-start the \$1 billion Portland Harbor Superfund cleanup, while the Environmental Protection Agency is distracted — or even paralyzed — by a leadership vacuum, threatened staff cuts and a president set on weakening regulations.

City and state officials are talking with the Port of Portland and other "potentially responsible parties" to clean up contamination at a smaller site to get the process rolling, said city Commissioner Nick Fish, who oversees the Bureau of Environmental Services. The EPA must approve such a cleanup project, but won't be orchestrating it, given uncertainties about the agency in Washington, Fish said.

"The fact is that the key players moving forward now are the city of Portland, the state of Oregon, the Port of Portland and any PRPs (potentially responsible parties) that are willing to come to the table," he said. "I think that's the next step."

The entire cleanup is slated to decontaminate 10 miles of the Willamette River north of the Steel Bridge and require at least 13 years. But the EPA was projected to take the next two years to do more scientific studies of the polluted muck on the Willamette River bottom, and then unveil a "design" that lays out precise cleanup strategies and locations.

City and state officials are anxious to launch a smaller project sooner with polluters paying the cleanup tab. "Our view is there may be smaller projects we can start working on ahead of the overall design," Fish said.

Many riverfront landowners are anxious to get the cleanup out of the way, even those who complain the EPA's plan is too expensive, said Jim Robison, vice chair of the Portland Harbor Community Advisory Group, EPA's citizen participation arm for the Superfund project.

That apparently includes the Port of Portland, which issued a stinging critique of the \$1 billion price tag after the EPA released its cleanup order, known as its Record of Decision or ROD, on Jan. 6.

"The Port of Portland is talking to lots of different parties, including the city and state, about moving the cleanup forward," confirmed Jessica Hamilton, the port's general manager for harbor environmental work. "Really, the port's goal is to try to move its own cleanup project forward within the framework of the existing ROD," Hamilton said. But, she noted, "For the cleanups to be successful, it will require a lot of parties to step up."

Fish didn't identify any other potentially responsible parties in the talks, aside from NW Natural.

Sites not determined

No sites have been identified, but the Port of Portland previously expressed interest in starting work on areas of the river where it's expected to take a lead role, such as its Terminal 4 and the Swan Island lagoon. Along with other landowners along the river, the port's properties have been under a dark cloud due to the impending Superfund cleanup, making it harder to land tenants and financing for developments.

Mark MacIntyre, EPA regional spokesman in Seattle, declined to comment on the city and state taking the initiative.

"No one wants the Portland Harbor Superfund site cleaned up more than EPA," he said. "That said, we don't discuss or comment on Superfund negotiations until we have a deal or settlement to announce."

The EPA, which runs the Superfund program, is in limbo. It's awaiting a new agency director, who will then appoint a new regional director for the Seattle office. Its staff are anxious about initial signs from President Trump that he wants to ditch regulations and slash EPA staffing.

But the Record of Decision is now in law, Robison said, and would require an act of Congress to undo. Meanwhile, the city, state, or other parties such as the Yakama Nation could sue to uphold the Record of Decision, Robison said.

Polluters in better bargaining position

However, the potentially responsible parties, many of whom have been negotiating behind the scenes about who pays what for the cleanup, clearly feel they have more bargaining clout with the pro-business Trump at the helm.

Yet many of them have been unable to move forward with projects on their land, and they want to get this liability off their balance sheets.

EPA can impose penalties on those companies that don't take care of their cleanup obligations, though how well that gets enforced under Trump is an open question, Fish said.

So far, EPA has no official word on changes afoot spurred by Trump, MacIntyre said.

"We have not heard anything in terms of new direction for Superfund on the enforcement side, on the cleanup side," he said.

Now that the ROD is approved, some of the potentially responsible parties are expected to resist their cleanup obligations, he said. "I think there's going to be a period where we expected to have some litigation," he said. "That's typical in Superfund."

But it took 17 years after the Portland Harbor was declared a Superfund site to get the cleanup plan approved last month, and many residents and government officials are getting impatient. "Portlanders expect us to begin to move forward," Fish said.

Willamette Week

Portland Will Immediately Fine Airbnb Hosts Who Break the City's Rules

By Rachel Monahan
February 15, 2017

The city of Portland will no longer give Airbnb hosts and other short-term rental operators a grace period when they violate city rules, including lacking the required permits and safety inspection.

Beginning March 31, the Bureau of Development Services will issue immediate fines ranging from \$1,000 to \$5,000.

Portland was the first city to legalize short-term rentals in the country in July of 2014. Since then, when the city has found violations, it's given owners a grace period to correct the problems before issuing fines.

The changes were [first proposed back in November](#).

As WW reported last year, enforcement has been lax, and [even an Airbnb manager listed a property illegally](#).

Full announcement below:

Beginning March 31, 2017 Violations of City Short Term Rental Requirements will be Issued Citations

On February 9, 2017, the Bureau of Development Services (BDS) adopted an Administrative Rule for the enforcement of Accessory Short Term Rentals (ASTR) in the City of Portland. The adopted Administrative Rule provides BDS the authority to issue citations for violations of the Portland Zoning Code ASTR regulations. On March 31, 2017, BDS will begin issuing citations for ASTR violations in order to allow for communication of the new enforcement approach to interested parties. Violations of the ASTR regulations will be issued citations ranging from \$1,000-\$5,000 per occurrence. Citations are effective immediately and do not provide a compliance period prior to the assessment of fines. The citation can be reviewed administratively and then appealed to the Code Hearings Officer.

"I am very pleased BDS is increasing enforcement options for Accessory Short Term Rental violations within the City," said City Commissioner Chloe Eudaly, who has responsibility for BDS. "I have been very concerned about illegal full time commercial short term rentals in residential zones and I believe the new citation authority will assist

BDS in responding to these egregious violations and improving compliance rates.”

In August 2014, the City of Portland adopted amendments to the Portland Zoning Code to allow Accessory Short Term Rental (ASTR) operations in residences. These rules were focused on a permitting process for applicants that ensured guests were safe during their stay, and included limitations on the operations of the rental in an effort to ensure that properties continue to retain a primarily long-term residential use. BDS has received increased complaints regarding properties operating without the legally required ASTR permit, as well as complaints regarding properties with issued ASTR permits. Complaints include allegations that some ASTR operations are renting out more bedrooms than allowed by permit, allowing more than 5 overnight guests, or operating the business without a primary long-term resident at the property. BDS is also receiving complaints of short-term rental that are resuming illegal operations after a BDS enforcement case has been closed.

On December 16, 2016, a public hearing regarding the Administrative Rule was held. It was attended by more than 40 members of the public. In addition, BDS received 189 written comments regarding the proposed Administrative Rule with an overwhelming majority of comments- 78 percent -supporting the proposed rule.

“I am confident that the Administrative Rule provides an enforcement approach that is necessary to ensure that compliance with the ASTR permit requirements are met, which establish minimum safety standards for overnight guests as well as protects livability by limiting the amount of commercial activity in our neighborhoods,” said BDS Director Paul L. Scarlett.

BDS will be working closely with various online platforms that facilitate short term rental hosting in order to best reach short term rental operators in the City of Portland. Additionally, BDS will be sending notification to ASTR permit holders as well as operators that have ASTR permit applications on file that have not been approved due to an incomplete application submittal.

The adopted Administrative Rule can be found on the BDS website: <http://www.portlandoregon.gov/bds/article/628271>

The Portland Mercury

Right 2 Dream Too’s Most Prominent Advocate Has Left Camp

*By Dirk VanderHart
February 15, 2017*

RIGHT 2 DREAM TOO lost its most visible champion at a particularly delicate moment.

Ibrahim Mubarak, who helped found the homeless rest area in 2011 and has been a constant presence at the lot beneath the Chinatown gate, officially parted with the camp on February 1, citing differences with other members of the leadership team.

Six days after Mubarak left, local developer Bob Naito and others filed suit [\[PDF\]](#) against R2DToo's landlords, alleging the camp was a blemish that would hurt a new hotel Naito is building across the street. The lawsuit only adds pressure to an April 7 deadline the camp has been given by the Portland Development Commission to move elsewhere.

As they have for years, officials are scrambling to make that move happen—and it appears Commissioner Amanda Fritz [may soon suggest](#) a city-owned parking lot near SW Naito and Market as R2DToo's new home.

But whatever becomes of the camp, it'll happen without Mubarak, 60, who's keeping himself busy spreading his passion for peer-run homeless services around the country. He'll also flog a long-desired [Right to Rest Act](#)—which could beef up legal protections for homeless people—in Oregon's current legislative session (he's helping push the same provision in two other states).

Here's what Mubarak had to say about all of that in a recent sit-down with the Mercury.

Mercury: Let's start with the lawsuit. What do you know about it?

Ibrahim Mubarak: I don't think anything's going to happen. I think Mr. Naito is a dork. He's not keeping up on current events. Right 2 Dream Too is set to move April 7 of this year, and they're not going to be finished with that building. However, if [Naito is] supposed to be a first-class Japanese humanitarian, why is he taking that low-income building and building a high-priced hotel, and not doing things for low-income to no-income people? And then he wants to push us out the way because it might not look good for people who want to patronize his business?

You've been with the Right 2 Dream since 2011. You've been promised a lot of things in that time that didn't happen. Do you have faith in the system at this point?

I don't have faith in the system. I never had faith in the system as long as people who have been affected [by homelessness] wasn't at the table [with] a 55 percent stake in what happened to them. [Officials] don't know the experience that people living in the street have, and they constantly want to dictate how we can live our life. You can't dictate or control people. You have to control the situation and hope people can leave from there and build their lives around that.

Pretty much everyone recognizes that you've had success with the R2DToo model. What happens to it now that you're gone?

I left it in capable hands. I've been there since the beginning educating and training the houseless community as well as the board of Right 2 Dream Too, and hopefully they reserve some of the things they learned from me. I think because we had directional differences, it was time for me to go.

What were some of the differences?

I wanted to use the membership. We first started out as a training base to train people to advocate for one another and themselves. It did work at first, but people were saying they don't feel like they should be forced to do these things. But that was the concept. I felt my

hands were being tied up in being there all the time when I wanted to expand to different avenues and have different organizations.

You travel around the country to talk to people about the peer-run shelter model. Where have you been recently?

I've been to New Mexico, San Francisco, Seattle, Bend, Eugene, Chicago, Ann Arbor, Michigan. I'm talking about this model and people ask me to come consult them on doing things. I get to see different cities and states and lifestyles, but what I didn't like is when I come back home, I still had to do things the [R2DToo] members should be doing. They shouldn't have to wait for me. It should have been: Whether I'm here or not, this is the procedure on how we do things. But some people are not sure of themselves.

Now that you're separated from R2DToo, what are you up to?

I need to free some time and space so I can focus on the Right to Rest bill, which is now [House Bill 2215](#). We're trying to build a campaign up around that. I'm the chairman of the Board of the [Western Regional Advocacy Project](#), so I travel to these different states and give PowerPoint presentations, talk to legislators, and the faith-based community. That needs more attention than R2DToo right now, because they know what to do.

When did you leave?

February 1. I had given a month and a half notice for them to find someone, but then I got busy again. I went to San Francisco, went to Denver, and Phoenix and Tucson [to advocate for a peer-run shelter]. That works better than your traditional shelter, where [the people running it] go to school, they gather knowledge, but then once they graduate they rely on those books instead of reality and what's happening in the streets. I'm adamant about telling social workers to go out in the streets and meet people where they're at, so they can know, but most of them still rely on the books.

We're not your grandfather's houseless person. People are losing their housing due to the economic crunch where your salary's not compatible with the cost of things. Those people don't think or believe that they have to go to a social worker to manage their life. They didn't do anything wrong but believe in the American dream, which is failing.

Another thing I want to do is open a class to teach people how to survive on the street, teach people about homelessness. They don't teach us about that in college or school. Also I would like to go throughout the country and connect all the tent cities that I consult to come together and create a mass mobilization of houseless people throughout this country, so we can have interchanging personnel. Somebody from Michigan could come here and see how we do things. Somebody from here could go to San Jose. Somebody from San Jose can go to Denver. We can learn from one another and support one another.

What's the most hopeful thing you see for Portland going forward?

This Right to Rest Act bill. The city needs to join in with us. There's not enough shelter space, and the shelters that they have are not compatible for people living in the streets. A lot of people are coming here to see the models [used at Right 2 Dream Too and Dignity Village]. But people still got that thing where, if I'm your neighbor for five years, we sit on the porch, say "Hey, I like your new car." Then when I lose my housing, you alienate me. Why? Why all the sudden am I treated like a disease? I'm the same person. I just don't have a house.

What else do you want to add?

People should come to Sisters of the Road or Right 2 Survive and see how they can support us and endorse the Right to Rest Act bill.

Hall Monitor

Portland Is the Only City that Penalizes Egregious CEO Pay. Donald Trump's People Might End That

*By Dirk VanderHart
February 15, 2017*

LATE LAST YEAR, by a slim margin, Portland became the first city in the US to penalize egregious CEO pay—that stark symptom of this nation's growing wealth inequality.

The city's new pay ratio surtax was one of the last wins for outgoing Commissioner Steve Novick, who was alternately [fawned over](#) in the New York Times and [whined at](#) by a Fox News anchor for pushing the idea.

The proposal was more than rote symbolism. Since Portland passed the law, San Francisco and Rhode Island have [begun exploring](#) the same policy, a domino effect Novick argued would be necessary to actually force companies to change.

There was a local outcome, too. The penalty—a 10 percent charge on top of Portland business license fees for public companies that pay their CEOs 100 times the median worker salary, and a 25 percent charge for companies with CEOs making 250 or more times the median worker salary—is expected to bring up to \$2.5 million every year as the city approaches some very real financial holes.

That money is built into the city's ongoing revenue projections, and so has been on course for easing the upcoming budget season, where cuts may be necessary.

Except now Donald Trump is in office, so of course the whole thing might have to be scrapped.

Earlier this month, the acting chairman of the US Securities and Exchange Commission (SEC), Michael Piwowar, [very strongly hinted](#) he wants to gut the provision Portland's CEO penalty is based on: a new regulation that, as of this year, forces publicly traded companies to disclose their CEO's pay ratio compared to the median worker.

Piwowar issued a statement February 6 asserting vague "compliance difficulties" with the new disclosure rule, and all but promising he'd take it off the books if enough companies complain.

Novick tells me he's concerned his policy could be de-fanged, but also hopeful that the disclosure rule is too politically difficult to ax.

While that all plays out, though, it appears Portland's budget will be tighter than expected.

Mayor Ted Wheeler, who I'm told has been skeptical of the new tax, plans to press forward with next year's budget as if that anticipated \$2.5 million weren't on the books.

“Since the SEC is backing off of the reporting requirement, it would be irresponsible of us to budget for that revenue,” says Wheeler’s spokesperson, Michael Cox.

That makes sense—and it’s worth pointing out that the city council’s current membership likely wouldn’t have passed the CEO tax to begin with (Commissioners Dan Saltzman and Nick Fish opposed it). But the uncertainty will also limit what sort of long-term efforts the council can budget for this year. Bureaus have already been asked to shave their existing services.

Maybe that will change if people convince Piwowar to cut it out. Novick says he’s hoping the SEC will be flooded with comments demanding that the nation’s amply paid bosses fess up to how much they make compared to their employees.

“The vast majority of Americans think CEOs are overpaid,” he says. “It’s actually a good opportunity to have a fight.”