

The Oregonian

Judge questions whether Portland's tenant protection law is illegal

By Jessica Floum

April 6, 2017

A Multnomah County Circuit Court judge questioned Thursday whether Portland's [controversial tenant protection rule](#) is illegal under a state law that prohibits rent control.

The rule requires landlords to pay relocation assistance of up to \$4,500 to tenants whom they evict without cause or who have to move due to a rent increase of 10 percent or more.

Landlords challenged its legality, and Judge Henry Breithaupt heard arguments in the case Thursday.

Portland Deputy City Attorney Denis Vannier defended the rule, while attorney John DiLorenzo, representing landlords, argued it is illegal under Oregon's law prohibiting rent control. Creating a penalty for landlords who want to raise rents effectively stops them from doing so, DiLorenzo argued.

"That's tantamount to saying you can't raise rents," DiLorenzo said.

DiLorenzo also argued the rule changes the terms of leases signed before the rule took effect, which he asserted violates a rule in the Oregon Constitution that prohibits passing a law that changes existing contracts

"I hope we convinced his honor that he should strike down the ordinance," DiLorenzo said.

Breithaupt did not seem convinced Thursday morning.

He questioned whether Portland's rule actually violates state law by forcing landlords to keep their rents under a certain amount, when they otherwise would not do so.

Breithaupt said the question is not whether landlords say they "will" not increase rents as a result of the rule, but whether they say they "can" not. Landlords, he noted, are still able to raise rents even though there is financial consequence. Some, he said, may raise their rents by even more to account for the new cost.

The judge also noted that new regulations often add costs to businesses, at which point organizations have to decide whether they can respond to that change or whether they should get out of the business altogether.

"What do I have in this record that tells me as a result of this ordinance, what you say is actually happening?" Breithaupt asked DiLorenzo. "That is to say that landlords are not doing x or y when they otherwise have the right to do so."

DiLorenzo said after the hearing he interpreted the judge's questions not as skepticism, but as a way to test his arguments.

"He really got our argument on the rent control piece," DiLorenzo said.

The state could soon lift its ban on rent control. House lawmakers [passed a housing bill on Tuesday](#) that would end the ban and restrict landlords who want to evict tenants without cause. The Oregon Senate would have to approve the bill, too, if it is to become law.

DiLorenzo said the change in state law would not cause him to withdraw his case because the state's proposed rules differ from the city's ordinance. Were the law to pass, he expects the city would repeal and rewrite its tenant protection rule.

"It's like apples and oranges," DiLorenzo said.

Portland Commissioner Chloe Eudaly wrote Portland's tenant protection rule and shepherded it to unanimous City Council approval. She spent Thursday in Salem, lobbying for the state to repeal its rent control ban.

Eudaly is "cautiously optimistic that the ordinance will be upheld," said Marshall Runkel, Eudaly's chief of staff. He does not think the state deciding to allow rent control would affect the existing rule, which sunsets in October.

Should the ban get repealed, Eudaly's office would start a public outreach process and discussions with other commissioner's offices on how to create a rent stabilization policy, Runkel said.

"It's not up solely to our office," Runkel said. "It's up to the City Council."

Judge Breithaupt said the fact the state could change its housing rules will not stop him from considering the case.

"Unless someone tells me differently, I would propose we proceed ahead," Breithaupt said.

City attorney Vannier left the court room content.

"We are confident the court will reach the correct decision in this case," Vannier said.

Bill that would allow Oregon homeless people to camp in parks likely dead

By Lizzy Acker

April 6, 2017

[House Bill 2215](#), which would establish the "Oregon Right to Rest Act," allowing people experiencing homelessness to camp in public parks, is unlikely to become a state law.

That's because bills that don't receive a public hearing by Friday are officially dead, and the House Judiciary Committee, where the bill is now, has its final meeting of the week today. They are not scheduled to hear HB 2215.

The bill would allow "persons experiencing homelessness" to use public spaces "without being subject to harassment, citation or arrest by law enforcement officers, public or private security personnel or employees of local governments."

It would also protect the privacy and belongings of homeless people, even if those belongings are located on public property.

[According to a report from KOIN](#), some Portlanders are worried about this aspect of the bill because it could make it difficult to remove tents and other items from public property.

According to language in the bill, however, the goal isn't to necessarily have homeless people in every park. Instead the idea is to re-focus efforts from making sleeping a criminal act for people without a home to solving the root problems of homelessness.

"Why do we have to fight to sleep when it's a human right?" homeless advocate Ibrahim Mubarak asked KOIN.

The stated goal of the law is to "decriminalize rest," which, according to the bill, "allows local governments to redirect resources from local law enforcement activities to activities that address the root causes of homelessness and poverty."

Unless a hearing is scheduled by the end of business on Friday, the bill is dead.

Mayor's office, Right 2 Dream Too agree on new location

By Molly Harbarger

April 6, 2017

Mayor Ted Wheeler brokered a last-minute deal with Right 2 Dream Too residents Thursday, finding a new location for the homeless community.

The residents of Right 2 Dream Too will move to a triangle-shaped piece of Portland Bureau of Transportation land. The paved parking lot is a right-of-way between the Moda Center and the Willamette River.

[Right 2 Dream Too](#) is allowed to stay there for up to two years while city officials keep working with organizers to find a more permanent location. However, that timeline comes with one caveat -- the City Council must renew its existing emergency ordinance around homelessness so that zoning rules are relaxed enough to allow living on the land.

"Solutions around locating Right 2 Dream Too have eluded the city for years, and it was unclear if this time would be any different," Wheeler said in a statement. "I want to thank the residents and representatives of R2DToo, Commissioners Fritz and Saltzman, and our respective staffs for sticking with it. Their dedication to collaboration and problem solving made all the difference."

The Portland Development Commission, which has a long-standing plan to buy the current location for \$1.2 million, and landlord Michael Wright agreed to allow Right 2 Dream Too residents to stay 60 days while they move.

Organizers say that they are happy with the short-term solution, but that it only addresses their immediate needs.

Recently, Right 2 Dream Too received an eviction notice for Friday after five and a half years at their current home at the Chinatown gates. Since forming in 2011, Right 2 Dream Too has been in the crosshairs of controversy between Wright, neighboring businesses and city officials.

The organizers of Right 2 Dream Too said they have been working in good faith on a move.

"Three times we found a reasonable relocation site and three times we were turned away by individuals, businesses and organizations who, out of ignorance and fear, refused to accept our presence, even as we committed to continuing to be good and safe neighbors," said Trillium Shannon, an organizer, and Mark Kramer, attorney for Right 2 Dream, in a statement.

Its prominence on the edge of the Pearl District caused City Hall to want it moved.

In February, the partners behind the Grove Hotel, a nine-story luxury building, lead by developer Bob Naito, sued Wright to evict the homeless residents. The suit claimed the presence of Right 2 Dream Too devalued their investment.

But the "rest stop" model had gained more support over the years, largely due to Commissioner Amanda Fritz's role as protector and advocate. Behind a series of accorded doors lining West Burnside and Southwest Fourth Avenue, the self-governed homeless community allowed anyone a place to sleep for up to 12 hours as long as they followed the rules.

Fritz, who spearheaded the charge to relocate the homeless community for years before turning it over to Wheeler in the past few months, said she is confident the council will back a renewal of the homelessness ordinance. Commissioner Dan Saltzman gave his OK as head of the Transportation Bureau for the deal already.

Some of the residents of Right 2 Dream Too have transitioned to permanent housing, supporters say, because of its proximity to social services that are mostly located downtown.

The challenge for Right 2 Dream advocates of the new location is that it won't be as obvious to people walking by, which Shannon said means that they will just have to make sure the rest stop focuses harder on its purpose to provide safe sleep to anyone.

Burt Nelson of the Mayor's Office said he has been working with neighbors at the Moda Center and Rose Quarter to ensure concert and sports game attendees live peacefully next to the homeless residents.

The Mayor's Office also plans to work with the TriMet program that provides fare assistance to low-income residents so Right 2 Dream residents can receive transit passes for free to continue to make and keep appointments with service agencies.

Right 2 Dream also has a grant through Ride Connection to help.

"In the coming months, Right 2 Dream Too welcomes community support, both financial and in-kind, as we prepare for our move," Shannon said. "We will recreate a safe, secure, humane and functional space where people have the right to rest, to sleep, to dream."

Downtown homeless camp hangs in balance -- eviction set for Friday

By Molly Harbarger

April 6, 2017

At dusk, a shadow falls over Right 2 Dream Too as the sun sinks behind a nine-story crane.

The residents of the homeless community notice the outline and look up as they mill about the area on a recent evening, sweeping the sidewalk and grabbing sandwiches from a table near the entrance.

The construction across the street of a luxury hotel is the catalyst that may lead to the demise of the nearly 6-year-old homeless community - founded in controversy but stalwart in the face of three earlier attempts to move it out of its prominent location in the heart of downtown.

This time, moving day appears firm. Right 2 Dream Too's champion, City Commissioner Amanda Fritz, has stepped aside and Mayor Ted Wheeler has announced no alternative.

The landlord's eviction notice goes into effect Friday. It's not clear what will happen then.

"We fight every day for this place and we're not going to give up and we're not just going to quit," said Sarah Chandler, a resident on and off for three years with her husband and 70-pound pit bull Ryker.

"You're a human being here. You're not just a number on a waitlist," Chandler said. "People know your name, it gives you a feeling of worth and the community is really strong."

Chandler helps run the transitory community at the Chinatown gates on the edge of the Pearl District. It started in 2011 as a collection of tents, tarps and used pallets that relied on donated food and has since grown into what the residents call a "rest stop."

Unlike other self-organized homeless camps in Portland, Right 2 Dream Too offers up to about 75 people a place to stay for only 12 hours, then they must go on their way. People enter the swinging door to find three portable toilets to the right and three large, semi-open rooms straight ahead separated for men, women and couples to catch a few hours of uninterrupted shut-eye.

They can come back every day if they want, but they'll have to find an available open spot just like everyone else and then leave when their time is up.

Wedged between two buildings that hold popular nightclubs and the Union Gospel Mission, the outpost is now the subject of a lawsuit that added urgency to the deliberations of where Right 2 Dream Too should go. Grove Hotel Partners led by developer [Bob Naito is suing the private property owner](#) to remove Right 2 Dream Too as a neighborhood blight.

The rest stop's organizers say they're open to new ideas. They're willing to talk tiny houses and more permanent structures, but they still want to provide a place where as many people as possible can get restful, safe sleep close to downtown social service agencies.

"We have different requirements that we would need for a new site and sometimes that can be difficult to find," Chandler said. "It does get really frustrating, but I think that as long as we keep trying together, we'll find something."

The Mayor's Office is working hard to find a new place for Right 2 Dream Too - considering both public and private land, said spokesman Michael Cox. Yet he refuses to talk about Plan B if Friday comes with no solution.

Wheeler's decision on what to do will likely indicate the future of the city's homeless initiatives, a central focus of his campaign. If the eviction comes without a new home for the rest stop, dozens of people will end up back on the street, sleeping under bridges, in neighborhoods or in out-of-the-way bushes and forests.

At the same time, Wheeler has said he wants to move away from outdoor homeless communities and toward putting roofs over people's heads.

"His vision is not to have eight other Right 2 Dream Toos around Portland, but he does recognize there is one Right 2 Dream Too now and that the city has been investing years and dollars into trying to allow a model that has shown some successes to see if they can continue," Cox said.

Just not at the spot at Northwest Fourth Avenue and West Burnside.

Suggestions, but no solutions

Somewhat by design, Right 2 Dream Too started as a thorn in the city's side.

Business owner Michael Wright allowed homeless advocates to take over the empty lot partially to spite politicians after a spat over his adult bookstore that used to sit there. City officials tried to shut the camp down, then embraced it.

Fritz admired the rest stop model and thought it could help relieve the burden on the city's resources. She just needed to find it a new, less obtrusive location.

Her first suggestion -- a location in the Pearl District - lost former Mayor Charlie Hales' support at its first hearing when developer Homer Williams offered \$846,000 to move the rest stop as long as the city didn't choose the targeted lot, which was next to his new hotel.

"We thought it was a lot of money at the time," Fritz said.

But time and again, she ran into a combination of hostile neighbors, unhelpful colleagues and a lack of suitable locations.

In February, she hit her wall. Her third try fell apart when Wheeler rescinded his tentative support under pressure from business groups for a Southwest Naito location.

That was enough for Fritz. She handed the task to Wheeler.

"It's very clear to me any relocation is not going to work unless he's fully on board with it," she said.

She's still coordinating meetings between the mayor's staff and the rest stop organizers and hopes for a solution. But, is disheartened by the years of stalemate.

"I think many people once they understand more about it they become quite supportive of it," Fritz said. "But we weren't allowed to do that process in the right order."

The pressure to find a new location is drawing more high-profile private sector help. Developer Don Mazzioti offered the resources of Harbor of Hope, a largely business community-driven organization that wants to encourage or even create shelter for large numbers of homeless people.

If the city finds public land to move the rest stop, Mazzioti said Harbor of Hope will pitch in money and people to make it habitable.

"There is a lot of land throughout the city that is publicly owned that is underutilized or unused that is sufficient size for low barrier shelter," Mazzioti said.

The group was behind the idea to turn the city-owned marine Terminal 1 in Northwest Portland into a campus for thousands of homeless people. Mazzioti said Harbor of Hope still is looking for any way to provide services, stability and safety to homeless people and Right 2 Dream Too is the most pressing case.

Multnomah County's homeless population is expected to grow, according to officials and outreach workers. There just aren't enough beds for everyone, said Mazzioti, so anything that provides even temporary shelter and rest is worth keeping.

Living under a looming deadline

At a weekly Sunday meeting of the Right 2 Dream Too residents, some of them worried about the eviction.

The 10 to 20 people who live there full-time and run the front desk, clean the premises, cook and process donations were anxious to lose what meager shelter and stability the site provides.

Trillium Shannon, a board member and co-founder, offered them the barest details.

She didn't want to build up false hopes about an 11th-hour deal or reveal too much and risk politicians backing out like they have in the past. She also simply didn't know what might happen and has learned not to count on city support.

"It's like we're on a rollercoaster," said Leo Rhodes, a co-founder.

Residents are especially frustrated because they think anyone who visits Right 2 Dream Too quickly grasps its importance. It works on multiple levels, Shannon said: Most importantly, it allows homeless people to sleep without interruption or fear; secondly, it can be a bridge to permanent housing.

Rhodes, who lived in there part of the 10 years he was homeless, used to doze in fits, never feeling fully rested. He would lay down under streetlights for safety, the brightness visible even behind shut eyes. Otherwise he had to remain on guard. He once overheard two men debating whether to beat him up as he slept in a doorway.

"I was basically sleeping with one eye open," Rhodes said.

Many of the symptoms of mental illness or addiction non-homeless people associate with the houseless population, advocates say, could be due to lack of sleep. Studies show that even one all-nighter can cause someone to act like they've downed a few beers, with extreme emotional reactions to everyday events following as a person becomes more sleep-deprived.

Rhodes said the people who find peace at Right 2 Dream Too often make better decisions than they did before and have the energy to show up at the social service agency office and doctor visits often required to find permanent housing.

"A lot of people just want sleep," Rhodes said. "They want the dignity of sleeping and putting their lives together."

A launchpad for housing

Brad Gibson is an example. He lived at Dignity Village, a 17-year-old homeless village in Northeast Portland. He served as CEO for several of his six years there. Then, he moved to Right 2 Dream Too and found housing within six months.

He chalks up his success to proximity to central services. He could walk to Transition Projects -- the nonprofit that helped him get on housing waiting lists and fill out forms and make appointments.

There are many downtown shelters, but few are as open to anyone or open 24 hours like Right 2 Dream Too.

Right 2 Dream Too has rules, and enforces them. On a Friday afternoon in March, three members circled a screaming man, telling him he was banned. He refused to follow the rules and made people at the rest stop feel unsafe, they said.

The also take care of their own finances. Organizers apply for public and private grants and fundraise through their website. Their self-sufficiency makes the dozens of people who have found permanent housing even more remarkable, advocates said.

"We see people able to make real strides in their life," Shannon said. "I think that providing a basic, safe place to sleep is worthy of neighborhoods' and the city's support."

Organizers say they won't be disbanded without a fight. They won't reveal their backup plan, but Shannon said that they aren't just sitting around.

"I wish we had more time with this administration, especially when we're facing deadlines, because I don't think they understand what we do here," Shannon said.

Anxiety at what they call home

For Sarah Chandler, Right 2 Dream Too provides a homebase as she deals with meetings and appointments as anyone else might do.

On a chilly day last month, she crawled out of her tent around noon. She had at least two meetings for the various homeless rights boards she sits on and needed to make it back home for her security shift.

Chandler's husband, Jerry, was already at work as a restaurant in Hood River, more than an hour's drive from their home.

They have a Section 8 voucher, but are still searching for a landlord to accept it. In the meantime, Chandler earns her permanent spot at the rest stop by pitching in. She usually opts for two four-hour shifts that keep her at the front desk from 8 p.m. to 4 a.m.

When she's on duty, Chandler sits under a hand-made awning of wood and corrugated metal and gazes over a wooden gate that keeps the public out, across the street to where the high-rise hotel looks more imposing each night.

'Catastrophic' half-hour power outage blocks 911 calls in Multnomah County

By Everton Bailey

April 5, 2017

Multnomah County emergency dispatchers couldn't accept 911 calls for about a half-hour Wednesday after a power outage took out their phone and radio systems, marking what authorities believe is the longest ever service disruption for the state's largest emergency dispatcher.

The power loss occurred about 10:30 a.m., knocking out the Bureau of Emergency Communications' main and backup phone lines, as well as its computer-aided dispatch system, said Laureen Paulsen, an agency spokeswoman.

The bureau dispatches all police and fire calls in an area that includes Portland, Gresham and Fairview. It also handles calls for the county sheriff's office and Port of Portland.

"It's one of those things you don't think is going to fail, but obviously in this case, it did," Paulsen said. "It's disheartening, but we worked hard to get power restored as quickly as we can."

The outage was caused by a faulty component in one of the bureau's two uninterruptible power supply units, according to Paulsen. The malfunction caused an electrical surge that shut down the second unit and took out the power.

It's still not clear how many 911 calls couldn't get through because of the outage, she said. The emergency communications bureau aims to have an estimate by Wednesday night or Thursday morning.

Phone and radio lines were fully restored by around 2:20 p.m., but the emergency communications bureau is still operating with one power supply instead of the typical two. Paulsen, who described the outage as "catastrophic," said she didn't know when the offline unit would be replaced.

The 911 lines came back just as staff members were preparing to move to a backup Portland 911 center about 10 miles away, Paulsen said. It would have taken about 30 minutes to get systems online once they got there, she said.

Although 911 lines were restored in about 30 minutes, the bureau's non-emergency lines still weren't available three hours later.

Even after the 911 service was restored, dispatchers had to ask callers for their phone numbers and locations. Those details typically appear on a computer screen for each call, Paulsen said.

The agency has received more than 900,000 total calls a year since 2011, including more than 500,000 emergency calls, bureau statistics show. Last year, the agency averaged more than 40,000 emergency calls and about 25,000 non-emergency calls a month.

The Portland Tribune

R2DToo saved at last minute

By Jim Redden

April 6, 2017

A last-minute plan to save the Right 2 Dream Too homeless camp has been announced.

Mayor Ted Wheeler says the camp at Northwest 4th and Burnside will be allowed to remain at its present location for 60 days. The property owners had served it an eviction notice for Friday, when the Portland Development Commission is scheduled to buy the site for \$1.2 million if it is free and clear.

According to Wheeler, after 60 days, R2DToo — as it is commonly called — will be allowed to move to a new city-owned site on the eastside between the Moda Center and the Willamette River.

"Solutions around locating R2DToo have eluded the city for years, and it was unclear if this time would be any different," Wheeler said in a statement announcing the plan at noon on Thursday.

The new site, owned by the Portland Bureau of Transportation (PBOT), is the triangular segment of right-of-way and is a paved surface parking lot at the west end of North Holladay Street, where North Thunderbird Road and North Crosby Avenue come together.

"I want to thank the residents and representatives of R2DToo, Commissioners (Amanda) Fritz and (Dan) Saltzman, and our respective staffs for sticking with it. Their dedication to collaboration and problem solving made all the difference," Wheeler said.

Fritz had been working to find R2DToo a site for the last few years and Saltzman is in charge of PBOT.

According to the announcement, the city will work through the region's Low Income Fare Program and Fare Assistance Program administered by TriMet in partnership with Ride Connection to supply R2DToo residents with transit passes at no cost to access services.

R2DToo will remain at the site for up to two years, and both the city and R2DToo will remain engaged in efforts to find a long-term solution, the announcement says.

Homeless village's future in question

By Lyndsey Hewitt

April 6, 2017

Hazelnut Grove, a 19-person village of otherwise homeless folks in the Overlook neighborhood of North Portland, faces an uncertain future as some neighbors push to close down the site, while city officials seek to mediate.

Mayor Ted Wheeler spoke at a recent Overlook Neighborhood Association meeting on the conflict, while the Office of Neighborhood Involvement is working to facilitate a Good Neighbor Agreement and mediation with Resolutions Northwest, an agency that specializes in resolving disputes.

"We recognize there's been a kind of longstanding conflict between the two parties and the previous administration didn't work to resolve that before they left office. We're hoping to pick up the pieces," said Jamey Duhamel, City Commissioner Chloe Eudaly's policy director. "I don't know what the outcome of that will be. At this point in time we're just working on the process and providing the forums."

The city is setting up a meeting in the next few weeks for Hazelnut Grove residents, Overlook Neighborhood Association leaders and the city to consider the Good Neighbor Agreement.

Some neighbors also wish that, if Hazelnut Grove does continue there, that Overlook be granted the same process that the Kenton neighborhood had recently in establishing a tiny-home village for 14 homeless women. That project required a supportive vote of the neighborhood, and is being done as a partnership between the city, county, a social service agency and a number of other organizations.

Hazelnut Grove formed following protests of homeless sweeps in 2015. Residents initially set up tents but have gradually built simple wooden structures. It operates using a self-governing model and organized as a nonprofit organization.

When Wheeler addressed Overlook residents, he took tough questions about the site. He also polled the audience as to whether they actually wanted the camp to move or not.

When no clear majority was apparent, Wheeler said they are a neighborhood divided.

Wheeler warned that the city has failed to find a way to relocate the Right 2 Dream Too campsite from Old Town-Chinatown, and would likely have trouble moving Hazelnut Grove. But the mayor said he has called for a "full accounting" of city-owned properties and those owned by other jurisdictions such as the Oregon Department of Transportation and TriMet rights-of-way.

"I've also asked private sector people for properties ... whether for tiny home village shelter strategies or permanent affordable housing," he said.

Environmental hazards?

Overlook residents opposed to the camp have repeatedly voiced concerns about the site being in a wildfire and landslide zone.

A senior fire inspector with Portland Fire and Rescue, Michael Silva, has visited the site three times, most recently within the past 90 days. He told the Tribune that the last time he visited, villagers had cleared garbage and brush that might've made the site more of a danger, and that they also had made improvements based on suggestions from earlier visits.

"I understand why citizens would be concerned, especially if they're looking at it from their angle, and they don't know what's going on down there," Silva says.

"When I was there, there was clear earth. They had taken down the vegetation within the encampment and in its perimeter, (so) if you were to take a lighter or throw a cigarette butt, the earth's not going to burn."

During a recent site visit, a Jewish youth group, called Tivnu, was volunteering to deconstruct some of the older decrepit homes to make way for improved tiny dwellings.

An Oregon Department of Geology & Mineral Industries map shows the site is in a landslide zone.

"What the map shows is that landslides are possible in this particular area, but it would take a geotechnical assessment of the site to see what the hazard really is," says Ali Ryan, a spokeswoman for the agency.

It's unclear if the city has conducted an in-depth assessment of the land. "We do need to have some confidence in the geological stability," Wheeler told neighbors.

Hazelnut Grove residents were initially camping higher on the bank, but moved down onto flatter land while the city installed fencing to minimize the impact from potential slides.

Grove residents say that neighbors use the wildfire and landslide arguments to try to flush them out, and maintain they have not seen improvements to the area.

On different pages

Overlook Neighborhood Association President Chris Trejbal has other concerns besides environmental hazards.

"By allowing people to exist outside of legal structure, social laws and policies that the rest of us enjoy, how is that good for them?" Trejbal said. "The idea is to get them on the path of long-term housing ... putting them outside the social structure that everyone else lives in doesn't seem like a path forward."

He and others want a model like the one Kenton has established for a planned village of small structures. That project required a formal vote of support from neighbors, accompanying social services and a Good Neighborhood Agreement to set some terms for behavior.

The city admits that it hasn't been fair to Overlook.

Wheeler apologized to Overlook neighbors about how the city has responded to their concerns. "As far as I can tell, the city just walked away," he said.

Though most in Hazelnut Grove welcome more dialogue, some are wary of any new rules that might rise out of an agreement, and don't wish to relocate. Resident Loki Hamilton told the Tribune the only way she will leave Hazelnut Grove is "in a casket."

Founders and residents created their own code of conduct. Leader Joe Bennie, also one of the grove's founders, says some residents do smoke marijuana at the site but no illegal drugs are allowed. Problematic villagers from the past have been evicted, residents said.

As for replicating the Kenton model, Bennie, who previously lived on the streets and found his way to the grove through the Occupy movement, is skeptical, especially if organizers would require background checks.

"It would never work ... We're done with the city telling us what to do to stay alive," Bennie said. "If the city would come up with something better, we're willing to talk." He said he'll eventually leave the site at some point.

And when it comes to the site needing social service providers, he says, "People need to learn how to be grown-ups on their own. There are camps that need it — this ain't one."

The Portland Mercury

The Fate of Portland's Renter Relocation Protections Is Still Up in the Air

*By Claire Holley
April 6, 2017*

The fight over Portland's new renter protections moved into its second round this morning, with no clear winner yet in sight.

In a summary judgment hearing, Multnomah County Judge Henry Breithaupt heard arguments from both the City of Portland and landlords challenging the city's [new rental relocation assistance ordinance](#).

The ordinance, which requires landlords to pay relocation costs for tenants who must leave their homes due to no-cause evictions or rental increases above 10 percent, has been cheered by renter rights activists, but is loathed by landlords.

The latter group is represented by landlords Phillip Owen and Michael Feves, who are suing the city on the grounds that the ordinance violates a state law that prohibits rent control and permits landlords to implement no cause evictions.

In this morning's hearing, the landlords argued Breithaupt should summarily rule the ordinance illegal.

The main question discussed was whether or not the city's law can peacefully coexist with state law. "Our discussion today has to do with whether or not the City of Portland, in doing what it did, went beyond the limitations the state legislature has implemented," Breithaupt explained.

The city, of course, says it didn't. It maintains that the relocation ordinance can coexist with the state statute. "The question really is, does the city ordinance make it impossible for plaintiffs to comply with the state law?" Denis Vannier, council for the city asked. "The answer is obviously no."

John DiLorenzo, the landlords' attorney, has a different perspective. He says that while the city is not prohibiting landlords from exercising their right to evict tenants without cause or jack up rents, the ordinance will deter landlords from doing so in a way that amounts to prohibition. He explained that by penalizing landlords who violate the ordinance, "The city is attempting to prohibit indirectly what it cannot prohibit directly."

A decision on whether or not that's true will have to wait. DiLorenzo said this morning that council for the city had raised new issues in a response to a briefing that he hadn't had time to address. The landlords will have one week to file a briefing in response to the city.

A judgement on whether or not the law will be tossed before trial is expected the following week.

This is the second hearing in which landlords have tried to knee-cap the new law. In February, they argued their case before a federal judge, who [promptly sent the matter to state court](#).

Right 2 Dream Too Is Moving to the Rose Quarter

By Dirk VanderHart

April 6, 2017

Right 2 Dream Too, facing a [looming eviction tomorrow](#), will instead stay in place. And within 60 days, the respected homeless camp will have brand new digs—a plot of ~~Portland Development Commission~~ ~~Portland Bureau of Transportation~~-owned land just west of the Moda Center. Here's the approximate location:

The news of R2DToo's latest extension—first confirmed to the Mercury by Michael Wright, the camp's long-term landlord—was bolstered by a news release from Mayor Ted Wheeler's office. After [Wheeler vetoed a proposed relocation](#) of the camp to SW Naito earlier this year, his staff had been working to find another location.

Its current pick—a paved lot that's been used as parking for acts performing at the Moda Center—popped up roughly three weeks ago. Berk Nelson, a Wheeler advisor who's been the mayor's point person on homelessness, says he first heard about the land from Marc Jolin, director of the Multnomah County Joint Office of Homeless Services, and Ben Mauro, who works on homeless issues for the city's Office of Management and Finance.

"They said, 'Wow, we were looking at [Portland Maps](#) and we came across this property,'" Nelson tells the Mercury. "It's right of way owned by PBOT that could actually work."

Nelson visited the lot with city facilities staff, then brought leaders of R2DToo by, he says. Roughly a week and a half ago, the camp assented to the move.

Of course, moving R2DToo has rarely been easy, and Wheeler's latest proposal has a couple catches. The most obvious is zoning, which [last year derailed plans](#) to move the camp to the Central Eastside. The city is under a housing state of emergency that lets officials duck zoning rules that can make it hard to site homeless camps. But that emergency is slated to run out in October, and Wheeler has not committed to pushing an extension, as former Mayor Charlie Hales did last year.

"We don't know what's going to happen in October," says Nelson, adding the city will stay in "continuous talks" with the camp.

According to the city's news release, the well-regarded homeless camp will stay in the location for "up to two years." The city will work with TriMet to help residents ferry across the river to the clutch of social services organizations in Old Town.

Another question is what sort of prep the empty lot might need to play host to dozens of people. Michael Cox, Wheeler's chief spokesperson, says the property needs electricity and potable water, but that the city is still looking into exactly what will be required. The city is expected to finalize an agreement with Right 2 Dream Too later today, Cox says, along with a deal to allow the camp to stay in its current spot for two months.

Lastly, there is the question of neighbors. Nelson says he's trying to get ahold of the [Eliot Neighborhood Association](#), but hasn't heard objections from the Trail Blazers organization or the owners of a nearby grain mill.

A spokesperson for the Trail Blazers wouldn't immediately comment, and a woman who answered the phone at the local outpost of the mill owner, Louis Dreyfus Company, said she hadn't heard about the proposal and referred the Mercury to the company's Connecticut headquarters.

The extension keeps intact [a deal that Wright \(and co-owners of the land\) have with the Portland Development Commission](#), which might purchase the land for \$1.2 million.

It also gives Right 2 Dream Too some much needed breathing room. Mayor Ted Wheeler's office said in recent days it would only permit an extension if there was a viable new home for R2DToo. The Rose Quarter plot appears to be a good option. It's a fairly quick trip over the Steel Bridge to Old Town.

"Personally, I'm happy about it," says Sarah Chandler, R2DToo's chairperson.

Shortly after noon, R2DToo issued a press release expressing gratitude to Wright and other owners of its current home, and voicing hope for the new plot. From the release:

Three times we found a reasonable relocation site and three times we were turned away by individuals, businesses and organizations who, out of ignorance and fear, refused to accept our presence, even as we committed to continuing to be good and safe neighbors.

Now, again, the City of Portland has answered our immediate needs by finding the Thunderbird site near the MODA Center. We intend to continue to serve the people whose needs for sleep are being met by our peer run rest area.

We've posted the city's full release below. R2DToo's attorney, Mark Kramer, says there will be a press conference at 4 pm announcing the news.

PORTLAND, OR – R2DToo will move from their current site within 60 days to a new site on the Eastside between the Moda Center and the Willamette River. The PDC and landlords of R2DToo's current location have granted an extension to allow R2DToo to plan and complete the move.

"Solutions around locating R2DToo have eluded the City for years, and it was unclear if this time would be any different," said Mayor Wheeler. "I want to thank the residents and representatives of R2DToo, Commissioners Fritz and Saltzman, and our respective staffs for sticking with it. Their dedication to collaboration and problem solving made all the difference."

The property, owned by the Portland Bureau of Transportation, is the triangular segment of right-of-way and is a paved surface parking lot at the west end of North Holladay Street, where North Thunderbird Road and North Crosby Avenue come together.

The City will work through the region's Low Income Fare Program and Fare Assistance Program administered by TriMet in partnership with Ride Connection to supply R2DToo residents with transit passes at no cost to access services.

R2DToo will remain at the site for up to two years, and both the City and R2DToo will remain engaged in efforts to find a long-term solution.

Daily Journal of Commerce

Portland relocation-costs ordinance challenged

By Chuck Slothower

April 7, 2017

The city of Portland on Thursday defended in court its ordinance requiring landlords to pay tenants' relocation costs after issuing a no-cause eviction or a steep rent increase.

The ordinance, which was pushed by Commissioner Chloe Eudaly, has come under fire from landlords, who say the local rules are pre-empted by state law.

Portland attorney John DiLorenzo told Judge Henry Breithaupt the ordinance is de facto rent control, which municipalities are prohibited by state law from enacting.

The ordinance requires landlords to pay relocation costs of \$2,900 to \$4,500, depending on the size of unit being vacated, if the landlord issues a no-cause eviction or raises the rent by 10 percent or more. DiLorenzo said the ordinance has the effect of controlling rent, something that is prohibited by a pre-existing state statute.

"They are attempting to prohibit indirectly what they know they cannot prohibit directly," he said.

DiLorenzo also argued that the local rules interfere with contracts between landlords and tenants by injecting new costs.

The plaintiffs are landlords Phillip Owen and Michael Feves. Their lawsuit is backed by Multifamily NW, a trade group for landlords. Another attorney, retired state Supreme Court Justice W. Michael Gillette, offered arguments on behalf of the Oregon Realtors Association, which filed a court brief in support of the landlords.

Both Owen and Feves own multiple properties, DiLorenzo said in an interview. Feves would like to move into one of his rental properties for his own use.

"He has a primary residence and a tree fell on it, and it destroyed the whole house," DiLorenzo said. "He would like to move into his other house, which is being rented currently."

But Feves can't move in without paying his renter's relocation cost, DiLorenzo said.

City Deputy Attorney Denis Vannier said the Legislature could have banned relocation ordinances if it wanted to do so. A well-established “dual sovereignty” exists for home rule cities such as Portland to use their governmental powers, he said.

The emergency ordinance, due to expire in October, does not place an undue burden on landlord-tenant contracts, Vannier added.

Thursday’s summary judgment hearing was expected to be the only court date in the case. Breithaupt is likely to issue a written ruling within two weeks.

Breithaupt could uphold the ordinance in full, strike it down in full or strike down part of the law while allowing other provisions to survive.

DiLorenzo raised the issue of “severability,” or whether Breithaupt could strike down part of the ordinance while allowing the rest to survive. He said the ordinance should be treated as a whole. “This is a package deal,” he said.

Tenant advocates filled the courtroom. One organizer with Portland Tenants United, Lynn Hager, said the local ordinance is an important protection for Portland renters.

“If I received a huge rent increase or a no-cause eviction, I would be homeless because I have not been able to save up, because I use that money for rent,” she said.

Hager said she’s a longtime Portland resident who is renting in the Bridlemile neighborhood with her fiancé and son while attending Portland State University full-time.

Relocation fees will slow the displacement of African-Americans and other tenants of color from Portland neighborhoods, Hager said.

“The judge is going to see that relocation (fees) is the next step for Portland,” she said.

OPB

Lawyers Spar In Court Over Portland's Renter Relocation Ordinance

By Amelia Templeton

April 6, 2017

A Multnomah County judge heard arguments Thursday in a challenge to Portland’s renter relocation ordinance.

The new policy allows tenants to collect between \$2,900 and \$4,500 when landlords use no-cause evictions or raise rents more than 10 percent in a year.

Two landlords filed the lawsuit, backed by the apartment lobbying group Multifamily Northwest.

Their attorney, John DiLorenzo, argued the payments amount to an indirect form of rent control and an indirect prohibition on no-cause evictions. State law prohibits rent control and permits evictions without a stated cause.

Quoting statements made by Portland Commissioner Chloe Eudaly, DiLorenzo described the ordinance as a deliberate effort to circumvent state law.

“They are attempting to prohibit indirectly what they know they cannot prohibit directly,” he said.

Judge Henry Breithaupt pressed DiLorenzo on the assertion that the law is a de facto ban on rent increases and no-cause evictions. He cited a brief filed in the case that notes landlords have issued no-cause evictions and rent increases of more than 10 percent since the ordinance passed.

“Amicus provides declarations that there are in fact landlords who have bitten the bullet, complied and moved on,” Breithaupt said.

City attorneys argued that because Multnomah County and Portland are home rule jurisdictions — in effect sharing lawmaking power with the state — any issue that isn’t explicitly prohibited by state law is left up to the city to decide.

“There is a constitutional, almost dual sovereignty, between a home rule city and a state,” argued Portland Deputy Attorney Denis Vannier.

“There’s nothing in the rent control statutes that suggests an attempt to bar local governments, certainly cities, from adopting a relocation ordinance,” Vannier said.

The dueling attorneys also argued about whether Portland’s ordinance violates state contract laws by changing the obligations of landlords and tenants who have signed leases.

DiLorenzo summarized those arguments for reporters after the court proceedings ended.

“If they pass a law that’s applicable to future contracts, that’s OK,” he explained. “You can’t apply a law after the fact to a currently existing contract that adds a term to it.”

Breithaupt, for his part, said the city doesn’t see any conflict between the ordinance and the contract clause in the Oregon Constitution.

“On the impairment of contracts, the background assumption of the law is that contracts are entered into subject to the general power of the government,” he said.

Both sides have asked the judge to reach a summary judgement in the case based on the briefs and the the oral arguments he heard Thursday.

Breithaupt didn’t say when he expects to reach a decision.

The Portland relocation ordinance is set to expire in October, along with the city’s declaration of a housing state of emergency.

Right 2 Dream Too Homeless Camp To Move Across Willamette River

*By Rob Manning
April 6, 2017*

A homeless camp in Portland’s Old Town/Chinatown neighborhood is moving. That announcement comes ahead of a deadline Friday to leave its current location.

Portland Mayor Ted Wheeler said Thursday that the camp known as Right 2 Dream Too will relocate to an area between the Moda Center and the Willamette River.

“Solutions around locating R2DToo have eluded the City for years, and it was unclear if this time would be any different,” said Mayor Wheeler [in a prepared statement](#). “I want to thank the residents and representatives of R2DToo, Commissioners Fritz and Saltzman, and our respective staffs for sticking with it. Their dedication to collaboration and problem solving made all the difference.”

The Portland Bureau of Transportation owns the property.

The city’s announcement says the camp will have 60 days to make the move. It will be allowed to use the site near the Moda Center for up to two years.

A [statement from the camp’s organizers](#) said they’re cooperating with the move. R2DToo leaders expressed frustration at the years of effort to find a permanent home.

“Three times we found a reasonable relocation site and three times we were turned away by individuals, businesses and organizations who, out of ignorance and fear, refused to accept our presence, even as we committed to continuing to be good and safe neighbors,” the statement read.

R2DToo leaders said they were grateful for the support residents have received over the years and are looking for financial support as they prepare to move. The new site near the Moda Center is not ideal, in R2DToo’s view.

“Our new home, will not be close enough for people to walk around the corner or down the block for breakfast as they can now,” said the statement, “but will be a short Max ride away.”

The announcement drew a cautious response from the property’s most high-profile neighbor, the Portland Trail Blazers. The Blazers play a few hundred yards away at the Moda Center.

“We are aware of the recent agreement to temporarily move Right 2 Dream Too to a plot of land owned by the Portland Bureau of Transportation, adjacent to the Rose Quarter,” the Trail Blazers said in a statement released to OPB by Vice President of Corporate Communications Michael Lewellen. “We are working closely with city officials to ensure that this decision has minimal effect on our events and the surrounding neighborhood.”