

## The Portland Mercury

### RV Camping Has Exploded on Portland Streets

#### Now, Cops Are Using State Law to Justify Lightning-Quick Tows

By Dirk VanderHart

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**The calls and emails** pouring into city offices show a glimpse of what's taken place in Portland neighborhoods in the last year.

According to the Portland Bureau of Transportation (PBOT), the city saw 4,111 reports of abandoned RVs in 2016—up from 2,540 two years before. Just six months into 2017, the bureau had already fielded 4,133 reports about RVs.

At the same time, employees who take complaints on homeless encampments say there are people living in **hundreds of vehicles** citywide.

No one can pinpoint a definite reason, but RV living has exploded in Portland, apparently increasing at a faster clip than homelessness in general.

Now, the city's created a new tool to crack down.

By leveraging the broad definition of a “peace officer” **under state law**, cops say they have authority to snatch up occupied RVs they believe pose significant health or safety challenges, evicting residents and mandating payment before the vehicles can be released from impound.

The process has some of the hallmarks of the campsite “clean-ups” that have long been commonplace in Portland—and are ramping up under Mayor Ted Wheeler. But there's a key difference: Cops are impounding RVs at lightning speed, without offering notice to homeless advocates.

“These are occupied vehicles, and it seems really unethical to tow occupied vehicles,” says Shannon Singleton, executive director of the homeless outreach organization **JOIN**. “I have concerns because I think there is some potential to move more quickly than is helpful.”

Since late May, the city has towed at least 25 RVs in what's been informally dubbed the Community Caretaking Tow Pilot Project. Officials say they're targeting the worst vehicles—those leaking sewage, strewn with hypodermic needles, or that have “crumbling structure” or “unsecured doors or broken windows.”

Twenty-three of the 25 tows have occurred under the supervision of the PPB's **East Precinct**, which patrols the city east of Cesar Chavez and south of I-84. According to Dave Benson, PBOT's parking services group manager, the majority of those have been focused on vehicles in the Lents neighborhood, a popular destination for Portland's homeless.

“A lot of these [RVs] have residual amounts of methamphetamine or heroin,” says Sgt. Randy Teig, who runs the PPB's East Precinct Neighborhood Response Team and crafted the tow policy. “Lots of syringes. Lots of knives.”

It's not just hazardous objects. In one recent instance, Teig says, officers were waiting to tow an RV that was leaking sewage when another RV nearby burst into flames.

Police don't arrest the occupants of these vehicles, Teig says, opting only to eliminate the threats posed by the vehicles.

“We pretty much divorced the criminal investigations away from community caretaking,” he says. “If it doesn’t present a threat to health and safety, we don’t tow it.”

The number of vehicles towed under the new policy pales in comparison to the complaints PBOT and the Office of Management and Finance receive about RVs—both occupied and vacant. Concern has spiked to the point that, earlier this week, PBOT doubled the size of its four-person staff that’s charged with regulating abandoned vehicles. The four new hires are grappling specifically with RVs.

If “community caretaking” sounds like a bland PR descriptor for a city effort, well, it sort of is. But it’s also a reflection of state law, which **includes a broad provision** that “any peace officer is authorized to perform community caretaking functions.” Teig says he was looking into the problems with RVs earlier this year and decided the PPB could rely on that language to establish authority for tows. The City Attorney’s Office approved.

“We didn’t have any clear-cut rules,” Teig says. “It’s kind of a square peg in a round hole.” The *Portland Business Journal* **first reported** on the policy in June.

As it’s being used on occupied RVs, the process is distinct from Portland’s more familiar campsite cleanup process. Under a **2012 federal court settlement**, the city must offer between 24 hours’ and seven days’ notice before clearing a camp, and staffers routinely reach out to social service agencies when a cleanup is coming.

Officials say those rules don’t apply when there’s an imminent health and safety threat. Tow trucks can arrive as quickly as 20 minutes after police make a determination of such a scenario, leaving outreach workers out of the loop.

“We don’t know when or if they’re going to be moved,” says Singleton.

The RV tows present the same concerns that advocates have long raised when it comes to campsite sweeps: that they displace people who have nowhere else to go, and merely send problems somewhere else.

People who have their RVs towed face big hurdles if they want them back. Once the vehicles land in the PPB’s impound lot, they’re cleaned of any sewage, drug paraphernalia, or other biohazards. To reclaim the RV, an owner has to pay the cost of cleaning and get the vehicle properly registered, says Teig. If they can’t or won’t do that, the vehicle can become the property of the company that towed it.

According to Benson and Teig, none of the RVs that have been towed under the policy have been claimed by owners.

As their numbers have grown in the last year, people living on city side streets in motor homes and trailers have spurred increasing outcry from neighbors. In August 2016, an East Portland man became so enraged that a woman was living in an RV on his street that he threw a makeshift pipe bomb under the vehicle. It failed to explode, and the man, Jeremy Patrick Kidwell, was **sentenced to two years of probation**.

And for the last week, TV news stations have ceaselessly reported on the case of a trailer parked just off Northeast Alberta, following a nearby homeowner’s complaint that two men living in what they’re labeling a “tiny home” had pestered her children. Police wound up arresting one of the residents on an outstanding warrant, and on Monday **KOIN reported** trailer had been towed by volunteers..

City officials and RV dwellers theorize a variety of reasons for the swift rise of the vehicles in Portland. Nearly everyone the *Mercury* spoke with pointed to a cheap market for dilapidated RVs.

When tow companies impound abandoned vehicles, they can make money from selling them at auction or for scrap. That's not the case with RVs. According to Devin Edwards, vice president of operations at Speed's Towing in Portland, disposing of a motorhome can cost \$500 or more.

So tow companies have turned to giving the dilapidated vehicles away for cheap.

"Have we done it in the past? The answer is yes," says Edwards. The problem, he says, is "if I give it away or sell it for \$25 and it ends up back on the streets, chances are the person is going to remove all the aluminum siding and any fixtures, and now there's a worse pile of garbage on the street.... Then some tow company has to go out and try to tow that into a yard."

The problem's grown serious enough that PBOT's making sure tow companies no longer have to worry about the costs associated with RVs towed under city orders. For more than a month, the city's been springing for the cost of recycling them, Edwards says.

At PBOT, Benson says that costs \$1,000 per RV, and that the city is exploring expanding the program to make it easier for people to dispose of RVs before they wind up abandoned on the roadside.

"Right now there's just no program out there that allows folks to get rid of their ramshackle trailer, motorhome, or tent trailer," he says.

At the corner of North Williams and Tillamook on a recent Monday, a woman who gave her name as Fiona Jones was happy to talk about the RV life as she bleached her dreadlocks in a shaving mirror.

"It's actually a movement," Jones said. "People can't afford to live anymore in the inner city."

Until roughly a year ago, Jones says she lived in a home in inner Southeast Portland—a spot where she'd raised a family. But when her elderly landlords ceded control of the property to their son, Jones says she was evicted without cause. Around the same time, she lost her job as an office manager. She became homeless, and she and her partner found a home in her brother-in-law's RV.

Finding a place to stay with an old RV can be tough, Jones says. Many local parks have limits on how old a vehicle can be to park there. The group had been parking the vehicle in industrial Northwest Portland, but abandoned it not long ago when city officials announced it would be towed.

Today, Jones, her partner, and their three cats live in a minivan they pushed to the spot on Tillamook. A friend's large, moldering RV is parked down the street.

Things have been okay on the block, Jones says. In the week since she and a small cadre of others set up shop, the police have only been by once, though a business owner did put a note on her friend's RV, threatening a tow.

The group will move on when it feels like it, Jones says, or when the police become "absolutely adamant."

"The cops over there will tell you to come here," Jones said of her former outpost in Northwest Portland. "One cop over here told us to go to Highway 30. It's a game of hacky sack."

# Hall Monitor: Renter Relo Can Stay!

## The City's Controversial Tenant Protections Are Legal. What's Next?

*By Dirk VanderHart  
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**The judge's signature** could hardly have come at a better time for Portland tenant advocates.

Mere days after it became clear that hard-fought efforts to create statewide renter protections were dead in the Oregon Senate, a state tax judge gave Portland's own nascent protections a huge boost.

In a **July 7 opinion**, Judge Henry Breithaupt swatted aside landlords' contention that the relocation payments the city mandated in February violated state law. The payments—anywhere from \$2,900 to \$4,500 for landlords who evict tenants without cause or raise rents by at least 10 percent—can stay.

And expand, perhaps.

When council passed the relocation ordinance five months ago, even its supporters acknowledged there was a **big legal question to answer**: Would giving landlords a financial hit for raising rents by 10 percent amount to illegal “rent control,” or was this allowed?

In Breithaupt's eyes, at least, Portland's policy is legit (the two landlords who sued have said they're weighing whether to appeal). And that's got people like Portland Tenants United organizer Margot Black thinking Portland's law could be a **template for other parts of the state**.

Despite setbacks in the legislature, the recent ruling shows that any jurisdiction in Oregon “does have a really powerful tool that it can use,” Black says. “It says, ‘Hey, local jurisdictions, **you can do something**, and it's your responsibility to do something.’”

Black's up front about what she thinks is the first **obvious target** for future action. After all, Multnomah County Chair Deborah Kafoury spoke in favor of renter protections when **council passed the controversial policy**.

“We have Deborah Kafoury on the record supporting this stuff,” Black says, adding: “If the county drags its feet, we're prepared to talk about local ballot measures.”

While Portland's law has fresh legitimacy, it's not completely clear how it's working. The city doesn't yet have a system for registering landlords (it's working on one), and can't say how many landlords have paid relocation fees to date, or to how many tenants.

“**We know it's legal now**. We know it's been working for a while,” said Jamey Duhamel, policy director for Commissioner Chloe Eudaly and a central force behind the relocation ordinance. “What I'd like to see us do is collect some data over the next two months.”

One thing is clear: The law currently includes at least **one fairly gaping loophole**.

The relocation ordinance has an exemption for “mom and pop” landlords who rent out a single home or unit. That's created a situation where local landlords **have been advised** they can create a separate limited liability company (LLC) for each home they rent out, and thus be exempt from having to pay.

It's a **brash dodge** of the spirit of the law, but apparently okay.

City Council will perhaps close this loophole on Wednesday, when it takes up a set of **recommended changes** to the policy, but tenant advocates are quick to point out scads of other potential ways landlords might evade the requirements.

So, yes, these protections are imperfect. But they're also legal, and all we've got.

## OPB

# Poverty For Portland Families Is Up, But Government Assistance Is Climbing Faster

*By Kasey Colton*

*July 12, 2017*

New data from the U.S. Census Bureau show poverty is up 2 percent among Portland families with children since 2011.

But far more are struggling to make ends meet.

The bureau released its 2011-2015 American Community Survey report Wednesday. The survey focuses on topics like race, income, housing and industry.

It shows that while the overall percent of impoverished households with children has ticked up 2 percent since 2011, a full 7 percent more Portland families are accessing governmental assistance like food stamps.

That discrepancy may be partially explained by how the American Community Survey presents its data. The census only separates out people living below the poverty line, while people who live above, near or at the line are lumped together.

Those families, who may still need government assistance but are not considered in poverty, could help explain a relatively stable overall poverty level and the sharper increase in families seeking services like food assistance.

Examining the broader Portland area population, the new estimates reveal 18 percent of people here are experiencing poverty, compared to 13 percent in 2000.

Additionally, some people of color in the Portland area are nearly twice as likely to experience poverty as their white and Asian counterparts. Black, American Indian and Pacific Islander populations all have a nearly 40 percent poverty rate, while Hispanic and Spanish-speaking populations have a 30 percent rate.

White and Asian communities experience poverty at rates of 15 percent and 19 percent, respectively.

Even as poverty is going up in the Portland region, the census data show the city's population is getting wealthier.

Over the five years surveyed, the median household income has increased by nearly \$7,000.