

The Oregonian

Laurelhurst neighborhood asks city to ban homeless camping near parks, schools

By Molly Harbarger

July 13, 2017

The Laurelhurst Neighborhood Association wants the City Council to ban people from sleeping within 1,000 feet of schools, parks and other places children congregate, the latest example of residents' frustration with Portland's housing crisis.

The Northeast Portland group submitted a proposed ordinance to city commissioners suggesting that police fine people who camp near a designated "safe zone" up to \$100 or jail them for up to 30 days.

Camping is already illegal, but the city's lack of affordable housing means that more than 4,000 people don't have permanent homes and at least a third of those are likely sleeping on the streets on any given night. Police perform about 12 sweeps of campsites per week, prioritizing where they strike based on residential complaints and environmental and public safety factors.

The group suggested targeting athletic fields, playgrounds, beaches and recreation centers more heavily, but association president Scott Pratt said he expects much of the enforcement details to be worked out by commissioners if they choose to take up the proposal.

Pratt has lived in the Laurelhurst neighborhood since 1984 and said homeless camping has gotten progressively worse in the past few years. At a neighborhood meeting Wednesday night, Pratt said people reported finding feces in their driveways and seeing others urinate in their yards.

The association's public safety committee has collected dozens of photos that residents submitted of needles on the ground or people sleeping in tents, RVs or on the sidewalk.

Andrea McLean, who collects the photos, said the spots creating the most tension are near the TriMet stop at Northeast 42nd Avenue and Senate Street, Northeast Halsey Street and 33rd Avenue and around Laurelhurst Park.

Residents were especially concerned about the annex of Laurelhurst Park, where parents take their children to play on the playground, attend soccer games or take dance classes.

"Surrounding it has been a lot of campsites and I think what is even more of an issue is that people have been finding needles and human waste and people just passed out around the dance studio," Pratt said. "They don't feel comfortable taking their kids there anymore."

Mayor Ted Wheeler's office didn't respond to a request for comment. Wheeler dedicated \$1.5 million to address the more visible symptoms of the homeless crisis in his latest budget. That money will go toward cleaning up camps, environmental degradation and public health and safety issues.

Earlier this week, another group of neighbors in Montavilla debated whether they wanted police sweeping homeless people in their neighborhood at all. Dozens of residents came out to support a symbolic resolution by the neighborhood association board that called for an end to the sweeps. However, many residents were upset by the move, saying it is the only way to

provide even temporary relief to their fears of break-ins and problems with trash and needles on their property.

Wheeler said he wouldn't stop sweeps, and has been vocal in the past few months about the need to make neighborhoods and businesses more at ease with the large homeless population. He wants as many people to be in shelters or permanent housing, but the county doesn't have enough shelter or low-income housing capacity for that yet.

Pratt said he hopes other neighborhoods support the Laurelhurst measure.

"We don't want to just shove this problem off to another neighborhood, we know this requires a citywide solution," Pratt said.

The Portland Tribune

Homeless advocate's challenge of city camping ordinance goes to federal appeals judges

By Lyndsey Hewitt

July 13, 2017

Dismissed by a judge in 2015, Michael O'Callaghan's case claims the law amounts to 'cruel and unusual' treatment of people forced to sleep outside.

Homeless advocate Michael O'Callaghan hopes the 9th Circuit Court of Appeals sides with him and declares Portland's anti-camping ordinance unconstitutional.

O'Callaghan, who says he is homeless by choice, took his case to a three-judge panel Thursday morning, July 13, in Pioneer Courthouse. At the heart of his argument is a request for appellate judges to reinstate his challenge of a 2011 arrest on the Springwater Trail south of the Ross Island Bridge for damaging public property, saying the city ordinance on which the arrest was based amounted to a violation of O'Callaghan's constitutional rights.

A federal judge threw out O'Callaghan's case in 2015, setting up his appeal.

Saying that Portland city employees have been harassing him for six years, O'Callaghan sued the city in 2011. O'Callaghan, a long-time homeless advocate and activist who lives on \$785 a month, was involved with the Occupy movement, serving as secretary and treasurer at Right 2 Dream Too homeless "rest stop" in Old Town. He moved to Oregon in 2003 after spending some time in Alaska and Eugene, growing up in Tualatin.

"I can't go rent a room under \$500 a month and leave me \$300 to live off of," he says.

He would like the city allow more tiny-home homeless villages with community agreements, such as Dignity Village.

Caught 'red-handed'

According to O'Callaghan's federal lawsuit, Portland police found him constructing a cave along the trail, damaging public property. He was charged with second-degree criminal mischief. O'Callaghan says his arrest violated the Fourth Amendment, which protects people from unlawful searches and seizures.

O'Callaghan's 2011 lawsuit challenges the city's anti-camping ordinance as a violation of his Eighth Amendment rights, saying it's cruel and unusual punishment when homeless shelters are full, leaving many people with no options except to sleep outside.

O'Callaghan and his lawyers, who are handling the case free of charge, argued Thursday that Portland lacks adequate resources for homeless people, such as shelters and other services, as their numbers increase during a housing affordability crisis.

Attorneys representing the city countered that the ordinance was directed at specific conduct — such as camping on public property or public rights of way. They also challenged O'Callaghan's homeless "status," saying he had the ability to live elsewhere other than on a public right of way at the time he was arrested. According to court documents, O'Callaghan has income from two trust funds and a home in Portland.

City attorneys also argued that although O'Callaghan believes that police had no reason to arrest him — officers caught him "red-handed in the process of damaging public property."

A decision in the case is not expected for several weeks.

The Portland Mercury

Dan Saltzman Says the City Should Apologize for How It Treated a Black Assistant Police Chief

*By Dirk VanderHart
July 13, 2017*

The demotion, and later suspension, of the Portland Police Bureau's only Black assistant chief looks fishy enough to City Commissioner Dan Saltzman that he's willing to say race might have been a factor.

While not claiming to know the ins and outs of Chief Mike Marshman's decisions, Saltzman says the consequences for former Assistant Chief Kevin Modica seemed to outstrip allegations that Modica failed to forward a complaint from a subordinate to human resources officials.

"I think that's an incident that wasn't worthy of him being demoted and put through all the rigamarole he was put through," Saltzman says. He tells the *Mercury* that "from afar" the separate decisions to demote then suspend Modica seem like they could have had a racial component.

The commissioner first made his views public in a Facebook post last week, after he spoke at a retirement ceremony for Modica, who's married to one of Saltzman's aides, Lyne Martin-Modica.

"The City owes you a tremendous debt of gratitude and an even larger apology for the way that you've been treated," Saltzman wrote in the public post.

Modica was among the first casualties following Marshman's appointment to lead the police bureau in June 2016. Mere hours after being sworn in, the chief **announced a seismic shakeup** that included Modica and other assistant chiefs being demoted to the rank of captain, with an attendant reduction in pay.

Marshman **likened the reorganization** to "shaking out the cobwebs a little bit," but the move immediately rankled the Albina Ministerial Alliance, which **called Modica's demotion** "a step

backward to creating a leadership team that will be effective, relevant and embracing of the vision of the 21st Century Community Policing."

Then, in March of this year, the **PPB confirmed** Modica had been placed on leave with another senior officer, Captain Derek Rodrigues. The police bureau didn't offer details except to say that the suspensions were "due to ongoing internal investigations that began under former Chief Larry O'Dea III."

The *Oregonian* **tied Modica's suspension** to an investigation into whether he and other high-ranking police officials had failed to report to HR the complaints of an administrative assistant, who said the PPB's diversity manager had made discriminatory remarks toward her. Rodrigues was suspended over an inquiry into whether he'd inappropriately **failed to launch an internal investigation** when it became clear O'Dea had **mistakenly shot a friend** on a camping trip.

But the move concerned Saltzman, who says he'd worked closely with Modica on domestic violence issues even before the high-ranking officer began a relationship with his staffer.

"Two of our higher-ranking minority officers in the bureau were being suspended," Saltzman said Wednesday. Asked if he believed the moves might have had a racial component, he responded: "It kind of looks like it from afar...To me, it doesn't match the offense." He reiterated that point when asked again.

That's a striking thing to hear from a city commissioner who once oversaw the police bureau, and we've reached out for a response from Marshman. But after throwing shade at the decision, Saltzman also pointed out he doesn't know the specifics.

"I'm not trying to insert myself like I'm the ultimate fact finder here," he says. "I know very little detail other than what I've read."

Saltzman says he has not pursued a formal apology to Modica, who was allowed to retire with the rank of assistant chief under a separation agreement with the city, **according to the *Oregonian***.

"I don't try things I know will not be successful," Saltzman says, adding that he presented his concerns to Mayor Ted Wheeler.

The Portland Business Journal

Brownfields are back: Portland explores new development incentives

By Clare Duffy
July 14, 2017

City leaders in Portland have expressed their desire to grow "up not out" as the region's population grows.

But that proposition raises the question: Where will all the people and businesses moving here go?

To that end, the city is again considering ways to rescue brownfield sites, which comprise 910 acres within city limits.

Next week, City Commissioner Nick Fish will bring a resolution to Portland's City Council that, if passed, would authorize representatives from several different government agencies to devise a tax incentive program that helps develop brownfield sites.

Participating agencies include the Bureau of Environmental Services and Prosper Portland.

The city has long sought ways to rescue and nurture such sites.

Brownfields are properties contaminated, or thought to be contaminated, by hazardous substances, hindering development or reuse. The sites are often former gas stations, metal planting facilities or dry cleaners that have sat vacant for decades.

Brownfields are three times more likely to be located in traditionally underserved neighborhoods: About half are close to streams and other environmentally sensitive areas.

"Today, many of these vacant properties are eyesores in our neighborhoods," Todd Lofgren, Fish's senior policy director, said, "but by unlocking their potential for redevelopment we will generate jobs, tax revenue and affordable housing."

Cleaning brownfields can cost a lot and take years of work, making the barrier to entry too high. However, many sites feature centrally located or good-sized lots, the same advantages that attracted previous owners.

The new tax incentive program would seek to remove, or at least lower, those hurdles.

The city program would likely include property tax abatements, amounting to a percentage of the cost to clean up the site. The incentive would apply after development begins to ensure the sites reach their full potential.

The incentive would not be available to any landowners who caused or contributed to the contamination.

Those behind the plan say it would save property owners money while creating new spaces for businesses or housing and ensuring future property tax revenue.

"It gives us some time to help an owner of a property to have some certainty, because that's what we hear from the economic development side is that people want certainty in making a development," Prosper Portland Project Manager Andrew Reed said. "And if we can help create some of that certainty where this is one of the most uncertain aspects of a development, that's really the goal here."

Portland's brownfields are not a new issue.

The Portland Brownfield Program, which seeks new ways to deal with brownfields, has been around since the 1990s. And the resolution for a tax abatement program is made possible by a state legislature bill that gives cities the ability to create brownfield redevelopment incentives.

Oregon's Brownfield Coalition, which has addressed similar issues around the state since 2014, supported that bill.

The Pearl District and parts of the Portland Waterfront, both former brownfield sites, were developed under previous incentive programs. And Reed believes the new tax abatement program would spur a new wave of growth.

"Many brownfield sites that are on their own, the brownfield part of their history becomes invisible once they're cleaned up," said Jenn Bildersee of the Bureau of Environmental Services' Portland Brownfield Program. "So you could go down a commercial corridor and there's

housing, or there's a business, there's a mixed-use development, and clean up was part of that site's history, but you just aren't aware of it anymore.”

The City Council will consider the notion July 19. If passed, the working group will, over the next year, craft a refined proposal that would need a second Council approval.