

## **The Oregonian**

### **A wise move for police accountability: Editorial peak**

*By The Oregonian Editorial Board*

*August 12, 2017*

The Portland City Council took a bold stand for police accountability with Wednesday's decision to require police officers who fire their weapons to promptly explain what happened to internal-affairs investigators.

The proposal, developed by City Commissioner Nick Fish with Mayor Ted Wheeler, won unanimous support, according to The Oregonian/OregonLive's Maxine Bernstein. But it goes against the advice by Multnomah County District Attorney Rod Underhill, who argued that the city should not compel statements from police officers until he gives the go-ahead. Underhill recently noted his concerns that compelling officers to give statements, even to noncriminal investigators looking for workplace violations, could grant the officer broad immunity from any criminal prosecution under Oregon case law.

Even if Underhill is correct - and the city plans to seek a judicial opinion on that - the council's unanimous decision is still justified. The city's best hope for ensuring an accountable, credible police force lies in the actions it takes as an employer - examining employees' actions for policy or protocol violations and imposing administrative discipline for misconduct if necessary. The city cannot and should not rely on the criminal justice system as the primary means for holding its officers accountable. For one thing, that would cede its responsibility as an employer. But there's also the pragmatic reality that criminal charges are rare; convictions even more so.

That said, the city can still improve on the policy and require statements more quickly after a deadly-force incident than the 48-hour time period currently being contemplated. Federal justice officials and police accountability experts consider an on-scene statement best for delivering a clearer picture of what happened and identifying what, if anything, went wrong.

### **Outgoing Central City Concern director reflects on 25 years of Portland homelessness**

*By Molly Harbarger*

*August 11, 2017*

Ed Blackburn retires this year from Central City Concern, one of the city's largest homeless services organizations. He became executive director in 2008, after more than 10 years running parts of the nonprofit's health and addiction services.

In that time, he helped the organization grow from about 80 employees to 800. He has overseen \$200 million in real estate development for housing and centers to provide a wide range of mental health, addiction recovery and other health services, as well as career training and employment programs.

Blackburn switched from city planning to working with the city's homeless population as he was searching for spiritual clarity. In a few months, he found a place where the staff literally washed the feet of the poor and sick - in this case, because of bad cases of athlete's foot - and he found his calling.

But now he's stepping down after 25 years with Central City Concern. He's still involved in the development of 380 housing units, built with \$21.5 million donated from six Portland health systems. He'll move to emeritus status at the end of September.

Blackburn said he plans to take some time off and relax, but won't be gone for long.

"I'll probably get in trouble somehow in not too long," he told The Oregonian/OregonLive earlier this summer.

In the interview, he reflected on how he has seen Portland's homeless population grow and change, and how Central City Concern and the city have adapted to the fluctuations.

Here's the interview, edited for length and clarity:

### **Is this level of homelessness a new phenomenon?**

When we thought of homelessness when I started in 1992, it was mostly what we refer to as "Skid Row," and Old Town and parts of downtown and parts of the Central Eastside. There probably were people sleeping on couches back then, but they weren't even what we considered to be homeless at that point.

By early afternoon on most days, you'd have a hundred people just in this area of Old Town, passed out in doorways from drinking. Mostly from alcohol use, some other drugs sometimes.

But most port cities, like Portland, had issues with Skid Row going back a century or more. Modern homelessness as we think about it today really started increasing in the 1980s when the federal government began de-investing in the building of low-income housing and switched mostly to a voucher system, tapping into the private landlord market, which had some efficacy and worked to some degree.

But now we find ourselves decades later with a huge shortage of housing for those who are 30 percent below the median income. And the marketplace doesn't build a lot of housing for those low-income levels.

Also during that time, in the wake of Vietnam, we saw a big upsurge in homeless veterans. We saw the de-institutionalization of large mental health hospitals, which was supposed to be followed by a lot of community investment in housing and community services, but that investment was never made proportionally to the de-investment in hospitals.

The War on Drugs led to a huge increase in incarceration rates for poor people generally, but for people of color way disproportionately for the size of the population. And that led to homelessness in the 1990s for African Americans to that degree we had never seen before.

We've also seen employers and landlords being much more sophisticated about background checks, so the people with long-term incarceration records end up homeless as a result of that.

In the Northwest, we've seen a huge in-migration of people here in the last 20 years -- but even in the last 10 years, tens of thousands of people have moved here. With that migration is all kinds of people -- rich people, people with degrees and people who are very employable. And people who are looking for a new life, a new start, and sometimes that doesn't work out so well and they end up on the streets.

The Great Recession was really a great depression for a lot of low-income people. I think we had a lot of young people here who didn't get attached to the mainstream economy and a lot of other people who lost their jobs and detached. We see a lot of the migratory homeless population on the West Coast and I think people have adapted to survive in that way.

The opiate addiction has added a new twist, especially with the migratory population. The presence of heroin addiction is something I haven't seen before in the homeless population.

So we have a swarm of things happening. We don't see much of the old Skid Row alcoholics anymore. We kind of solved that one. But it was replaced by other factors that are contributing to homelessness.

**When you look back at how this has evolved over time in Portland or Multnomah County, was there ever a moment or a decision point that was a turning point?**

I think there are kind of waves of it. It's not necessarily a steady upward stream of homelessness.

A part of what's happening is a result of a good economy. You've got all these people moving here because it's a desirable place to live. The more people move here, it seems like we can't get ahead. So there are paradoxes.

I think gentrification in Northeast Portland has resulted in homelessness as families have been broken up. Some of those were efforts to actually improve the neighborhoods, provide mass transportation, make the neighborhoods more desirable. But what happened is higher-income people moved in and bought the property. So a lot of lower-income people were gentrified out to East County and, for some people, they lost family connections, they lost a sense of community.

I don't think anyone anticipated the incredible rise in home prices and the housing market here 10 years ago. When we were building a new clinic in Old Town in 2009, it was the only crane in the city. We were wondering if we would ever come out of those days.

There were vacancies all over the place. People weren't even bothering to put their homes up for sale because they'd take such a loss. I think not investing in land banking for the future and the building of affordable housing at the lower income levels was a mistake.

We also lost a lot of single-room occupancy hotels. That happened around the country. We lost several hundred units or more in Portland.

Starting around 2003, the city focused on chronic homelessness. Central City Concern helped bring about \$9 million in federal money and we did see that population go down.

There were nights I'd go out with CHIERS, our outreach program that picks up inebriated people on the streets, and count people. Over time, there were nights when they weren't counting anybody sleeping on the streets.

We were able to get several hundred people off the streets in probably about a year. The idea was the cities were going to demonstrate success and then there'd be a big investment. The investment didn't follow the success.

It was right before the invasion of Iraq and so when those wars really got underway, all that funding stopped.

**Did you see this influx of homelessness coming?**

I think that some of us were not surprised. Central City Concern and Northwest Pilot Projects put out a yearly report at that time of the number of low-income units that were being lost and warning what the outcomes would be.

When I think of all the tens of thousands of people moving here, it seems unrealistic to expect you're not going to have homeless people among that migration. It's just unrealistic. And I don't think our planning over the past 15 years we've accounted for that.

I think we need to do a better job of looking at the future. It's hard to see sometimes but it makes no sense you can do a steady investment over time and the population is increasing so dramatically and not expect that you're going to have homelessness with that kind of migration.

### **How has Central City Concern changed over the time you've been here?**

When I got here in 1992, it was like a \$4 million organization with maybe 80 employees -- a lot of those were part time. Many of them making minimum wage, which was pretty minimum back then. We had a few buildings and outpatient drug treatment programs using acupuncture, which was very innovative at the time.

But now we're multi-dimensional organization that does really robust health care services. We did addictions treatment back then, but now we also do really comprehensive health care services at our Old Town clinic. It's recognized as one of the best health care of the homeless clinics in the country.

We do specialty mental health services there as well. We have many more units of housing. We had no housing on the Eastside when I came here in 1992. Now, on any given night, we're housing about 2,700 people at our kids and family housing on the Eastside.

And we have different types of housing -- for people in recovery, people with special needs, physical health care problems.

We're pretty unique in the country.

One of the things we did back then that we continue to do now is hire a lot of people with lived experience. They're a major part of our workforce. We have psychiatrists and internal medicine doctors and people who have administration skills. Probably about half of our people now are people who we identify as being in recovery. Many of them have lived experience with homelessness, involvement in the criminal justice system. They have made awe-inspiring transformations in their life.

We added employment services and, in the last 12 months, we've placed well over 600 people in jobs, working with about 350 employers.

So you know we didn't serve 8,000 with health services when I got here. We do now. We're probably housing 2,000 more a year.

Currently we have \$87 million worth of real estate investments. We didn't do real estate development back then.

### **How did you shape your vision for the organization as the city changed?**

It's a really a vision that's evolved with leaders and staff over time. I think we already had a vision of a comprehensive approach to the little person. It seemed pretty naive back in 1992 -- this is what it's going to look like in 2016 or 2017. I think people would have thought you were a little out of touch.

When I came here, I didn't come for a vision of ending homelessness. It was more of a spiritual move. I was working on neighborhood crime issues at City Hall. So when I was hired here as the director of the Hooper Detoxification Center, I knew very little about it and I had a

lot to learn. I didn't have the time to think about the grand vision at that point. It was a pretty rough place.

But as it developed, it was really built on really listening to people we were serving and the people who worked for us.

We got into health care services because Old Town Clinic, which was run by Ecumenical Ministries of Oregon -- they were losing so much money, they were going to shut it down. But they came to us and asked us to keep it open. Our board chair said we can't let it shut down so we're getting into the health care business. And so that's what we did. It wasn't part of a strategic plan.

It almost put us out of business, but we finally figured it out.

**Are there any exciting ideas out there the city is working on now or you like as an effective way to deal with the city's level of homelessness?**

Multnomah County and the city significantly upgraded their collaboration in addressing the problem with the creation of the Joint Office of Homeless Services. I think their collaboration on this issue has produced results in the short term.

They've upgraded the ability for workers to get out and clean out campsites and stuff.

I think the housing bond is going to produce some results. Shelters ultimately don't help homelessness. It's housing that is going to solve the problem.

I am also appreciative of the people of Portland. I know it's not easy when you're finding needles in your neighborhood or your parks. But I think as a nonprofit provider, I feel very fortunate that we have a population here that wants things to get better for homeless people, wants solutions.

**As you near the end of your tenure at Central City Concern, are there any people or moments you are reflecting on?**

When I first came, I was asked by the executive director then how long I would be staying and I said 18 months. I was going to do a turnaround thing.

But a few incidents really got me. I think the final capping incident was a guy there who was a heroin addict and he had both of his legs amputated below his knees from abscesses that went out of control from shooting up in his lower legs. He was in there almost every day at the sobering station.

I came to work one day and the paramedics were there. He had hypothermia, and they were trying to get an IV needle into his jugular vein. But, the paramedic said these guys become so sensitive to pain and needles that their bodies can sense it.

I went over and, literally, I felt pulled to the ground and I just whispered in his ear and I said, "God loves you, but if we can't get you off the streets and we can't get you clean you're going to die in a few weeks."

He kind of looked at me and a tear rolled out of his eye.

Then I left. But the staff got him into a hospital into the suburbs, because quite frankly, no one would take him here. I think they made up an identity for him. He then got out of the hospital and the staff got him into a Transition Projects homeless shelter.

A few weeks later, I get a call. It was probably about 11 o'clock at night. A staff member says, "Ed, you really need to come down." And I say, "Oh geez, what happened?"

So I walk in and I see this guy sitting in a wheelchair in the back. He looked like he was 15 years younger. He stayed sober and just wanted to thank me.

It was not just what happened with him, but the kind of angel trickery the staff were able to pull. I was very impressed. I can see them now excited to tell me they got him into the hospital.

Then I was locked in. It turned into 25 years.

## **Portland landlords appeal ruling upholding renter protection rule**

*By Jessica Floum*

*August 11, 2017*

Portland landlords who sued the city over a renter protection rule and lost appealed to a higher court Thursday.

They challenged Circuit Judge Henry Breithaupt's ruling that upheld the city's policy requiring landlords to pay relocation money to renters they evict or force out with big rent increases. In those cases, landlords must pay \$2,900 to \$4,500 toward relocation costs.

Represented by frequent city opponent John DiLorenzo, the two landlords argued that the city rule violates a state ban on rent control.

Breithaupt found, however, that the city's policy "clearly does not" control rent, nor prevent landlords from evicting tenants without cause.

The landlords who chose to appeal are Phillip Owen and Michael Feves, who each own more than 70 and more than 400 units respectively, OPB reported.

Commissioner Chloe Eudaly introduced the policy and the city council unanimously approved it within Eudaly's and Mayor Ted Wheeler's first month on the job.

The rule is set to expire in October 2017. The city council is in talks to extend the rule, Wheeler told The Oregonian/OregonLive in a July interview.

## **The Portland Tribune**

### **Hundreds rally at City Hall to protest Virginia violence**

*By Dana Haynes*

*August 13, 2017*

#### **Use of Nazi flags, violence and racist speeches in Charlottesville on Saturday draw response in Portland.**

A day after a White Nationalist rally left one woman dead in Charlottesville, Va., an estimated 400 people came to Portland City Hall on Sunday to protest.

Many people spoke out against the violence, as well as the Nazi and Confederate flags and white supremacist speeches that dominated the Virginia rally. Unlike the situation in Charlottesville, the Portland rally drew no opposition, no police presence and no violence.

"I was just feeling so sick in the last 24 hours, watching the rise of Fascism in our country," said Erin Roycroft, who stood in a garden outside Portland City Hall, listening to speakers.

"It's as if the Nazis are feeling emboldened," she said. "Putting my body in the streets in opposition to that view of the country is about all I feel like I can do right now."

Anne Russell also came downtown for the rally. "This is my way of being in solidarity and resisting this truly terrifying moment we now are watching," she said.

Jeanne Grace Whitman, who created a Facebook page on the topic of white privilege, said she had come to speak as well as to listen. "White privilege poisons the soul of America," she said. "White privilege prevents the social change that is required."

Several people at the Portland rally said they came in opposition to a comment by President Donald Trump, in which he called out violence "on many sides" and did not denounce white nationalism or the use of Nazi and Fascist symbolism.

Organizers of the Saturday rally in Charlottesville said it was put together in opposition to a plan by local officials to remove a statue of Robert E. Lee, the Confederacy's top general.

The violence in Charlottesville ended up with one person dead: Heather D. Heyer, 32, who died when a car smashed into a crowd of anti-fascist protesters. Nineteen others were injured in the incident.

Virginia Gov. Terry McAuliffe of Virginia declared a state of emergency.

## **Overlook Neighborhood Association looks to exclude homeless from membership**

*By Lyndsey Hewitt  
August 12, 2017*

**UPDATE: City threatens to disband association if they vote to enact bylaws that would prevent homeless from being members. Meeting location moved.**

In something of a trend of Portland neighborhood associations taking a position on homelessness, North Portland's Overlook Neighborhood Association is looking to amend its bylaws to exclude homeless people from participating in some of the organization's activities.

Proposed amendments were posted on its website on Tuesday, Aug. 8, which will be voted on at its next board meeting at 6:30 p.m. Aug. 15 at Trillium Charter School, 5420 N. Interstate Ave.

The revision would require residents to "provide a legal home address" to qualify for membership. It also states that people living in a "city-sanctioned and permitted houseless village" could qualify.

"You should have a legal address," says Chris Trejbal, chairman of the Overlook Neighborhood Association. "If you're an undocumented immigrant and you rent here you're welcome on the board, but if you happen to plop down on a city park bench for the night, that's not sufficient to say you have a commitment to Overlook. So, in some sense, yes, we're going to exclude some people, and it's those without an address."

However, the city says that neighborhood association membership is open to anyone, including homeless people.

"Neighborhood associations are not designed for just those of us who own homes. We need to be much more inclusive about how we approach all the problems in this city," says Dave Austin, interim ONI director and Commissioner Chloe Eudaly's chief of staff.

### **Ongoing battle with Hazelnut Grove**

The neighborhood association has had ongoing issues since the establishment of the Hazelnut Grove encampment along North Greeley Avenue in 2015, and the fire was stoked further for Overlook when the city and county worked with the Kenton neighborhood for months, including pledging only going forth with community buy in before establishing a tiny-home village for homeless women there. Some Overlook neighbors saw that as unfair, since they didn't have that process for Hazelnut Grove.

"In the meantime, we've seen two new locations open up around North Portland and Overlook," Trejbal says, referring to the new Right 2 Dream Too site in the Rose Quarter, and the Kenton village. "We're looking for something akin to the Kenton model. We think that's a good model ... Hazelnut Grove used to be a priority."

Evolving from tents initially, the Grove now has tiny homes where 19 people live and functions as a nonprofit organization. Without a formal agreement from the city, it sits on land owned by the city of Portland.

There's no service provider on site, and some residents there have said they don't plan on leaving anytime in the near future.

However, it does operate on a self-governing model and they follow a code of conduct. The structures on the land have also steadily improved from haggard wooden shacks to more well-designed tiny homes.

### **A setback**

The move is a setback for ongoing mediation efforts between the two groups that were facilitated by the Office of Neighborhood Involvement through Resolutions Northwest.

Hazelnut Grove and Overlook have been working to hammer out a Good Neighborhood agreement, having had four mediation meetings in recent months and another being held Thursday, Aug. 10.

The arrangement came following a visit by Mayor Ted Wheeler to a neighborhood association meeting in the spring.

At that time, Wheeler told the neighborhood that they were a neighborhood divided.

Brian Hoop, a program manager at the Office of Neighborhood Involvement, says a similar issue to Overlook's bylaw proposal came up last year, when there were hundreds of campers on the Springwater Corridor Trail in Southeast Portland. In that instance, they worked with the Lents Neighborhood Association.

"Our standards are pretty clear that anyone who lives or owns a property within a neighborhood has a right to be a member, and that would include homeless people," Hoop says. "If meeting participants are asked for address verification, and they have none, we can work with Overlook's leadership to provide a simple form for individuals to indicate where in the neighborhood they are currently living."

Neighborhood associations function as independent nonprofit organizations, but are guided by the city's Office of Neighborhood Involvement. ONI standards for neighborhood associations say



that they can't discriminate against individuals on the basis of income, and that membership is open to any person who lives within the bounds of a neighborhood association.

"There's too much division in this country right now and as Portlanders, we all need to work together to solve the issues around homelessness and exclusion doesn't help things," Austin says.

Vahid Brown, co-founder of the Village Coalition and who helped establish Hazelnut Grove, called the neighborhood move "utterly disappointing."

A long-time homeless advocate, he's also the housing policy coordinator for Clackamas County.

"It's discriminatory. It's outrageous. This is an act to explicitly exclude people who are very low income and can't afford housing in their neighborhood from participating in the neighborhood," he says.

Village Coalition was formed following on the heels of Hazelnut Grove and worked with city officials to establish the Kenton tiny home village, which has been looked at as a success.

### **Future still unclear**

It's still unclear how the long-term future of Hazelnut Grove will pan out, but the city is looking toward evolving it to a model like Dignity Village.

Wheeler admitted at the springtime Overlook meeting that the city had not treated them fairly in the past.

"As far as I can tell, the city just walked away," Wheeler said at that time. He also warned that moving the camp could be long and difficult, at that time pointing at the years-long battle of moving the Right 2 Dream Too tent encampment from Old Town Chinatown.

"I feel that the city has, as Mayor Wheeler said, treated Overlook shabbily throughout this process," Trejbal says. "This Good Neighborhood Agreement process, while I welcome the opportunity to develop the agreement because it will improve relationships with neighbors and Hazelnut Grove, it's just a proxy for dealing with the situation, and the city is still uncommitted to dealing with a fundamentally dangerous situation of a village springing up where there's no code enforcements and it's in a wildfire zone."

As for the proposed bylaw amendment, Trejbal interprets it as a legal issue.

"I wouldn't portray it as excluding homeless people. It's excluding people who aren't legal residents of the neighborhood," he says.

But Brown, who has spoken at Overlook neighborhood meetings about Hazelnut Grove a number of times in an attempt to help parties achieve understanding, still sees the move differently.

He volunteered to conduct the federally mandated Point-in-Time Count for that area, which documents homeless people. Brown says that many people who lose their housing tend to stay in the neighborhood they're familiar with.

"The people who Overlook is trying to exclude ... they are Overlook residents. They are Overlook neighbors. It's just unvarnished economic discrimination. These folks should have a voice," Brown says.

**Update:** The city has threatened to disband the Overlook Neighborhood Association if they vote to enact a bylaw revision that would exclude homeless people from membership.

Furthermore the neighborhood meeting changed location, previously scheduled at the Lucky Labrador Taproom to a bigger location: the Trillium Charter School, 5420 N. Interstate Ave.

The neighborhood received a letter from the Office of Neighborhood Involvement and posted it on their website.

"If the Overlook Neighborhood Association were to move forward with adoption of such a restriction, ONI would have to consider exercising its authority to suspend, and perhaps eventually terminate, the Overlook Neighborhood Association's benefits of formal recognition. This is not a decision that ONI would lightly make," the letter reads.

The board plans to convene prior to the 6:30 p.m. meeting to discuss the letter.

If they were to be disbanded, Overlook would no longer be recognized as part of the city's 95-neighborhood association system, or receive support from the North Portland Neighborhood Services coalition.

Trejbal didn't seem worried about that, except that boardmembers receive insurance through the city and coalition.

He says however that they could replace it with insurance from the private market if they wanted.

The revisions would have to have two-thirds of the board's vote to be adopted.

Trejbal says that the amendment wasn't targeted to Hazelnut Grove.

"We were looking for clarity about who can be a member of the Overlook Neighborhood Association," he says. "I think it's unfortunate that ONI didn't engage with us for a conversation before issuing threats."

## **Policing forum thanks Marshman, welcomes Outlaw**

*By Jim Redden  
August 11, 2017*

### **Community gathering praises outgoing Portland police chief for his leadership, looks forward to working with his replacement in the near future**

Participants at the biweekly Community Peace Collaborative public forum thanked former Police Chief Mike Marshman for his leadership and looked forward to working with his replacement, Deputy Oakland Police Chief Danielle Outlaw.

Although Marshman and Outlaw were not at the Friday meeting, many of those there worked with Marshman over the years and a few had met Outlaw.

"We appreciate everything Chief Marshman did to set the bureau on a positive trajectory," said Robert King, commander of North Precinct, where the meeting was held. "I am 100 percent behind helping Chief Outlaw succeed, and I'm sure she will."

King, a former president of the Portland Police Association that represents rank and file bureau employees, said he was impressed with Outlaw when he met her Thursday. That was when Mayor Ted Wheeler introduced her as his new chief at a press conference.

"She brings a lot of experience with her. She's from Oakland and, if it's happened out there, it's happened in Oakland," said King, noting he has served under 13 different chiefs during his 28 years at the bureau.

Former Portland Deputy Chief Kevin Modica agreed, explaining he knows Outlaw through the National Organization of Black Law Enforcement Executives.

"We have a fine chief coming here. She's going to be very successful," said Modica, who retired from the bureau in July during a personnel investigation for allegedly failing to report a harassment complaint against another bureau employee. Since leaving the bureau, he has started KLM Associates, a public safety policy consulting firm.

Other participants said they look forward to meeting Outlaw at a future forum. The CPC is an informal gathering of law enforcement officials, social service workers, church leaders and community members dedicated to reducing youth violence. It is staffed by the city's Office of Youth Violence Prevention.

Wheeler selected her to be his next chief after a national search that he promised to conduct during his successful 2016 campaign for mayor. Marshman, who was one of four finalists for the job, announced his resignation when Outlaw was chosen. Outlaw is scheduled to take office in coming weeks after a final background check.

## **Landlords appeal ruling upholding Portland tenant protections**

*By Jim Redden  
August 11, 2017*

### **Appeal filed after majority of City Council indicts it will not only renew but expand the protections later this year**

Two Portland landlords who challenged tenant protection policies adopted by the City Council in February have appealed a Multnomah County Circuit Court ruling that upheld their legality.

The landlords claim the protections are a defacto local rent control program, something currently prohibited by state law. The 2017 Oregon Legislature considered a bill to repeal the prohibition but did not pass it.

The appeal was filed Friday with the Oregon Court of Appeals. It alleges that Multnomah County Circuit Court Judge Henry Breithaupt erred when he upheld the protections on July 14.

The protections were in an ordinance sponsored by Commissioner Chloe Eudaly. They require landlords to pay relocation costs up to three months rent to tenants evicted without a stated cause, who chose to move after their rents are increased 10 percent or more in one year, or who reach the end of their lease for a set term and are not offered a renewal. Although the requirements are set to expire later this year, the majority of the council has already indicated they will not only renew but expand them.

"Though we appreciate the time and effort the court expended on this case, we still strongly believe the ordinance will only aggravate Portland's housing crisis. The court failed to see it for what it is — disguised rent control, which violates state statutes and the Oregon Constitution," says attorney John DiLorenzo, who represents the landlords, Phillip Owen and Michael Feves.

DiLorenzo also argues that because the protections apply to existing leases, they impairs contracts in violation of the state Contract Clause, Article I, section 21, of the Oregon Constitution.

Eudaly issued the following statement in response:

"The ruling from Judge Breithaupt was clear and comprehensive. It is disappointing that DiLorenzo and the landlord lobby continue to waste time and money fighting the city in its efforts to stabilize families in their homes. Their time might be better spent helping us find additional solutions to the housing crisis instead of trying to take away the only tool we have to help vulnerable people."

To read a previous Portland Tribune story on the issue, go to <http://tinyurl.com/ybepm3yj>.

## **Willamette Week**

### **As President Trump Declines to Condemn Nazi Marches, Portlanders Respond to Hate Attacks: “White Supremacy Is Real in This Country”**

Portland responds to the white supremacist rallies in Charlottesville, Va., with small counterdemonstrations.

*By Karina Brown  
August 12, 2017*

At two sparsely attended Portland rallies this afternoon, Portlanders called on Americans to stand up to white supremacists in the hours after a woman was killed in Charlottesville, Va., during a weekend of hate-filled rallies.

About 30 people joined the leaders of the NAACP Portland at the statue of Martin Luther King Jr. near the Oregon Convention Center. Later, the Queer Liberation Front gathered 60 people at Portland City Hall.

"People wonder today: What would I have done during the civil rights movement?" NAACP Portland President Jo Ann Hardesty told the eastside crowd. "Here's a secret. We are in the midst of a civil rights movement.... White supremacy is real in this country."

"There are those that want to take us back to the old days," Hardesty said. "They want to take us back to the days where you could lynch people and that was at the town square. And people brought their families and picnic lunches. But we will not go back."

Later on the west side, protestor Lynn Ford said she hoped a downtown march would stand against racist violence.

"We have a long history of racism," Ford said. "When I was growing up, every adult male I knew had fought fascism. And I think that's the mindset we'll need to face them."

The response in Portland to Nazi salutes and right-wing violence was slight—but more than the White House could manage.

On Friday night in Charlottesville, Va., a crowd, mostly of white men, strode across the campus of the University of Virginia, carrying tiki torches and chanting “Jews will not replace us” and

the Nazi slogan “blood and soil.” On Saturday, thousands of far-right demonstrators gathered to protest the city’s decision to remove a statue of Confederate General Robert E. Lee.

Clashes between demonstrators and counter-demonstrators ultimately led law-enforcement to shut down the rally. But the violence did not stop.

A Dodge Charger plowed into a crowd of counter-protesters, killing at least one and injuring at least 19 others. Police later arrested 20-year-old James Alex Fields Jr. of Ohio.

Politicians across the political spectrum condemned the white supremacists, with a notable exception.

Donald Trump held a press conference where he condemned "hatred, bigotry and violence on many sides." He refused to answer a question about whether he accepted the support of white nationalists.

Portland has faced its own confrontations with the far right. Jeremy Christian, a participant at "free speech" protest this spring that frightened a racially diverse East Portland neighborhood, fatally stabbed two men on a MAX train in May. Since then, the city has been the staging ground for three more rallies by "alt-right" brawlers, who have traded punches and pepper spray with antifascist protesters.

This afternoon, Oregon's elected officials condemned the actions of white supremacists in Virginia. U.S. Sen. Ron Wyden called today's killing "domestic terrorism." Portland Mayor Ted Wheeler also weighed in.

"All are created equal," Wheeler tweeted earlier today. "The events in Virginia should serve to unite all Americans against hate, bigotry, and white supremacy."

## **Airbnb Has Shut Down 524 Portland Locations Since January**

The rental units violated the company's new policy against multiple listings by the same operator.

*By Rachel Monahan  
August 12, 2017*

The short-term rental company Airbnb announced Friday it had removed 524 listings since January that violated the company's policy requiring people not to list more than one entire home.

Those listings also potentially violated city regulations that require operators to live in the home they're renting out on Airbnb or through other short-term rental companies.

At issue is whether short-term rentals are taking away housing that could instead be available to long-term renters.

The 524 units removed is higher than some previous estimates for how many illegal listings existed on Airbnb in Portland.

When the website FiveThirtyEight published an analysis of commercial listings a year ago, Portland ranked near the top of cities with the largest percentage of commercial listings.

It counted roughly 420 listings that met its definition of homes that might otherwise be rented out to people seeking to live in Portland.

The FiveThirtyEight analysis looked at homes booked for more than 180 days —generally, a violation of city rules which require residents to live in the homes they're Airbnb-ing for all but 90 days.

As FiveThirtyEight reported at the time, the company rejected its numbers.

*Company spokesman Christopher Nulty said some of the units FiveThirtyEight identified as “commercial” might instead be boutique hotels or guest houses.*

Hotels and bed-and-breakfasts were exempt from the crackdown, the company said.

The number of overall Airbnb listings in Portland has increased since last year. It's now 4,500, according to Airbnb's numbers. FiveThirtyEight identified 2,700 listings last year.

Airbnb spokeswoman Laura Rillos continued to dispute the methodology used by FiveThirtyEight.

"An approach based on the number of days booked can never accurately identify units that would otherwise be available for long-term tenants and some units identified using this metric are bed and breakfasts and boutique hotels," Rillos says.

"We recognized we can do more to address unwanted commercial activity in Portland, which is why we removed 524 listings through our One Host, One Home policy, but we also want to work with the city on a comprehensive reform of the current regulations to more effectively address the issue."

Critics of the "One Host, One Home" policy have said it does not rid the site of commercial operators who may seek to register their properties under more than one name.

Since Portland allowed Airbnb to operate in Portland, the company has resisted crackdowns on people listing homes on their site. Just a small fraction of people listing properties on Airbnb get the required inspection and permit from the city.

Just this week, the *Portland Tribune* reported that the company has been pushing to repeal that inspection requirement.

As *WW* reported last year, the regulations were so poorly enforced that an Airbnb manager was herself violating the rules. When asked whether the manager was caught up in the expungement of listings, Airbnb officials said she “self-removed the listings.”

## **The Portland Mercury**

### **City Threatens to Cease Recognizing Neighborhood Association Considering Homeless Discrimination Bylaw**

*By Dirk VanderHart*

*August 12, 2017*

The city will consider "exercising its authority to suspend, and perhaps eventually terminate" its recognition of the Overlook Neighborhood Association if the group's board next week votes to approve a discriminatory proposal that would prevent houseless residents from participating in meetings.

That's the word the Office of Neighborhood Involvement sent to the OKNA yesterday, in a **letter** the neighborhood association has posted to its website.

"This is not a decision that ONI would lightly make," reads the letter from Brian Hoop, manager of ONI's Community and Neighborhood Involvement Center. "However, a prohibition upon houseless individuals qualifying for membership in the Overlook Neighborhood Association would be in conflict with the inclusivity and diversity that ONI otherwise serves to promote for all neighborhood associations."

**The rule** being considered by the OKNA would require that prospective members have a "legal domicile and address within the boundaries of OKNA" in order to join. Owning property or operating a business within the neighborhood's bounds would also be acceptable qualifications.

But the rules would prevent homeless people from joining—including, notably, residents of the organized Hazelnut Grove encampment that the OKNA has squabbled with since 2015.

Under current city bylaws, the **OKNA says**, "it is possible that anyone who happens to be in the neighborhood on the day of a meeting could be eligible to vote. This includes houseless individuals camping illegally in Overlook or squatters occupying a vacant building."

The proposed rule, which would grant membership privileges to a houseless village with a city permit, looks partly like an attempt by the OKNA to force Hazelnut Grove into a formal agreement with the City of Portland. The neighborhood association and houseless village have been in mediated talks with the aim of establishing a "good-neighbor agreement," so far unsuccessfully.

"In the spirit of this diversity, ONI does not believe that residency should be based on a 'legal home address,' nor should it be limited to those who may be able to afford to buy or rent a home," ONI's letter reads.

This isn't the first questionable proposal to come from the OKNA since Hazelnut Grove sprang up in 2015. In December of that year, the association also **considered demanding the identity** of everyone living in the camp, which would have become a matter of public record.

The city's threat to rescind the OKNA's "benefits of formal recognition," have caused board members to change their strategy around the rule, Chair Chris Trejbal says. Rather than taking the item up at this month's regular meeting (6:30 on Tuesday, at **Trillium Charter School**), the OKNA board will discuss the proposal in a short meeting beforehand.

"In light of Commissioner [Chloe] Eudaly's and ONI's threat, the board will discuss the amendment during a special meeting on Tuesday before the regular meeting," Trejbal says. Eudaly oversees ONI.

Live in Overlook and have an opinion on the proposal? You can send feedback to [info@overlookneighborhood.org](mailto:info@overlookneighborhood.org).

## **Landlords Appeal Judge's Approval of Portland's Renter Relocation Law**

*By Doug Brown  
August 11, 2017*

Portland landlords are continuing their legal fight against the city's tenant-friendly renter relocation law, arguing that it's "disguised rent control" that violates the state constitution.

**Oregon Judge Henry Breithaupt ruled in July that Portland's renter relocation law was legal.** The ordinance—introduced by Commissioner Chloe Eudaly and passed by City Council in

February—requires landlords to pay between \$2,900 to \$4,500 in relocation fees to tenants if they've either raised rents by at least 10 percent or issued a no-cause eviction. The landlord lobby, obviously, hates this. Here's **what the *Mercury* wrote last month**:

Days after it passed, two landlords, Michael Feves and Phillip Owen—represented by high-profile lawyer John DiLorenzo—challenged the ordinance in court. Their suit argued that the ordinance amounts to rent control (which is preempted by state laws), illegally curbs no-cause evictions (which are allowed), hampers existing contracts, and unlawfully allows tenants to sue when landlords don't pay up...

Of all the arguments landlords were making, the claim that relocation payments violated the state preemption on rent control seemed to hold the most promise for landlords. But Breithaupt concluded that the law didn't explicitly prevent landlords from raising rents.

"It is difficult to imagine that the legislature intended something other than proscribing restrictions that would affect all sellers in the market—landlords," the judge wrote. Later he writes: "The Ordinance—while it applies throughout the city—will apply to any individual landlord only if conditions or contingencies are also satisfied as to that individual landlord. The landlord must raise rents by more than a specified amount in a specified period."

City officials cheered the ruling. Jamey Duhamel, the policy director for Commissioner Chloe Eudaly who was instrumental in bringing the law forward, issued a statement saying: "At a time when the legislature has so blatantly turned its backs on tenants in Oregon, it is deeply gratifying to know that the only tool available to us has been upheld in the courts. Relocation assistance helps stabilize families and we intend to make sure as many tenants as possible know about it."

Here's what the landlord plaintiffs had to say today:

Two Portland landlords who last February claimed Portland City Councilwoman Chloe Eudaly's Ord. 188219, the "Tenant Relocation Ordinance" violated Oregon statutes and the Oregon Constitution, today announced they are seeking appeal from the judgment entered in this case on July 14, 2017, signed by Judge Henry Breithaupt, in the Multnomah County Circuit Court.

The appeal was filed today with the Appellate Court Administrator in Salem.

In July, Judge Breithaupt stated the Tenant Relocation Ordinance was legal, ruling against landlords Phillip E. Owen and Michael L. Feves' suit, concluding "the ordinance was a legislative response to a socio-economic problem in the city... such change is not prohibited."

"Though we appreciate the time and effort the court expended on this case, we still strongly believe the ordinance will only aggravate Portland's housing crisis," Owen and Feves' attorney John DiLorenzo said. "The court failed to see it for what it is – disguised rent control, which violates state statutes and the Oregon Constitution."

Eudaly's ordinance requires residential property lessors to provide relocation assistance amounting to what may often total three months' rent to tenants (a) who have left a tenancy after a rent increase of 10% or higher (b) who have received a 90-day no-cause termination notice; or (c) reach the end of their lease for a set term and are not offered a renewal.

Owen and Feves' complaint claimed the ordinance as amended violates state law in at least three ways. First, it effectively "controls the rent that may be charged for the rental of any dwelling unit," in violation of ORS 91.225. Second, it conflicts with ORS 90.427, which authorizes no-cause terminations of tenancies, by imposing significant financial burdens on lessors who utilize the no-cause termination procedure. Third, the ordinance expressly applies to existing leases and



therefore impairs contracts in violation of the state Contract Clause, Article I, section 21, of the Oregon Constitution.

**OPB**

## **Portland Landlords Appeal Renter Relocation Decision**

*By Amelia Templeton*

*August 11, 2017*

Two Portland landlords will continue their legal challenge to an ordinance that requires them to help pay relocation expenses for their tenants in some situations.

Phillip Owen and Michael Feves are appealing a Multnomah County Circuit Court judge's ruling that dismissed their lawsuit and upheld Portland's new law.

The ordinance in question allows tenants to collect up to \$4,500 when landlords use no-cause evictions or raise rents more than 10 percent in a year.

The landlords argue that the ordinance violates a statewide ban on rent control.

The lawsuit is funded by a broader coalition of apartment owners with the group Multifamily Northwest.