

## The Oregonian

# What's Portland doing about its housing problem? 10 months inside City Hall

*By Jessica Floum  
October 14, 2017*

Portland Mayor Ted Wheeler promised during his 2016 campaign that he would make major strides toward solving the city's affordable housing and homeless crisis. In January, he put himself in charge of the city's housing bureau to oversee major decisions, then he halted spending of a \$258 million voter-approved housing bond to create guidelines for spending and metrics for evaluating progress.

In February, the Portland City Council adopted a renter protection rule championed by Commissioner Chloe Eudaly, who ran as a housing advocate. The rule requires landlords to pay renters \$2,900 to \$4,500 in relocation when they're evicted without cause or must move as a result of a rent increase of 10 percent or more.

That month, Portland also approved a \$51 million deal to buy a Northeast Portland housing complex and turn its 263 units into affordable housing. The city plans to make two-thirds of the apartments affordable to families making 60 percent or less than the median family income and one-third affordable to those making 30 percent or less. The housing bureau is now looking at how much Ellington's current residents make to determine whether they will meet these qualifications. The housing bureau doesn't want to displace anyone, director Kurt Creager said.

Commissioner Nick Fish in April reminded the council that homeless Portlanders need the most help from the city. He criticized the city's decision to give tax breaks to housing projects designed to be affordable to households making 80 percent or less than the median family income, saying the plan didn't go far enough to address the "crushing need" for affordable housing among those with the lowest incomes.

The city and Multnomah County squabbled in May about how much each would spend on their Joint Office on Homeless Services during the city's budget process. They each ended up contributing around \$25 million.

Then, the city went relatively quiet on housing. Advocates criticized Wheeler in August, saying he was moving too slowly on his promise of creating more affordable housing and lacked housing expertise on his staff.

Two days after The Oregonian/OregonLive story wrote about advocates' concerns, the city council decided to spend \$3.7 million on a Southeast Portland property occupied by the Safari Showclub strip club, which city officials plan to tear down and replace with 200 to 300 affordable apartments.

Later that month, Wheeler hired Cupid Alexander from the housing bureau to work on housing initiatives within the mayor's office. Former Dan Saltzman aide Shannon Callahan also started in August as the housing bureau's Assistant Director for Policy and Strategy to help direct spending of housing bond funds.

Portland in September decided to partner with local entrepreneur Tyrone Poole to help him boost his affordable housing application, NoAppFee. The city will pay Poole \$375,000 over the next

three years to add to his web tool , which allows people to apply for background checks, find housing for which they qualify and to apply for it.

The Portland City Council last week extended the city's declared "housing emergency" for the second time. That means the city for the next 18 months will continue allowing flexible placement of homeless shelters, fast-tracking affordable housing projects to get building permits, and keeping up the political pressure to spend on housing and homeless. The council also directed city and county officials to come up with criteria for ending the declaration, and it extended Eudaly's renter protection rule by six months. Wheeler said the council will use that time to come up with a permanent renter protection policy.

### **WHAT'S NEXT?**

Portland and Multnomah County are gearing up to invest in creating apartments that come with physical and mental healthcare, substance abuse treatment, job coaching and other social services for people who have been chronically homeless. The two governments will vote next week on setting a goal of creating 2,000 apartments with support services by 2028.

Commissioner Eudaly's office is working on another renter protection policy that would deal with the amount landlords can charge for a security deposit. It is unclear when the rule will come together or when the council will consider it. The rule has been on city council meeting agendas three times in the last two months. It was pulled from the agenda each time.

## **The Portland Tribune**

### **City Hall Watch: Gang violence keeps dropping**

*By Jim Redden  
October 13, 2017*

Gang violence has continued to decrease in 2017.

According to the most recent police statistics, the Gang Enforcement Team investigated six incidents in September compared to 11 in August. The total for the year through September was 85 compared to 117 by then in 2016 and 139 by then in 2015.

A big change in GET operations took place on Oct. 1 when the bureau purged its existing gang identification list and stopped designating new gang members and affiliates. Bureau officials made the changes in response to community criticism that being designated a gang member causes lifelong negative consequences for those mistakenly labeled or trying to turn their lives around.

### **Council extends housing emergency, renter protections**

The City Council voted Wednesday to extend the Housing State of Emergency for 18 months and its previously approved tenant protections for six months. A permanent renter protection policy is expected to be considered before the current one expires.

The housing emergency declaration allows the city to suspend zoning and other regulations to speed the opening of emergency homeless shelters, among other things. The tenant protection measure requires landlords to pay relocation fees for tenants subject to no-cause evictions or who chose to move if rents are raised more than 10 percent in one year.

A one-year housing emergency was first declared and extended under former Mayor Charlie Hales.

### **East Portland grant speaks to funding disparity**

The City Council approved a \$10,500 grant Wednesday for the East Portland Neighborhood Office (EPNO) to support community building efforts in the 13 neighborhoods it assists.

The grant addresses a disparity in neighborhood funding among the seven regional offices that assist the city's 95 neighborhood associations. A 2016 audit of the Office of Neighborhood Involvement, the city bureau that oversees the system, noted that although the population of east-side neighborhoods has increased significantly, EPNO received the lowest amount of city dollars per resident — just \$2 compared to \$6 per resident spent on the Central Northeast Neighbors office.

The audit noted that during the 2017 budget process, the office's advisory committee made a commitment that money wouldn't be taken from one office to fund another, requiring the council to approve the grant to solve the problem.

## **NE Portland demolition dust-up highlights fears over lead paint**

*By Daniel Forbes  
October 13, 2017*

### **Neighbors' experience illustrates both limits of the city's demolition rules and the challenges facing Commissioner Chloe Eudaly as she steps into the regulatory vacuum.**

Parents of toddlers living near a turn of the century Northeast Portland bungalow were frantic as its demolition approached.

The neighbors knew paint peeling from the exterior siding and trim contained lead, and the builder preparing to knock it down had offered no guarantee he'd spray the site with enough water to keep lead-laden dust somewhat at bay.

Adding to their unease, the neighbors didn't know when the demolition of the ramshackle, 900-square-foot house on Northeast 10th Avenue would occur.

Some called and emailed the owner, Peter Kusyk, a prominent builder who has demolished nine other homes within 10 blocks of the inner Northeast Portland property. Neighbor Elisabeth Neely received a reply that included a letter from Kusyk's environmental consultant stating that lead levels were well below the maximum allowed. Kusyk, president of Firenze Development, quoted the consultant's letter to other neighbors.

The problem was, as neighbors were to learn, the letter referred to lead levels in water running off a landfill. It had nothing to do with lead dust flying from a demolition.

That the irrelevant test had been circulated to ally neighbors' concerns did nothing to smooth ruffled feathers. "I like to feel people are generally trustworthy. So it's horrifying when they're not," said Miriam Zellnik, whose backyard abuts the 10th Avenue property. "I don't like being lied to."

### **Measuring lead content**

The experience of the neighbors illustrates both limits of the city's demolition rules and the challenges facing Commissioner Chloe Eudaly as she steps into the regulatory vacuum. Her proposed remedy puts her between some contractors, who claim new regulations aren't needed; a local builders' association which agrees something must change; and many residents, who feel burned by the city's lack of regulation of demolitions, which they say has put their health — and that of their kids — at risk.

"Lead's just not safe," says Zellinik. "I have children at home. It's important to feel safe in your home."

On Aug. 29, 2016, Kusyk submitted plans to raze the house at 4015 N.E. 10th Ave. One of Northeast Portland's most active builders, Kusyk has demolished 10 old homes in the inner Northeast Sabin/King neighborhood since 2011. (See related story: Historic NE Portland church latest demolition fight)

Two years ago, Kusyk's demolition of a century-old church on Northeast Failing Street drew protests from neighbors concerned about losing an historical structure.

As with all demolitions in Portland since April 2015, Kusyk was required to submit a certification regarding asbestos and lead-based paint with his permit application. On the certification form, he had to check a box, either "yes" or "no" for the presence of lead-based paint. Neither box was checked.

Yet, as was often the case, according to a Tribune review of about 100 such applications, the Bureau of Development Services signed off on the incomplete certification. (See related story: Demolition permit review shows cracks in lead paint mitigation)

But Kusyk faced an additional hurdle: concerted opposition from several of the property's neighbors including many of whom had young children, three with professional environmental experience, and one who hired a lawyer.

In response to their campaign, Kusyk taped a notice on the front of the house which referenced the letter he included in his email to Neely. The letter was from his environmental consultant, Don Young of Certified Environmental Consulting LLC. According to Young's letter, he had performed a toxic characteristic leaching procedure test which measured "various building materials collected from throughout [the] structure."

That is, it measured the lead content of the entire house — lumber, flooring, carpets and all — not just the paint. If the test gets too high a result, the debris has to go to an expensive, hazardous material landfill. As is almost always the case, the 10th Avenue house was well below the limit.

Kusyk's email to Neely said, "As you look at this letter I am providing you — the site tests to be 3 percent of the allowable lead content by Federal and State Regulations."

Young's letter taped to the house stated, "[A]ccording to Oregon rule; this material may be accepted at any construction/demolition debris landfill."

Both statements are true, but experts interviewed by the Tribune say they are not relevant to potential lead dust generated by a demolition. "That (toxic characteristic leaching procedure) test has nothing to do with airborne dust exposure," said Frank Raviola, laboratory director for Micro Analytical Laboratories Inc. in Emeryville, California. "It's all about what happens to debris in a landfill."

University of Washington School of Public Health Professor David Kalman agreed that the leaching report governing landfills "has little to do with hazard to neighbors."

Young did not reply to several requests for comment. Kusyk, who is a certified lead-based paint renovation contractor, declined to discuss anything related to the demolition.

But David Moryc, who lives across the street from the house, told neighbors that in a phone conversation with Kusyk the developer assured him that "the analysis he has done on leaching is more than sufficient."

### **High, but not extraordinary**

Kusyk had no legal obligation to disclose the lead content of the house's paint. Although contractors demolishing houses in Oregon are required to perform an asbestos survey and make it available to the state Department of Environmental Quality upon request, there's no statutory requirement for a lead-paint test.

The city's BDS certification requires builders to certify the presence or absence of asbestos and lead-based paint on the property. If either is present, they also certify, under supposed "penalty of perjury," that they "will be remediated prior to demolition."

Kusyk did get the property's asbestos surveyed and abated properly according to DEQ. A letter to that effect from the asbestos contractor also graced the front of the house.

But unbeknownst to neighbors, Kusyk's consultant had also done a lead-paint test.

Nine days before issuing his toxic characteristic leaching procedure letter, Young provided Kusyk with a report on the lead-content of the house's paint. This reporter obtained it through a public records request to DEQ.

Young's report shows the exterior trim was 89,000 ppm (or 8.9 percent) lead, and the exterior siding was 190,000 ppm (or 19 percent) lead.

Experienced professionals differed as to whether this 19-percent figure is extraordinarily high or not.

David Jacobs, chief scientist for the National Center for Healthy Housing, said that 19 percent lead content was "fairly typical, but it's still high."

Aaron Corvin, a spokesman for Oregon OSHA, said, "It's somewhat high, but it's not extraordinary."

Zellnik learned of Young's paint report as it was shared among the neighbors. She says she then contacted Kusyk by phone and later emailed neighbors her account of the conversation. Kusyk, she said, told her, "You people don't know what you're talking about, the lead levels there are perfectly safe."

He added that "there is no danger ... [since] very little or no lead will leave the property," Zellnik said.

The neighbors weren't satisfied, and one of them hired a lawyer, Brooks Foster of Chenoweth Law Group. Foster spoke to Kusyk to feel him out. Surprisingly, given that Young's lead-paint report said the opposite, Foster said Kusyk told him that the highest lead levels were in the exterior trim, a smaller surface than the siding.

Four neighbors took the additional step of informing Kusyk that they'd had their properties tested for lead prior to the demolition.

The neighbor who'd hired Foster emailed Kusyk to say that going ahead with the demolition as planned would "result in litigation against you personally as well as your company" based on "negligence and malfeasance."

Another neighbor, Moryc, said Ksuyk seemed unphased by the threat of legal action. But, "he did say the last thing he wanted was for negative publicity or neighborhood pressure on prospective buyers to reduce his ability to sell the property."

So, after a fair bit of fractious discussion, Kusyk ultimately agreed to neighbors' request that he use two 3-inch fire hoses during the demolition to suppress the dust.

Such wetting can cut the lead-fall by up to 61 percent according to research published by David Jacobs.

The neighbors, who'd wanted Kusyk to deconstruct the house rather than demolish it, were not happy with the compromise. But after months of struggle, they felt it was the best they could get.

The house on 10th Avenue was demolished last March.

Eudaly's proposal seeks to curtail the risk of future demolitions by requiring contractors to remove siding or trim that tests positive for lead paint.

Paul Grove of the Home Builders Association of Metropolitan Portland said his group hasn't signed off on Eudaly's proposal but was eager to work on the topic. "We look forward to partnering with the city and other stakeholders to continue to ensure a safe, effective policy that addresses the needs of our community," he said.

## **Wheeler, TriMet at odds over housing funds**

*By Jim Redden*

*October 14, 2017*

### **UPDATE: TriMet says it cannot legally comply with Southwest Corridor Plan request, but understands the need to create more affordable housing**

Mayor Ted Wheeler says he asked TriMet to include \$100 million for affordable housing in the \$1.7 billion regional transportation funding measure it is preparing for the November 2018 ballot.

Wheeler made the announcement Saturday while speaking at a community forum on affordable housing in the Southwest Corridor, where Metro has proposed the region's next MAX line. The potential measure tentatively includes \$750 million as the region's share of the \$2.4 billion line, and \$950 million for local congestion relief and safety projects.

"I want to make sure we have money for affordable housing. I have asked that \$100 million be set aside for affordable housing," Wheeler told the Oct. 14 forum at Markham Elementary School in Southwest Portland.

Interviewed by the Portland Tribune after the announcement, Wheeler said the city has had "many conversations" with TriMet about the request, "but we are not there yet."

However, TriMet says it cannot legally spend its funds on housing.

"We fully understand the need for affordable housing in the community; however, TriMet is not legally allowed to issue bonds for housing of any kind, including low-income or affordable housing. While we move forward with our jurisdictional partners on discussion of a possible bond measure to fund projects that will combat traffic congestion, we also will work to help Mayor Wheeler and the region identify affordable housing opportunities near transit," TriMet Public Affairs Director Bernie Bottomly said in response to a request for comment.

In the past, TriMet officials have said agency's charter prevents it from spending money directly on housing. TriMet has helped support transit-oriented affordable housing developments in the past, but not with direct payments.

Wheeler justified the request by saying the region is facing an affordable housing crisis that requires all governments to work together. Previous MAX lines have resulted in gentrification and the displacement of existing residents, Wheeler said, something he insists must be avoided with the Southwest Corridor project. Approximately 70,000 more people are expected to move to the corridor between Portland and Tualatin by 2035, raising housing costs and potentially displacing lower income residents.

"We have to do a better job on housing strategies. We have to think holistically," Wheeler said.

The new MAX line is being designed by Metro, the elected regional government. It will run from Portland through Tigard to Bridgeport Village. The final alignment is not scheduled to be determined until spring or summer 2018. The federal government is expected to pay 50 percent of the project, which is why TriMet — which will build, own and operate the line — is considering the measure to raise a share of the local match.

The final decision on whether the project is feasible will be made in 2021, with construction starting in 2025.

To learn more about the Southwest Corridor Plan, go to [tinyurl.com/gtkju6n](http://tinyurl.com/gtkju6n).

To read a previous Portland Tribune story on the issue, go to [tinyurl.com/ybjyny8g](http://tinyurl.com/ybjyny8g).

## **Willamette Week**

### **Portland Will Allow Overnight RV Camping and Tiny Homes on Private Property**

*By Rachel Monahan*

*October 15, 2017*

In a sweeping change to Portland housing policy, City Commissioner Chloe Eudaly announced Sunday that the city will allow overnight RV camping and tiny homes on wheels, as long as they're parked on private property.

Eudaly oversees the Bureau of Development Services, which enforces code compliance. She announced plans to direct the bureau to suspend enforcement of the relevant codes against sleeping in a vehicle while the city develops a more permanent policy.

(Eudaly can suspend enforcement unilaterally but changing city code will require a vote of the council.)

This shift is aimed at addressing the city's shortage of housing affordable to low-income residents and the ongoing difficulty in finding shelter for people on the city streets.

"Housing is a basic need and a human right," says Eudaly. "We have failed to keep up with demand for decades...As commissioner of the Bureau of Development Services, who enforces these codes, I am happy to announce with the support of the mayor we will be suspending enforcement of tiny homes and RVs parked on private property effective immediately."

Eudaly made the announcement Sunday afternoon at an event called "Declaration of Sanctuary," organized by the Leaven Community Center, a religious social-justice organization, in Northeast Portland. The group pushed Eudaly's office to make the change. (At the same event, the Leaven Community, along with Salt & Light Lutheran Church, declared itself a physical sanctuary against immigration enforcement.)

At least as far back as four years ago, advocates pushed for City Hall to loosen city code to allow similar changes.

The city has previously allowed camping in nonprofit and church parking lots.

But Eudaly's proposed policy will allow people up to park three tiny houses or RVs in parking lots of businesses, religious institutions and government buildings, according to the draft proposal, as well as one vehicle in the parking spot of private residences.

Her proposed policy is modeled on a city of Eugene ordinance which has been used to address homelessness. But unlike in Eugene, Portland's policy won't allow tent camping.

The temporary suspension of enforcement will not affect the ongoing enforcement effort against RVs parked in city streets and rights of way.

## **Portland Business Alliance Asks Governor Kate Brown to Spend More Money on Portland Homeless Camp Cleanups**

*By Rachel Monahan  
October 13, 2017*

It's not unusual for the Portland Business Alliance to complain that the city's response to Portland's problems with homelessness is inadequate.

But this time, the group is complaining to Oregon Gov. Kate Brown.

PBA, which is effectively Portland chamber of commerce, sent a letter Oct. 11 agitating Brown about the Oregon Department of Transportation's failure to clean up homeless camps along highways in Portland.

"There simply are inadequate resources dedicated at the agency to address this significant issue," writes Jim Mark, chair of the PBA board.

"The amount of waste is particularly visible on Interstate 405 through downtown Portland and Interstate 84 just east of downtown, although the issue spans the entire region... We urge you to add further resources to the Portland area for the purpose of addressing this highly prevalent issue."

The governor's office did not respond to requests for comment.

At a press conference last Friday, Mayor Ted Wheeler said he planned to push the Oregon Legislature to give ODOT more money for camp cleanups.

But PBA is asking for a shift in spending, rather than more funding for the agency.

PBA has in the past pushed the city and county to create more shelter space, but after increases in shelter beds, PBA has shifted focus to emphasizing the problem of trash.

"These camps generate significant amounts of waste that is a danger to health and safety, requiring hazard material removal," Mark writes. "The dangers that can arise from these types of

unsanitary conditions are evident in San Diego. The city is dealing with a hepatitis a outbreak that has infected close to 500 people so far; most of those infected are homeless and there have been 18 deaths."

## **The Skanner**

### **Portland City Council Approves Plan to Create 1,300 Affordable Housing Units**

*Office of Mayor Ted Wheeler  
October 13, 2017*

Portland City Council approved guidelines for Portland's Housing Bond, putting in place a policy framework for the City to begin seeking funding proposals later this month.

Portland voters passed the \$258.4 million general obligation bond for affordable housing last November.

"Portland's Housing Bond is a historic opportunity to stabilize families and mitigate displacement," said Mayor Ted Wheeler. "This is the community's bond, so we took the time necessary for a deliberate and thoughtful community process to get it right. The result is better because of it."

Following a robust community process, City Council was presented today with a Policy Framework establishing production goals and accountability measures for Portland's Housing Bond, as well as community priorities that will inform the location and other selection criteria for bond-funded housing.

The Framework was developed by an 18-member stakeholder advisory group, with input from nearly 1,000 community members. Among other priorities, it reaffirms the Bond Measure goals of creating 1,300 affordable housing units, including 600 for very-low income households and 650 for families.

Further, the plan sets a target for 300 units of supportive housing, provided that external funding for services is secured.

The plan also prioritizes strategies to mitigate displacement, and advance housing opportunities for Communities of Color, families, and households facing homelessness or imminent displacement.

Visit [www.portlandhousingbond.org](http://www.portlandhousingbond.org) to read the full Framework.