

## **The Oregonian**

### **Portland Auctions Never-Used \$216k Building Bought for Homeless**

*By Gordon Friedman  
September 13, 2018*

For sale: A never-used building replete with bathrooms, showers, laundry and kitchen facilities bought by the city of Portland for a homeless camp.

Cost: Whatever you'll pay.

The need to auction off the 2,400-square-foot modular building that no one seems to want is the latest hiccup facing Portland officials after their attempts in 2017 to find a permanent location for homeless camp Right 2 Dream Too. The City Council approved the auction Wednesday.

City officials bought the building for \$216,175 in 2016 in anticipation of a city-endorsed move of the homeless camp from Old Town to the Central Eastside. Before the move could happen, however, the state Land Use Board of Appeals struck down the new location as a zoning violation, leaving the city with no use for the 100 feet by 24 feet "communal space" building. Right 2 Dream Too has since moved to a property near the Moda Center.

The city Office of Management and Finance, which owns the modular building, asked other city bureaus if they'd take it, but received no interest. Same for "a number of non-profit agencies," according to the resolution authorizing the auction. The building is now sitting in storage in four pieces in Aumsville, a town outside Salem.

Council members adopted the auction resolution 4-0, with Mayor Ted Wheeler absent at a conference in California, instructing the city to seek "the best price" possible.

If all goes to plan, the auction will begin Thursday and go for 30 days, said David O'Longaigh, the city facilities services manager.

### **Portland Woman Says She was Maimed by Police Flash-Bang Grenade, Plans to Sue City**

*By Shane Dixon Cavanaugh  
September 13, 2018*

A woman maimed when police fired flash-bang grenades and other crowd-control weapons into a group protesting a right-wing rally in downtown Portland plans to sue the city, documents obtained by The Oregonian/OregonLive show.

Michelle Fawcett, 53, suffered third-degree chemical burns on her arms and chest in August during an "unprovoked attack on her by members of the Portland Police Bureau," lawyer J. Ashlee Albies wrote in a Sept. 12 letter to Mayor Ted Wheeler and City Attorney Tracy Reeve.

Fawcett was one of at least three counter-protesters hospitalized because of injuries sustained from weapons fired by police at those opposing a Patriot Prayer demonstration Aug. 4 at the Tom McCall Waterfront Park.

Police have since come under scrutiny for their use of flash-bang grenades, pepper balls, pepper spray and so-called "less lethal" rounds fire at or near protesters.

'It felt like a war zone': Portland protester hit in head by police flash-bang speaks

"I had charred, black flesh and bloody, yellow fluids oozing from my body," Fawcett said in a phone interview Thursday.

But the emotional impact has taken an even greater toll on the Southeast Portland resident.

"I went to stand in peace against people who promote hate," she said. "Yet I was shot by potentially lethal weapons by my own city. It's hard to process this. I feel crushed."

The police reaction violated Fawcett's First Amendment rights and constituted "assault and battery," according to the legal letter. The formal document, known as a tort claim notice, says Fawcett may seek economic and punitive damages.

Sophia June, a spokeswoman for Wheeler, said the mayor's office was not able to comment on pending litigation.

Fawcett's legal claims are the latest in a series that raise questions about how Portland's police handles protests.

In March, six protesters alleged in lawsuits that Portland police, who have become "increasingly militarized in their tactics," assaulted them during a series of turbulent protests between October 2016 and June 2017.

Fawcett, who works in documentary film distribution, had joined more than 1,000 people to protest the rally organized by Patriot Prayer founder Joey Gibson, a Vancouver activist whose prior Portland events have attracted white nationalists and others who promote racist or bigoted views.

Like most of the counter-demonstrators that day, Fawcett said she dressed in regular street attire and planned to peacefully protest the right-wing group.

She was chatting with a friend among an assembled crowd near Southwest Columbia Street and First Avenue around 1:45 p.m. when police started firing at the counter-demonstrators, according to her letter.

Amid an outcry over the police response to a Saturday protest that drew hundreds to downtown Portland, the city's police chief says officers succeeded because they prevented violence from breaking out between dueling demonstrators.

Fawcett and her lawyer say they believe she was struck by a flash-bang grenade. The so-called "less lethal" munition is meant to deliver a jarring blast of noise and light that can disperse crowds of people.

Yet they sometimes carry unintended consequences.

A ProPublica investigation found that 50 Americans had been seriously injured, maimed or killed by flash-bangs between 2000 and 2015.

Another Aug. 4 counter-protester told The Oregonian/OregonLive a police flash-bang struck him in the back of his head, lodging into his helmet and sending him to the hospital with a brain injury.

Amid mounting criticism, Portland Police Chief Danielle Outlaw said last month her bureau would suspend the use of flash-bang projectiles. But Outlaw has repeatedly defended police tactics that day, saying they succeeded in keeping rival political factions apart.

She's also said police fired at counter-protesters after some threw projectiles at officers, a claim not supported by reporters at the protest, interviews with participants and hours of video footage reviewed by The Oregonian/OregonLive.

During an appearance on the Lars Larson radio talk show last month, the chief compared counter-protesters to children who lost a schoolyard fight and had gone to "whine and complain" after officers "kicked your butt."

Outlaw's remarks have not set well with Fawcett.

"It's extremely painful to hear my assault being joked about by the chief of police," she said. "But I think more importantly it tells me that chief does not take the use of lethal force seriously."

Sgt. Chris Burley, a Portland police spokesman, said the bureau's protest response is under review.

## **The Portland Tribune**

### **Commission Wants More Housing in Infill Plan**

*By Jim Redden*

*September 13, 2018*

**The Planning and Sustainability Commission tentative approves rezoning almost all single-family neighborhoods for missing middle housing.**

The City Council is now on track to consider rezoning almost every single-family neighborhood in Portland to accommodate many more homes.

Last Tuesday the appointed Planning and Sustainability Commission (PSC) tentatively approved new infill policies intended to encourage a greater range of homes throughout the city. The goal is to create more housing opportunities in all parts of Portland, including up to four homes on most properties.

According to PSC Chair Katherine Schultz, the new Residential Infill Project (RIP) recommendations are intended to fight skyrocketing home prices in Portland by allowing relatively small multifamily housing projects to be built in all single family neighborhoods, from accessory dwelling units (ADUs) to four-plexes on practically every lot.

"We recognize that with the current housing market, displacement and gentrification are real and that our vulnerable populations are at risk. The changes to the proposal are intended to mitigate displacement by creating more housing in more locations and at a wider range of price points in an effort to ease the pressure these communities are facing today," says Schultz, an architect and director at GBD Architects.

The new recommendations are likely to be controversial. The project — which started under former Mayor Charlie Hales — has already become a flashpoint in the contentious debate over how the city should accommodate the 123,000 additional households expected to be here by 2035. It is primarily supported by those favoring more density and a greater range of housing

choices, including Portland for Everyone, a project of the 1000 Friends of Oregon land use watchdog organization. But it is opposed by many homeowners who fear the changes will undermine the character of the city's residential neighborhoods without producing much lower-priced housing.

The PSC advises the Bureau of Planning and Sustainability (BPS), which has staffed the RIP. Project staff will now draft the recommendations into proposed code revisions and conduct a new economic analysis of their potential results. According to project manager Morgan Tracy, the new language and analysis will likely be brought back to the PSC for final consideration in November, with a vote to forward them to the council taking place before the end of the year.

The recommendations tentatively approved on Sept. 11 would potentially create far more housing than those that had been presented to the PSC by project staff. Among other things, the changes would:

- Rezone 96 percent of single-family neighborhoods to allow for so-called missing middle housing, including duplexes, triplexes, four-plexes and accessory dwelling units. The staff had recommended rezoning 60 percent of such neighborhoods, mostly along high capacity transit lines and stations.

- Allow for any combination of up to four homes on a single lot, ranging from a single-family home and three ADUs to a four-plex. The staff had recommended up to three homes, with four-plexes limited to corner lots.
- Grant size bonuses to additional units by allowing duplexes to be larger than single-family homes, triplexes to be larger than duplexes, and four-plexes to be larger than triplexes. A size bonus would also be offered for affordable units. The staff had recommended a single maximum allowable size for any new house. They would still be much smaller than what is now allowed.
- Require that at least two new homes be built on any double-size lot, a new recommendation.

"The PSC prioritized a wide range of housing types over single-family residences, internal conversions over demolition, the environment over increased consumption of land and inclusive neighborhoods for people of all ages, incomes and abilities. By creating more and smaller housing options, we hope more Portlanders can become homeowners," says Schultz.

Similar proposals have either been enacted or are being considered in other fast-growing cities, including West Coast ones like San Francisco and Seattle. They have also proven controversial, frequently pitting homeowners and renters against each other, along with longtime residents and newcomers.

Schultz says the goal is to make Portland a more livable city for more people. She says the recommendations are not intended to solve the affordable housing crisis by themselves, but to reduce displacement and provide more housing choices as the city continues to grow.

"If we continue our pattern of development today of

tearing down smaller existing homes and building much larger single family homes, we will lose the opportunity to create more housing options," says Schultz.

You can learn more at [www.portlandoregon.gov/bps/77664](http://www.portlandoregon.gov/bps/77664).

## Willamette Week

# Portland Protester Files Tort Claim After Being Hit By A Flash-Bang Grenade Fired By Police At Aug. 4 Protest

*By Katie Shepherd  
September 13, 2018*

**The claim sets up a future lawsuit, which will add to a growing number of complaints that allege Portland police mishandle protests.**

A protester who went to the hospital after being hit directly with a flash-bang grenade shot into a crowd by police on Aug. 4 filed notice today of her intent to sue the City of Portland.

Michelle Fawcett suffered third-degree chemical burns from the impact of an explosive device that is meant to be detonated at least 20 feet in the air. Portland police have since suspended use of the explosives pending an internal review.

"At approximately 1:45 pm, Ms. Fawcett was standing peacefully chatting with a friend, surrounded by other peaceful demonstrators, on SW Columbia St. and First Ave," the tort claim says. "Without announcement or warning, PPB members started shooting into the crowd, with what we understand now to be flash bang devices."

A tort claim must be filed before a civil suit can be brought against the city.

Fawcett says she was contacted by the Independent Police Review, but PPB has not tried to get in touch with her about her injuries.

"I hope it's the first step in a process of my assault being acknowledged and to receiving justice," Fawcett says. "There does not appear to be any other way to get justice and I'm hoping this is the first step."

The claim says Portland police engaged in an "unprovoked attack" on Fawcett.

Portland police kept far-right Patriot Prayer and Proud Boy supporters separated from counterprotesters at an hours-long rally on Aug. 4. Throughout the day, police announced over the loud speakers that the counterprotest had been ordered to move and anyone who did not vacate the area might be subject to riot control agents.

Just before 2 p.m., police began firing stun grenades and pepper balls into a crowd of antifascist counterprotesters. The police faced intense scrutiny in the days after the protest.

Observers voiced concerns that police had fired explosives and chemical weapons at a peaceful crowd. Police chief Danielle Outlaw said officers had seen protesters throwing objects just before deploying the first flash bang, but published video footage of the moments leading up to the clash do not support her claim.

"The City does not comment on pending or potential litigation," says PPB spokesman Sgt. Christopher Burley. "However, the protests are under review by IPR and through the Police Bureau's after action review process."

The city has previously been sued by the American Civil Liberties Union of Oregon on behalf of several protesters who say police used excessive force at past protests. Four protesters filed a suit against the police last November for kettling them at a June 4, 2017 protest. In a review of police tactics at the June 4 event, the city's Independent Police Review recommended that PPB reform its policies on mass detentions, among several other suggested changes.

# The Portland Mercury

## Hall Monitor: Renter Beware

*By Alex Zielinski  
September 12, 2018*

In April, residents of Holgate Manor, a Southeast Portland apartment complex, were politely asked to leave—or else. In exchange, the building’s new owner, Fred Kleinbub, promised a few thousand dollars to help them move out. If Holgate Manor’s residents chose to stay, Kleinbub warned, they’d face a 9.9 percent rent increase by July.

Kleinbub’s proposed rent increase falls just under the 10 percent threshold that would have forced him to cover the relocation costs for all of his tenants under the city’s 2017 renter relocation ordinance. But by keeping the rent increase at 9.9 percent, Kleinbub could instead use his own financial incentive to quietly nudge some anxious tenants to self-evict—and legally price out the rest.

It worked. Renters living in 23 of Holgate Manor’s 82 units took advantage of the move-out offer, splintering a close-knit community.

Some of the remaining tenants are now withholding their newly increased rent until Kleinbub improves their current apartments, which they say are moldy and rodent-infested.

The Holgate Manor debacle is a microcosm of what many renters are experiencing across Portland, both in apartments and single-family homes. As landlords skirt city penalties by barely adhering to new regulations, the 45 percent of Portlanders who rent—some 300,000 individuals—are left with few options. Despite a dedicated push from city hall to strengthen tenant protections, Portland is far from creating the kind of stability for renters that Mayor Ted Wheeler promised on the campaign trail.

But Holgate Manor’s blunders might inform future pro-renter policies.

One place to begin: Requiring that landlords give advance notice to their tenants and the city before putting a residential property on the market. The city currently has no tracking system to know when a building like Holgate Manor is for sale, let alone the ability to catch the listing before it’s nabbed by a private investor.

“There is a huge lack of [city] oversight,” says Holgate Manor resident Sara Brassfield. “We could be investing in our community instead of splitting it apart.”

According to Commissioner Chloe Eudaly, resistance from the city’s powerful lobby of landlords and property developers has made that investment process difficult.

“Many people think the city can fix the housing crisis,” says Eudaly, who championed last year’s relocation ordinance. “But new regulations from the city face extraordinary resistance. Anyone who thinks we can solve the housing crisis without regulation is kidding themselves.”

Eudaly is in the midst of getting city council to pass a new tenant screening process—one that will ideally make it easier and more affordable for renters to find housing. After that, she says, the focus will be on new rules that give the city and tenants a 90-day notice before a rental property is put on the market—and the first chance to purchase the property.

While these proposed policies can't help Holgate Manor's current tenants, they're hoping their pushback will help protect future Portland-area renters.

"It's like planting a seed," says Brassfield, "for a tree you won't sit under."

## **The Daily Journal of Commerce**

### **Key Investment Made in Affordable Housing**

*By Chuck Slothower  
September 13, 2018*

The Portland Housing Bureau is in the process of purchasing the Westwind Apartments – an Old Town Chinatown building with 70 single-room units. The Westwind has served as a refuge for extremely low-income and vulnerable tenants.

The \$3 million to purchase the building will come from downtown waterfront tax increment financing. The Housing Bureau, in announcing the move Tuesday, said it plans to pair new units with supportive services for people exiting homelessness.

The redevelopment project would cost an estimated \$21 million that would likely come from the city's \$258.4 million housing bond that voters approved in 2016. Also, Multnomah County has committed \$4 million to the project.

"It's looking like it will likely be a teardown," Sophia June, spokeswoman for Mayor Ted Wheeler, stated in an email. "In the interim, PHB will assess the immediate capital needs, so they can start with some immediate health and safety rehab, so existing residents can continue to safely live there."

In time, tenants will need to move, June stated.

"PHB is also looking at the Joyce Hotel as a potential spot for them to be located in the event of a teardown," she stated.

The 28,080-square-foot Westwind building occupies a quarter-block at 333 N.W. Sixth Ave. and was built in 1903, according to public records. Services to aid homeless and low-income individuals are located nearby. Katina's Deli & Grocery formerly operated on the ground-floor corner of Northwest Sixth Avenue and Flanders Street.

"The Westwind is one of the last remaining single-room occupancy buildings providing low-barrier unregulated affordable housing in the central city," Housing Bureau Director Shannon Callahan stated in a news release. "We're grateful to have this opportunity to buy it and replace the housing with safe, high-quality, long-lasting homes with support services."

City officials have pledged to create or preserve 1,300 units of affordable housing with the bond money. Other projects include a new 51-unit apartment complex built on East Burnside Street, and the \$3.72 million purchase of the former Safari Club property at Southeast 30th Avenue and Powell Boulevard. Redevelopment there is in an early design stage.

The Housing Bureau purchased the Ellington apartments for \$47 million in February 2017, preserving 260 units.

The city is also working to build 2,000 supportive housing units to link shelter with services for those who need them.



The Housing Bureau expects to bring the Westwind purchase to the City Council for approval in the fall.

## **The Skanner**

### **Landlords Fight Screening Ordinance**

*By Christen McCurdy*

*September 13, 2018*

The City of Portland is considering an ordinance that would more clearly define screening criteria for renters, and a Portland-based landlords' group is making a public case against it.

That's not out of the ordinary. Multifamily Northwest regularly engages in political advocacy on its website and its political action committee, Equitable Housing PAC, is a notable political spender, shelling out more than \$300,000 in 2016 and \$25,000 this year – most recently contributing \$10,000 to the Committee to Elect Loretta Smith in August.

This time, though, the organization has sought the attention not of landlords or candidates but of renters themselves.

Last week a reporter for The Skanner received an oversized postcard reading, “RENTERS CALL TO ACTION! Sex Offenders, Stalkers, and Felons Could be Your Neighbors!”

Multifamily NW Mailer intro2The postcard goes on to state some offenses “soon MAY NO LONGER BE grounds for denial of a rental application,” listing among them criminal convictions older than three years from the date of sentencing or one year release for felony assault and battery, stalking and non-forcible sex offenses. It includes a URL for the ordinance proposal -- <https://www.portlandoregon.gov/phb/article/691324> -- and office contact information for all five city commissioners. Sophia June, a spokesperson for Mayor Ted Wheeler's office, said the mayor's office has received eight emails mentioning the mailer and that feedback had been mixed in terms of support for the ordinance.

“I would say that we received a handful of comments -- it wasn't a lot, and for both sides,” said Jamey Duhamel, director of policy for commissioner Chloe Eudaly, whose office developed the ordinance. “I can think of maybe three or four comments, that say ‘Don't do this.’ They're mostly from landlords, though -- not so much from renters. I think that's interesting.”

In its current form, the ordinance states that a landlord “may consider only income and certain credit, rental and criminal history of an applicant as set out in this ordinance, and may only consider that information that is relevant to the applicant's likely performance as a tenant.”

It doesn't actually say that a landlord can't reject a tenant based on criminal convictions – but a landlord who does reject a potential tenant based on certain criteria, including certain criminal convictions, has to provide an individual assessment explaining why the applicant was rejected. Even then, the ordinance specifies that the violent offenses included on the “low-risk criteria” list are only in consideration if it's been more than three years since sentencing or one year since the applicant was released.

Under current state law, a prospective tenant has the right to ask for a written explanation after being denied a housing application. Oregon landlords also have the right to deny rental applications based on criminal convictions and to terminate, with 24 hours' notice, the tenancy of those who commit acts of physical violence against another tenant on their property.



In some ways the individual assessment is analogous to the form rejection credit card companies must provide if rejecting a credit-card applicant or customer for a line of credit or an increase in credit limit. But because the proposed ordinance doesn't require a rejected applicant to ask for a reason they were rejected, it could create more paperwork and red tape for landlords.

"You can still deny housing for [adverse criminal backgrounds], you have to provide an analysis. It's guidance for an individualized assessment," Duhamel said. "The real issue isn't around those criminal histories. The real issue is landlords use online platforms to get denials or approval within minutes. What we're requiring them to do is a more manual process. It's a more humanizing process that requires them to take more time."

To say it will have the consequences the postcard states is a stretch, said Katrina Holland, executive director of the Community Alliance of Tenants – and one that plays to fears and prejudicial tendencies. Holland also said she hasn't seen anything like the mailer in 11 years of renting in Portland.

"From our perspective, this was disappointing to say the least," said Katrina Holland, executive director of the Community Alliance of Tenants. "This is despicable."

An Aug. 31 blog post on Multifamily Northwest's website implores its membership – mostly landlords – to contact city officials, but provides a slightly different argument.

"[The ordinance] calls for a new 'individualized assessment' which is far more administratively burdensome than the HUD requirements. Effective, fair and objective resident evaluation systems are already used by property management professionals," the post reads. "Multifamily NW has expressed grave concerns on behalf of all of us to city leaders regarding the screening criteria proposal; however, they have not listened to the industry they're so keen to reform."

"We represent a diverse group of rental housing providers. Educating our members and Portlanders about proposed changes in the housing ordinance is part of our work. Many of our members are concerned about the impact of these proposed changes, and we hope all residents will engage with the City on this issue," wrote Multifamily Northwest executive director Deborah Imse in an emailed statement to The Skanner Wednesday morning. Imse did not respond to messages asking how many mailers were sent and how recipients' addresses were obtained.

Imse sits on the Rental Services Commission, which has been working on the ordinance since this spring. The commission met Sept. 7 and Holland, who had just received an email with photos of the postcard, brought it up as the meeting ended. (On an audio recording posted to the city of Portland's website, the conversation begins at the two-hour, 14-minute mark.)

"I would just ask that as members of the commission we take on the responsibility to inform the public of the truth and of the intent of these policies so that we don't end up creating fearmongering tactics," Holland said.

"That postcard was reviewed by a lot of folks and it is not fearmongering, it is statement of fact," Imse replied. "If you go look at it, you'll find that it's statement of fact. It's factual to the T and in fact, was deliberately not a call out to, you know, the whole world's going to come apart if this happens. Other residents have the right to weigh in and we have the right to communicate with our residents, 'Look, you might want to weigh in on this and you might want to see if this is something that you as a resident feel comfortable with.'"

Imse pointed out that other commission members also engage in advocacy and that she has tolerated "bad behavior" from them. She did not name names but mentioned protests at

Multifamily Northwest events and seeing her own face on posters, but still comes to the table and participates. Whether she in fact acted with integrity, Imse said, is for the commission to decide.

“I fully stand behind the postcard, the policy, the decision, and that’s why our logo is on it. We could have easily sent something out that did not have our logo on it,” Imse said. “And it’s because I operate with integrity as much as I can all the time, I would not let something go on without our logo on it.”