

**The Oregonian**

## **Proposal Pushes Portland Landlords to be More Forgiving of Criminal History, Bad Credit**

*By Elliot Njus  
March 28, 2019*

Portland might try to push landlords to be more forgiving of a potential tenant's criminal history or credit dings through a set of new rental screening regulations.

The proposal, brought by Commissioner Chloe Eudaly and headed to the City Council next week, encourages landlords to use prescribed criteria that could double the number of renters getting approved compared with the industry standard.

If landlords chose not to follow the looser checks, they could do their typical tenant review but then would have to jump through some extra city hoops that add costs and processing time.

Beyond long-standing fair housing laws that bar discrimination against protected classes such as race, sex and familial status, few other U.S. cities have waded as far as this into how property owners may choose occupants for their housing.

Eudaly, who won her seat on a campaign that focused on tenant protections based on her own experience as a renter, has long sought to address screening criteria. She was set to bring forward a proposal in September but withdrew it for further development.

"It doesn't solve all the problems," said Jamey Duhamel, Eudaly's policy director. "This is our best foot forward based on what we know: Housing is a basic need and a human right."

Tenant activists say good renters increasingly bump up against barriers that keep them from finding a home, and the problem's only gotten worse with the city's recent rental housing shortage.

"Not a day goes by that we don't hear from somebody who doesn't make enough money to qualify or their credit's not high enough, but of course their credit's not high enough because they're paying the rent first," said Margot Black, an organizer for Portland Tenants United.

Landlords say the new rules will force some small operators out of the business, worsening the housing shortage. And the lower screening bar could put their properties or other tenants at risk, they say.

But Eudaly staffers say many common tenant screening principles — including criminal and credit history — actually have little bearing on whether renters pay rent on time or are ultimately evicted for bad behavior.

The proposal offers landlords two choices:

A "low-barrier" screening regimen that's more forgiving of older criminal convictions or past credit issues;

or the landlord's own screening but with new demands. The landlord would, for example, have to weigh "supplemental evidence" submitted by the prospective tenant, say participation in credit counseling. If landlords deny the application, they must outline the reason for denying the application, specifically addressing any supplemental evidence.

Regardless of screening technique, the ordinance would require all landlords to advertise vacancies 72 hours before they begin accepting applications and to evaluate applications in the order they're received, both new requirements.

They also can't require tenants to earn more than two times the monthly rent in income. Many landlords today require renters to make three times the monthly rent.

And it also restricts the extent to which landlords can dig into the criminal history of adult tenants who live in an apartment but aren't responsible for paying rent. They can consider only one year of criminal and rental history.

The two-tiered proposal puts landlords in a tough situation, said Deborah Imse, the director of the landlords' association Multifamily Northwest.

On the one hand, landlords can choose to use the city's low-barrier criteria. That could mean accepting renters with criminal convictions including some sex offenses, arson or burglary.

"If you're letting folks with those kinds of backgrounds into the property, you're also putting the other 98 percent of residents that are in the property at risk," Imse said.

Black, the tenant organizer, dismissed those concerns as fearmongering.

"The people who we know are more likely to reoffend in a way that poses a risk to the community still will not be in our apartment communities" under the policy, Black said.

The low-barrier screening would limit checks to felony convictions within the past 7 years and misdemeanors within the last 3 years. Renters wouldn't be rejected for credit scores above 500, a court eviction order older than 3 years or insufficient credit history.

On the other hand, landlords can do their own assessment. But that could add costs for further background checks to review the supplemental evidence, for instance, and completing a required written notice describing why an applicant was denied, Imse said.

The written notice could introduce legal risks, she said.

"You're going to have to have an attorney, because how you write that denial and how you provide it is not something that somebody is going to take a risk doing on their own," she said.

Duhamel said the policy requires landlords to provide only a non-discriminatory business reason for an application denial and introduces no additional legal liability.

"It ultimately makes discrimination harder to achieve," she said.

The low-barrier screening criteria's timeline for the limits on criminal records were decided based on studies that showed recidivism declined after those periods of time, Duhamel said.

She also pointed to a later study of more than 10,000 households, funded by Minnesota affordable housing providers, that found criminal convictions were unlikely to predict evictions after two years for misdemeanors and five years for felonies.

Landlords who use the city's low-barrier tenant screening could find twice as many applicants would be approved, an analysis completed for Eudaly's office found.

Lisa Bates, an associate professor of urban studies and planning at Portland State University, ran a database of local renters culled from the OneApp rental application portal through the proposed screening criteria.

The experiment found that at least 70 percent of applicants would clear that level of scrutiny, compared with 39 percent that would be approved by an industry standard developed by the landlords' membership association Multifamily Northwest.

That didn't take into account income requirements, which vary based on the price of the rental.

The most common flags that accounted for the difference between the two screening approaches were credit scores, eviction history and criminal history, Duhamel said.

The proposal, if approved, would almost certainly face legal challenges.

The Seattle City Council in 2016 approved a first-come, first-served policy similar to part of Eudaly's proposal. It was ultimately struck down under Washington state's Constitution, with a judge's finding that "choosing a tenant is a fundamental attribute of property ownership."

Another Seattle law barring the use of arrest and conviction records altogether in tenant screening faces a court challenge.

A companion proposal going before the Portland City Council at the same time would restrict how landlords account for security deposits when the tenant moves out, and it would allow tenants to pay security deposits in installments over three months rather than entirely up front.

## **Portland Halts Unpermitted Tunneling Work by OHSU**

*By Gordon Friedman*

*March 28, 2019*

The city of Portland has stopped Oregon Health & Science University from constructing a tunnel at its developing South Waterfront campus because it did not have the necessary permits.

A cadre of city managers overseeing building inspections and code enforcement met March 18 with Rebecca Esau, the Bureau of Development Services director, to discuss what to do about the unpermitted construction.

Officials decided to issue a "stop work order" that halted OHSU's building.

Darryl Godsby, the official overseeing city building code inspectors, told The Oregonian/OregonLive his crews observed workers had drilled into the ground and poured concrete where a subterranean pedestrian tunnel is to connect OHSU buildings.

The university was in the process of getting the permit approved but it wasn't finalized, Godsby said. The plan approval process exists to ensure buildings are constructed to meet safety and design specifications, he said.

Godsby said city inspectors faced no pushback when they told OHSU contractors to halt their work.

"We just said, 'Hey, someone's getting ahead of the game here,'" he said.

University spokesman Erik Robinson said the project is to extend Southwest Meade Street to Southwest Bond Avenue between the Knight Cancer Research Building and the Robertson Life Sciences Building.

Robinson said the university is working with the city to "attain the permit and continue the work as planned."

## The Portland Tribune

# Man Says Theft of Mayor's Portrait was 'Civil Disobedience'

By Zane Sparling

March 28, 2019

**Facebook user Jeff Thomas Black livestreamed as he walked out of City Hall with the official photo of former Oregon Gov. Neil Goldschmidt.**

A local activist who posted a video showing him walking out of City Hall with the city's official photograph of disgraced former Mayor Neil Goldschmidt, said he did it as an act of civil disobedience.

Jeff Thomas Black told KOIN 6 News reporter Lisa Balick that he was "appalled" to see Goldschmidt's portrait still hanging in an unlocked foyer leading to the mayor's office. Black told Balick that several people have asked the city to remove the portrait because the former mayor admitted sexually abusing a 13-year-old girl in the early 1970s.

"I was appalled and shocked to see his face up there, and I made a note that something would happen someday," said Black, who had been planning the heist for months. "It is indefensible. I dare the city to prosecute me. This was a deliberate act of civil disobedience. It was breaking the law."

Black posted a video Wednesday, March 27, as he narrated the snatch-and-run from Mayor Ted Wheeler's downtown offices inside City Hall. Goldschmidt's portrait hung alongside almost all of Portland's other 53 mayors.

"I just got away with it," Black said as he left the building with the picture in his hand. "I thought I was getting arrested today, and I'm not, I don't think.

"That was pretty funny."

### Open investigation

Goldschmidt was mayor from 1973 to 1979. He was tapped by the Carter Administration in September 1979 to be U.S. transportation secretary, a position he held until January 1981. Goldschmidt was Oregon's governor from 1987 to 1991. In 2004, he fell from grace after admitting to abusing the girl during his first term as mayor.

Goldschmidt avoided rape charges because the statute of limitations had already expired by the time his crimes were exposed.

Black, who tweets under the name @LRBitisnot, lists himself as a strategist and writer on civil rights issues.

The video was first reported by The Oregonian. It begins with Black filming a City Council meeting, then leaving the meeting room and complaining about Wheeler's tone regarding recent police shootings.

A police spokeswoman confirms the bureau received a report of the theft around 11:11 a.m. on Wednesday.

"This is an open investigation and pertains to the theft of a photograph from the mayor's office yesterday," said Lt. Tina Jones. "We are aware of the video posted to social media."

# Relaxed Tenant Screening, Security Deposits Headed to City Council

*By Jim Redden  
March 28, 2019*

Commissioner Chloe Eudaly is preparing to introduce controversial requirements opposed by many landlords.

A controversial measure that some landlords believe will force them to rent to tenants with criminal histories will be considered by the City Council as early as next week.

Commissioner Chloe Eudaly has been working on the proposal meant to increase the availability of housing to more people for months. Documents released by her office say the intent is "To lower barriers to tenancy that disproportionately impact people of color and people with disabilities in the City of Portland."

But an early version was criticized by nonprofit affordable housing providers who said it could put vulnerable tenants at risk and expose them to liabilities. The most recent version still requires landlords to take applications from people with criminal histories and justify not renting to them in some circumstances.

The proposal establishes other screening criteria that landlords must comply with, including income requirements, along with protocols for charging and keeping or refunding security deposits.

Multifamily NW, an organization which represents market-rate housing providers, also opposes the current proposals as too restrictive, too complicated and too costly.

"We urge city commissioners to hold off and work collaboratively to develop good public policy that doesn't threaten neighborhood safety," said Deborah Imse, the director of the organization.

Eudaly made protecting renters a major theme of her successful upstart 2016 campaign against former Commissioner Steve Novick. Since joining the council in January 2017, she convinced it to pass a measure requiring landlords to pay thousands of dollars in moving expenses to tenants who are evicted without formal cause or who move if rents are increased more than 10% a year.

Eudaly continued working on other protections after those passed. But last September, leaders of eight nonprofit affordable housing providers signed a letter to the council saying the screening requirements she was proposing — including the protections for most people with criminal records — went too far.

"Our primary concern is for the safety of other tenants and existing communities. We are mission-based and work to help people overcome barriers to housing, including people with extensive criminal backgrounds. However, the proposed policy removes thresholds for certain convictions that could negatively impact existing vulnerable residents," reads the Sept. 14, 2018, letter.

The letter asks the council to create a broader process for drafting the new proposal, including involving representatives of "non-profit mission-based affordable housing organizations, social responsible property managers and owners, homeless service providers, culturally specific organizations, and tenant and fair housing advocates."

Imse said that did not happen. According to Imse, her organization has worked to develop an alternative proposal with nonprofit landlords and other groups that provide services to tenants that the council should consider.

"Rental housing providers want to reduce barriers to housing. Since 2017, housing providers statewide have been developing new screening processes, which we are rolling out this year. But Commissioner Eudaly is not considering our collaborative work in her proposal," said Imse.

Eudaly's office said it took the concerns into account when writing the current measure, and tested how it would work. The measure is supported by the Fair Housing Council of Oregon, Community Alliance of Tenants, Urban League, Coalition of Communities of Color, and the New Portlanders Commission.

You can read the September 2018 letter [here](#).

You can read a previous Portland Tribune story on the issue [here](#).

## **The Portland Mercury**

### **Sergeant Cites "Severe and Pervasive Discrimination" in Tort Claim Against Police Bureau**

*By Alex Zielinski  
March 28, 2019*

A longtime Portland police officer has signaled her intent to file a lawsuit against the City of Portland for the Portland Police Bureau's (PPB) "ongoing pattern and practice of severe and pervasive discrimination" based on her sex, sexual orientation, race, national origin, marital status, and disability. Sgt. Liani Reyna, a 24-year veteran of PPB, is also seeking justice for the alleged "sustained and concerted retaliation" she's experienced from colleagues and leaders within the police bureau since she sued the PPB in 2002 for discrimination.

Reyna's attorney Diane Sykes detailed these allegations in a tort claim notice (a formal "heads up" to the state that an attorney's client plans to sue) sent to Portland's risk management office on March 18.

The complaint stems from Reyna's experience as the first female, gay, Hispanic member of PPB's Special Emergency Response Team (SERT). From 1999 to 2000, Reyna said she endured relentless sexist, racist, and anti-LGBT comments from the all-male team. (An example: One of the SERT team's alleged chants goes, "Rah, SERT team! Where every man's a tiger, a big fucking tiger, a big fucking tiger with a dick this big!")

This toxic work environment drove her to step down from the SERT team and file a workplace discrimination complaint with Oregon's Bureau of Labor and Industries (BOLI). In 2002, she sued PPB in federal court for violating her civil rights. Reyna lost the federal trial related to the discrimination suit in 2005, and lost a subsequent appeal in the ninth circuit in 2008.

According to Sykes, Reyna's 2002 decision to call out her employer for having a "sexually hostile" work environment has impacted her career—and life—ever since.

"Reyna has experienced an ongoing pattern and practice of severe and pervasive discrimination and retaliation since the filing of a lawsuit against PPB," the notice reads.

Sykes cites five instances where Reyna was denied a position she applied to within PPB, the latest being her 2018 application to become a lieutenant. Sykes notes that Reyna's discrimination and retaliation concerns were ignored by leadership, including former PPB Chief Rosie Sizer.

Another wrinkle in Reyna's backstory: Reyna was the supervising sergeant present when PPB officer Ronald Frashour fatally shot Aaron Campbell, an unarmed and surrendering Black man who police believed to be suicidal, armed, and holding hostages. Reyna was chastised and penalized for not immediately calling SERT to respond when she arrived on the scene—a decision that many believe was based on her fraught relationship with the team.

Sykes notes that Reyna was unfairly blamed for her involvement in the Campbell shooting, because Reyna was "ordered away from her post by Deputy Chief Bob Day."

Another of PPB's top brass, Assistant Chief Ryan Lee, is accused of retaliation in the tort notice.

"In September 2016, [then-]Lieutenant Ryan Lee assigned Reyna with a crushing caseload and informed Reyna that she would burnout and fail." Lee later gave Reyna a negative performance review, a decision Sykes deems retaliatory.

During this time, Reyna and her former spouse, who is also a PPB employee, issued several workplace complaints against each other. Deputy Chief Day upheld the complaints brought against Reyna, but dismissed those she filed against her former spouse, another decision Sykes cites as retaliation.

Reyna seeks financial support from the city for "lost wages and future lost earnings, non-economic damages from emotional distress...loss of self-esteem and reputation," among other grievances. Sykes has yet to formally file a lawsuit.

PPB spokesperson Kristina Jones declined to comment on the notice, explaining in an email to the Mercury that the bureau is unable to comment on "pending litigation or personnel matters."

A spokesperson for Mayor Ted Wheeler, who serves as police commissioner, echoed Jones' response.