

The Oregonian

Portland City Council OKs yearly \$60 per unit landlord fee

By Gordon Friedman

August 7, 2019

Portland's mayor and commissioners on Wednesday adopted an annual \$60 per unit fee for landlords, saying the charge is necessary to collect better data about the city's rental market but igniting fears the cost would be passed down to tenants.

The fee is to help fund the city's renter services office, according to a government analysis. The office, stationed within the Portland Housing Bureau, enforces fair-housing laws, mediates landlord-tenant disputes and maintains a registry of rental units.

That registry is a key initiative that officials such as Mayor Ted Wheeler say is important to inform city housing policy. The cost of living in Portland has escalated in recent years, leading the Council to declare an emergency and pass "tenant protection" laws.

The City Council first approved the registry last year, but there was no fee attached and landlords' compliance by noting their rental units on tax documents was optional.

More than 17,100 units have been registered under the voluntary scheme and thousands more registrations are pending, said Heather Hafer, a spokeswoman for the city Office of Management and Finance. Housing officials estimate there are at least 121,000 apartments and rental homes citywide.

Of those, at least 20,000 will be exempt from the new fee because they are government-owned or regulated affordable units. The remaining units are expected to generate as much as \$3.9 million a year for the renter office.

During a hearing last week, Wheeler said it was unusual that Portland did not already have a rental registration fee already and that the city was "behind the curve."

West Coast cities such as Seattle, San Diego and even Gresham have a similar fee, but instead of funding data collection it may also be put to use paying for building inspections of apartments and other functions.

Portland's fee will also hit big landlords differently than mom-and-pop operations. A 200-unit property in Seattle costs \$575 per year to register under a \$175 base charge plus \$2 per unit. The same building will cost \$12,000 a year to register in Portland.

During last week's hearing, several landlords testified to the City Council that the fee would cause them to raise rents or forgo hiring maintenance employees.

On Wednesday, the Council voted 3-1 to approve the fee with Commissioner Amanda Fritz opposed and Commissioner Jo Ann Hardesty absent.

Fritz said she supports the rental registry concept, but could not vote for it because of "additional regulations we've put on landlords," hinting at policies enacted during Wheeler's term that restrict how landlords vet tenants, require payment of tenant relocation costs in some cases and compel construction of affordable units in large developments.

Also factoring into Fritz's decision was the fact that the fee, which she called "regressive," will not pay for inspections of all rentals and does not exempt very low-rent mobile home parks.

Wheeler said he was “pleased” to adopt the fee, which he called “a priority of mine since I took office.”

“Quality data is something that both landlords and developers and tenants’ rights organizations have requested,” the mayor said. “This is the way we help fund the program to do that.”

Bus-only lane coming to Northwest Everett Street on approach to Steel Bridge

*By Andrew Theen
August 8, 2019*

Portland will convert one travel lane on Northwest Everett Street to a bus and right-turn only lane this weekend, a move transportation officials predict will dramatically speed up commutes for thousands of bus commuters on the clogged corridor.

The city will simultaneously close the ramp from southbound Naito Parkway onto the Steel Bridge as part of the \$1 million project. Closing the ramp should eliminate some merging conflicts, the city said. The ramp from northbound Naito onto the bridge will not be affected, and on-street parking won’t be removed on Everett Street.

The bus lane is the second of Central City in Motion projects to be installed in the past three months. City Council approved a five-year \$36 million project list last November designed to speed up buses, add more physically separated bus lanes and improve pedestrian crossings in downtown and the inner eastside.

“Transit is one of the most efficient, equitable, and sustainable ways to move people in cities,” Hannah Schafer, a Portland transportation spokeswoman, said in a statement. “Improvements like these on NW Everett reduce congestion and make riding the bus more convenient and reliable, encouraging more Portlanders to leave their cars at home when traveling into the Central City.”

The first project, installed on SW Madison Street in mid-May, converted one lane on the approach to the Hawthorne Bridge into a shared protected bus and bike lane.

Portland and TriMet officials say the early returns on the Madison lane indicate it’s been a significant success for transit riders in particular. The Line 2 bus has seen speeds increase by 20% in the evening commute, while Line 10 is running 12% faster all day long. Line 14 is also more reliably on time, the city said, with reliability jumping 60% in the months since the bus lane was installed.

Portland believes the new bus lane on the approach to the Steel Bridge will potentially cut travel times for buses on the clogged six-block stretch of Everett by up to 50%.

Six bus lines use that section of the two-lane Old Town/Chinatown street, and five of those lines continue onto the bridge itself. Those five buses carry an estimated 4,000 riders.

Evening commutes on Everett for those riders typically consists of sitting in traffic for extended periods. Portland estimated the buses travel less than 10 miles per hour during that commute on Everett – and sit on the ramp to the bridge at speeds of less than 5 miles per hour.

Portland had originally proposed a more than \$4 million project on Everett– including new traffic signals on Naito at the approach to the bridge to manage traffic and account for the new bus priority. But Schafer said the city “determined that the proposed signal did not create any

meaningful benefits to buses and would have been expensive to construct,” so the city removed it from the project.

Northbound traffic on Naito is also set to be one-lane only going forward, as the city will keep the protected bike lane known as Better Naito on the street permanently until construction is expected to begin next year on a permanent two-way cycle track on the waterfront road.

The city is considering altering the signal at NW First Avenue and Everett Street to give buses additional priority there, but Schafer said Portland hadn't made any determinations on what that would look like.

Portland plans to paint the lane red, part of its pilot project to make bus-only lanes more visible, but it is still waiting for federal approval to do so.

Crews will install new “bus only” markings on the pavement, turn arrows, and overhead signage this weekend. The signs, Schafer said, will look similar to those on the transit mall.

Portland also plans to move forward with its bus priority lanes on Burnside Street on the approach to the Burnside Bridge later this year.

Feds can't withhold public safety grants for Oregon, city of Portland based on sanctuary law, judge rules

*By Maxine Bernstein
August 8, 2019*

A judge has barred the Trump administration from withholding public safety grants from the state and the city of Portland over Oregon's sanctuary law that directs police not to help federal agents enforce immigration policies.

U.S. District Judge Michael J. McShane also said the federal government can't impose immigration-related conditions on the grant awards.

McShane, who is seated in Eugene, issued his 44-page decision late Wednesday in a case brought in November by Gov. Kate Brown, Oregon Attorney General Ellen Rosenblum and the city against President Donald Trump and U.S. Attorney General William Barr.

He found that two federal statutes unconstitutionally ban local and state governments and agencies from enacting laws or policies that limit communication with federal officials about immigration or someone's citizenship status.

McShane ruled the statutes, identified as Sections 1373 and 1644 of the federal code, violate the 10th Amendment, which says any power not expressly given to the federal government falls to the states or their people.

Since 2017, the federal government has placed restrictions on Edward Byrne Memorial Justice Assistance grants, known as JAG. The grants provide money to states, cities, counties and tribes for criminal justice personnel, training and equipment.

The conditions say the grant recipients must allow immigration agents access to prisons or jails, must give advance notice to federal officials when prisoners wanted on immigration detainers are to be released, and must certify that they're complying with the federal statutes.

But McShane said Oregon and Portland “would, under any of these circumstances, risk public safety by eroding trust with immigrant communities or abandoning critical law enforcement initiatives funded by the Byrne JAG Program.”

He granted a permanent injunction and ordered the federal government to give the grants to Oregon for fiscal 2017 and 2018 that it withheld, with no conditions or penalties – a total of almost \$5 million.

“The President of the United States and his Attorney General seek to advance their policy priorities by pressuring states and localities to comply with two immigration-related laws and by withholding federal funds from jurisdictions which refuse to assist immigration authorities,” the judge noted.

McShane agreed with lawyers for the state and city, who argued the federal statutes are “unconstitutional intrusions upon their legislative independence” and that the funding conditions are contrary to the intent of Congress.

“Instances when the Attorney General may ‘withhold or re-allocate’ Byrne JAG funds were carefully delineated by Congress. When Congress wanted grantees to engage in or refrain from certain types of conduct — even information sharing — it provided for specific and measured penalties,” the judge wrote. “If Congress had shared the same concerns about grantees disclosing immigration-related information, it could have enacted analogous penalties. But it did not.”

The state had expected to receive \$2,034,945 from the grants for 2017 and \$2,092,704 for 2018, while Portland expected to receive \$385,515 for 2017 and \$391,694 for 2018.

But the state didn’t receive notice of the grant awards for either year until last month because the U.S. Justice Department expressed concerns about the state’s sanctuary law. The state law bars local law enforcement from helping federal officials identify or detain anyone solely for violating immigration law.

Although the Justice Department made the money available to the state in July, the state can’t accept or draw from the money without risking penalties due to the sanctuary law, according to court records.

The city of Portland received its 2017 award last October but has yet to receive its 2018 award. It also would risk penalties if it accepted and used the money.

The Trump administration argued that the Justice Department’s pressure on states and municipalities to repeal their allegedly incompatible laws and policies “are essential to a properly functioning system of federal immigration laws,” according to court records.

Until 2017, the state had received the federal grants annually since the program’s creation in 2005, using more than \$26 million to support programs for mental health treatment, technology improvement and drug treatment and enforcement. The state would like to use the 2017 and 2018 money to support specialty courts for drugs crimes or mental health cases or nonviolent felony offenders as well as to provide assistance to local crime victims.

Portland also had received the money every year until 2017, using it to buy bulletproof vests and special-threat plates for officers, acquire tactical medical kits, install GPS systems in its cars and add two victim advocates to the Police Bureau’s sex crimes unit. The city also has distributed some of the money to Multnomah County and Gresham to support a neighborhood prosecutor or an additional probation/parole officer.

McShane’s ruling mirrors similar ones by federal judges elsewhere in the country.

In December, for example, a federal judge in New York issued a permanent injunction barring immigration conditions on the grants for New York state, New Jersey, Connecticut, Virginia, Washington, Rhode Island, Massachusetts and New York City. Last October, a federal judge in California also ruled that the grant conditions were unconstitutional.

The 9th U.S. Circuit Court of Appeals in San Francisco ruled a year ago that Trump's order to withhold federal grant money based on state sanctuary laws violates separation of power principles that gave spending power to Congress. But the same appeals court ruled last month in favor of the Trump administration's immigration conditions for other federal police grants.

Willamette Week

Far-Right Brawler Ian Kramer Arrested For Felony Assault And Other Crimes For May Day Attack At Cider Riot

*By Katie Shepherd
August 7, 2019*

Video published on social media shows Ian Kramer hit a woman with a baton, knocking her unconscious.

Portland police today arrested far-right brawler Ian Kramer on six charges related to a May 1 assault in front of a local cidery, including felony assault, unlawful use of a weapon, unlawful use of tear gas, and disorderly conduct.

Matthew "Deme" Cooper is listed as a co-defendant in the indictment, and he faces charges for disorderly conduct and harassment, according to court records.

Portland Police searched Kramer's home and found a metal baton that may have been used in the attack.

A secret indictment was filed and unsealed by the court after Kramer's arrest Wednesday afternoon.

Kramer made headlines for attacking a group of antifascists at a local cidery, Cider Riot in Northeast Portland. He was part of a small crowd of far-right provocateurs, including Proud Boys and Patriot Prayer supporters.

The right-wing crowd had followed antifascists to Cider Riot, jeering at them and pepper spraying people sitting on the pub's patio. A fight between the two groups broke out. Kramer allegedly hit a woman in the back of the head, knocking her unconscious. A civil lawsuit against Patriot Prayer leader Joey Gibson, Kramer, Cooper and several other people involved in the May 1 incident alleges Kramer broke one of the woman's vertebrae.

"Criminal violence is not tolerated in the City of Portland and our investigators have worked diligently on this case," Chief Danielle Outlaw said in a statement on the arrest. "While these cases can take time, and delays in arrest can be perceived as indifference or lack of care, the opposite is true. Our investigators are attentive to detail, working behind the scenes to put together the strongest case possible for consideration in coordination with local, state and federal partners."

Mayor Ted Wheeler issued a warning to people threatening violence at an Aug. 17 rally that will likely attract many far-right extremists.

"The people who come to our beautiful city to commit acts of violence – and those who live here intent on doing the same – will be held accountable regardless of their political beliefs," Wheeler said in a video posted to YouTube.

Police and prosecutors have weathered criticism for failing to make arrests in violent incidents between far-right extremists and antifascists captured on camera at Portland protests. Last week, WW reported that police launched a criminal investigation after Gibson complained about a non-violent confrontation between an antifascist and Patriot Prayer supporter before prosecutors brought charges against the leftist protester.

The Portland Mercury

Portland Police Arrest Right-Wing Protester for May Day Assault at Cider Riot

*By Alex Zielinski
August 7, 2019*

The Portland Police Bureau (PPB) has made its first arrest following the May 1 street brawl that took place outside of Portland bar Cider Riot.

As first reported by Willamette Week, right-wing protester Ian Kramer was arrested this afternoon on six charges—second-degree assault, attempted second-degree assault, two counts of unlawfully using a weapon, disorderly conduct, and unlawful use of mace—related to his involvement in the May Day clash. A Multnomah County grand jury has accused Kramer of using a baton to beat a 31-year-old woman unconscious, along with other misconduct. Kramer's bail is set at \$250,000.

Kramer, 45, regularly attended events put on by Patriot Prayer, the right-wing extremist group based in Vancouver, Washington who organized the May 1 clash. Patriot Prayer visited Cider Riot after learning that members of Portland's anti-fascist (antifa) faction were meeting there to celebrate a day of peaceful May Day rallies. After yelling insults at Cider Riot patrons from the adjacent sidewalk, Patriot Prayer members allegedly sprayed mace at members of antifa, prompting some of the left-wing activists to leave the bar and engage in a street fight.

A lawsuit filed by Cider Riot against Patriot Prayer accuses Kramer of hitting a woman with a baton so forcefully that she was knocked unconscious—and suffered a vertebrae fracture.

Kramer is one of five Patriot Prayer members named as defendants in the May 6 lawsuit. Another is Matthew Cooper, a 24-year-old man who is also named in Kramer's indictment. The same grand jury accused Cooper of harassing the same woman allegedly assaulted by Kramer and "unlawfully and recklessly created a risk of public inconvenience, annoyance and alarm" by engaging in the street fight. The Cider Riot lawsuit also claims Cooper "battered" Cider Riot patrons.

Cooper has not yet been arrested by the PPB. When arrested, his bail will be set at \$3,000. Kramer will be arraigned tomorrow at 9:45 am at the Multnomah County Justice Center.

PPB was criticized for its delayed response to the May 1 clash—officers didn't arrive on the scene for over an hour. In a press release announcing Kramer's arrest, Police Chief Danielle Outlaw subtly responded to this critique.

"Criminal violence is not tolerated in the City of Portland and our investigators have worked diligently on this case," said Outlaw. "While these cases can take time, and delays in arrest can be perceived as indifference or lack of care, the opposite is true."

The Portland Observer

Salute to a Fierce Advocate

By Danny Peterson

August 7, 2019

Antoinette Edwards retires from office helping youth

Antoinette Edwards, a retiring public servant and advocate from the African American community who has directed the Portland's Office of Youth Violence Prevention since 2011, had her last day on the job declared as an official day in her honor last week by the Mayor and Commissioners.

Edwards, 66, is known for creating the Community Peace Collaborative, a public forum which facilitates biweekly meetings where difficult conversations take place between community members and police. The topics range from officer-involved shootings and abuse to reconciliation and ideas for reducing violence among youth and take place at the North Portland Community Policing Center at Northeast Emerson Street and Martin Luther King Jr. Boulevard.

"There are few people I would call a hero. You're a hero," remarked Mayor Ted Wheeler at the special ceremony at City Hall, calling Edwards the glue holding the community together and one who lent a voice to those that had none. He declared July 31 as "Antoinette Edwards Fierce Advocate Day" in Portland.

Commissioner Amanda Fritz said Edwards was "inspiring," and Commissioner Nick Fish expressed gratitude to her for "being a role model."

The emotion in the air was evident when Wheeler read the city's proclamation aloud as Edwards' husband, Keith, shed tears of joy.

Edwards said she was "in gratitude for the love. I feel the love." In her closing remarks, she addressed the city directly.

"Portland, we don't have to make it great again. Just keep it good and make it better...my parting words for the community, beloved community: we are so much stronger together," she said.

Edwards was known for inviting in and getting buy ins from ex-gang members who have turned a new leaf and re-integrated back into the community to participate in the round table discussions, with some even being hired to perform youth outreach for those in gangs or on the cusp of adopting the lifestyle, in order to prevent them from continuing in activities that promote violence.

The office more broadly advanced trauma informed care to create a space for healing. Edwards was thanked for being the change agent to make that possible.

Edwards told the Portland Observer she was "humbled beyond words" by the proclamation and attributed the honor to the power of community.

“I’ve had the opportunity to work with people and their grief with trauma, losing loved ones to gun violence... from being wounded to using their wisdom to help others.... If it wasn’t for community, I wouldn’t be here.”

She added she’ll “never retire from the community,” but is looking forward to spending more time with her grandkids and husband.

Edwards served four mayors during her tenure with the city. She received multiple awards for her advocacy, including the Gladys McCoy Citizen Involvement Award from the Citizen Involvement Committee of Multnomah County in 2009, the 2013 Social Justice Fund Northwest Jeannette Rankin Award, and the 2015 Equity Foundation’s Women Who Lead Award.

Edwards will be succeeded by Tom Peavey, a former policy manager for Office of Youth Violence Prevention and former longtime Portland police officer, as interim director of the program, Wheeler's office stated.

OPB

Portland Mayor Promises Heavy Response To Violence At Aug. 17 Protest

August 7, 2019

Portland Mayor Ted Wheeler said he wants city police to do whatever it takes to ensure that an Aug. 17 rally does not end in rampant violence.

In a video released Wednesday, Wheeler said city leaders have received information that some people are coming to spread hate and start fights at what organizers are billing as a free speech rally. Such rallies have ended in chaos and brawls between opposing protesters in the past, and police have faced criticism for not preventing the violence or responding faster.

Wheeler and Police Chief Danielle Outlaw have both said that this event will be different. In his video, Wheeler noted the recent mass shootings in El Paso, Texas, and Dayton, Ohio, and said he has given the police clear orders. He didn’t specify precisely what steps he wants police to take, but did say he plans to make sure Outlaw and her team have the personnel they need.

“To those people planning to come and inflict violence in our city: We don’t want you here,” he said. “This is why I’ve empowered and directed the Portland Police Bureau to use whatever means necessary and amass whatever resources necessary to uphold the law.”

Wheeler said he’s seeking help from other law enforcement agencies across the region to build a large coalition of police for Aug. 17. He’s also promising to push prosecutors to make sure people who do break the law face criminal charges.

Organizers of the Aug. 17 event have written on social media of potential violence and talked about carrying weapons. Some activists and members of Antifa have promised to oppose them.

Portland City Council Approves \$60 Fee On All Rental Units

By Amelia Templeton

August 7, 2019

The Portland City Council voted Wednesday to approve a \$60 fee on all rental units in the city. The city expects the fee to raise at least \$3 million a year.

The fee passed 3 to 1, with Commissioner Amanda Fritz citing concerns about the number of new regulations on landlords as a reason for her no vote. She also questioned leveling a \$60 fee on mobile homes as well as apartments.

Landlords argued against it, characterizing it as a regressive tax on housing.

The fee will provide an annual source of funding for the city's Rental Services Office, a new division within the Portland Housing Bureau.

To date, the office has employed just a handful of staff and has relied heavily on short-term funding. Mayor Ted Wheeler pledged to create the office during his 2015 campaign and directed the Housing Bureau to come up with a permanent source of funding for it in his budget this year.

The office helps answer questions about local housing law for tenants, landlords and the City Council. It also provides grants to groups like the Community Alliance of Tenants, which provides a renters' rights hotline.

The fee will also help pay for a new rental registration program. The Housing Bureau wants to collect more detailed data to track changes in the market, such as rent increases and the number of apartments in the city for people with disabilities.

"This has been a commitment and a priority of mine since I took office," Wheeler said. "Quality data is something that both landlords, developers, and tenant rights organizations have requested. This is the way we help fund the program to do that."

Landlords have sharply criticized the fee, arguing that they will pass it onto tenants.

In public testimony last week, they noted that a \$60 flat fee on every unit is expensive compared to similar rental registration programs in other cities, many of which charge a discounted rate for buildings with multiple units.

Portland's fee is among the highest of 11 cities that the Portland Housing Bureau cited as having comparable programs. Testifying last week, Jessica Greenlee, a property manager who sits on the city's Rental Services Commission, raised questions about the new office's proposed budget.

"A third of the cost for the rental registration fee is being dedicated just to administrative and software costs. Right now there is not a line item in here for inspections, which is where the majority of rental registration fees typically go in other cities," Greenlee said.

The Portland Housing Bureau has said the fee amounts to less than one-third of 1% the average rent in Portland.

An economic study commissioned by Multifamily NW, a landlord lobbying organization, concluded that the fee would likely be passed on to tenants, and will put the greatest pressure on low income renters — but the study also concluded that at \$60, the impact would be "negligible."