

The Portland Tribune

EPA: Cleanup planning underway for more than half of Portland Harbor Superfund site

By Jim Redden

March 09, 2020

The federal agency could soon begin enforcement actions against polluters who have not yet started cleanup planning

Cleanup plans are now being designed for more than half of the Portland Harbor Superfund Site, the U.S. Environmental Protection Agency announced on Monday.

"The working parties that have stepped up and signed these remedial design agreements with EPA show a strong commitment to moving the cleanup forward and serve as a great example of what we can accomplish when we work together," the EPA said in a March 9 press release.

The EPA did not say when cleanup plans will start being designed for the other half of the site, however. Nor would the EPA reveal with potentially responsible parties have not yet agreed to start remedial cleanup designs.

"We are hoping to get either agreements soon, or start the enforcement process. Until we sign agreements, or until we issue a formal enforcement action, we can't say much," said EPA spokeswoman Suzanne Skadowski.

The in-river portion of the Portland Harbor Superfund Site spans about 10 miles of the Lower Willamette River in Portland. The EPA released a final cleanup plan — also called the Record of Decision or ROD — in January 2017 to address contamination in the sediment, surface water, and groundwater that poses an unacceptable risk to human health and the environment. Since then the agency has been seeking parties to sign up to perform remedial design of the remedy.

The press release listed eight new settlement agreements with parties deemed potentially responsible for the pollution that caused the EPA to designate the harbor a superfund site. They include Arkema Inc., Bayer Crop Science Inc., General Electric Company, Chevron U.S.A. Inc., Kinder Morgan Liquids Terminals LLC, McCall Oil and Chemical Corporation, Phillips 66 Company, and Shell Oil Company, Union Pacific Railroad Company.

When these agreements are combined with the four previous ones, over half of the acres in the EPA's final cleanup plan are now in the remedial design phase.

Remedial design funding is supported by a \$24 million EPA trust funded equally by Oregon and Portland, both of which have been designated potentially responsible parties.

[You can learn more here.](#)

Fritz unhappy with options for Marquam Connector to OHSU

By Bill Gallagher

March 09, 2020

Multi-million dollar decision on moving riders up to Marquam Hill was due nine months ago

TriMet can tell you where a new light rail line in Southwest Portland is supposed to go, how long it would be, where stops and parks and rides are to be located and how much it might cost.

What TriMet cannot tell you is how light rail passengers headed to and from one of eleven medical institutions on Marquam Hill will get there from the proposed stop on Southwest Barbur Boulevard at Southwest Gibbs Street near the Under Armour offices. The transit agency calls this "a paramount component of the project," but a decision is eight months overdue.

The members of the steering committee for the \$2.8 billion transit project were supposed to decide in June of 2019 whether funicular train cars or an elevator and bridge would be the means of getting an estimated 10,000 people a day up and down the steep short hill through the Terwilliger Wildlands.

Commissioner Amanda Fritz has made it clear she doesn't like either alternative. In an email to the SW Community Connection she wrote, "I oppose the Marquam Hill connector. Either the funicular or the bridge/elevator will severely impact Terwilliger Parkway, and will only take passengers to the foot of Campus Drive with still a long trek up to the hospitals."

Fritz raised the same concerns in October of 2018. She told the Portland Tribune then that before the SW Corridor Steering Committee approves an option for a Marquam Connector, the City Council must weigh in. At that time she specifically condemned the elevator/bridge option, which would build a 120-foot tower on Barbur Boulevard where there is currently a synagogue.

Fritz, who lives in the West Portland Park neighborhood, is retiring after her term on the City Council ends this year. She still dislikes that idea and the funicular. "I believe the Marquam Hill connector in either configuration is an unnecessary expense with significant environmental and scenic impacts. Plus, the landing site on Barbur would be a perfect place for affordable housing," she wrote.

There's some question about whether the City Council will hear from TriMet on the Marquam Connector question at its April 1 or May 5 meeting. According to a "Memorandum of Understanding" passed by Council in November, 2018, "Prior to Steering Committee decision on a Marquam Hill connection, there will be a City Council work session." Such a session has yet to take place.

TriMet remains committed to a Marquam Hill connection, which would cost anywhere from \$20 million to \$38 million depending on the option chosen.

"The Marquam Hill Connector will not be eliminated to reduce overall project costs — t's an essential element of the project," spokesperson Roberta Altstadt wrote in an email. "The connector is expected to serve about 10,000 trips per day, with most of those connecting to and from a light rail station and the shared transit way ("express") bus station at Gibbs and Barbur Boulevard."

Altstadt says the decision has been delayed so long due to ongoing discussions with Portland Parks and Recreation, which has jurisdiction over Terwilliger Parkway, and the State Historic Preservation Office, because the Parkway is considered an "historic resource."

TriMet is still trying to find more than \$90 million in savings on the projected cost of the entire SW Corridor project, which is currently estimated at \$2.8 billion.

"We are hopeful that can include an update (on the Marquam Connector) at the Portland City Council work session on April 1 and the April (13) Steering Committee meeting. We do not have a precise deadline for the decision, but it will need to be settled in next few months," Altstadt wrote.

The decision will have to be included in the final plan for the light rail project — called the Final Environmental Impact Statement — which was originally scheduled to be released in "early 2020" but has now been promised by "mid-summer 2020."

OVERVIEW - The SW Corridor project would construct TriMet's sixth light rail line, which would run 11 miles between Portland State University and the Bridgeport Village mall near Tualatin. The cost would be shared by local taxpayers and the Federal Transit Administration. Voters will probably get a chance to vote on the project in November 2020 when a Metro transportation project funding measure appears on the ballot. It was originally forecast by TriMet that the line would carry 43,000 passengers daily. But that estimate has been reduced to 38,000 passengers daily. Not building the Marquam Connector would lower that ridership estimate significantly. The Federal Transit Administration often bases funding decisions on those ridership estimates. About half of the cost of building the light rail line would be covered by the FTA.

For more information: trimet.org/swcorridor/

The Portland Mercury

Dispatch From Portland's High-Tension, Low-Substance Mayoral Climate Debate

*By Blair Stenvick
March 9, 2020*

A climate-focused debate of Portland mayoral candidates held Sunday evening was high on drama, but light on new policy proposals.

That wasn't for lack of trying on the part of the debate's organizers and moderators. Hosted by Sunrise Movement PDX, 350PDX, and the Harriet Tubman Middle School environmental justice club, the youth-moderated debate poised thoughtful and pointed questions at incumbent Mayor Ted Wheeler and challengers Sarah Iannarone, Ozzie González, Teresa Raiford, and Piper Crowell. But more often than not, the candidates offered stump speeches—and bitter attacks on each other—rather than specific answers.

Often, the candidates' responses fell more into the realm of what Portland's mayor should do, and not how they would do it. However, there were some substantive ideas and points of ideological difference at Sunday's debate, which was held at Revolution Hall.

Wheeler takes heat over I-5 and Zenith

Wheeler took heat from his opponents by supporting ODOT's I-5 plan, which has been staunchly opposed by local environmentalists.

“I’m going to say something controversial: I don’t believe we should end the project,” Wheeler said about I-5, pointing out that thousands of freight trucks move through the area each day, and even if those trucks become electric at some point, they’ll need room to move free of traffic. The crowd at the debate loudly booed as he made his point.

Wheeler also pointed out that his office has signed onto a letter asking for thorough Environmental Impact Statement (EIS) to be conducted before ODOT moves forward with the plan. But he got panned by opponents for what they saw as him not acting quickly enough.

“We’ve been asking for help from City Hall for months and months and months,” said Iannarone, an urban policy consultant who’s expressed support for No More Freeways, the campaign against the I-5 project. Iannarone said that as mayor she’d use her position to advocate for building “high-speed rail in place of I-5.”

González, a TriMet board member and architect, criticized Iannarone’s plan as short-sighted.

“If we were to do the thing you’re saying and dismantle I-5, what would we do tomorrow?” he asked. “We need to make ourselves ready by investing in new infrastructure first.”

Moderators also questioned the candidates about Zenith Energy, an energy company that operates an export terminal in Portland and has been running crude oil trains through the city. The city denied Zenith a key terminal expansion permit in October, after months of pressure from local activists to take action against the company.

Wheeler warned that he expects Zenith to launch legal challenges against the city in response to that permit denial, and said the city has been using “the legal tools we have at our disposal” to “limit these fossil fuels coming to our community.”

Iannarone countered that the mayor ought to “move with urgency and legal creativity,” suggesting she would likely take a more aggressive legal approach against Zenith if elected.

Houselessness as a climate issue

The youth moderators also pushed candidates to answer questions about homeless, one of the top campaign issues this election cycle.

“In 2017, on any given night, nearly 14,000 people were experiencing houselessness in Oregon, some of them refugees of climate impacts from fires in California, hurricanes in the gulf, and drought in Central America,” asked one of the young moderators. “The unhoused also feel the effects of climate change first and worst. ... As mayor, how would you address the houselessness crisis?”

Nike executive Piper Crowell, among other candidates, criticized what they saw as Wheeler’s lack of effectiveness on the issue.

“This is one of the reasons I got into this race,” Crowell said. “It did not make sense to me, as a concerned citizen, why Portland was not doing better.”

One person in the audience shouted a solution towards Crowell in real-time: “Tax Nike.”

Teressa Raiford, a police accountability activist and founder of the group Don’t Shoot Portland, focused her answer on what she saw as a failure to harness funds from the local recreational cannabis tax to help with housing and support services like job training. She pointed to a 2019

audit that showed that Portland's cannabis tax money has mostly gone towards the city's police bureau budget, not the social equity causes promised by elected officials.

“We have the funding stream, we just aren’t utilizing it,” Raiford said. “Let’s reinvest that money not into police, but the things our most vulnerable communities need.”

Wheeler talked up the city’s partnerships with Multnomah County, the state government, and local nonprofits. He said that in 2019, about 6,000 people were moved off the streets and into homes in the county.

Iannarone said the city was doing “an okay job in partnership with the county and the state,” but that city sweeps of homeless camps—which Wheeler supports—were “wasting millions of our precious dollars that could be going to services like safe injection sites and hygiene facilities and public restrooms.”

Wheeler defends police

Toward the end of the night, youth moderators presented a series of quick questions from audience members. One of those questions referenced a Black teenager who was arrested by Portland police at last year’s youth climate strike, and asked how the candidates would support environmental protestors if elected.

Wheeler’s challengers took the opportunity to criticize others the Portland Police Bureau (PPB) for other times its officers have used force against protestors. In Portland, the mayor also serves as the police commissioner. Iannarone referenced her own public safety plan, and said it’s “important for us to rethink how we’re deploying the police at these protests.”

Wheeler used his time to defend PPB, amid boos from the audience.

“I think everyone in this room is smart enough to know it has not gone flawlessly,” he said. “However, I do believe police have gotten better on this in recent years.”

Wheeler added that PPB no longer uses “aerial devices” like grenades to control crowds at protests—a tactic that has landed the city in legal hot water after past protest.

This was one of the first times the 2020 Portland mayoral candidates squared off in a public setting. They will next appear at a Tuesday Portland City Council candidate forum hosted by the Street Trust, focusing on transportation issues.

The Daily Journal of Commerce

Years later, mixed-use project reappears

By Chuck Slothower

March 6, 2020

Portland design commissioners on Thursday suggested significant revisions to two South Waterfront towers proposed by a Dallas-based developer.

The proposal represents the latest iteration for Southwest Portland blocks owned by Prometheus Real Estate Group. Alamo Manhattan won design approval in August 2017 for two multifamily buildings, but did not move ahead at that time.

Five buildings are proposed on four riverfront blocks between Southwest Lane and Lowell streets. The parcels north of the Old Spaghetti Factory restaurant have long sat vacant. The new

buildings would bring 1,232 residential units, 20,000 square feet of retail space and more than 700 parking spots, along with new streets and river access.

In December 2019, the developer withdrew its application and resubmitted the proposal under a new land-use case based on a 2017 subdivision of the property. The maneuver makes the Alamo Manhattan proposal subject to the city's inclusionary housing requirements for affordable units. However, the move frees the Dallas developer from meeting requirements that are part of Central City 2035 zoning updates, including those for bird-safe glazing, eco-roofs and low-carbon building performance.

Avoiding the requirements is likely to save Alamo Manhattan substantial money, because the premium for bird-safe glazing on only one large building can run several hundred thousand dollars. An eco-roof likewise is a costly requirement for space that brings building owners no revenue.

The development would fill in a section of the South Waterfront Greenway that is currently broken. Alamo Manhattan has been unable to reach agreement with city officials regarding funding to build a high-quality greenway in the area.

"We're excited to have this stretch of the greenway come into development," said Brett Horner, planning manager for Portland Parks and Recreation. "We were unable to reach agreement with them on public assistance for enhanced greenway. We would really like to see an enhanced greenway that would more closely match the built greenway to the north.

"All the bureaus worked together, and we were represented by Prosper Portland for some potential public involvement, particularly in the greenway. Those talks did not end result in any agreement," Horner said.

The design is from the Dallas office of WDG Architecture, and Dallas landscape architect Linda Tycher and Associates. The Design Commission dealt with 250-foot-tall towers proposed on blocks 41 and 44. Plans call for a largely light-colored design on Block 41 and a reddish-brown metallic treatment on Block 44 to the south.

Commissioners and Bureau of Development Services staffers praised the glassy, river-facing design for Block 44, which would feature a small notch mid-building. They had serious concerns, however, about the L-shaped tower. The staff report even suggested revisiting the building's footprint, which would be a major step.

For both buildings, commissioners suggested simplifying the façade treatments for a consistent design language.

The land-use case is one of the most complex the Design Commission has faced in recent years, with multiple buildings on multiple blocks, river access, transportation issues and the greenway all playing a role.

In response to earlier criticism, the design team moved the buildings back from the greenway. Linda Tycher and Associates' landscape design fills in a required 2,500 square feet of space largely with shrubbery. Commissioners said the space needs to provide a greater public benefit.

"It's just kind of a leftover space that nobody wants anyway," Commissioner Don Vallaster said.

Chairwoman Julie Livingston agreed.

"The 2,500 square feet needs to make a place," she said. "It is all about having space for the public to occupy."

The current design, Livingston added, “is negative space for the building. It seems more about providing privacy for residents of the building.”

Designs for the interior blocks are scheduled to be reviewed on March 12. After that, at least one more review hearing will have to be scheduled before the Design Commission can issue approval.

Buckman project team receives design advice

By Sam Tenney

March 5, 2020

Plans for a six-story mixed-use building in Portland’s Buckman neighborhood are on the right track but need some refinement so that it will more cohesively relate to an adjacent historic structure, according to the Historic Landmarks Commission.

In a design advice meeting last week, designers with Chicago-based Hartshorne Plunkard Architecture presented concepts for a nearly 150,000-square-foot structure at 1010 S.E. Ash St. The building would occupy the northern half of a block bounded by Southeast 10th and 11th avenues and Pine and Ash streets, and hold 135 residential units over ground-floor retail space and residential amenity space and two stories of below-grade parking.

The new structure would abut the Troy Laundry Building, which was constructed in 1913 as a commercial laundry facility and was designed by Ellis Lawrence, founder and longtime dean of the University of Oregon’s School of Architecture and Allied Arts. The entire block falls within a landmark boundary due to the Troy Laundry Building’s presence on the National Register of Historic Places.

AJ Capital Partners, also based in Chicago, purchased the full-block property this past summer from Intrinsic Ventures for \$15.65 million. In addition to the new residential structure, the developer is planning adaptive reuse of the Troy Laundry Building, including a rooftop addition.

Designers took cues from the architecture of the Troy Laundry Building to create a concept for the adjacent structure. The new building would be clad in a dark charcoal brick in order to complement, rather than compete with, the red brick of its neighbor.

“The goal for 1010 S.E. Ash is not to be a historic building, but to bring a sophisticated level of detail to the urban fabric inspired by the historic context,” said Beth Nowicke, a project architect with Hartshorne Plunkard.

While commissioners and Bureau of Development Services staffers were generally complimentary of the building’s design – including its height, massing and materials – one major sticking point was the relationship between the buildings as they meet mid-block. A stepped-down portion of the new building, at five stories in height, would overwhelm the existing two-story structure at their adjoining point, commissioners said.

“The step-down bay is modest at best, and I think is awkward,” Commissioner Andrew Smith said. “The way it’s designed is, I think, a big problem.”

Though the buildings will not be connected, commissioners agreed that the new structure should be treated as an addition because it falls within the landmark area. Commissioners suggested decreasing the massing of, or eliminating entirely, the stepped-down portion of the new building to soften the transition to the Troy Laundry Building. To make up for the square footage lost in

doing so, some commissioners floated the idea of increasing the building height by one floor – an uncommon suggestion from the Historic Landmarks Commission.

“We’re all talking about density and trying to bring more density into the city,” Commissioner Derek Spears said. “I would definitely be OK with another floor going in if we’re going to take out some additional residents at (the step-down).”

At six stories, the building is maxed out at allowable height for Type III-A construction, so adding a story would be a challenge, Nowicke noted.

During the hearing, commissioners also provided positive early feedback on plans for the nearly 6,000-square-foot rooftop addition – including terrace space and a swimming pool – to the Troy Laundry Building. The scope of the planned building renovation is forthcoming, but will include a full window and façade restoration, seismic upgrades, and fire/life safety requirements. Upgrades to the historic building will eventually go before the commission in a separate design review hearing.

The Portland Business Journal

EPA reveals new Portland Harbor Superfund cleanup design deals

*By Pete Danko
March 9, 2020*

The U.S. Environmental Protection Agency on Monday revealed new cleanup design agreements for eight areas of the Portland Harbor Superfund site. The agency and local officials hope the deals will spur further progress on the lagging process.

A bit more than half the acreage intended to undergo “active remediation” in the planned \$1 billion cleanup project is now covered under what are known as remedial design agreements.

The EPA said a city of Portland and state of Oregon’s funding program “bolstered (its) negotiation efforts” in the process.

Under that program, the city and state agreed to contribute up to \$12 million apiece into a trust that private parties who have Superfund liability could in the remedial design phase, where detailed cleanup engineering plans are developed.

The city's Bureau of Environmental Services said parties had claimed \$11.2 million from the fund. Money spent from the fund is credited against the city’s and state’s cleanup responsibilities.

The EPA didn’t have any agreements in place when the program was unveiled in May, so the new agreements represent progress.

Still, the agency had been aiming to have all the agreements done by the end of 2019, and it has threatened to use its authority “to use enforcement measures, including issuing orders and other mechanisms, to facilitate performance of remedial design in those areas.”

Parties that have signed agreements include: City of Portland, State of Oregon, NW Natural, Atlantic Richfield Co., BP Products North America Inc., Brix Maritime Co., Exxon Mobil Corp., Kinder Morgan Liquids Terminals LLC, Arkema Inc., Bayer Crop Science Inc., Chevron U.S.A Inc., McCall Oil and Chemical Corp., Phillips 66 Co., Shell Oil Co., FMC Corp., General

Electric Co., PacifiCorp, Cargill Inc., CBS Corp., DIL Trust, Glacier Northwest Inc., Union Pacific Railroad Co. and Port of Portland.

Business group fights proposed Portland-area tax for homeless services

By Jonathan Bach

March 6, 2020

A group representing Oregon business interests is challenging proposed taxes for homelessness services slated to come before Portland-area voters in the May election.

The dustup reflects a divide between the Alliance for an Affordable Metro and what it calls "downtown Portland business interests at the negotiating table."

The Metro Council voted last month to refer to voters two taxes that could raise about \$250 million annually for homelessness-related services. Part of the Alliance for an Affordable Metro's arguments center on the measure being too vague, according to documents it provided.

For instance, the group argues the term "homeless services" goes undefined. The group also claims the measure was "hastily written." A Metro spokesman declined to comment.

"Unfortunately, the downtown Portland business interests at the negotiating table didn't consider the cumulative impact of the exponentially growing number of state and local taxes that are borne by everyday Oregonians and business owners," petitioner Joe Gilliam said in a press release. Gilliam is the president of the Northwest Grocery Association.

The Portland Business Alliance declined to comment on Friday. While the PBA has been part of negotiations on the proposed tax, its board has not formally endorsed the ballot measure.

Still, Andrew Hoan, the PBA's president and chief executive, told Metro officials in February they had the "full support of the alliance to get this to the finish line."

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The \$250 million would be accomplished through a 1 percent marginal tax rate on taxable income surpassing \$125,000 a year for individuals and \$200,000 for joint filers. A 1 percent business profits tax also would be part of the deal. It would be assessed on businesses with more than \$5 million a year in gross receipts.

"We cannot consider these new personal and business taxes in a vacuum," Shaun Jillions, another petitioner and executive director of Oregon Manufacturers and Commerce, said in the release. "Any new tax must be considered based on the cumulative effect of taxation on the same dollar."

The HereTogether coalition, a group that supports the tax proposal, fired back at the Alliance for an Affordable Metro on Friday, arguing it was actually the Oregon Association of REALTORS and the Northwest Grocery Association — which Jillions and Gilliam have represented, respectively — "masquerading as an organized coalition."

"All they are announcing today is that they proudly have the ability to hire a lawyer and don't prioritize solving homelessness in Portland the way thousands of local businesses of all sizes do," HereTogether campaign manager Angela Martin said in Friday's statement. "We are in no way concerned with their challenge and hope their lawyers get paid well for their trouble."

However Jeremy Rogers, director of legal affairs and public policy for the Association of REALTORS, told the Business Journal by email: "The Oregon Association of REALTORS is not involved in this effort and we've never had a conversation with Shaun Jillions about it." HereTogether's Martin on Sunday said in an emailed statement: "We're happy to hear OAR does not oppose this important measure."

Between 12,000 and 13,000 metro-area businesses could pay the business profits tax starting in 2021, according to estimates from HereTogether.

Correction/Clarification

This story has been updated with additional comments from the Oregon Association of REALTORS and the HereTogether coalition.

Portland Observer

Groundbreaking Renter Protections Go Into Effect in Portland

*By Sandra Sorenson
March 5, 2020*

A new set of renter protections went into effect March 1, changing the way Portland landlords may charge security deposits and conduct the applicant screening process. Proponents argue that housing is a basic human right, and the rules will fight the racial discrimination that persists in housing access. Other community members disagree with the ordinance.

The Fair Access in Renting ordinance tightens up the rental application review process by prioritizing applications by the order they were received, rather than by landlord preference. It also requires landlords to hold an open application period of at least 72 hours before applications are processed, and give priority for accessible dwelling units to applicants who are mobility disabled. In many cases, landlords cannot require applicants to have a monthly income more than twice the amount of rent.

In addition, security deposits must be no more than the price of one month's rent, and landlords are subject to a more stringent process of accounting for any funds they withhold from the deposit after a tenant moves out.

The ordinance also limits how criminal and credit history can be used in the screening process.

Helmed by Commissioner Chloe Eudaly, the FAIR ordinance was approved by the Portland City Council 3-1 in June, with Commissioner Amanda Fritz voting against it and Commissioner Jo Ann Hardesty absent. The rules do not apply when landlords are sharing their primary residence with roommates or subletters, or when they are leasing an accessory dwelling unit on the same property as their primary residence, or when they are renting out half of a duplex where the other unit is their primary residence.

Although critics of the ordinance argued discriminatory renting practices are already illegal and subject to strict penalty under federal law, a recent audit by the Fair Housing Council of Oregon found such discrimination still runs rampant in the Portland rental market during the screening process, in the form of differential treatment on the basis of race, national origin and source of income.

Proponents also argue the FAIR ordinance goes beyond state and federal law at a time when the Fair Housing Act is being weakened by the Trump administration. As Katrina Holland, the former executive director of the Community Alliance of Tenants, points out, there is precedent to the state and its smaller jurisdictions expanding on existing protections, such as Oregon including gender identity as a protected class last year.

“The heart of the Fair Access in Renting policies is about addressing the criteria that continue to be used as a proxy for race, which includes criminal records, income requirements, and credit scores which leads to discrimination and disparate outcomes,” Commissioner Chloe Eudaly said in her closing statement on the FAIR ordinance.

“We would never have come to these policy solutions if we did not consider the unique experiences, needs, and barriers faced by Black renters in Portland.”

Holland agreed.

“Some folks who are fair housing advocates have argued there has to be some question around how fair it is to screen credit history, because we know the data backs up that due to decades of discriminatory and predatory lending practices on Black residents, they’re more likely to have not-so-great credit histories,” Holland told The Skanner. “If you have a ‘blanket policy’ that says that you have to have a 700 credit score, you’re intentionally or unintentionally screening out people of color, because they’re more likely to fall victim to and are targeted by predatory lending institutions.”

A Long Road

Holland, now executive director of nonprofit JOIN, was part of a preliminary team that included the Urban League, the Fair Housing Council and tenant leaders that weighed in on the rules drafted by Eudaly. Holland calls the nearly two-year series of meetings and ordinance drafts a “community-responsive process.”

Holland told The Skanner that initially, the policy focused only on security deposits. She feared that measure alone would have an adverse impact on housing accessibility.

“If you lower how much landlords can charge for security deposits, they will perceive that to be tampering down their risk mitigation strategy, which will automatically effect screening criteria,” Holland said. “So I said if you do this, you have to pass both of them at the same time.”

Landlords Cry Foul

The ordinance received its share of criticism, and faced a last-minute legal challenge led by trade group Multifamily NW, a trade group representing residential property owners and managers in Oregon and Washington. Multifamily NW argued FAIR screening criteria was “effectively forcing all housing in Portland to be managed as government-regulated affordable housing.”

“Plaintiffs are concerned that the city’s additional layer of unreasonable, unconstitutional governmental regulations will drive out landlords, which will result in reducing the supply of rental units and increasing rents in Portland,” the group’s attorneys wrote in their lawsuit filing.

U.S. District Judge Michael Simon denied the motion last week, saying the eleventh-hour filing did not imply urgency or suggest the threat of irreparable harm.

“At a time when our scarce housing dollars should be going toward bringing more supply into the market, our industry will instead be forced to direct those dollars toward defending itself against a wave of frivolous lawsuits,” Multifamily NW executive director Deborah Imse said in a statement shared with The Skanner. “We are working tirelessly to ensure our members are

prepared and able to comply to the best of their abilities and continue to pursue our legal challenge of these laws, but everyone involved should understand just how dangerous this experiment is for our regional rental housing supply.”

Screening Options

Critics objected to what they characterized as vague screening criteria that could open them up to lawsuit. Under the ordinance, landlords have the option to screen tenants based on the city’s low-barrier criteria, which bans rejecting an applicant who has a misdemeanor criminal conviction that is older than three years, or a felony criminal conviction that is older than seven years. Landlords may not use an applicant’s credit score against them, provided it is at least 500.

A landlord may use their own individual assessment criteria instead, but are required to provide a written explanation for rejected applicants. They must then review any appeals those applicants submit.

Some affordable housing advocates have also voiced concern over the increased requirements and potentially confusing language of the ordinance.

“The city has very good intentions in trying to remediate housing problems, but I think they’re missing the mark,” Ernest Warren, general counsel for Portland Community Reinvestment Initiatives, told The Skanner of his own impressions of the new law. PCRI is a Northeast Portland nonprofit focused on providing affordable housing and homeownership opportunities.

“The majority of the 900 units PCRI rents are to families that are at 60% or below the median family income in this metropolitan area,” Warren said. “So now they’re imposing these additional restraints on who we can rent to already. Some felons, for example, cannot receive Section 8. So now we have to go through this screening process anyway because of the new restrictions.”

Warren said that complying with the new standards will be a significant expense for the organization, which already acts as an affordable housing resource and property manager for low-income tenants.

Critics of the ordinance also say that a more burdensome screening process will drive landlords out of the Portland rental market and reduce rental housing stock. Holland, a longtime observer of Portland housing trends, doubts that will be the case. But she does predict many landlords will opt for individualized assessments, rather than the city’s low-barrier criteria.

“Still, there is an advantage to holding landlords accountable,” Holland said.

“For those who are being retaliatory or discriminatory, it gives tenants the evidence they need to defend themselves. And giving tenants an opportunity to appeal means an opportunity to get a front-facing picture of what they need and what they need to say when they go to apply at a different property.”

“At the end of the day, this is an opportunity for folks to have deeper conversations about choosing to enter into a very interdependent relationship,” Holland said. “That real dynamic will never go away, so it’s an opportunity to figure out if this is a good fit. Landlord: Are you a reasonable person who’s going to treat me like a human being instead of a cash cow? Tenant: Are you going to be responsible? Despite these things that have happened in your life, are you going to be able to pay the rent?”

OPB

New Portland Harbor Superfund Cleanup Agreements Secured By EPA

By Cassandra Profita

March 9, 2020

The U.S. Environmental Protection Agency announced eight new agreements Monday with parties responsible for cleaning up the Portland Harbor Superfund Site.

The agency said it now has signed cleanup agreements covering more than half of the Superfund site area that requires active cleanup on Portland's Willamette River. Under the EPA's cleanup plan, much of the Superfund site will be allowed to recover naturally over time without any active cleanup work.

The agency is still negotiating with other parties that have yet to sign agreements. Federal regulators could issue enforcement orders to require cleanup action.

The Portland Harbor Superfund Site runs north from the Broadway Bridge to the Columbia Slough. It's highly contaminated with dozens of pollutants from more than a century of industrial use.

The EPA spent decades developing a \$1 billion cleanup plan and it's now in the process of negotiating individual cleanup plans, known as remedial design agreements, with parties that are required to pay for the cleanup.

The EPA already had agreements with the Port of Portland, the city of Portland and NW Natural for areas including Terminal 4, River Mile 11 East between the Steel Bridge and Broadway Bridge and the Gasco site near the northwest industrial area and the St. Johns Bridge.

On Monday, the agency announced additional agreements with more than a dozen companies for cleanups at River Mile 7 West and Willbridge Cove near the northwest industrial area, River Mile 9 West and River Mile 10 East and West downstream from the Fremont Bridge, and an area known as B1a along the western shoreline near Linnton.

The agency is still negotiating with parties responsible for large portions of the Superfund site on the east side of the river near the University of Portland, the Overlook and St. Johns neighborhoods and along the northern portion of the Port of Portland.

EPA officials said they could not disclose which parties have yet to sign agreements because negotiations are ongoing. For areas where "good faith negotiations" are not underway, they said, the agency plans to issue enforcement orders to require those parties to develop remedial design plans for the areas they are responsible for cleaning up.

The companies that have signed agreements include NW Natural, Arkema Inc., Bayer Crop Science Inc., General Electric Company, Chevron U.S.A. Inc., Kinder Morgan Liquids Terminals LLC, McCall Oil and Chemical Corporation, Phillips 66 Company, Shell Oil Company, Atlantic Richfield Company, BP Products North America Inc., Brix Maritime Co., Exxon Mobil Corporation, Kinder Morgan Liquids Terminals LLC, Union Pacific Railroad Company and FMC Corporation, PacifiCorp, Cargill, Inc., CBS Corporation and DIL Trust, Glacier Northwest, Inc.

The EPA credited the city of Portland and the state of Oregon for contributing \$12 million apiece to a fund that offered to help parties pay for their cleanup plans. The fund was created last year to

spur cleanup action, offering \$80,000 per acre to parties that signed agreements with the EPA. In exchange, the city and state get credit toward their Superfund cleanup costs. So far, \$11.2 million has been claimed from the fund, according to the city.

In a statement, Portland Mayor Ted Wheeler applauded the success of the fund, which helped the EPA secure agreements on 140 contaminated acres, including the entire western portion of the Superfund site.

“This is a unique and bold approach by public agencies,” Wheeler said, “and it’s resulting in the most significant progress we have seen since the site was listed 20 years ago.”

The agreements serve as blueprints for cleanup work that could include additional pollution testing and removing or covering contaminated soil in the Willamette River. They’re a critical piece of the federal cleanup plan that’s been underway for nearly 20 years.

Caleb Shaffer, who leads the Portland Harbor Superfund Site cleanup team for EPA, said the companies that have come forward voluntarily to sign agreements are helping to make the river a healthier place.

“This cleanup is really going to reduce the health risks to people and wildlife,” he said. “The parties that stepped up really showed their commitment. ... They serve as a good example of what we can accomplish when we all move toward a common goal.”

He said the EPA is working with the remaining parties and hoping for a positive outcome.

“It can be a long, drawn-out process,” he said. “For those areas where good faith negotiations are not underway, we will consider using enforcement measures.”

Last year, four companies worked together under the banner of the “Pre-RD Group” to update pollution testing across the Superfund site. Arkema Inc., Evraz Inc., Schnitzer Steel and The Marine Group then asked the EPA to scale back its cleanup requirements in response to the lower pollution levels they found.

The EPA rejected that idea, however, and several of the companies that had worked on that report have yet to sign remedial design agreements.

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