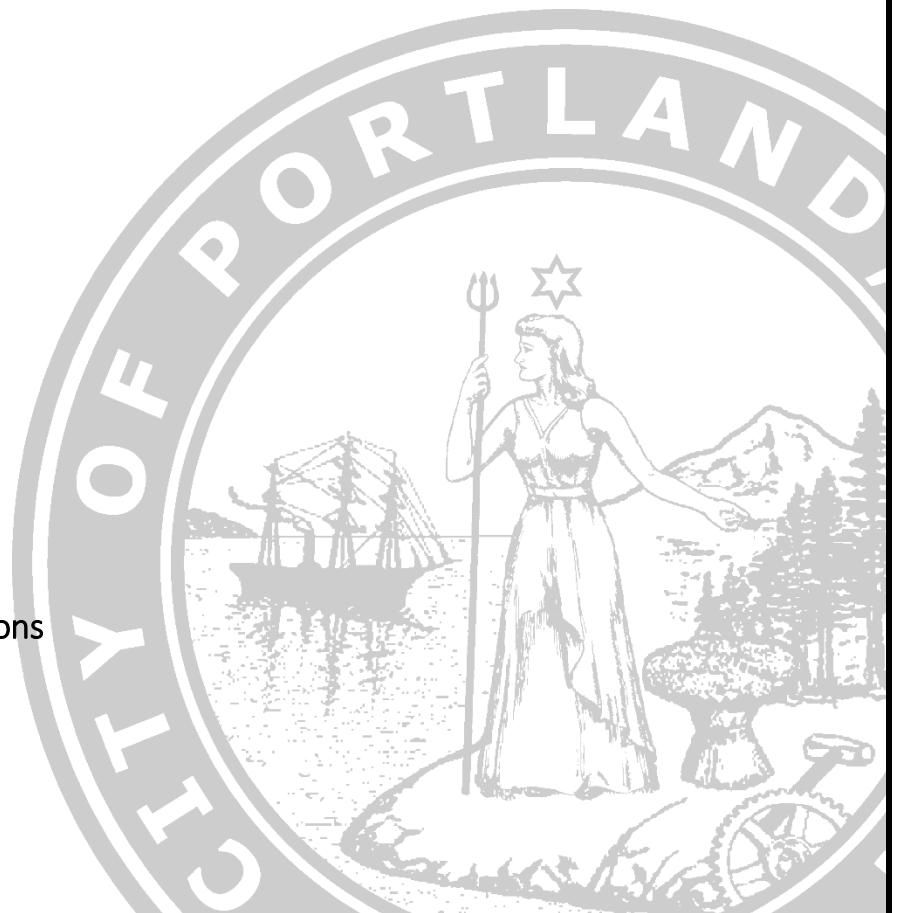


# CITY OF PORTLAND

## 2019 Federal Legislative and Regulatory Agenda

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# 2019 Federal Legislative and Regulatory Agenda

## **PRIORITIES**

## PROVIDING AFFORDABLE HOUSING

The City of Portland strives to meet the needs of a growing city and still provide and preserve affordable housing options, while mitigating displacement. Housing affordability impacts neighborhoods, cities, regions, states, and the nation. The City is committed to facing this challenge with non-profit, private, and governmental partners.

Work in 2019 will focus on advocating for the programs most impactful to this work – the HOME Partnerships Program, the Community Development Block Grant, Housing Choice Vouchers, VASH Vouchers, Tenant Protection Vouchers, the Low-Income Housing Tax Credit, and the Section 184 Indian Home Loan Guarantee Program. The City will hold the federal government to its commitment for fair housing through the Affirmatively Furthering Fair Housing rule, and work to extend those protections to cover sexual orientation and gender identity. The City also supports adjustments in regulations under the Department of Housing & Urban Development and the Department of Health & Human Services, such as Moving to Work and Medicaid waivers, to allow for flexibility for the use of local funds for affordable housing, and support mortgage interest deduction reform.

## ADDRESSING HOMELESSNESS

The City coordinates with partners to meet the complex needs of people experiencing homelessness and prevent those on the cusp of experiencing homelessness from losing their housing. The needs of people experiencing homelessness can be complex and intensive and require services be provided in a methodical and wholistic manner to achieve success for individuals and families.

Advocacy will focus on funding sources to prioritize the construction and operation of permanent supportive housing investment targeting the needs chronic homelessness. The City will also advocate for stable funding for the Emergency Solutions Grants program and Continuum of Care program funded under the McKinney–Vento Homeless Assistance Act. These programs provide outreach, shelter, transitional housing, supportive services, rent subsidies and permanent housing for families and individuals experiencing homelessness. Furthermore, the City will advocate for stable or increased funding for the Housing Opportunities for Persons with AIDS (HOPWA) program. The work of the United States Interagency Council on Homelessness to coordinate a federal cross-agency strategy to end homelessness is also important and will be a focus of advocacy.

## INVESTING IN MENTAL HEALTH AND ADDICTION SERVICES

The support system needed to care for those who are experiencing mental health crises and addiction is overwhelmed. People who are experiencing homelessness disproportionately experience mental health crises and addiction. These issues compound one another, and treatment is more challenging until secure stable housing and other essential support services are secured.

The City will pursue funding for programs and services through the Substance Abuse and Mental Health Services Administration to help those in need, ensure the flexibility of Medicaid funding to provide supportive services, advocate for the Supportive Services for Veteran Families program that assists very low-income families living in or transitioning to permanent housing, support re-entry programs to break the cycle of incarceration and homelessness, and support programs through the Workforce Innovation and Opportunity Act that provide job training and remove barriers to employment.

Additionally, the City will advocate for recovery and prevention programs contained within the Opioid Crisis Response Act, the SUPPORT for Patients & Communities Act, and the through the Substance Abuse and Mental Health Administration and the Department of Human Services. The City supports training for first responders who engage with those experiencing addiction and overdoses, and laws to prevent and prosecute the over-prescription and distribution of opioids. The City will actively support aid to tribal communities, who are disproportionately impacted.

## PORTLAND IS A GROWING WELCOMING, INCLUSIVE, AND SANCTUARY CITY

Portland is a stronger city because of the people who have immigrated, and the City recognizes that immigrant and refugee communities contribute significantly to the workforce, economy, neighborhoods, and culture of Portland. The City has the obligation to ensure that individuals are welcomed and valued.

The City of Portland treasure our neighbors and supports the enactment of comprehensive immigration reform to provide a pathway to citizenship, including the enactment of the Dream Act, and guest worker programs. The City supports a fair and accurate 2020 Decennial Census and will oppose measures to politicize or weaken it. Additionally, the City of Portland continues to strongly oppose legislative and administrative actions to limit eligibility of federal funding based on “sanctuary city” or “sanctuary jurisdiction” status. The removal of a city’s eligibility could have a severe impact on the ability to provide public safety or public services and could harm public trust within immigrant communities.

## MAKING A RESILIENT CITY

Preparedness and resiliency are vital in the event of a natural disaster or human-caused incident. Portland works regionally to ensure the public's safety, and build the capacity to prevent, respond to, and recover from natural disasters and terrorism.

The City supports continued funding for the Urban Areas Security Initiative (UASI) program to assist high-threat urban areas. Additionally, the City asks that the Department of Homeland Security consider prioritizing funding to those UASI regions which aim to meet FEMA's National Preparedness Goal through planning for threats and hazards that pose the greatest risk to the security of the United States. The City supports the full funding of the Hazard Mitigation Grant Program to address potential threats, such as wild fires in Forest Park, and the Pre-Disaster Mitigation Program to update community centers with solar power to serve as emergency shelters. Additionally, the City asks for continued funding for the ShakeAlert Earthquake Early Warning System to build out a network to provide public and local authorities up to several minutes of advanced warning depending on the location of a seismic or volcanic event.

## PORTLAND HARBOR SUPERFUND CLEAN-UP

The Willamette River is critical to the health and well-being of our residents and economy. The City has a vested interest in a successful clean-up of the Portland Harbor Superfund site. The City will lead with other public agencies and private parties to ensure the cleanup is completed successfully and responsibly. The City's interests include environmental protection, economic development, job training, fiscal responsibility, livability, and tribal cultural resources.

The U.S. Environmental Protection Agency (EPA) needs to prioritize the Superfund Program. The EPA should increase funding levels for EPA's Region 10 office to reduce current delays and oversite costs associated with inadequate capacity, both of which create unnecessary cost to the City and other parties. The City supports implementing the current Record of Decision issued by the EPA as soon as possible. The City also supports efforts to reinstate the Superfund tax.

## KEEPING PORTLAND MOVING

The City and regional partners continue to suffer from a severe shortage of transportation funding, even as local and state governments raised local sources of transportation funding. This shortage is shared by local jurisdictions throughout the United States. A strong federal partner is crucial to the development of a multimodal transportation system that promotes mobility, supports the economy, meets Vision Zero goals, and protects the environment.

The City urges our congressional delegation to support the following programs and initiatives:

- Increase the federal gas tax, which has not been raised since 1993.
- Remove tolling restrictions to create a robust set of tools for state and local jurisdictions to maintain and manage the transportation system. Tolling can generate revenue for maintenance, while also being used to manage demand to ensure existing facilities are used as efficiently as possible.
- Fund and allocate the Capital Investment Grant Programs, including the New Starts/Small Starts programs, and continue to fund the multimodal BUILD program.
- Clarify, within federal guidance, that capital projects are eligible to receive funding as a transit improvement and that bike share systems are eligible projects under the Congestion Mitigation and Air Quality Improvement Program.
- Prioritize discretionary funding to cities that have adopted Vision Zero strategies to implement their plans and provide safer streets for all users.
- Address barriers to adoption of electric urban mobility, such as wattage restrictions impacting the use of electric freight bicycles.

## CONFRONTING CLIMATE CHANGE

Climate change is impacting how we live our daily lives. Withdrawal from the 21st Conference of Parties (COP21) in Paris by the United States forfeits our international leadership role on this issue and abdicates the nation's ability to be at the forefront of long term growth in green jobs. While action falls to American cities, we still need federal support through actions and policies. The City of Portland will build off its strong history of leadership which began in 1993 with the first local action plan to cut carbon emissions. In Portland, 37 percent of carbon emissions come from the transportation sector, and 44 percent come from homes and buildings. The City and its partners are working to address climate change locally and make sure that the initiatives address equity within our community.

The federal government should not reverse long-term fuel economy standards, which are critical to carbon reduction in the transportation sector. The federal government should continue to support investment in transit and other multimodal transportation options, as well as affordable housing investments in transit rich areas, all of which help to further reduce carbon emissions. Additionally, the federal government should continue to support state-based programs for energy efficiency retrofits and energy-efficient appliances and offer tax incentives for renewable energy generation, such as solar and biogas.

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**POLICY POSITIONS**



## PROTECTING LOCAL DECISION MAKING

### ***Oppose Pre-Emption of Zoning and Management of Public Right of Way***

Local governments across the country are facing major preemption of their ability to manage public right of way and provide for the public's safety when it comes to siting telecommunications facilities. The City opposes any attempt by the Federal Communications Commission or Congress to preempt state or local zoning; local zoning procedures; local management of the public right-of-way; rates or fees charged to telecom providers for franchise or right-of-way access; leases to city owned property and permits and applications; and the ability to review deadlines for communication facilities.

### ***Allying to Protect Tribal Sovereignty and Self-Governance***

The City will continue to build relationships with tribal partners in the Portland region, throughout the state, and across the country, and support efforts to ensure that their sovereignty and treaty rights are upheld. For instance, the City opposes threats to tribal sovereignty through attacks on voting rights, the Indian Child Welfare Act, and Indian Health Service. The City recognizes the development within the Columbia River Basin that sped the growth of the region, but negatively impacted tribal communities. The City also supports efforts to ensure that the Tribal Transportation Self Governance Program is implemented by USDOT to strengthen local decision making for transportation infrastructure investment.

### ***Smart & Emerging Transportation Technology***

Transportation Network Companies, Bikeshare, and e-scooters have had significant impacts in a short amount of time. Additional new technologies, such as automated vehicles (AVs), could bring benefits like decreased traffic fatalities and increased mobility in historically underserved communities, but they could also increase vehicle miles traveled and carbon pollution. As these technologies evolve, the City of Portland and other local jurisdictions must maintain the authority for local regulation and understand how the technologies are being used so they improve rather than diminish our transportation systems. The City recognizes:

- Data will be critical to understanding and helping to shape the use of the technologies.
- Anonymized safety and operations data must be shared with localities and AVs and other new technologies must comply with all local traffic laws.
- Multimodal electric vehicles have the potential to revolutionize personal and freight mobility.
- Barriers to adoption, such as federal wattage restrictions for electric cargo bikes, should be removed, in favor of local speed restrictions.

### ***Chemical Security***

Portland seeks continued assistance from Oregon's congressional delegation to maintain local authority over chemical treatments and processes for drinking water systems. The City also supports the Environmental Protection Agency to continue as the agency in charge of chemical security-related matters related to drinking water systems.

## ***Net Neutrality***

The City supports net neutrality and will oppose efforts that prevent the right of everyone to use Internet data without regard to content, destination, or source. City residents – broadband consumers – reasonably expect that their broadband subscriptions will purchase fair, unfettered access to the internet, and that the government will protect them from industry abuses. Without robust oversight from federal agencies, and by preventing state and local governments from serving as a backstop, residents can no longer expect that protection. Action by the Federal Communication Commission inappropriately preempts local authority, while creating the great possibility that consumers will not be able to look to any level of government – federal, state, or local – for protection in their dealings with internet service providers.

## ***Waters of the United States***

The Clean Water Act gives the federal government jurisdiction over “Waters of the United States”. The federal definition of “Waters of the U.S.” has been in flux for decades, with the debate intensifying due to new rules being considered. The Bureau of Environmental Services (BES) has an interest in a strong and scientifically-based definition because, as a utility, BES constructs facilities and discharges in and around Waters of the U.S. and is therefore subject to regulations that apply within areas covered by the definition. Additionally, BES regulates actions taken by private and public entities within City limits to waterways, wetlands, and drainages to comply with obligations under the Clean Water Act and Endangered Species Act.

## **INVESTING IN GROWING CITIES AND THEIR PEOPLE**

### ***Municipal Bonds***

Municipal Bonds are an essential tool used by cities across the country to fund critical infrastructure projects. The City opposes changes to the federal tax code that would negatively impact the federal tax exemption on municipal bonds. Such changes could threaten the City’s ability to fund infrastructure projects by raising the costs of financing, thereby increasing the burden on taxpayers and ratepayers.

### ***New Market Tax Credit Program***

The NMTC Program incentivizes community development and economic growth using tax credits that attract private investment to economically distressed communities. The City supports the continuation of the NMTC program to strengthen the work of the Portland Community Investment Fund, which provides capital and technical assistance to community-supported projects that deliver critical services to low-income people throughout the City of Portland. The program is set to expire at the end of 2019.

### ***Opportunity Zones***

The Opportunity Zones program was created to encourage long-term investments in economically disadvantaged communities through a federal tax incentive. This new tax incentive pertains to both the capital gains invested initially through a qualified opportunity fund, as well as capital gains earned for the investor from businesses or projects in a designated geographic zone. The Governor nominated qualified census tracts in the City of Portland for Opportunity Zone designation: central city, Airport Way, Gateway, and Rosewood as the Opportunity Zones. The US Department of Treasury Department subsequently approved those census tracts, and the City will engage with the Treasury Department as regulations for the Opportunity Zones program are developed.

### ***Brownfields Tax Incentive Program***

The Brownfields Tax Incentive encourages the cleanup and reuse of brownfields. Under the Brownfields Tax Incentive, environmental cleanup costs are fully deductible in the year incurred, rather than capitalized and spread over time. This tool will encourage investment in the clean-up of sites and return these sites to productive use. Many of these sites are in underserved communities.

### ***Protecting Funding for Arts and the Humanities***

The City supports the work of the National Endowment for the Arts (NEA), and the National Endowment for the Humanities (NEH) and opposes any reductions in funding. Grants from the NEA and NEH have a direct impact on local institutions, libraries, non-profits, and artists. The impact of the arts and humanities on local communities is immeasurable and should be a shared commitment by our nation.

### ***Supporting Access to Legal Services***

Access to justice is a fundamental American value. The Legal Services Corporation is a publicly funded, non-profit corporation established by the United States Congress that seeks to ensure equal access to justice under the law for all Americans by providing funding for civil legal aid to those who otherwise would be unable to afford it. The City supports continued funding for legal aid, which improves low-income Americans' access to courts to effectively protect their legal interests, their livelihoods, their health, and their families.

## PROVIDING PUBLIC SAFETY

### ***Domestic Violence Prevention***

The City will continue to work with the congressional delegation and local partners to advocate for programmatic funding and legislation to assist victims of domestic violence. This includes advocating for specific resources and policies to mitigate homelessness among survivors of domestic violence, and to ensure access to justice for victims in both family and criminal court proceedings.

### ***Human Trafficking Prevention and Recovery***

The City of Portland is committed to expanding law enforcement and legal protections and increasing resources to help victims of sex trafficking overcome the severe trauma they have experienced. This effort involves protecting human rights, valuing and respecting exploited individuals, and holding perpetrators accountable to help prevent future abuse. The City recognizes that these crimes disproportionately impact Native American women and people of color. The City of Portland will pursue every opportunity to support federal resources to ensure to establishment of a coordinated network of trauma-informed services and policies to help all survivors of sex trafficking rebuild their lives.

### ***Department of Justice Grant Programs***

The City of Portland supports continued funding for programs that bolster the Portland Police Bureau's mission, including the Byrne Justice Assistance Grant (JAG), Community Oriented Policing Services (COPS), and the Transit Security Grant Program. These programs fund community policing efforts and support a broad range of efforts to prevent illegal drug activities and human trafficking, control violent crime, and improve the criminal justice system.

## ***Department of Homeland Security Grant Programs***

The City of Portland supports continued funding for programs impacting the Portland Bureau of Fire and Rescue's core mission, including the Metropolitan Medical Response Systems program, and the Fire Prevention & Safety Grants program. These programs fund the ability to respond effectively to complex incidents such as CBRNE (chemical, biological, radiological, nuclear and explosives) events, human-caused disasters, and pandemics. The City will also advocate for the Assistance to Firefighters Grant program to help the Portland Bureau of Fire & Rescue better serve the public through training, enhance operations efficiencies, foster interoperability, and support community resilience.

## ***Next Gen Emergency Communications Grant Programs***

The City of Portland's Bureau of Emergency Communication serves as the vital connection between the community and emergency service responders by answering 9-1-1 and non-emergency public safety calls, triaging for proper response, and dispatching appropriate resources.

In order to meet future infrastructure and system needs, the City supports, and will pursue future funding opportunities from, programs such as the Telecommunications Infrastructure Loan Program for equipment and facility needs, the Homeland Security Grant Program to address cyber security threats, and the National Telecommunications and Information Administration Grant Program to remedy identified opportunities for structural and systematic efficiencies.

## ***Federal Cannabis Regulation***

Regulations allowing legal cannabis businesses within Oregon to operate under the same banking, insurance, and tax laws as other businesses would benefit the community, the consumer, small business owners, and law enforcement. The City seeks assistance from the federal government to obtain legal and regulatory clarity to protect livability of Portland, while continuing to provide for state and local regulation and authority over the cannabis industry.

## ***Health Effects of Radiofrequency Emissions from Wireless Infrastructure***

The City requests that the Federal Communications Commission work in cooperation with the U.S. Food and Drug Administration and other relevant federal agencies to revisit and update studies on potential health concerns arising from radio frequency wireless emissions.

# ADDRESSING THE NEEDS OF THE ENVIRONMENT AND BUILT INFRASTRUCTURE

## ***National Flood Insurance Program Compliance with Endangered Species Act***

The City of Portland implements floodplain development regulations as required by the Federal Emergency Management Agency (FEMA) to provide Portland businesses and residents with access to federally-backed flood insurance available through the National Flood Insurance Program (NFIP). Local land use and development decisions in Oregon will be impacted by the 2016 Biological Opinion (BiOp) by the National Marine Fisheries Service (NMFS) regarding FEMA's management of the NFIP in Oregon, and FEMA's current Programmatic Environmental Impact Statement (PEIS) on the NFIP. Ongoing delay on the part of FEMA to issue guidance for BiOp or PEIS implementation creates difficulties for the City to manage and balance floodplain development, restoration and conservation, and to develop programs to minimize and mitigate future impacts to people and land.

The City requests assistance from the Congressional Delegation to help FEMA provide a path to compliance and greater certainty for impacted communities. The proposed FEMA guidance should be delivered in a timely manner and contain clear direction and performance outcomes jurisdictions can use to support ESA compliant development. Ultimately, the National Flood Insurance Program should be reauthorized to:

- Include a path to ESA compliance for participating communities;
- Provide for environmental mitigation and restoration projects to improve floodplain functions, regional remapping and demonstration projects that address future hazard risks posed by development and climate change;
- Provide alternative compliance pathways for Oregon jurisdictions with most of their developable land in a floodplain, and;
- Provide economic assistance for businesses, commercial property owners, and homeowners.

### ***Lower Willamette River Environmental Dredging & Ecosystem Restoration Project Study***

The City will advocate for funding for the Lower Willamette River Environmental Ecosystem Restoration Project, which was authorized under the 2016 Water Resources Development Act. The City will engage the Oregon Congressional Delegation, the Office of Management and Budget and the US Army Corps of Engineers to seek funding for the design and construction of an open-bottom culvert to open over 2.7 miles of Tryon Creek to 3 different populations of threatened salmon and steelhead.

### ***Levee Ready Columbia***

The City will continue to work with the Multnomah County Drainage District, Multnomah County, the Port of Portland, and other stakeholders through Levee Ready Columbia, to ensure the Columbia Corridor levee systems are recertified, remain accredited, and continue to reduce the risk of flooding. The project partners are appreciative that the request for a New Start feasibility study and federal share of \$3M for the Portland Metropolitan Levee System Project was granted through the FY18 US Army Corps of Engineers Disaster Supplemental appropriations. The project partners look forward to completing this study within the parameters of the U.S. Army Corps of Engineers SMART Planning process so that construction funds can be sought in future years.

### ***Columbia River Treaty***

The City will continue to monitor the modernization negotiations between the United States and Canada regarding the management of the Columbia River Basin under the Columbia River Treaty. The modernization of the treaty should reflect the needs of the region for continued flood risk management, power generation, and management of the river that considers ecosystem functions and the impact of climate change. The City sees the restoration of ecosystem functions as a sustainable approach to long-term mitigation of flood risk from all sources (climate change and Treaty modernization), as natural flood storage is an important flood control option and provides ecosystem benefits. The City firmly believes that the expertise of the fifteen Columbia Basin tribes should be heard in this process to help inform shared decisions. Tribal communities have arguably the longest standing history, interest, and have been the most directly impacted by the Treaty and the management of the Columbia River, and the Columbia Basin tribes deserve full consideration by both the United States and Canadian governments.

It is the policy of the City of Portland that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any city program, service, or activity on the grounds of race, color, national origin, disability, or other protected class status. Adhering to Civil Rights Title VI and ADA Title II civil rights laws, the City of Portland ensures meaningful access to City programs, services, and activities by reasonably providing: translation and interpretation, modifications, accommodations, alternative formats, and auxiliary aids and services. To request these services, contact 503-823-4130, City TTY 503-823-6868, Relay Service: 711.

