



Office of Mayor Ted Wheeler
City of Portland

REPORT TO COUNCIL

DATE: December 16, 2020

TO: City Council

FROM: Mayor Ted Wheeler

SUBJECT: Accept the Report on the City of Portland 2021 Federal Legislative and Regulatory Agenda

I am pleased to introduce for City Council review and acceptance the 2021 Federal Legislative and Regulatory Agenda. This agenda will guide the work of the Office of Government Relations during 2021. The City's 2021 Federal Legislative and Regulatory Agenda is focused on COVID-19 pandemic response, racial justice, climate and environmental justice, maintaining local authority and opposing preemption, infrastructure investment, community and economic development, and public safety and first response.

Sincerely,

Ted Wheeler
Mayor of Portland

CITY OF PORTLAND

2021 Federal Legislative and Regulatory Agenda

Prepared by

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Commissioner Carmen Rubio

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Commissioner Dan Ryan

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2021 Federal Legislative and Regulatory Agenda Priorities

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The City of Portland is committed to centering racial and disability equity in our collective responses to COVID-19 and in the City’s federal advocacy work. Recognizing that Black, Indigenous and People of Color, individuals with disabilities, older people, immigrants, refugees, people who are LGBTQIA+ or two-spirit, veterans, and individuals experiencing poverty are often disproportionately affected, the City of Portland is committed to ensuring existing inequities are not exacerbated and to working to repair past harms through the City’s federal advocacy work.

COVID-19 PANDEMIC RESPONSE

The City of Portland is advocating for crucial federal resources, policies and practices to address the economic security and public health needs of all Portlanders, while prioritizing vulnerable populations. Keeping families and individuals housed with food, water, heat and power through the instability of the COVID-19 emergency is paramount to the well-being and future recovery of Portlanders. COVID-19 continues to cause far-reaching negative impacts on local and global economies and significantly harm Portland households and businesses, alike. Therefore, the City will be advocating for policies and federal action that:

- Provide **direct and flexible financial assistance to local governments** in order to continue providing vital services to their communities and assist small businesses and community organizations.
- Prevent mass evictions and foreclosures through additional funding for **emergency rental assistance, mortgage assistance, and enhanced eviction and foreclosure prevention**.
- Provide specific financial support for **local business** through the creation of a rent subsidy fund for commercial eviction prevention.
- Provide specific financial support tailored to the needs of **restaurants**, as well as **public and private venues and cultural institutions**, for the purposes of operational model changes or adaptation of physical spaces consistent with pandemic public health requirements.
- Assist government and nonprofit houseless and houseless-prevention organizations through programs like the **Emergency Solutions Grants** and **Continuum of Care** programs.
- Partner with Multnomah County as the public health lead and a broad coalition of local governments to advocate for **COVID-19 testing that is free and widely available; personal protective equipment (PPE)** for frontline workers, including healthcare professionals, first responders, caregivers, delivery, grocery and other essential workers; **culturally specific contact tracing and public education programs; and public wash stations and hygiene supplies** for people experiencing houselessness.
- Extend the **Families First Coronavirus Response Act Employee Paid Leave program** to ensure the health and safety of employees and their families.
- Extend the **Unemployment Insurance Relief** established in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and provide for additional federal supplemental benefits to those who are eligible.
- Pass the **Child Care is Essential Act** establishing a \$50 billion Child Care Stabilization Fund for tuition and copayment relief to families, and to help childcare providers remain open.
- Work with partners to **expand access to USDA Food and Nutrition Service Programs**, such as SNAP, and expand **culturally appropriate food offerings** to families.
- Increase the **federal cost-share for assistance under the Stafford Disaster Relief and Emergency Assistance Act** for COVID-19-related expenditures.

- Support resources to limit the “crisis within a crisis,” including treatment support for **mental health** and increased **substance abuse** during physical distancing, including **expanding the eligibility for states under the SUPPORT Act**.
- Nullify the Trump administration’s changes to the “**public charge**” rule that have negatively impacted millions of immigrant families who wish to access needed public health and social safety net programs and who are hoping to secure their permanent future in this country.
- Establish a “**Heroes Fund**” to allow the federal government to partner with entities designated as an “eligible employer” – states, localities, tribes, and certain private sector employers – to issue the funds premium payments to eligible workers deemed “essential.”
- Address the need for **digital equity & inclusion** by providing access to the internet throughout the entire country, and potentially considering broadband as a utility.
- Establish a federal pandemic **water, wastewater and stormwater utility rate assistance program** and create or expand existing **energy rate assistance programs**.
- Resume the ability to **advance refund municipal bonds**, which was lost in the 2017 Tax Cuts & Jobs Act, to provide cities the ability to reduce short-term cash outflows and focus those financial resources on addressing other needs.

RACIAL JUSTICE

The City of Portland is advocating for anti-racist public policy at the federal level to strive for more equitable outcomes for our community members. The City recognizes and acknowledges impacts of public policy that lead to inequitable outcomes and is actively engaged in evaluating and challenging its own practices, and will advocate for the federal government to:

- Establish **federal reparations** for Black and Indigenous communities.
- Strike the ‘Punishment Clause’ of the 13th Amendment to fully abolish slavery in the United States Constitution.
- Create a federal **anti-displacement program** to provide programmatic funding to stabilize households, businesses and cultural institutions, especially for Black, Indigenous and communities of color, and to mitigate against the risks of displacement that can occur from infrastructure improvements.
- Reinstatement of the **2015 Affirmatively Furthering Fair Housing rule**, the **disparate impact rule**, the **Equal Access rules**, and the **previous Community Reinvestment Act (CRA) rules**; **update the CRA to respond to the needs of the COVID-19 recovery** ; and **ensure that the proposed mixed-status rule does not move forward** to allow full participation in housing programs and benefits regardless of immigration.
- Support, in concert with its tribal partners, efforts to preserve tribal members’ and their descendants’ rights for **tribal sovereignty and self-governance** secured under Indian Treaties, Executive Orders, and benefits to which they are entitled under the laws, treaties and constitution of the United States.

- Enact legislation **nullifying Executive Order 13950**, “Executive Order on Combating Race and Sex Stereotyping,” to ensure access to, and prioritization of, diversity, equity, and inclusion training.
- Support national efforts to lift the Black community, such as **Black Male Achievement**.
- Ensure access to polling places through expanded early voting and vote-by-mail, strengthen protections under the **Voting Rights Act**, and **designate the Election Day as a national holiday**.
- Establish June 19th, **Juneteenth**, as a **National Holiday**.
- Support the implementation of the **Deferred Action for Childhood Arrival** and protect those who are applying, and work with advocacy partners on **comprehensive immigration reform**.
- **Redress the past enforcement, prosecution, and stigmatization of cannabis** that most acutely impacted the Black, Indigenous and Latinx communities by **passing legislation that creates economic development opportunities, reinvestment in community health and education, and federal and state expungement**.
- Update the **federal definition of who is experiencing ‘homelessness’** to recognize that those in outdoor ‘alternative’ sheltering strategies like villages and safe park programs, those who are involuntarily doubled-up, and those who are exiting institutional settings like jail, hospital, inpatient treatment and foster care who have no stable housing options upon exit, are experiencing homelessness. The current definition understates the true unmet need, allows for the perpetuation of homelessness, and conceals the actual level of racial disparities in homelessness.

CLIMATE AND ENVIRONMENTAL JUSTICE

The City of Portland recognizes this critical juncture to invest in a swift transition to clean energy while reducing energy costs for low-income and the most vulnerable in our communities. This work centers the protection and well-being of Black, Indigenous and communities of color and builds resilience and stability to withstand future crises. Effective implementation of these goals can only truly be met with intentional and robust federal engagement and support. To further actions taking place at the local, regional, and state levels, the City is advocating for policies that:

- Support federal investment and opportunities for innovation in the transportation sector to **reduce carbon emissions**, including creating incentives for **strong fuel economy and emissions standards, clean freight** strategies, equitable multimodal investment and mode shift.
- Expand **U.S. Environmental Protection Agency (EPA) brownfield remediation grants** to create opportunities to address environmentally damaged properties that are often located within communities of color.
- Create targeted federal investment in **urban parks** to serve low-income neighborhoods and communities of color who have traditionally had less access to quality parks and greenspaces.
- Support the City’s continued leadership in assuring that the **Portland Harbor Superfund Site Cleanup** process continues as quickly as possible, that those who are responsible for the contamination are held accountable, that the needs of the communities who disproportionately are impacted due to their proximity and use of the

river are addressed, and that the EPA continues to consider workforce development and community involvement as needs and opportunities arise.

- Fund environmentally important **Water Resources Development Act projects** in the Willamette River basin.
- Pursue changes to the **National Flood Insurance Program** that address the needs of flood management in urban areas, including modernizing flood mapping to include climate change, analyzing participation rates, expand acquisition opportunities for high-risk properties, expanding **Building Resilient Infrastructure and Communities** grant program, as well as provide for community-level mitigation activities.
- Support changes to **Renewable Fuel Standard regulations** that allow the Bureau of Environmental Services to maximize the production of, and revenue from, renewable natural gas (RNG).
- Assert the City's interests in **federal environmental rulemaking** related to protection of water quality and endangered species survival and recovery, and advocate for better data to understand the impacts of the rule changes on BIPOC communities to help guide policies in creating equitable outcomes.
- Increase funding for the **Diesel Emissions Reduction Act** to support state and local governments to speed the transition to low-emitting and zero emission on-road and non-road vehicles, such as providing grants for upgrading or retrofitting tier-zero engines for COBID-certified private contractors.
- Invest in the **U.S. Forest Service's Urban and Community Forestry Program** to help sustain trees and forests where people live, work, and play in our community.
- Require the **safe transportation of oil by train**, including transparency in shipments, resilient oil cars, and regulating the internal pressure of the tanker cars to mitigate for explosions.

MAINTAINING LOCAL AUTHORITY AND OPPOSING PREEMPTION

Local authority is critical to the City of Portland's ability to nimbly and effectively respond to both local community and city operational needs. The City of Portland is actively seeking legislation to enable more flexibility during this declared emergency and, conversely, opposes efforts to curtail its authority to develop and enforce local ordinances and voter-approved measures, manage its bureaus and their functions, and maintain and raise revenue consistent with the City's principles and values. Some examples of actions would be to:

- Protect the **eligibility of the City of Portland to apply for and receive federal grants**.
- Enact legislation to ensure local consent is required for the **federal deputization of local law enforcement officers**.
- Protect the City of Portland's **Sanctuary City** declaration.
- Protect local authority to **manage the public right-of-way for telecommunications, broadband, and cable facilities** including the siting and local management of zoning for telecommunications, broadband, and cable facilities; the establishment of rates, fees, or taxes for the use of right-of-way; the ability to enter into leases for city-owned property; setting fees for permitting; and creating and maintaining local permitting timelines.

- Establish **strong federal privacy protections for individuals** while **allowing cities to responsibly deploy technologies that best serve their communities**. This includes, but is not limited to, consumer privacy, biometric data collection and distribution, surveillance policies, and facial recognition technologies.
- Protect **local regulations on transportation network companies, automated vehicles, and e-scooters** to support the City's transportation system policies of advancing equity, mitigating negative impacts on public safety and carbon emissions, and establishing appropriate fees.
- Maintain local authority over **chemical treatments for drinking water systems**, and to keep the Environmental Protection Agency as the oversight body for the water sector.

INFRASTRUCTURE INVESTMENT

The City and its regional partners seek increased federal transportation infrastructure funding. A strong federal partner is crucial to the development of a multimodal transportation system that promotes equity and mobility, supports the economy, meets Vision Zero goals, invests in electrification infrastructure, and protects the environment. To these ends, the City is advocating for federal action and policies that:

- Create **sustainable federal funding for surface transportation programs** that prioritize investment in safety, equity, and climate impact, while moving toward greater flexibility to use pricing for both equitable demand management and as a revenue source.
- Include **affordable housing as part of an infrastructure package** to provide sustainable federal investment in affordable housing.
- Support increased investment in transit systems through the **Department of Transportation's Small Starts and New Starts programs**.
- Invest and update programs like the **Drinking Water State Revolving Fund and the Clean Water State Revolving Fund** to make them useful for the City's drinking water, wastewater and stormwater capital projects.
- Support the work of the Bureau of Environmental Services, Multnomah County Drainage District, Multnomah County, Port of Portland, and other stakeholders through the **Levee Ready Columbia** process to ensure the Columbia Corridor levee systems are recertified, remain accredited, and continue to reduce the risk of flooding and improve the impacted environment.
- Support funding for necessary track and facility upgrades at **Union Station** to allow for higher capacity at the station, and for seismic needs to the station building.
- Provide funding to the **EPA Water Research Grants program** to assist the Water Bureau in deploying peer-reviewed and applied research to benefit public health and positively impact outcomes for all Portlanders.

COMMUNITY AND ECONOMIC DEVELOPMENT

The City is committed to advocate for federal funding and policies that invest in people, housing, and local businesses and support the economic recovery while simultaneously transitioning to a cleaner, more sustainable, resilient, and more equitable economy. These policies would:

- Increase funding to the **Community Development Block Grant** used to implement adult and youth workforce development programs, as well as for development and preservation of affordable housing.
- Support funding to the **National Endowment for the Arts and the National Endowment for the Humanities**, which have a direct impact on local institutions, libraries, non-profits, and artists.
- Maintain low-income Americans' access to courts through the **Legal Services Corporation** to effectively protect their legal interests, livelihoods, health, and families. The City also will advocate for a **national right to counsel for renters** to make access to the justice system more equitable and to assist in combatting displacement of rent-burdened families, who are disproportionately people of color.
- Establish **equitable federal cannabis law and regulation** to address small business support and banking regulation via the **SAFE Banking Act**, access to federal disaster assistance through the **Small Business Disaster Relief Equity Act**, workforce development, and re-entry housing.

PUBLIC SAFETY AND FIRST RESPONSE

The obligation to keep the public safe rests in many hands. The City is advocating for federal funding and policies to develop public safety solutions that best fit the needs of our community and allow all Portlanders to feel safe. These policies would:

- Enact the **Crisis Assistance Helping Out On The Streets (CAHOOTS) Act** to provide funding to the **Portland Street Response** model of deploying a licensed mental health crisis clinician, an EMT, and a Community Health Worker to low-acuity behavioral health and non-emergency medical calls.
- Enact legislation, such as the George Floyd Justice in Policing Act, to **regulate use of force policies, mandate data collection on police encounters**, and reform the **qualified immunity doctrine** for law enforcement officers.
- Support continued funding for the **Urban Areas Security Initiative (UASI) Grant Program** to the top 33 jurisdictions and prohibit the use of UASI dollars to acquire military-style equipment for use by law enforcement or to support military training for police personnel.
- Support increases in funding and legislation for **domestic violence intervention and prevention**, including specific resources and policies to mitigate homelessness among survivors of domestic violence, ensure access to justice for victims in both family and criminal court proceedings, and provide protections for victims of domestic violence in on tribal reservations and within Native American communities.
- Continue funding by the U.S. Geological Service to the **West Coast Earthquake Early Warning System** for installing and maintaining seismic sensors at locations throughout California, Oregon, and Washington.

- Support efforts and programs led by federal agencies that highlight the importance of investing in **Building Resilient Infrastructure and Communities (BRIC) grants for climate and disaster resilient infrastructure**, as well as investing in programs that ensure the **resiliency of communities** in times of crisis.
- Pursue federal requirements that owners and operators of **critical energy infrastructure seismically upgrade** their facilities and ensure that liability for public safety and environmental damage in incidents relating to seismic events would be held solely by the owners and operators of those facilities.
- Support funding for the **Federal Emergency Management Agency Assistance to Firefighters Grants** for firefighters and other first responders to obtain critically needed resources necessary for protecting the public and emergency personnel from fire and related hazards.
- Expand law enforcement, legal protections, and increase resources to help victims of **sex trafficking**, and recognize that these crimes disproportionately impact Black, Indigenous, and People of Color and therefore a coordinated network of trauma-informed services and policies that help survivors of sex trafficking should be culturally specific.
- Support funding for grants through the **U.S. Department of Justice Community Oriented Policing Services program and the Byrne – Justice Assistance Grant program**, and advocate for improvements to these programs to examine **changes in hiring practices** and ways to involve the community in recruiting.
- Pursue future funding opportunities designed to meet the future infrastructure and system needs of the Bureau of Emergency Communication in order to move current systems toward a **NextGen 911 system**.
- Enact federal legislation that would direct the White House Office of Management and Budget (OMB) to **reclassify 911 telecommunicators and dispatchers** in the federal government’s Standard Occupation Classification System as “public safety workers.”

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.



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 Agenda No.
REPORT
 Title

Accept the City of Portland 2021 Federal Legislative and Regulatory Agenda (Report)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>December 28, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Keelan McClymont</u> <small>Digitally signed by Keelan McClymont Date: 2020.12.28 13:33:59 -0800</small> Deputy</p> <p>ACTION TAKEN: January 6, 2021 Accepted as Amended</p>
<p>Mayor—Finance & Administration - Wheeler <small>Mustafa Washington <small>Digitally signed by Mustafa Washington Date: 2020.12.28 10:40:22 -0800</small></small></p>	
<p>Position 1/Utilities - Rubio</p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Mapps</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: <u>Government Relations</u> Bureau Head: <u>Elizabeth Edwards</u> <small>Digitally signed by Elizabeth Edwards Date: 2020.10.14 19:11:36 -0800</small></p>	
<p>Prepared by: <u>Haley Tortorella</u> Date Prepared: <u>12/14/2020</u></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date <u>January 6, 2021</u></p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:00</u> p.m. Total amount of time needed: <u>45</u> (1 of 2) (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Rubio	1. Rubio	✓	
2. Ryan	2. Ryan	✓	
3. Hardesty	3. Hardesty	✓	
4. Mapps	4. Mapps	✓	
Wheeler	Wheeler	✓	