



## April 2-3, 2025 Council Agenda

5804

**City Hall, Council Chambers, 2nd Floor – 1221 SW Fourth Avenue, Portland, OR 97204**

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### Wednesday, April 2, 2025 9:30 am

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**Session Status:** Recessed

**Council in Attendance:** Councilor Sameer Kanal

Council Vice President Tiffany Koyama Lane

Councilor Angelita Morillo

Councilor Dan Ryan

Councilor Steve Novick

Councilor Olivia Clark

Councilor Mitch Green

Councilor Eric Zimmerman

Councilor Candace Avalos

Councilor Jamie Dunphy

Councilor Loretta Smith

Council President Elana Pirtle-Guiney

Council President Pirtle-Guiney presided.

Officers in attendance: Alan Yoder, Deputy City Attorney; Rebecca Dobert, Acting Council Clerk

Council recessed at 1:02 p.m.

### Agenda Approval

1

**Council action:** Approved

The agenda was approved by unanimous consent.

## Public Communications

2

[Public Comment](#) (Public Communication)

**Document number:** April 2, 2025 Public Communications

**Council action:** Placed on File

## Time Certain

3

[Amend the Comprehensive Plan Map and Zoning Map for properties at 3508 NE 11th Ave and 1123 NE Fremont St at the request of Derek Metson, Greenbox Architecture \(LU 24-073674 CP ZC\)](#) (Ordinance)

**Ordinance number:** 192034

**Document number:** 2025-026

**Neighborhood:** [Sabin](#)

**Introduced by:** Mayor Keith Wilson

**City department:** Permitting & Development

**Time certain:** 9:45 am

**Time requested:** 10 minutes

Second reading agenda item.

**Council action:** Passed As Amended

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

4

### Committee Referral Report

[Committee referral list](#)

**Time requested:** 5 minutes

5

### City Administrator Report

[April 2, 2025 City Administrator Report](#) (Presentation)

**Document number:** 2025-125

**Introduced by:** Mayor Keith Wilson

**City department:** City Administrator Michael Jordan

**Time requested:** 30 minutes

**Council action:** Placed on File

## Consent Agenda

6

[\\*Create the 82nd Avenue Tax Increment Financing District Debt Service Fund](#) (Emergency Ordinance)

**Ordinance number:** 192035

**Document number:** 2025-111

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

7

[\\*Create the East 205 Tax Increment Financing District Debt Service Fund](#) (Emergency Ordinance)

**Ordinance number:** 192036

**Document number:** 2025-112

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

8

[\\*Create the Central Eastside Corridor Tax Increment Financing District Debt Service Fund](#) (Emergency Ordinance)

**Ordinance number:** 192037

**Document number:** 2025-113

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

9

[\\*Create the Lloyd-Holladay Tax Increment Financing District Debt Service Fund](#) (Emergency Ordinance)

**Ordinance number:** 192038

**Document number:** 2025-114

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

10

[\\*Create the Sumner-Parkrose-Argay-Columbia Corridor Tax Increment Financing District Debt Service Fund](#)  
(Emergency Ordinance)

**Ordinance number:** 192039

**Document number:** 2025-115

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

11

[\\*Create the Westside Tax Increment Financing District Debt Service Fund](#) (Emergency Ordinance)

**Ordinance number:** 192040

**Document number:** 2025-116

**Introduced by:** Mayor Keith Wilson

**City department:** Investor Relations for Portland Bonds

Previous agenda item.

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

## Regular Agenda

12

[\\*Pay settlement of Janet Krasner bodily injury lawsuit for \\$200,000 involving the Portland Parks & Recreation Bureau](#) (Emergency Ordinance)

**Ordinance number:** 192041

**Document number:** 2025-126

**Introduced by:** Mayor Keith Wilson

**City department:** Risk Management

**Time requested:** 15 minutes

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

13

[\\*Pay settlement of Robert Medon employee discrimination lawsuit for \\$100,000 involving the Portland Parks & Recreation Bureau](#) (Emergency Ordinance)

**Ordinance number:** 192042

**Document number:** 2025-127

**Introduced by:** Mayor Keith Wilson

**City department:** Risk Management

**Time requested:** 40 minutes

**Council action:** Passed

**Aye (10):** Kanal, Koyama Lane, Morillo, Ryan, Clark, Green, Avalos, Dunphy, Smith, Pirtle-Guiney

**Nay (2):** Novick, Zimmerman

14

[\\*Pay settlement of Amber Williams bodily injury claim for \\$81,589 resulting from a motor vehicle collision involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

**Ordinance number:** 192043

**Document number:** 2025-128

**Introduced by:** Mayor Keith Wilson

**City department:** Risk Management

**Time requested:** 15 minutes

**Council action:** Passed

**Aye (12):**

Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

[Require the City Administrator to study alternative housing financing and ownership models and deliver a report of findings to Council](#) (Resolution)

**Resolution number:** 37703

**Document number:** 2025-101

**Introduced by:** Councilor Mitch Green; Councilor Candace Avalos; Council Vice President Tiffany Koyama Lane; Councilor Sameer Kanal

**City department:** Housing Bureau

**Time requested:** 40 minutes

Previous agenda item.

**Council action:** Adopted As Amended

Motion to add "including identification of impediments such as Zoning Code, permitting process, and financing gaps" to the last Resolved statement: Moved by Green and seconded by Zimmerman. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Motion to amend the Resolution to add two Whereas statements at the end and to add a new Section 6 to the second Resolved statement:

Whereas the 2022 State of Housing in Portland report shows that in 2022 the average Latino and Native American families could not afford a 3-bedroom house in any neighborhood in Portland, and the average Black family could not afford a 1-bedroom home in any neighborhood in Portland; and

Whereas the N/NE preference policy seeks to address many of these disparities and the city already has partners like the Albina Vision Trust poised to build 1000s of units under this preference policy,

6. analysis of pilot zones available for near-term implementation of social housing models at scale, including within the Albina Vision project area and other neighborhoods within the N/NE Preference Policy area: Moved by Pirtle-Guiney and seconded by Smith. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Motion to end debate and call the question: Moved by Green and seconded by Novick. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Motion to add an additional Whereas statement second to last:

Whereas, based on 2020 U.S. Census data for Portland, the average Black household brings in about \$3,000 in monthly income, Latino households earn \$4,500, and Native American households earn nearly \$5,000. In comparison to white Portland households who earn \$6,400 on average each month. The report shows that white residents can afford a home in about one-third of Portland's neighborhoods – mostly adjacent to the City's eastern border: Moved by Smith and seconded by Green. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

**Aye (12):**

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

[Amend Affordable Housing Code to add prohibition of anti-competitive rental practices including the sale and use of algorithmic devices \(add Code Section 30.01.088\)](#) (Ordinance)

**Document number:** 2025-045

**Introduced by:** Councilor Angelita Morillo; Council Vice President Tiffany Koyama Lane; Councilor Mitch Green

**Time requested:** 75 minutes

Previous agenda item.

**Council action:** Continued

Continued to April 3, 2025 at 3:30 p.m. Existing registrants who have not testified may testify at the meeting, however verbal testimony is closed for new registrations.

## **Thursday, April 3, 2025 3:30 pm**

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**Session Status:** Adjourned

**Council in Attendance:** Councilor Sameer Kanal

Council Vice President Tiffany Koyama Lane

Councilor Angelita Morillo

Councilor Dan Ryan

Councilor Steve Novick

Councilor Olivia Clark

Councilor Mitch Green

Councilor Eric Zimmerman

Councilor Candace Avalos

Councilor Jamie Dunphy

Councilor Loretta Smith

Council President Elana Pirtle-Guiney

Council President Pirtle-Guiney presided.

Officers in attendance: Beth Woodard, Deputy City Attorney; Rebecca Dobert, Acting Council Clerk

Councilor Ryan arrived at 3:45 p.m.

Councilor Clark left at 3:45 p.m. and returned at 4:15 p.m.

Council adjourned at 4:45 p.m.

## Regular Agenda

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[Amend Affordable Housing Code to add prohibition of anti-competitive rental practices including the sale and use of algorithmic devices \(add Code Section 30.01.088\)](#) (Ordinance)

**Document number:** 2025-045

**Introduced by:** Councilor Angelita Morillo; Council Vice President Tiffany Koyama Lane; Councilor Mitch Green

**Time requested:** 90 minutes

Previous agenda item.

**Council action:** Passed to second reading as amended

Motion to discuss the amendment: Moved by Morillo and seconded by Novick. (Aye (10): Kanal, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith; Nay (2): Ryan, Pirtle-Guiney)

Motion to vote on the amendment to Exhibit A: Moved by Morillo and seconded by Smith. (Aye (11): Kanal, Ryan, Koyama Lane, Morillo, Novick, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney; Absent (1) Clark)

Motion to amend Exhibit A to update the definition of public date to add ", including, but not limited to, information": Moved by Novick and seconded by Kanal. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Passed to second reading as amended April 16, 2025 at 9:30 a.m.



Portland City Council, Governance Committee  
April 2, 2025 - 9:30 a.m.  
Speaker List

Name	Title	Document Number
Elana Pirtle-Guiney	Council President	
Rebecca Dobert	Council Clerk	
Sameer Kanal	Councilor	
Dan Ryan	Councilor	
Tiffany Koyama Lane	Council Vice President	
Angelita Morillo	Councilor	
Steve Novick	Councilor	
Olivia Clark	Councilor	
Mitch Green	Councilor	
Eric Zimmerman	Councilor	
Candace Avalos	Councilor	
Jamie Dunphy	Councilor	
Loretta Smith	Councilor	
Alan Yoder	Deputy City Attorney	
Melissa Kostelecky	(Public Communications)	2
Emily Doumerc	(Public Communications)	2
Rachid Yousfi	(Public Communications)	2
Justin Lightner	(Public Communications)	2
Michael Jordan	City Administrator	5
Marc Rodriguez	Deputy City Attorney	2025-126
Sonia Schmanski	Deputy City Administrator, Vibrant Communities Service Area	2025-126
Paul Anderson	Operations Manager-Urban Forestry	2025-126
Joseph Jesse	Senior Claims Analyst	2025-126, 2025-
Anne Milligan	Senior Deputy City Attorney	2025-127
Rosalia Radich	Senior Claims Analyst	2025-127
Mark williams	CAO PBOT	2025-128
Claire Adamsick	Council Operations Analyst	2025-101, 2025-045
Helmi Hisserich	Director, Portland Housing Bureau	2025-101
Travis Noddings	(Testimony)	2025-101
John Knight	(Testimony)	2025-101
Jenna Knobloch	(Testimony)	2025-101
Heather Riggs	(Testimony)	2025-101
Tim McCormick	(Testimony)	2025-101
Donna Cohen	(Testimony)	2025-101
Sahaan McKelvey	(Testimony)	2025-101
Molly Hogan	(Testimony)	2025-101
Winta Yohannes	(Testimony)	2025-101
Jordan Lewis	(Testimony)	2025-101
Sarah Radcliffe	(Testimony)	2025-101
Leigh Shelton	(Testimony)	2025-101

Name	Title	Document Number
MichelleHornbeck	(Testimony)	2025-101
Lauren Armony	(Testimony)	2025-101
Suzy Duester	Policy Advisor, Councilor Morillo	2025-045
Tony Garcia	Chief Deputy City Attorney	2025-045
Marcel Gesmundo	founder/partner at Andor Law	2025-045
Albert Fox Cahn	Executive Director of Surveillance Technology Oversight Project	2025-045
Brian Callaci	Economist	2025-045
Lee Hepner	Senior Counsel for the American Economic Liberties Project	2025-045
Chris Olson	(Testimony)	2025-045
Travis Noddings	(Testimony)	2025-045
John Knight	(Testimony)	2025-045
Brennan Pool	(Testimony)	2025-045
Joseph Gardner	(Testimony)	2025-045
Michael Edera	(Testimony)	2025-045
Maabi Munoz	(Testimony)	2025-045
Javier Alomia	(Testimony)	2025-045

Portland City Council Meeting Speaker List  
Thursday April 3, 2025 - 3:30 p.m.

Name	Title	Document Number
Elana Pirtle-Guiney	Council President	
Rebecca Dobert	Acting Council Clerk	
Sameer Kanal	Councilor	
Dan Ryan	Councilor	
Tiffany Koyama Lane	Council Vice President	
Angelita Morillo	Councilor	
Steve Novick	Councilor	
Olivia Clark	Councilor	
Mitch Green	Councilor	
Eric Zimmerman	Councilor	
Candace Avalos	Councilor	
Jamie Dunphy	Councilor	
Loretta Smith	Councilor	
Beth Woodard	Deputy City Attorney	
Robert Taylor	City Attorney	2025-045
Brian Owendoff	(Testimony)	2025-045
Jessica Greenlee	(Testimony)	2025-045
Saurav Palla	(Testimony)	2025-045
Angela Bonilla	(Testimony)	2025-045
Clay Shentrup	(Testimony)	2025-045
Lili Hoag	(Testimony)	2025-045
Michael Abrams	(Testimony)	2025-045
Thad Fisco	(Testimony)	2025-045
Au Nguyen	(Testimony)	2025-045
Mary Emerson	(Testimony)	2025-045
Jon Isaacs	(Testimony)	2025-045
Coty Thurman	(Testimony)	2025-045
Benjamin Gilbert	(Testimony)	2025-045
Lawson D'Ambrosio	(Testimony)	2025-045
Amanda Pham Haines	(Testimony)	2025-045
Kirk Foster	(Testimony)	2025-045
Sandra Comstick	(Testimony)	2025-045
Andie Smith	(Testimony)	2025-045

## **Portland City Council Meeting Closed Caption File**

**April 2, 2025 – 9:30 a.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

**Speaker:** Good morning. I am going to convene today's council meeting. It is 933 on Wednesday, April 2nd. And counselors, a note for those of you who were not in the finance committee meeting yesterday, it is April, which means that our voting order has changed. I'll flag this for folks. So you're not caught off guard. District two votes first, for this next quarter, we will vote in order two, three, four, one. Councilor avalos, you are off the hook for voting first every time. Councilor kanal. Welcome.

**Speaker:** Good luck.

**Speaker:** Before we get into. Actually, rebecca, why don't you call the roll and then i'll make a couple of comments.

**Speaker:** Good morning.

**Speaker:** Councilor kanal present.

**Speaker:** Ryan koyama lane here. Morillo here. Novick here. Clerk. Here.

**Speaker:** Green here.

**Speaker:** Zimmerman. Here. Avalos. Present. Dunphy. Here. Smith. Here.

**Speaker:** Pirtle-guiney here. Thank you. Councilors. We have a very tight agenda, and I believe over 100 people signed up for public testimony between the various items on our agenda today. We are not going to get through all of that. And i'll have a note for the public listening on what we will do to make sure we hear from

everybody. But I just want to flag for all of us that the amount of time we take on items directly affects the amount of time we have to hear from the public. It's important for us to be able to robustly debate items, but if you can say something in four words instead of ten words. Today is the day to do that. I will try to hold myself to that as well. For folks who are here to testify, we are going to get through as much as we can, but there is absolutely no way that we will get to everybody today. In fact, we probably won't get to most of you. We will be opening space tomorrow. Council has an executive meeting from 2 to 330. But councilors, I will be asking if at least a quorum of us can be present from 330 to 5 tomorrow, so that we can open up more time for public testimony. I will make sure to be here if six of you can join me, I would appreciate that. We will also make sure that we have time at our next council meeting, which is Wednesday. I believe that is the 16th to take additional public testimony on these topics. Councilors, I know that we have other items that have budget implications that we need to be moving forward. On the 16th. We will have to figure out how we work this all in, but I will make sure that we reserve some time to finish public testimony that day. So if you are here to testify today and we do not get to you, please know that whichever of those two times works best for you tomorrow, between 330 and 5 or Wednesday, I believe that is the 16th. That is an evening meeting. So we will likely get to public testimony around 630. We will make sure to have time for you at whichever of those times works best for you, and we will get to as many people as we can today. With that, could our attorney please go over the rules of decorum?

**Speaker:** Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at [www.portland.gov](http://www.portland.gov). Council agenda information on engaging with council can be found on the council clerk's web page. Individuals may testify for three minutes unless the presiding

officer states otherwise. Your microphone will be muted when your time is over. The presiding officer preserves order disruptive conduct, such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, council may take a short recess and reconvene virtually. Your testimony should address the matter being considered when testifying. State your name for the record. Your address is not necessary. If you are a lobbyist, identify the organization you represent. Virtual testifiers should unmute themselves when the council clerk calls your name. Thank you.

**Speaker:** Thank you. We do have two councilors in the queue. Councilor Ryan, is your comment something before we continue with the meeting?

**Speaker:** Yeah. When you made the announcement about stretching testimony to additional days and such, I just wanted to put a comment out that I hope we prioritize those that are in person. That took the time to be here in person today.

**Speaker:** And unfortunately, I don't know that our current rules allow us to do that. But we can check. I will find out. And I have suggested that we think, as we talk in governance about our rules, about what order we take testimony.

**Speaker:** Madam president, I'd be happy to suspend the rules for that motion.

**Speaker:** Can we hold that motion until we get to that part of the agenda, please? But I hear that you'll want to do that. Thank you.

**Speaker:** I didn't know that would all happen.

**Speaker:** Councilor smith, did you have a comment? Yes. Before we move on with our agenda.

**Speaker:** Yes. Are you saying that we're going to reconvene as a council tomorrow afternoon?

**Speaker:** Yes. Tomorrow we have an executive council session from 2 to 330. And I will ask that at least a quorum of us are available to convene in a public council session from 330 to 5 to take additional public testimony will have to end at 5:00, because we have a budget listening session tomorrow at six.

**Speaker:** Thank you.

**Speaker:** Absolutely. Okay. Councilors, the first item on our agenda is the agenda approval. Are there any requests to amend or reorder the agenda? Okay. Seeing none, I believe we don't need to take a vote. Then we just move on. Is that correct? Okay. Perfect. And next up on our agenda is a our public communication. Rebecca, could you please call the first communication?

**Speaker:** Melissa kostelecky.

**Speaker:** Welcome. Thank you for being with us today.

**Speaker:** Good morning and thank you for your time. My name is melissa kostelecky. I'm a parent of two elementary schools in southeast Portland. I'm also a board member of bike lab pdx, but I'm here today speaking for myself, I want to start by thanking several of you who have brought attention to the need for safer streets for all road users. 15 months ago, I saw a driver hit a child on a bike in an intersection just off the playground in woodstock elementary school. Right here. I'm pretty tall, yet even I was just barely able to see over the red car parked here. Sorry. I hope you can see it at the intersection. So I knew to stop. The boy biking from behind me was not so lucky to be nearly six feet tall. So as he entered the intersection, he and the driver were unable to see each other and he got hit. I reported the incident and the city acted within a few months, which the community was grateful for. Unfortunately though, treatments like no parking sign put in

proved entirely ineffective as this photo shows. So in case you can't see it, it's a car parked at the exact same spot where the red car was parked when the boy got hit every single day at pickup and drop off drivers ignore this sign. So right here. So ultimately the money the city spent was wasted. To make matters worse, I found that in many places pbob has installed signs allowing parking right at crosswalks, a violation of Oregon statute 811 550 prohibiting parking within 20ft of an intersection. There are intersections that pbob doesn't want to lose parking for residents and businesses. For example, on woodstock, I discovered that a business owner actually had pbob approach him and ask him if he wanted a five minute no, sorry, a five minute parking zone right at the corner, specifically where parked cars now regularly block visibility for pedestrians and drivers trying to either cross or turn onto woodstock boulevard. So I have two asks for you today. The first is that you introduce code to end this practice of overriding Oregon state statute 811 550. As much as even I enjoy a nice, convenient parking spot when I drive, we can't achieve our vision zero goals if we prioritize convenience over safety. And second, I know the city has secured some funding for intersection clearance, but the pace that we're moving at is too slow and the funding is woefully inadequate to daylight. The nearly 18,000 intersections needing clearance, whatever funding we can scrape together will be wasted. If our corners are not hardened with physical barriers like flex, flex posts, planter boxes, bike racks, or even artwork. And a benefit here is that these could even enhance the beauty of our neighborhoods and add some unique character. So my second ask is that you examine a policy of tactical urbanism similar to programs currently in place, like in cities like atlanta and nashville, where fast tracked permits are issued for low cost pop up projects like this, without the extensive bureaucracy and endless search for funding. Projects like this can be done cheaply and quickly by local neighbors, the safety effects can be studied, and



community input can be gathered based on actual physical changes that enhance safety and livability rather than conceptual ideas. So three minutes goes by way too quickly. So if any of you are curious about how they're doing this in atlanta and nashville, I would love to speak to you about it. And I thank you again for your time.

**Speaker:** Thank you for being here and for bringing solutions to us.

**Speaker:** Emily dumaresq.

**Speaker:** Thank you for joining us this morning.

**Speaker:** Good morning, council members, and thank you for the opportunity to speak today. My name is emily denmark and I'm here today representing alliance for safe Oregon. I urge you to fully fund the office of violence prevention and all funding for community violence intervention. Over the past five years, Portland has lost far too many community members to gun tragedies, and public safety remains a top concern for residents. While the cease fire program and community violence intervention have helped reduce shootings significantly, gun deaths remain well above pre-covid rates and the devastation continues to impact our communities. It is critical that we invest more in these proven programs. Research shows that sustained investment in cvi leads to a 20 to 30% reduction in both homicides and shootings over the past two years, thanks to initial investments in cvi efforts, we've begun to see a decline. Particularly notable is a 38% decrease in black gun violence. Non-fatal shooting victims across Portland. These programs intervene before violence occurs, help prevent retaliation, and provide support for healing. After tragedy happens. The cost of gun tragedies to Portland taxpayers is staggering. With an average of 1000 injuries, shootings and homicides each year, taxpayers bear a burden of more than 100 million annually by reducing gun tragedies by just 20%, we could save 20 million every year. Investing in prevention is not just morally right, it is economically sound. To truly make progress, we must fully fund cvi and

continue to sustainable, ongoing support, particularly for black, latino and tribal communities who are disproportionately affected by gun tragedies. We need to prioritize sustainable funding for these community based organizations, which are already doing the hard work in our neighborhoods and support their well-being to prevent burnout. Portlanders deserve to feel safe in their communities. To achieve that, we must invest in solutions that we know work. Please fully fund community violence intervention, ceasefire and the associated funding for community based organizations based on the street intervention and prevention. Thank you for your time and for your commitment to making Portland a safer place for all of us.

**Speaker:** Thank you. Thank you for sharing those thoughts today.

**Speaker:** Next we have rasheed youssefi and they're joining us online.

**Speaker:** Rasheed youssefi. Thank you. Good morning, councilors, and thank you for listening today. My name is rasheed youssefi. I am a district three resident, parent to a first and third grader and soccer coach. One of our weekly highlights for the past year has been riding in our bike bus at glencoe in southeast Portland. Our bike bus captain, rob galanakis, inspired me to start riding the kids to school when he noticed how frazzled and stressed I was when I dropped him off in the car. I started making the trip by bike and immediately saw the difference in myself and in my kids. We no longer feared the clock. My boys arrived calm and ready to learn. Like most Portland schools, glencoe struggles with unsafe conditions caused by large numbers of parents who choose to drive directly to school frontage. And like many schools we've had, pbot and staff observed these problems and decided to make no changes. Unfortunately, families that are making the responsible choice to ride or walk knew it was a statistical certainty that someone was going to be injured at glencoe, despite frequent close calls, advocacy and constructive suggestions from the school community, pbot and pse actively chose inaction multiple times.

I'm here because I and my kids are the victims of that statistical certainty. On Thursday, January 9th, while we were writing legally on the street, a student opened their door directly in front of us. I slammed to the car door. Our bike then slammed into a parked car. My kids hit their heads and scraped their knees. My hand was broken. My wife took my oldest kid, sammy, home since he was too shaken up to attend school. I went to the hospital and got x-rays and a cast. I couldn't use my hand for two months, threatening my ability to work and my family's livelihood. Sammy is still traumatized, and while I've gotten him back. On a bike, he no longer will bike to school, including on our bike bus. Thank you. After this crash, pbob came out to do another site visit. I was told by staff and I quote glencoe's traffic circulation seems to be working well and is safe and efficient. Two months in a cast and a traumatized kid are clear evidence to the contrary. It is no mystery why we have families unwilling to let their kids walk or ride a few blocks to school, while parents drive 5,000 pound boxes of steel through the densest assembly of our most vulnerable community members. My injury and three years of advocacy around this very specific problem gave pbob a gift wrapped, gold plated best it could possibly be opportunity to make one of a dozen easy fixes to this dangerous situation. It was a layup. Instead, pbob told me that actually, the responsible thing to do is nothing. Sammy's pain doesn't matter. The safety of the children is not worth the effort. It's insulting and degrading. It isn't representative of the love and hope that I have for this City Councilors, I implore you to start taking pbob to task, to not accept their excuses and the status quo. This bureau, left to its own devices, is not doing its most basic job of keeping families safe, not out of lack of budget or even lack of will, but but evidently of a learned helplessness. You encourage us to ride or walk to school, but the people at your bureau come up with every excuse to avoid making that safe. Even sammy, just nine years old, said to me, I can't ride until

there's a bike bus in front of our school. We need more than cheerleading for families that walk and bike, we need changes to our streets. Thank you for your time.

**Speaker:** Thank you for sharing that with us.

**Speaker:** Justin leitner, justin's online.

**Speaker:** Welcome, justin. Hi. Thank you. Thank you for having me. I am going to use my time today to speak to you about hopefully fully funding the Multnomah County sti clinic downtown. Right now, there is a lot of people that use that service, and it's very helpful in getting one lower sti rates throughout the city. We've seen a decline of the sti infections because of the work that the Multnomah County sti clinic has done, both in its location downtown on sixth and hoyt, I believe, and at outreach centers. The proposed budget going forward would completely take off. The Multnomah County sti clinic, defund them, which is where they would also take their sti tests from the outreach centers back to get tested. And so it's very important to have a place bring it back to make sure that everyone can get the care that they need in that time. There's so many outreach facilities that take care of not just houseless people or low income people, but everyone from all walks of life. It's important that we need to make sure that Portland stays healthy through all of this uncertain future. Coming up ahead of us, we're looking for please fully funded sti clinic. The pharmacy there is also very important for people to pick up their meds. Doxy pep has a very important like if you take it shortly after any sort of encounter, it greatly decreases the chance of acquiring any sort of sti infection. But as long as we can get the funding for it for the pharmacy and the sti clinic, typically the meds are covered through insurance. We just need to make sure that we can get the sti clinic downtown covered and fully funded. Thank you for your time and your commitment to keeping Portland safe and healthy.

**Speaker:** Thank you for taking the time to be with us today.

**Speaker:** Elijah cooper. Elijah cooper. Good.

**Speaker:** Okay. It doesn't look like elijah is with us today. So I think we are going to move on to our time. Certain item on the agenda. Item three on the agenda.

Rebecca, could you read the title?

**Speaker:** Please amend the comprehensive plan map and zoning map for properties at 3508 northeast 11th ave and 1123 northeast fremont street, at the request of derek metson green box architecture.

**Speaker:** So, councilors, as a reminder, we heard about this at a meeting of our body to discuss land use issues. We then had a first reading where we adopted the amendment, taking our recommendation and putting it into this ordinance. Today is our second reading of the ordinance, where we generally just call the roll and pass the ordinance. But I just want to create that reminder that we have had significant discussion on this item in the past. Is there any last minute discussion before I ask rebecca to call the roll? Okay. Rebecca, please. Canal.

**Speaker:** Yes.

**Speaker:** Ryan.

**Speaker:** Hi, koyama lane. Hi, morillo.

**Speaker:** Hi, novick.

**Speaker:** Hi.

**Speaker:** Clark. Hi, green. Hi, zimmerman. Avalos. Hi, dunphy. Smith. I pirtle-guiney. I with 12 eyes. The ordinance is passed.

**Speaker:** Thank you. And the next thing on our list is a new agenda item. It is the committee referral list. And I had told you all that we would be posting a list so that the public could see what had been referred to committees. I'll also be reading that here, just so that it is on the record for folks listening to the meeting. This is a list of

items that, over the past two weeks, have been referred to committees. These are things that committees either have at this point or will be in the coming weeks. Having discussion on that we can expect are likely to come back to council in the coming weeks, adding the sustainability and climate commission code to or to our code is in the governance committee, adopting a procedure for the appointments and confirmations of Portlanders to city boards, commissions and committees in the governance committee. Adopting the fiscal year 2024 2025 technical adjustment ordinance and making other budget related changes is in the finance committee amending the fee schedule for tree permits in the finance committee and three items that we will actually hear today. Paying settlements of amber williams bodily injury claim pay settlement of janet krasner, body injury claim lawsuit and pay settlement of robert meaden employee discrimination lawsuit are all coming before council today. The next item on our agenda is also a new agenda item o councilor kanal.

**Speaker:** Thank you. I just wanted to ask and maybe this is just a clarification under the city code that we adopted in January, items that are referred are from the by the president or from the mayor and the auditor. And one of these items, at least it may be. I think it's just one. The second item is actually something that was proposed by councilors. So I'd just like to ask if in the future that can be clarified as separate, because in the council item here, it implies that that was referred to governance at the discretion of the council president, not at the discretion of the filers, which is which are councilor Ryan and councilor koyama lane. So just wanted to clarify that that is a separate type of item than the other six on here.

**Speaker:** We can divide this out differently in the future, but I do think it's important for the public to be able to see everything that's going to committee.

**Speaker:** For sure. For sure. I I'm just because if you look at that paragraph up at the top, it implies I think so just it's just about an organizational thing to make it clear to the public that the reason the other six were referred is because under code, the council president may do so and did so.

**Speaker:** And there's a line in here that needs to say that. Councilors make. Yeah, items that councilors have brought forward where they are directing which committee the president should send them to.

**Speaker:** Exactly. So. Well, directing it directly, it's 3.02. I don't have the exact thing right here, but yeah, I just wanted to clarify it. Thanks so much. Not a concern. Yeah.

**Speaker:** Councilor avalos yeah.

**Speaker:** Thank you for creating this. I think the main thing I would ask is if it could have a status column. I just feel like it needs a little bit more for me because just at first glance, I'm not sure how to navigate what it's telling me and like where things are at what point. So I know that's adding more to work for you, but I feel this would be more helpful to me with something like that. And we could talk offline.

**Speaker:** But councilor, I think in the future there's a lot we can do to make sure that this and our system as a whole are more accessible to the public as we develop our rules and procedures. I'm trying to make sure that I'm asking the clerk to make changes for things that I don't think will change, but for things where our our rules and procedures might affect how the public looks at things. I'm trying to not ask them to do work twice, but if there are things we can add now that would be consistent. Even once we have all our final rules in place. Let's certainly get those up, because I do want to make sure that this is helpful to all of you, but also to the public who I have gotten repeated feedback. Sometimes it's hard to follow along with how City Council works, and we want to make this process more visible,

frankly, for all of our constituents. I think so happy to work with you on that.  
Councilor kanal are you back in the queue?

**Speaker:** Yeah.

**Speaker:** It's 3.02.020 b1a1 sub sub, whatever. Section a and a and b are the two parts. I just want to get that in the record. Thanks.

**Speaker:** Okay. Rebecca, could you please read agenda item five?

**Speaker:** City administrator report.

**Speaker:** Fantastic. So, councilors, this is another new agenda item, but something that we have talked about I think since our first meeting, maybe that we would ultimately be getting on our agenda, which is a monthly report from the city administrator to share with us things happening within the executive branch and the administration. We have also had conversations about ensuring that council has visibility on funds coming into the city earlier in the process than council traditionally has, and this is a place where I believe mr. Jordan will be getting some of that information as well. Is that correct?

**Speaker:** Correct. Madam president, okay.

**Speaker:** Would you like to take a couple of minutes to go over the highlights of your report for us? And then if folks have questions, we will take questions on the report. Counselor smith, do you have something before. Yes. I just wanted to add the ordinance that we passed said that the city administrator should come every 15 days, not 30. So I just want to make sure that if he's going to put this in his report every 30 days, it's still missing the mark of the 15 days about putting the funding.

**Speaker:** I apologize. Two pieces. We have asked for certain types of funding to come to us within 15 days. There are other types of funding that come to the city as well, that councilors have asked about having visibility on, and those pieces I've



asked mr. Jordan to include in his report. But you are right, there are certain types of funding that we've specifically asked for, which.

**Speaker:** Is the unassigned, the unassigned funding.

**Speaker:** And we shouldn't conflate the two. Thank you for pointing that out.

**Speaker:** I appreciate it.

**Speaker:** Mr. Jordan.

**Speaker:** Thank you. Council president, president and members of the council. I'm going to try and get you some time back this morning about I'm certainly willing to entertain questions and comments. The report that you received earlier this week is a very, very first draft, and it's there as much for form as it is for content. There are some items in each of the categories. We have organized this generally by service area, along with the administrator's office, and there's a section under communications. There are two addendums. Council has asked for information regarding settlements that don't come to council. So there's a listing there of those. And then there is also a grants page. That is a first attempt at a kind of keeping up with grants across the city. I want to acknowledge and be maybe the first to acknowledge that those two reports are highly inadequate regarding their readability. They need a cover memo that helps people understand all the acronyms and the abbreviations and all the rest. So know that at least we know that. I've already mentioned that to staff. When I got it, I said I can't read this, all of it, even though I'm aware of most of those things. So I want to acknowledge those things. I also want to acknowledge we have chosen to organize this way. If there are other categories of information that the council would like to see, I would love to hear about that. Also, this, the mix of items that you see in this report are a mix of things that have happened, and there are some acknowledgment of things that are going to happen and come to council. So there's a mix of those things we'd love to

get feedback on, on your thoughts about that and what's most useful for you. So again, I want to make sure you understand this is a very rough first draft. I'm here to both capture your comments and questions today, but know that you can send them to me at any time. We will be working to refine the report for next month, and it will be a monthly report. Regarding councilor smith's comments, I'm working with the cfo for a different element to this report that will come to you by monthly, if you will, so that you can get up to dates on received revenues. And I know that cfo biery is working with the revenue division on how to organize a report so that the council can see revenues more in real time. I'm really interested in getting you a year to date against budget summary, so that you can see how the whole city is doing on a more real time basis through the year, and can ask questions and see where we are from a financial perspective. So I'm not going to go into every detail of the report. It's pretty high level. It's very abbreviated this month. But I'm here to take your comments and or questions about either form or content. And then obviously we'll take your questions. Ongoing. Let's put it that way, as we can continue to refine this to make it the most useful it can be for council. I'll stop there, madam president, and take questions or comments.

**Speaker:** Thank you, mr. Jordan. Councilor smith.

**Speaker:** Thank you, madam president. Thank you for the for the report. One of the issues that I have with the report is it is not in excel format. It says we're going to do this, but it has no numbers associated with it. It says that you're going to take this out of the budget, but it doesn't say how much you're going to take out of the budget or how much you're going to put in for the new program that you suggested. So for me, it's not useful. It is. It is a way just to tell a story, but it is not giving me what I really need in a report. Thank you.

**Speaker:** From the financial perspective, counselor.

**Speaker:** Exactly.

**Speaker:** Okay. Thank you.

**Speaker:** Councilor Ryan.

**Speaker:** Yes, thank you, madam president. Hello, michael jordan, da jordan, a couple things. One, you owned it. It's a rough first draft and I appreciate that. It's in the works. This used to be our council agenda. It's just not too long ago. So I'm I'm missing this kind of information to councilor smith's point in more details just on process as you're working out the kinks. This is something that we should have posted in transparency on the Friday. When it goes out at 9 a.m. I know I missed the email, so I just saw it this morning, so you already know that. But we wanted to make sure that was clear. And then on the grants, one specifically, if you could identify the source, there's a big difference between pass through money that we get from the feds or metro or wherever, and then those grants that we're giving from the general fund. And that's just a really important feedback that I want to give you on grants. And I and you own that, that one has a lot of work to do. So I hope that you would start with that, at least the source of where those funds come from. Thank you.

**Speaker:** Thank you.

**Speaker:** Councilor canal.

**Speaker:** Thank you, madam president. Thank you, administrator jordan, for this. I think, you know, going from nothing to something is a really big step. And I think that's a really important thing. And I want to express gratitude for that. I'll cosign what both my colleagues just said and add that I think it's worth considering that people can, can and should be able to get through more information. So, for example, on the community board for police accountability, noting that it has the ability to hear cases of alleged misconduct is kind of a core part of it. That was

summarized out of the description, the settlements having more information about what their they are is great. I will say we never had any transparency really, in the last council over the 0 to \$5000 settlements. And so that's a really big step. And I want to thank you explicitly for that. Yeah. Thanks.

**Speaker:** Councilor smith, are you back in the queue?

**Speaker:** Yes, ma'am. Thank you, madam president. I also wanted to note that on the 15 day for the for the other ordinance that we passed in February, it also notes that it should be brought to council and acknowledged in a budget modification, not just a report to us. You have to bring it to council so that we can acknowledge it and put it into the existing fiscal year.

**Speaker:** So I'm clear, councilor, you're you're suggesting that we bring a budget modification ordinance every 15 days?

**Speaker:** No, I'm suggesting when money comes in, you have 15 days to report it to council so that it can be in a modification, a budget modification, so that we can either expand our existing fiscal year budget. If it's before, you know, we need to work out something, depending on how close it is to the budget. But the actual ordinance requires you to bring it, to bring it forward and acknowledge it in a council meeting, and to get a budget modification to add it to our existing budget.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** Any additional questions for mr. Jordan about the content of the report or comments about the structure of the report?

**Speaker:** Okay.

**Speaker:** Seeing none.

**Speaker:** Thank you, madam.

**Speaker:** President.

**Speaker:** For bringing this forward to us. Counselors. The next item on our agenda. And I let me just check with the clerk. I don't believe that we need to accept this report. This is just an informational agenda item. Is that correct?

**Speaker:** Correct.

**Speaker:** Okay. Thank you. Counselors, the next item on our agenda is the consent agenda. Rebecca, have any items been pulled from the consent agenda?

**Speaker:** No, none have been pulled.

**Speaker:** Okay. Could you please call the roll canal.

**Speaker:** Okay, so I am going to vote yes on this. I do want to note one thing, which is that these five items that are on the consent agenda, are there emergency ordinances? I have no concern with the content of the documents. I actually don't know why we're voting on a separate time to create a fund for a tif district we already created, and that's maybe something we should dig into. I also have no concern about the consent agenda. However, on the on the topic of emergency ordinances, the rationale in here is that in order to deny Portlanders a second chance at reviewing this document, that advance notice of 19 days instead of five, and prevent you from giving easily public testimony without requesting it, the rationale given is that it would. Delaying it would prevent it from being in the fy 2025 to 2026 budget, which is not true. I clarified that with the staff involved in presenting this, that if we hypothetically did a second reading on the 16th and it took effect on may 16th, we would have the ability to have it be included in the next year's budget. And the rationale given was that it would affect the ability of the administrative staff to receive a quick yes from council and council efficiency, that that is why it's an emergency. That is not an emergency. We are not responsible and the public should not be punished because this was not filed in advance. And I want to be super clear about that. And in the future, if you'd like anything to get

through a consent agenda, I encourage the administrative side to file this in advance and not force us to have to weigh whether or not public the public should get to weigh in on these things through public testimony, because this is a follow up to something we've already created. I'm not pulling it off the consent agenda,

**Speaker:** Ryan. I koyama lane. I morillo. I novick. I clark, I green I zimmerman.

**Speaker:** As the chair of the finance committee. It was my call to put it as an emergency, and I think it was the right move to make. I think emergency is useful for certain items, and this is clearly and simply just the creation of the bank account. There will be a larger policy discussion. But the finance committee did hear this, and the staff did come to me and provide two options. And because I valued that, the committee do the work to hear this and take that time instead of sending this to council prior to i. Was just fine with it being part of an emergency and part of consent, I vote i.

**Speaker:** Avalos i. Duncan. I smith. I pirtle-guiney. I with 12 eyes. The consent agenda is passed.

**Speaker:** Thank you rebecca. That takes us to our regular agenda and agenda. Item 12. The next three agenda items counselors are all settlements. These are emergency ordinances. And I will just address that very quickly because I know this is something that comes up. Emergency ordinances. An emergency clause is often placed on a settlement so that our team of attorneys who have been negotiating with somebody who believes that they were harmed by the city, can move that process of creating closure for those individuals forward and not have a delay that might make it harder both to find closure for that individual and also to maintain an agreement on the settlement amount. So I just want to flag that for folks now. And I believe, are you presenting just on the first or on all three of our settlements.

**Speaker:** On.

**Speaker:** The first ordinance? Council president.

**Speaker:** Rebecca, could you please call the agenda item.

**Speaker:** Item 12, pay settlement of janet krasner bodily injury lawsuit for \$200,000 involving the Portland parks and recreation bureau.

**Speaker:** Wonderful. And we have mark rodriguez and joseph jesse. Or where both of you. Oh, I see joseph online. Perfect. Wonderful. Go right ahead, mark. Thank you.

**Speaker:** Thank you. Good morning. Mark rodriguez deputy city attorney. Good morning, council president and councilors. This lawsuit brings a claim of negligence against the city for failing to adequately maintain or otherwise remove a certain park tree with a known history of limb failure. On June 26th, 2021, miss krasner alleges she was in an outdoor patio of her daughter's house when a large branch of one of willamette park's pine oak trees broke and fell onto the property, causing her to jump towards the house, causing injury to her back and knee. The property is located at the south end of willamette park. The property had two prior documented incidents involving branches from the same park tree, causing damage to the house and fence. On both prior occasions, urban forestry arborists responded and performed maintenance to the involved tree, determining that the overall health of the tree remained in good condition and did not warrant removal. The city attorney's office, risk management and the parks bureau determined it would be in the best interest of the city to resolve miss krasner's lawsuit. Prior to trial, the parties negotiated a settlement for \$200,000, plus the removal of the two pine oak trees adjacent to the subject property. We recommend approval of the settlement and I'm happy to answer any questions. Thank you.

**Speaker:** Are there any questions, counselor zimmerman?

**Speaker:** So I just want to be clear what we just heard, particularly given yesterday's hearing. So urban forestry, quote, addressed it, but not enough to keep us from being liable or at least liable enough that we thought it was a good idea to cut a \$200,000 check for damages to this resident, based on urban forestry determination that the tree didn't have to be removed, that it wasn't a hazard, and that it turned out to be a hazard. And you said it was twice that they've been called out to this tree prior to this damage.

**Speaker:** That's correct.

**Speaker:** Thank you for clarifying that.

**Speaker:** You're welcome.

**Speaker:** Councilor kanal.

**Speaker:** First, thank you for being here. And I just want to thank the city attorney's and risk management for really improving the way in which settlements have come to us in the course of last year to present. And just start with that. I think you've done a good job of laying out the allegations. Is there anyone here from parks who can speak to how we're not going to have to cut another \$200,000 check for this again in the future, or I should say, the vibrant community service area. It would be fine as well. And I see the dca. Sorry to put.

**Speaker:** You on the spot.

**Speaker:** Go right ahead. Please introduce yourself.

**Speaker:** Hi. Good morning, sonia.

**Speaker:** Shymansky with the vibrant community service area I am here. We also have paul anderson here who can speak more completely to that question. And I see him here if that suits you.

**Speaker:** Whoever you'd prefer. I think that let me just put a finer point on the question. What is this didn't happen yesterday. What has happened subsequent to



the event and what is happening now within vibrant communities to ensure that we're not settling cases like this in the future. Getting claims like this.

**Speaker:** Paul, go ahead.

**Speaker:** Thank you. Thank you for the question. Paul anderson, urban forestry operations manager I appreciate the opportunity to answer this question. There have been significant changes to the urban forestry operations approach since the incident occurred, thanks to the local option levy. Urban forestry now has capacity to proactively inspect parks. Trees and parks are inspected once every three years at minimum, and we can also provide maintenance to those trees that require maintenance. This proactive approach has already increased public safety, reduced the risk to reduce risk in general, and improves tree health. So that's a really big shift from reactive work to proactive work.

**Speaker:** I want to say also, paul is virtual because paul works at delta park, which is quite a long drive.

**Speaker:** Thank you. And then my other question is, could you tell us the aggregate amount that has been paid out in the last year and in the last five years for all lawsuits involving Portland parks and recreation?

**Speaker:** I believe joe. Joseph. Jesse, you have that number?

**Speaker:** I, I do have information on that. I do not have it broken down by lawsuits, but just general all claims which would involve lawsuits as well. Is that okay?

**Speaker:** Sure. Could you also clarify what else is included beyond lawsuits in these numbers.

**Speaker:** So this would be first of all for the for one year, I can say that total paid out. This would involve anything from property damage to bodily injury to expenses, say for experts or for legal expenses. Last last year, it was total paid as 20,000, \$6.11. Of that, \$16,861.45 is related to property damage, and \$3,144.66 is

related to various expenses. I can bring up the five year. One set here related to five years. The total paid out is. \$396,625, and \$0.39 of that property damage is \$218,455.29. Bodily injury is \$70,629.64, expenses is \$37,140.11, and legal is 70,430 \$0.05.

**Speaker:** Thank you. And just two quick clarifications. One that's paid out, not based on claim date or incident date.

**Speaker:** That is based on, is based on lost date. So claims that have happened since and it's by fiscal year. So it would be claims that have occurred since be July 1st 2020 to June 30th, 2025.

**Speaker:** That answered my other question as well. Thank you, madam president.

**Speaker:** Any other questions?

**Speaker:** Okay. Rebecca, is there anyone signed up for public testimony?

**Speaker:** No one signed up.

**Speaker:** Okay.

**Speaker:** Councilors, any discussion on this agenda item? Thank you both for being here. Rebecca. Could you. Oh, rebecca, could you please call the roll.

**Speaker:** Canal i.

**Speaker:** Ryan.

**Speaker:** Yeah, I want to thank legal for the meeting earlier this week. It's always helpful. And I was able to hear how each bureau was responding in terms of practices from the lawsuit. So I vote i.

**Speaker:** Koyama lane i. Morillo i. Novick i.

**Speaker:** Clark. I green. I zimmerman.

**Speaker:** Thanks. I want to appreciate councilor nils questions. They are in line with some of the same concerns that I've had, given that yesterday. We heard that the parks levy pays for much of the urban forestry program. There's a lot to be

concerned here. Right. And I would just I will be voting in favor of this, but I hope we are continuing to take a look at my editorializing, which is that urban forestry is in deep need of a revamp and how it works with our public to avoid situations like this where we are doing harm to the public when they raise the red flag. So thank you for bringing this and noted I also appreciate how these have been coming forward. So thank you.

**Speaker:** I avalos. I dunphy. I smith. I pirtle-guiney.

**Speaker:** I thank.

**Speaker:** You, thank you bye bye.

**Speaker:** 12 is the ordinance is passed.

**Speaker:** Rebecca could you please read agenda item number 13.

**Speaker:** Item 13 pay settlement of robert medan employee discrimination lawsuit for \$100,000 involving the Portland parks and recreation bureau.

**Speaker:** Thank you. And I believe we have an milligan, rose radic and lauren maguire here to help walk us through this agenda item. Go right ahead.

**Speaker:** Good morning counselors. My name is anne milligan, and I'm a senior deputy city attorney with the city attorney's office. Robert medan began working for the city of Portland in parks and recreation on August 4th, 2022, as an entry level supervisor on or around March 3rd, 2023, medon filed an hr complaint against his direct supervisor, a white man, alleging that his supervisor made race related comments. After making his complaint, medan no longer had to report to that supervisor. Subsequently, medon attempted and attended two different work meetings that resulted in multiple contemporaneous written complaints from his colleagues expressing strong disagreement with medan's behavior at those two meetings. As a result of his behavior at the first meeting, he was put on paid administrative leave and investigated. In June 2023, bhr completed its findings

regarding medan's complaint, and they sustained two of medan's allegations of discrimination. Meedan's employment with the city was ended during his probationary period on July 26th, 2023, due to his inappropriate behavior at two meetings on February 17th, 2024, medon filed a lawsuit in Multnomah County circuit court seeking \$305,000. This complaint alleges discriminatory treatment and a hostile work environment based on race, retaliation for whistleblowing, and for reporting or opposing race discrimination, and in retaliation for invocation of the Oregon family leave act. Trial is currently set for July of 2025. The city attorney's office and risk management recommend resolving this case for \$100,000, and with that, we would welcome any questions.

**Speaker:** Councilors, any questions? Councilor kanal.

**Speaker:** And I'm not sure who's the right person to answer this, but the numbers we just heard do that. Do those include employment related claims for the previous item, or are there a different set of numbers for the aggregate amount of employment related payouts we made for parks and recreation?

**Speaker:** Is your question regarding your question of joe, jessie and risk management? Is the total amount of claims for parks, inclusive of this settlement that we are we haven't paid out yet because I think he only responded as to claims paid.

**Speaker:** It's whether or not that the response to that question includes other employment related claims that have been paid out, if any, should exist.

**Speaker:** Yes. So there haven't been any employment related claims for parks since 2019, when there was a reverse discrimination case that the city won. We paid nothing in that case, but that was the last time there was any kind of employment claim of any kind. There have been no claims paid.

**Speaker:** Mr. Did you have. Oh, I'm.

**Speaker:** Sorry, miss reddick, did you have something to add to that answer?

**Speaker:** Yes. Just to add to what anne milligan said, is these the numbers would if there were if there was cost incurred on employment claims, those would be included in those total numbers that we bring with risk management. It's just that for the last one and five years for parks, they are either general liability or auto liability. But those would be employment claims would be included in that total claim numbers that that we bring with the data.

**Speaker:** Thank you very much. And as a result, I don't feel a need to ask the other question, which is what are you doing about it if there hasn't been one in the last five years? Thanks.

**Speaker:** Thank you.

**Speaker:** Any other questions? Okay. Rebecca, do we have anybody signed up for public testimony?

**Speaker:** No.

**Speaker:** Okay.

**Speaker:** Councilors, any discussion about this agenda item?

**Speaker:** Okay.

**Speaker:** Thank you so much for being here with us. Thank you. Rebecca, could you please call the roll?

**Speaker:** Canal?

**Speaker:** Canal? I.

**Speaker:** Ryan koyama lane. I morillo.

**Speaker:** I.

**Speaker:** Novick based on the detailed briefing you received in this earlier, it seems clear that this person was fired for reasons that absolutely nothing inappropriate, behavior that had nothing to do with the original inappropriate

comment by a supervisor. So I'm not convinced that we should pay \$100,000. So I vote nay.

**Speaker:** Clerk i. Green a zimmerman.

**Speaker:** No avalos. I dunphy. I smith. I pirtle-guiney.

**Speaker:** I appreciate.

**Speaker:** Councilor novick comments. I am willing to take our attorney's advice to support this, but I do hope that we are careful with our budget, that we are judicious with these decisions, and that when we receive recommendations like this, it is because it really is the most cost effective thing for the city. When there are cases where it does not appear that we have done any wrongdoing, I will vote i.

**Speaker:** With ten ayes. The ordinance is passed.

**Speaker:** Councilor smith, are you in the queue and I missed you on this, or are you in the queue on something? As we move to the next agenda.

**Speaker:** Item.

**Speaker:** Just to wrap up what you just said, and I think all of us received a more detailed. Description of what actually happened. And I think if you go back and go over what we received from the from the attorneys earlier in the week, it it gave a history and a pattern and a practice. And that's important. Is there a pattern and a practice. And there was pattern and practice as I listened to it. So this is not us just giving money. You have to you give the money when you find that there is a pattern and practice of us doing wrongdoing. It is not about us saving liability money. If we were wrong, we were wrong. Thank you, thank you.

**Speaker:** Counselors, we do have one more settlement item to hear. Rebecca, could you please call agenda item 14.

**Speaker:** Pay settlement of amber williams bodily injury claim for \$81,589 resulting from a motor vehicle collision involving the Portland bureau of transportation.

**Speaker:** Thank you. And I believe we have Joseph Jesse on this.

**Speaker:** Yes. Oh, perfect. Can you. Okay, so this claim arises out of a motor vehicle collision involving a pbot. I'm sorry, a pbot dump truck, larger vehicle moving heading west on Morrison Bridge. It was merging into the far right lane early in the morning on a Tuesday back on March 28th, 2023. It clipped the driver's side rear of a 2020 Honda Civic that had our claimant in it, Miss Williams. This caused the vehicle to spin in front of our vehicle, which caused a secondary impact where we essentially t-boned the driver's side door of that vehicle. It was a relatively low speed, but this is a larger truck that caused the damage. First notice we received of this was a letter of representation from a claimant attorney stating that they would be providing a demand package upon the completion of their client's treatment. We received that demand package and medical details at that time, and were able to resolve, based on the damages for the amount of \$81,589.05.

**Speaker:** Thank you. Do you have information to add for us?

**Speaker:** Good morning, Madam President. Excuse me. Good morning, Councilors. My name is Mark Williams. I'm the chief administrative officer for pbot, and I'm just here to answer any questions that you might have about this case.

**Speaker:** Perfect.

**Speaker:** Thank you. Councilors. Any questions? Councilor Kanal.

**Speaker:** I just want to note for the record on this, we could do this a lot faster in the future if it was just in the written document. And save us the time of having this question be asked in the council meetings. I know our time is limited here, so I'd encourage you again at risk management to put this in writing. But with that said, could you speak to the or could risk management speak to the aggregate amount of money that's paid out by pbot for the last year and the last five years?

**Speaker:** Absolutely. So regarding this total paid by pbot is \$27,253.98 for the last fiscal year, paid out of that expenses paid was \$2,161.91. Total property damage paid is \$25,092.07. There has been no bodily injury paid in the past fiscal year. And then let's see here. Sorry for five years. It is total paid out is \$1,594,611.52 of that property damage paid is \$631,767.35. Bodily injury, \$407,000. 800 or \$407,823.36. Expense \$93,102.57 and legal \$461,918.24.

**Speaker:** Thank you, mr. Jessie. And to mr. Williams, could you speak to anything that's happened subsequent to this incident or which is ongoing now at pbot, to ensure that incidents like this are less likely and we're not asked to pay out settlements on it in the future.

**Speaker:** Sure. Thank you. Councilor kanal. First, I will share with the council that anytime there's an incident like this, there is a crash analysis review board and that's made up of several representatives of several bureaus. And what they do is they review the incident, report any available evidence, they review the training history for that particular driver. They they review the driving history for that particular driver, and they make a determination to as to whether that particular incident was preventable or not. After that, that particular driver will work with their supervisor regarding any additional training that may be needed, or if this is a number of repeat issues, it may be it may lead to a disciplinary issue. And excuse me, is any of that new or is that an ongoing practice for a number of years now?

**Speaker:** This is an ongoing practice for a number of years.

**Speaker:** Thank you. Thank you, madam president.

**Speaker:** Councilors. Any other questions? Okay. Rebecca, do we have anyone signed up for public testimony?

**Speaker:** No one is signed up.

**Speaker:** Okay.



**Speaker:** Any discussion? Then? Rebecca, could you please call the roll.

**Speaker:** Canal i.

**Speaker:** Ryan. I koyama lane hi.

**Speaker:** Morillo i. Novick I clark.

**Speaker:** I mean. I zimmerman avalos. I dunphy I smith. I pirtle-guiney.

**Speaker:** I.

**Speaker:** 12 ayes. The ordinance is passed.

**Speaker:** Thank you.

**Speaker:** Thank you for being here.

**Speaker:** Councilors.

**Speaker:** We now have two agenda items that have come out of committee. And as we take on the work of ordinances and resolutions that councilors have brought forward that have come through committee, what we'll do is start with a committee staff summary to give councilors who are not in that committee, and understanding of what the conversation was in committee. I'll ask the councilor who presided over the committee meeting or meetings to add anything to that summary. I'll then ask the person who brought the ordinance or resolution forward to share with us what their intent is in bringing this forward, and any other information they'd like us to have. We can spend some time on technical questions, and then we'll move before we move into the meat of our policy discussion to public testimony, so that we make sure that the comments from the public inform our policy discussion. Then we'll move into our discussion and voting on any amendments that there may be and on the final resolutions and ordinances. So with that, rebecca, could you please call agenda item number 15 for us?

**Speaker:** Require the city administrator to study alternative housing financing and ownership models and deliver a report of findings to council.

**Speaker:** Thank you. Claire Adams was the council operations policy analyst who works with our homelessness and housing committee. Claire, could you go ahead and give us your staff summary?

**Speaker:** Good morning, madam president and councilors. For the record, Claire Adams from council operations and staff to the homelessness and housing committee, the resolution before you document number 2025 101, directs the city administrator through the Portland housing bureau to submit a report to council on alternative models of housing financing and ownership no later than May 31st, 2026. The report must include analysis and evaluation of social housing models, municipal, nonprofit and cooperative ownership and financing models that efficiently leverage public subsidy to expand housing options across income levels for Portland residents. The resolution also directs us to evaluate domestic and international alternative housing models, identify applicability of existing models to the city's current housing landscape, and provide a set of policy recommendations, including potential funding mechanisms that may be used to implement such recommendations. The full impact statement on this item includes a financial and budget analysis that notes that existing housing bureau funds may be used to complete this study, and public testimony in committee. At the committee meeting on March 25th, six people provided verbal testimony. Another 26 people submitted written testimony prior to committee action, and one person submitted testimony after the committee meeting and prior to the posting of this council agenda. The general themes in the testimony the committee heard included a high proportion of rent burdened households in Portland, and the resulting loss in economic activity for the region, expanding permanent housing options for people exiting homelessness. The current experiences of Portlanders with displacement due to market forces and limited wealth building opportunities. The

opportunity to explore successful models in vienna, austria and other cities nationally and internationally, ensuring any future housing developed using this model is held to rigorous health and safety standards. And finally, a request for an expedited timeline or more frequent updates from the Portland housing bureau on the findings of the study as it progresses. And that concludes the committee report.

**Speaker:** Councilor avalos, I believe you presided over this committee meeting in your committee. Would you like to add anything to that report?

**Speaker:** Yes, and I will do my as the chair, but also as a co-sponsor of the bill right now. I'll do that speech.

**Speaker:** Both together.

**Speaker:** I'm going to do both.

**Speaker:** Okay. Thank you.

**Speaker:** All right. Well, I am really pleased to be a chief co-sponsor of this resolution with councilor green and with councilors koyama lane and canal as the chair of the homelessness and housing committee. I'm more aware than most of the dire situation that our city is in when it comes to providing housing to meet everyone's needs. We are far behind the curve in production, financing and affordability, and part of why we are behind is because we have spent the majority of our time since the housing crisis was declared over ten years ago, responding haphazardly and without a unified vision for how we solve homelessness. That is why I will be leading a process to get us to a unified housing plan that creates a single theory of change and ties together the various agreements, roles, and funding streams into a system that supports individuals through the entire spectrum of housing need. We need to be creative and think deeply about all options that have proven to be successful in other communities. And I'm excited to see the results of the study, because I believe that social housing can be an

important piece of the housing solutions that we are seeking. With that, I will pass it on to my chief co-sponsor, councilor green.

**Speaker:** Thank you, councilor, and thank you for your partnership as a chief co-sponsor of this resolution. And to my co-sponsors, koyama lane and canal, for supporting this. I'll keep my comments brief and get straight to the point. Portland is in a housing crisis that demands bold solutions and frankly, system change. And, you know, we have been responding as sort of a reaction to the scarcity of affordable housing in this in this city for a long time. And so with the intention of this resolution is to empower the Portland housing bureau to unlock its expertise and have the explicit direction to go out and study new ways of doing housing production, in particular social housing. And the idea here is that director historic has studied social housing. She's studied the best practices around the world and just needs guidance from council. We're giving her that guidance at this point. And so over the course of this year, we're going to have check ins. We're gonna have a community engagement process that brings people along. But the idea is to say, how can we apply those successes we've seen elsewhere in other cities, in other parts of the world to Portland, with its unique institutions, its market and so on and so forth? And so the idea here is what we will have at the end of that process is a document that is rigorous, that has been vetted, and that we can then move forward with an ordinance that will stand the test of time. So that way, when we look back in 20 years, our children and their children are going to say, this council took action to end housing precarity forever. And so, colleagues, I hope that you support this today. Thank you. Oh, and by the way, if you're here to support our testimony or this resolution today, I thank you so much. We do have a huge volume of people testifying. So if you're willing, I would just say I support and then and then

keep your comments brief. That will help us move through all the public testimony we have today. And so everyone gets heard. So thank you for that consideration.

**Speaker:** Thank you. Councilors. Councilors. Are there any questions about the staff summary, the overview from our carriers? We'll get to the meat of our discussion a little later. But any questions about what we've heard and what occurred in committee and why we're hearing this, councilor zimmermann.

**Speaker:** Thanks. I was hoping can we just I want to just reiterate any deliverables that we have from this in terms of date, when a report can be expected by council, what kind of stuff are we looking at?

**Speaker:** I'm sorry. I believe that's.

**Speaker:** A question, claire, to you about the substance of the resolution and when we should expect the report to be returned to council.

**Speaker:** I ask.

**Speaker:** It in a world of we, we are trying to be action oriented and not be bogged down by study. And I think always laying out where expectations are for deliverables is, is a good thing, because I think councilor green knows it. I supported it in committee. I'll be supporting it today, but I think it's good for the public to have an idea for what are we undertaking?

**Speaker:** Yes. Councilor zimmermann, my and the council. My understanding as the resolution indicates, that the report directs the Portland housing bureau or the city administrator through the Portland housing bureau to report to council by may 31st, 2026.

**Speaker:** Councilor green. Did you have a question?

**Speaker:** Yeah, I just wanted to respond because it's important. There's a nuance here, which is that we don't wait until may 31st. It's not laid out in the resolution, but the director, I think, has committed to a quarterly process, and she's very

amenable to being flexible in how we can move forward in a way that enables us to be an action oriented council. So I appreciate the comment.

**Speaker:** And i.

**Speaker:** Believe the director is online. If you would like to director historic, if you would like to respond to the timing question, we could do that.

**Speaker:** Thank you for the opportunity to respond. Helmi, historic director of Portland housing bureau. For the record, we are in the process of scoping this plan. We think that the social housing study actually has multiple facets. So we'll be presenting a quarterly at a minimum. We will have quarterly report backs to council at the committee level on on the findings of the report. But before we embark on the study, we will put together a scoping document showing specific deliverables and timelines throughout the year. And our anticipation is that we'd come back within a year with recommendations based on the study that we've presented.

**Speaker:** Thank you.

**Speaker:** Councilor clark.

**Speaker:** Thank you, madam chair. I in a cursory review of this, I didn't see anything about studying impediments. Is that something that you intend to do? What prevents us from being a stronger housing market here? What what what stands in our way? Is that a part of your resolution?

**Speaker:** Councilor? Would either of you like to respond to that question, councilors green or avalos?

**Speaker:** Yeah, I'm going to find the specific line item here, but I think the intention for the study is for helmi and her team to deliver sort of a Portland grounded roadmap if we want to pursue some other avenues which would implicitly say, here would be some challenges and roadblocks in this city that we would have to overcome, such as financing, such as code changes, any of the like to make possible

any of the potential solutions. And so my understanding is that's pretty implicit in the in the intent of this.

**Speaker:** Would you be amenable to actually calling that out? I don't have a specific language right now. I can work on some real fast, but I it seems like we ought to also be addressing impediments. And I don't just mean financing. I mean, I'm really thinking about our zoning code, our permitting process, the kinds of things that stand in the way of building a housing.

**Speaker:** I believe, you know, I hear you, and it sounds like you want something explicit. I feel like it is implicitly wrapped in this entire study. The goal of the study is to explore absolutely every avenue, which would, of course, include impediments. I'd be open to something. I don't have anything prepared, though, and I don't know where that could naturally fit in, but I can assure you that that is being taken into consideration.

**Speaker:** If I if I may, and councilor with your with your assistance on a friendly, I would think the most appropriate place to add that at the last, be it further resolved, it says it is recommended that report include a number of elements, but the very last piece is a set of policy and programmatic recommendations, comma, to include identification of any impediments. Would that be perfect? Would that be satisfactory?

**Speaker:** The councilors.

**Speaker:** We do have a lot of public testimony which will give us an opportunity. I think, if you want to try to workshop something while we're hearing from the public, okay. Councilor Ryan.

**Speaker:** Thank you, madam president. I saw that there was no financial impact stated in the resolution, which really can't be true. In fact, we just agreed to do

quarterly reports. So my question is how many staff will be working on this and what what is the financial impact?

**Speaker:** Councilor Ryan, I would defer to director hissrich to maybe speak to the specifics of the existing housing bureau funding, as I understand it, that would be used and what the staffing would look like.

**Speaker:** I'm glad the director joined us.

**Speaker:** Director, historic.

**Speaker:** The analysis that we have from the budget office says no fiscal impacts, as the resolution requires your bureau to utilize available funds to study alternative financing and ownership models for housing. Can you speak to what available funds and what staff capacity you'll be using for this?

**Speaker:** Yeah. Thank you for the question. We have specifically gone after federal funding for the study of alternative strategies or alternative ownership models through a pro housing grant, which we were awarded. The grant is not yet appropriated. It'll be appropriated for fiscal year 2526. And using those funds, we anticipate looking at various elements of the of the social housing model. And so that's our primary source of funding for this work. We have not allocated the staff or decided which staff is doing what. That's part of our scoping process right now. So we're we're again, when we come back with our scope, we'll identify specifically who will be leading different segments of the study.

**Speaker:** Okay. That's helpful to hear. I do think, considering where we're at with our budget and clearly the most important expense we have is labor, but it's really important that we identify how much that will take to pull this off. Thanks. Oh, and while you're there, why have you what about the studies that we've been hearing about around the fair ordinances that were passed in 2018? Some of the tenant



rights passages? We haven't received those reports yet, so I wanted to hear how those studies are coming along.

**Speaker:** We have not started a study on the fair ordinance. It's been requested that we study the fair ordinance this year. So that's in our proposed work program. But we have not yet identified funding for that study. And we are also in the process of scoping what that is, although that is a priority for the for the bureau to do the fair, fair ordinance study.

**Speaker:** Okay. Perhaps in the housing committee, we can look at an ordinance to remind that that would be nice to receive as well from the administration. Thank you.

**Speaker:** Councilor kanal technical questions.

**Speaker:** Yeah. Just wanted to clarify something that director historic just said in response to councilor Ryan's question, in terms of allocating the staff or deciding which staff is doing what, does that imply that this will be done in-house?

**Speaker:** No, yes and no. We will be bringing in outside consultants to evaluate different components. However, social housing isn't one thing. It's multiple things. So, for example, contained in the study, one of the things that we may be studying is land banking. We have specific staff who works with property and real estate. So we would ask them to lead the land banking effort with outside consultants. Separately, there's an analysis of financing. We have a finance team. So financing in the social housing model is different than our current low income housing tax credit model. We'll ask our financing staff to lead the financing study. So we have yet to allocate which staff person and how much fte will be needed for each element of the of the study. That's what the scoping process is.

**Speaker:** Great. Yeah. Anytime we're talking about some or all of it, being in-house is a good time for from my perspective. So I appreciate that clarification.

**Speaker:** Okay.

**Speaker:** I don't see any other technical questions in the queue. So claire, thank you. I will note that there was a typo in the summary that we have that I was just asked to flag. It says the vote was three one, but lists four I votes. The vote was four zero. The clerk's dispensation out of committee was correct. It was just a typo on the sheet that was brought before us. So in case there were any questions from folks watching online about the discrepancy there, the I vote yea listed is correct. It was a 40 vote. Councilor Ryan, are you back in the queue or is that a former hand? Okay, legacy hand yeah.

**Speaker:** Great.

**Speaker:** Thank you, claire, for being here with us today. Rebecca, I believe we have a significant amount of public testimony signed up.

**Speaker:** We have 20 people signed up.

**Speaker:** Fantastic. So we will be calling folks up. You will have two minutes to testify. You'll hear a chime when you have 30s left, and then an additional chime when your time is up. And, rebecca, if you want to call folks up three at a time, why don't we jump in first?

**Speaker:** We have travis noddings, john knight, and jenna knoblauch.

**Speaker:** Welcome. Thank you all for being here.

**Speaker:** Shall I start? Hi. Thank you for letting me be here. My name is tj noddings. I am a housing justice organizer here in Portland, as well as a tenant advocate at community alliance of tenants. So I spend a majority of both my professional and personal life talking to renters all over this city. And I'm here in support of this agenda item, as well as the following agenda item on banning I rental price fixing software. A majority of the conversations that I have with renters in our city center on affordability, and the fact that most renters believe that they

will not be able to afford to live in this city much longer at all. When they invite me into their apartments, they'll show me mold growing on their walls, holes in the walls, ceilings, nonfunctioning appliances, and adequate heating and cooling. A list of maintenance and repairs that have been neglected by the landlord. And when they go to look for other apartments to move to, to move into better living conditions, they find that there are no better options that the floor for minimum rent prices in the city has reached a point that they cannot afford, so they feel that they have to live in these conditions and watch their rent go up every single year, despite the conditions of their housing getting worse because as a function of the private market and as a function of landlords working together to collude on rental prices, they're stuck in these spots without better options to go to. At a recent renters town hall, a retired woman came to let us know that when she pays her rent from her fixed income social security every month, she's left with only \$60 left to pay for food and other necessities, which is obviously not enough to live off of. And that's why adults over the age of 55 are the fastest growing demographic of homeless in our city, because the rent is rising faster than everyone's wages, everyone's income. So I ask the councilors, when you are deciding to vote on this ordinance for social housing and to ban a rent price fixing, to keep that in mind, and know that half of this city is made up of renters who are all struggling, and we're watching and hoping and pleading for help from this body. Thank you.

**Speaker:** All right. Ahead.

**Speaker:** Hi councilor green, president pirtle-guiney Portland City Council, thank you for this opportunity to discuss the social housing future of Portland. My name is john harris. Tonight, I propose the following for inclusion in the study a combination of public, private and civil society sector ownership models into one housing system. I imagine a three part structure, a triangular stability of a republic,

if you will, with practical checks and balances that that treats residents as equals. One households organized through democratic tenant resident unions comprised of fellow residents. Residents will build a version of equity or rental pension, kind of like social security. C ucla is shane phillips's proposal. In my written testimony. This earned benefit will promote mobility throughout the social housing system. The unions will share responsibility with the city and facility management to set standards. The unions will have the authority to petition the city of services are inadequate or insufficiently responsive. Tenant residents will finally feel an ownership level connection to and responsibility for the places they live. Two community based, nonprofit or quasi governmental, perhaps property management organizations. They'll provide the necessary professional building management, be responsive to tenant residents, and reflect the diversity of our communities and the residents of social housing management organizations will confidently rely on the city's authority to protect our city's housing units from disrepair or degradation. Three the city of Portland as a responsive and responsible partner in ending our housing crisis and promoting democracy. In a time when democracy is under assault, the city will be responsible for ensuring that tenant residents have monthly rates at or below cost, responsible for acquiring safe housing with qualities and amenities comparable to median housing of that size. Establish official guidance and facilitation to support the development of democratic practices by tenant unions, and provide essential safeguards in case of mismanagement or disrepair. Thank you.

**Speaker:** Thank you. Go ahead.

**Speaker:** Hi everyone. My name is jenna knoblauch. I'm a renter in district three and I'm here to testify in support of this resolution. I've been waiting a long time for City Council to actually consider big, bold solutions and not just biting around the

edges of the housing crisis. And social housing is a big, bold solution. But it's not a radical one. It's a proven model that has been tried and has had great results in cities across the country and across the world, and I'm really excited for a report to help map out concrete next steps for Portland to see how this model could help address our housing crisis. Thank you.

**Speaker:** Being here. And we'll look at that written testimony.

**Speaker:** Next. We have mason shepherd, michael grigsby, layne grigsby lane, excuse me, and tim mccormick. Mason shepherd, michael grigsby, and tim mccormick. Tim is online.

**Speaker:** And why don't you go ahead while we wait for others?

**Speaker:** Tim.

**Speaker:** You're good to go.

**Speaker:** Can you come back to me towards the end? I'm just setting up here on my end.

**Speaker:** Do you want to call the next group and then include.

**Speaker:** Tim to. Brian blum? Klotz? Is brian here? Brian blum klotz. Donna cohen. Donna is also online. And heather riggs. Heather will start us off.

**Speaker:** Thank you.

**Speaker:** Good morning, madam president, councilors and administrator I am reverend heather riggs, pastor of montavilla united methodist church in southeast, and I live in the mount scott neighborhood. Most mornings at my church begin with me saying, hey friend, it's time for you to get up and move on to one of our houseless neighbors taking shelter in a porch on our church. Because of this, my congregation represents represented today by my lay leader, dj wave your hand dj has made supporting shelter and housing a priority. Many of the unhoused folks I encounter in our neighborhood are experiencing mental health issues, physical

health issues, and addiction disorder. Many of these beloved children of god cannot successfully move directly from the sidewalk to a market rate apartment. My church is also a part of a coalition of faith communities who are interested in building housing on church owned land. We are supporting a bill in the state legislature that would release pre-development funds that would unlock this land for nonprofit affordable housing or social housing. This resolution to study alternative housing financing and ownership models is a step in the right direction for helping churches like mine build nonprofit, affordable, supportive housing. However, I will say that I would prefer that we skip the study and just move forward with this model that has been amply demonstrated to work in many other places, providing more affordable housing as soon as possible is a life saving measure that benefits everyone in our city. Businesses housed neighbors and unhoused neighbors. Thank you.

**Speaker:** Thank you. I believe our next folks are both online. Is that correct?

**Speaker:** Rebecca.

**Speaker:** Yeah. Tim mccormick. Tim. If you're ready.

**Speaker:** Okay. Oops. Can you hear me? Yeah.

**Speaker:** I can.

**Speaker:** Good morning. Good morning. Councilors, staff and administrator. My name is tim mccormick. I'm a long time housing and homelessness advocate and a contributing writer for sightline institute, also co-founder of the Oregon cooperative housing network. And I'm fully in support of the general ideas here of, you know, finding all tools, seeing all the options. However, from looking at the direction I see things going, I would I would have to have concerns about whether the process that's currently envisioned is likely to do that, that job of discovering all options. So in an earlier life before I worked in housing, I worked in silicon valley for many

years, and I worked on many innovation programs internal, public, civic. And, you know, there are well-known principles about what you want to do. If you want to truly solicit bold and varied solutions. And essentially what you want to do is you don't want to empower one central party to deliver a report. Rather, or in addition, what you want to do is essentially more like create a platform where unexpected and varied voices have permission, invitation and welcome. And so I'd like to offer that to the Portland housing bureau to consider that, you know, what might really be effective in the long run is not a report a year from now, but is the establishment of an open process whereby rather than a very politically constrained and closed process producing a report, you create an ecology where varied things can come forth. And finally, just to is that 30s left, I think. 30s.

**Speaker:** Yes.

**Speaker:** Go ahead.

**Speaker:** 30s. Yeah. And as an example, I just want to throw in a couple of things that just recently strike me as sort of signs that, you know, the ideas aren't necessarily getting through. We just had a situation where actually input from prosper Portland, actual other city agencies did not get it in to the impact study on legislation that the city was considering. And so that was an interesting case. And then i'll just leave it there. I just want to say there are a lot of difficulties in getting all the ideas forth. We should try to open up a platform to make them. So thank you.

**Speaker:** Thank you.

**Speaker:** And the director is still online with us, so I'm sure that she heard that comment.

**Speaker:** Next we'll go to donna cohen. Donna you're on. She's online.

**Speaker:** Yes I'm here.

**Speaker:** Welcome, donna.

**Speaker:** Go right ahead.

**Speaker:** Hi, I'm donna cohen. I live in st. Johns in district two as a community housing advocate, former chair of the Portland league of women voters housing interest group, a current member of the social housing work group, a welcome home coalition, and a homeowner who is finally able to purchase because of a first time homeowner program. I'm thrilled to support this resolution. I would like to thank the housing and homelessness committee and the sponsors of the resolution who understand the critical situation we're in, the work the city has already done in regard to housing and future initiatives which are needed. I'm pleased that the housing production strategy report is being taken to heart by the city. Pertinent sections as cited by the resolution identifying a long term sustainable funding source for affordable housing. Establishing a comprehensive citywide land banking strategy, pursuing the development of new programs that support alternative home ownership models can be, I believe, hugely beneficial toward solving our housing crisis. As the resolution notes, we have many, many people living with housing insecurity, and we know from research done out of the university of Washington that the single biggest driver of homelessness is lack of housing. I only have one suggestion, because already the suggestion from multiple reports has been approved. It seems, from my comments to the council on March 5th. Please note our data would show even greater numbers of individuals and households who require affordable housing were we to use, not the hud income charts, but information specifically on Portlanders income. And I apologize for this, but my community is desperate. Yesterday, rj demello, the head of sga, and myself, determined that the legislature is stonewalling house bill 2749, the 5 million for pbob to design a life saving bridge on columbia over the cut. Please help us get a hearing. They are stonewalling us. Thank you very much.



**Speaker:** Thank you.

**Speaker:** Next we have molly hogan, cihan mckelvey and trevor newhart.

**Speaker:** Go right ahead.

**Speaker:** All right. Good morning. Council president pirtle-guiney council members. My name is sahan mckelvey and I am the director of advocacy and engagement at ci self-enhancement, inc. I'm also a member of the welcome home coalition steering committee, and I'm here to offer support for this resolution regarding alternative housing models, and especially for social housing concepts. I've been a part of a lot of conversations citywide, regionally, in our county conversations as well. But one of the key points in every one of those conversations is that we have to be able to improve the alignment between our various systems. Our approaches to this problem are often not aligned, and that is often why we see some of the lack of results and not not the definitive results that we would like to see. One of the primary places where we need alignment is to be able to manage the inflow and outflow into homelessness, shelter and housing. In recent conversations with several cbo leaders, as well as mayor wilson, the mayor expressed his desire to create multiple creative housing solutions for people who are exiting and expanded shelter system and are ready to take the next step in their journey to permanent housing. We discussed a lot of options, but the primary point was to acknowledge the reality that the path to permanent housing looks different, and we must maximize every option for folks to ensure that everyone can access the ideal fit for themselves. Social housing should be one of these options. This is a path that will help us to maximize opportunities to create the alignment that we need between the outflow out of short term shelter and the inflow into housing. I think we are coming to agreement with the concept that welcome home has been championing for years, and that is that homelessness is a housing

problem. The single biggest driver of homelessness in our city is the lack of affordable housing, and this is a reality. So please take this resolution seriously. Please attack this concept aggressively, and please commit to our city that you will do everything it takes to bring this solution to fruition for our communities, because it's time to follow the example of other cities around the world to increase livability in Portland and build the thriving community that we want to see without the reality of homelessness. Thank you.

**Speaker:** Thank you.

**Speaker:** Good morning. Members of the council. Oh, wait. Should I just go.

**Speaker:** Right ahead? Yes.

**Speaker:** Introduce yourself and then.

**Speaker:** Go right ahead.

**Speaker:** Good morning. Members of the council. My name is molly hogan, and I'm the director of the welcome home coalition. We're a multicultural alliance of dozens of organizations and individuals building a housing justice movement in the Portland metro area. I'm here today to vocalize our strong support of the resolution to require the city administrator to study alternative housing financing and ownership models, the coalition championed to move forward the first city of Portland affordable housing bond that voters passed in 2016. That bond has been an example of government spending tax dollars as promised and exceeding goals, and we want to see more of it. However, we also know that traditional ly tech affordable housing development practices have become incredibly cumbersome and expensive due to bureaucratic red tape and escalating industry costs. Because of this, our coalition members have been learning about innovative social housing model models used elsewhere that increase affordable housing options. We are so excited to see new city leaders taking real action to move innovative housing

solutions forward in our biggest city, seeing what can happen when a city government declares housing a human right is inspiring. As you've heard, vienna, austria has been named the most livable city in the world. But 100 years ago, that was not the case. But they started with a vision of housing as a human right, and the government implemented robust public investment to make that a reality. Vienna shows that when governments invest in housing as a human right, they can combat homelessness and inequities, and there is no reason why we can't do that here in Portland. So we ask you dream big councilors and lead, be bold and pass this resolution as the first step to move on a path to make city Portland, a city that's famous for ensuring that all its residents have a home. Thank you for your time.

**Speaker:** For being here.

**Speaker:** Next, we have.

**Speaker:** The testimony that we're hearing. I'll just remind everybody that if you can keep your support silent jazz hands, thumbs ups. All fine. That would be appreciated. Thank you.

**Speaker:** Next we have toby hodges, jordan lewis and winter johannes. And jordan is joining us online.

**Speaker:** Miss johannes, why don't you go ahead and kick us off?

**Speaker:** Good morning. Council. My name is winter johannes. I serve as the executive director of the albina vision trust. I'm here today to provide our support for the resolution today. There's been a lot of emphasis from the mayor, governor and others in recent weeks about the need to communicate that Portland is open for business. This is true. But I urge you today to also consider ways that you might communicate through your policy making that Portland is also open to partnership. This is how we move from study to action. The albina vision trust is the nation's largest restorative redevelopment effort. We've brought over \$600 million of public

and private capital to the city, at a time when everybody else was running away. We seek to build a neighborhood where people have both the dignity of stable housing and the opportunity to rebuild generations of stolen wealth. We know that conventional economic development models and tools will not work in our effort to rebuild historic albina, and therefore, albina needs to serve as an urban laboratory for innovative policymaking. It is with this in mind that we believe there is great promise in the limited partnership model, and we look forward to bringing both our community and our technical expertise to the conversation. We ask that you invite us to the table not as advocates, but as serious partners committed to moving the work of the city forward. Thank you.

**Speaker:** Rebecca.

**Speaker:** I believe our next testifier is online.

**Speaker:** Yes. Jordan. Lewis. Jordan, can you hear us?

**Speaker:** Yeah, I can hear you.

**Speaker:** You're good to go.

**Speaker:** Awesome. I want to give everyone time to testify today, so i'll keep this short. The social housing thing is really great. I'm here to support it. Counter cyclical development is awesome. We're going to have a recession pretty soon. And ideally you're able to do development in a recession, which social housing lets us do. So it's a win win, win win. Everyone wins. Please pass it. I just wish it was going faster and we should have done it ten years ago. Thank you.

**Speaker:** Thank you.

**Speaker:** Next we have sarah radcliffe, lee shelton, michelle hornbeck.

**Speaker:** Good morning, members of council. My name is sarah radcliffe, and I'm here on behalf of habitat for humanity Portland region. Habitat supports the this proposal, but we want to make sure that council is aware that there are innovative

models that exist in our communities, but simply haven't been funded to scale. Specifically, the community land trust model, which Habitat implements in partnership with Proud Ground, shares a lot of the core features of social housing, which I'll run through just very quickly. First, and probably most importantly, community land trusts or CLTs are non-market housing, so they create a slice of our housing supply that's insulated from both the risk and the escalation that's associated with market drivers. CLTs use a 99 year affordability covenant, or deed restriction that's renewed every time title transfers. So effectively ensuring that these homes will remain affordable forever. Second, CLTs like renting in Vienna, provide a stability of tenure that renting in the US simply doesn't provide. Part of my journey into the affordable homeownership space was informed by my experience working as an eviction defense attorney and realizing that eviction, or that renting just by definition, is very precarious in this country. And finally, CLTs deliver mixed income neighborhoods which have benefits for all residents. This can be achieved through small CLT infill projects or through larger mixed income CLT developments. Habitat. And in our work with Proud Ground, we sell homes to families between 35 and 80% of area median income, but many CLTs serve higher income brackets as well, with stable, predictable funding and the supply of land that Director Hissrich envisions, we can bring these innovative models to scale. Thank you.

**Speaker:** Thank you.

**Speaker:** Good morning Council. My name is Lee Shelton. I'm a housing policy organizer and member of Portland Neighbors. Welcome. I'll cut to the chase. I dream of diverse, high quality, mixed income and family friendly, publicly owned housing that promotes community trust and connectivity. We're living through an incredibly lonely period of American life where 50% of Americans report being feeling lonely or isolated on a regular basis. I myself experienced this in the years

after the birth of my children. I often felt alone and isolated in our single family home, surrounded by mostly older adults with no kids. Thank goodness for our beloved Portland parks. Great building design and well integrated green space can help mitigate loneliness. It can boost our opportunities to socialize and care for one another. I'm so excited to see what creative plans we can come up with and strongly support this resolution. Thank you.

**Speaker:** My name is michelle hornbeck and I am part of welcome home coalition, and I came today to say that I support this resolution. We must find a way to be able to house people. So speaking from the other side, as a person who was homeless. That that sense of safety is so important. So that helen swindell hotel on broadway and burnside years ago was a hotel and what they've done is now they just rent the rooms out on a monthly basis, and they're part of Portland housing authority. They receive payments from them, whatever. When I stayed, I just paid out of pocket, but it was the sense that I could go in and lock a door and know that I would be safe for the night. And we just have too many people out there that feel alone and hopeless, and you have the power to make that not their reality anymore. And I'm sorry I get emotional because I know how hard it is out there. And when you have a roof, some place you can rest, you can be more productive, you can look for a job, you can take care of your medical problems, or at least see a doctor.

**Speaker:** You can eat properly.

**Speaker:** When you're homeless. You don't have that. You don't have any of that. And that's why we lose people on a daily basis. You know, we have people with mental health that rely on drugs in order to cope with whatever, you know, issue that is, but also just to get through, you know, so it's so important. And I would just

urge you from my heart, I know how. Grateful I am. I have affordable housing and I've been there a couple years now, and it really has changed my life. Thank you.

**Speaker:** Karen for sharing your stories.

**Speaker:** Next we have lauren armony and laura bauer.

**Speaker:** Hi.

**Speaker:** Thank you. Go right ahead.

**Speaker:** All right. All right. Hello.

**Speaker:** Council president pirtle-guiney, vice president, koyama lane and councilors. For the record, my name is lauren armony, and I'm here to testify in support of this resolution. I shared a similar testimony last week, but want to ensure all of you have the privilege to hear it. I was born and raised in Portland. I worked in housing justice nonprofits in the Portland metro area for the past five years, recently joining the welcome home coalition. And I've also been homeless because I could not afford rent. I grew up off southeast 35th and hawthorne. Before it had a dosha spa. It was working class families, college students, and small businesses. We had block parties every summer. Kids on the street played together and I knew everyone by name. Neither of my parents had a college education, and they were able to buy our house for \$70,000 in 1990 due to post 911 recessions and illegal terminations perpetrated by Portland public schools, my father became unemployed. We plunged into poverty and almost lost our house. We made incredible sacrifices that still affect me to this day. At the same time, we had realtors knocking on our door on Saturday mornings with cash offers \$350,000, 375 \$400,000. Knowing they'd still turn a profit if they were to sell it. Slowly, my neighbor started taking the offers and trickled out of the neighborhood. We stopped having annual block parties. By 2005, we managed to keep our then 110 year old house until 2014. It was subsequently gutted, flipped and sold for over \$1

million in 2016. I believe councilor dunphy shared a similar experience in house price inflation last week. There is a reason why adults still living in Portland who grew up here are called unicorns. Right now, my peers and I are debating on whether to save for retirement, a house or have children because you can only pick one in Portland. But we can imagine a different future. The private market refuses to regulate itself, but I'm confident that city leadership can take this bold step to study non-market housing options for Portland and implement them. Housing options that keep our communities intact, reduce housing insecurity and homelessness, and give residents the opportunity to build wealth without having to rely on a fickle real estate market. Portland was a great place to grow up, but I can't help but wonder how different my life would have been if my family had the option of non-market housing. Let us not make future generations wonder. Please support this resolution. Thank you for your time.

**Speaker:** Thank you.

**Speaker:** That completes testimony.

**Speaker:** Thank you. Councilors. It's time for discussion. Is there anybody who wants to ask the resolution?

**Speaker:** I guess I wanted to follow up and see if there was an amendment worked out.

**Speaker:** I see councilor clark in the queue.

**Speaker:** Thank you, councilor avalos. I think we've come to some agreement on that. Do you want to offer that up? Sure. Councilor kanal offer the amendment.

**Speaker:** Okay. Let's see. So I have an amendment here that councilor clark has helpfully written, and it would just amend. On sub. So be it. Further resolved the last, be it further resolved in the resolution. On item five where it says other governance and implementation needs and considerations such as funding



impacts, compliance monitoring and enforcement, administrative costs, staffing needs and potential city liability, including. And here's the amended including identification of impediments such as zoning code, permitting process and financing gaps. So just sort of rounds out that we're running we're running for traps here, I think second.

**Speaker:** Councilors, we have a proposed amendment with the first and a second. Is there any discussion of this amendment or would anybody like councilor green to read just the amendment part again? Can you read just the amended part again so folks can have that pulled up?

**Speaker:** No problem, madam president. It just simply says including identification of impediments such as zoning code, permitting process and finance gaps.

**Speaker:** And that's in the second resolved item 655i apologize. Item five.

**Speaker:** That's correct.

**Speaker:** Okay. Councilor clark, are you in the queue to discuss this?

**Speaker:** I can discuss this, but I had some general comments too. Do you want me to wait or.

**Speaker:** Let the. Right now we have a motion on the table, so conversation should be to the motion.

**Speaker:** I really appreciate the co-sponsors accepting this. I'm thinking you're accepting it. I think it's important that we also look at what prevents us from doing the things that we want to do in affordable housing. This is a great opportunity, and I appreciate your willingness to incorporate that.

**Speaker:** Any other discussion of the amendment? Okay. Rebecca, could you please call the roll.

**Speaker:** Canal i.

**Speaker:** Ryan i.

**Speaker:** Koyama lane i.

**Speaker:** Morillo I novick. I clark, I green. I zimmerman I avalos I dunphy I smith.

**Speaker:** I.

**Speaker:** Pirtle-guiney i.

**Speaker:** With 12 eyes. The amendment is accepted.

**Speaker:** Thank you. Councilors I'm putting myself in the queue because I also have an amendment that I would like to propose. We heard from one of our partners, albina vision trust, and ask to think about how partners could be included in this work. And I've brought forward some language that might allow us to work with them as a potential pilot area. One of what could be a few areas where we can look at how social housing might actually work in Portland in the near term, as we see the results of this study, I'm going to pass out some language on paper, and I apologize that I didn't get this to folks sooner. But we were working out the details of it pretty late last night, and I figured rather than assume folks would look at their email at 1130, I would bring a copy this morning. This would amend the resolution in three places. It would add two whereases to the bottom of the whereas section. I'll read it out loud for folks who are in the audience or online. Whereas the 2022 state of housing in Portland report shows that in 2022, the average latino and native American families could not afford a three bedroom house in any neighborhood in Portland, and the average black family could not afford a one bedroom home in any neighborhood in Portland. And whereas the north northeast preference policy seeks to address many of these disparities, and the city already has partners like the albina vision trust poised to build thousands of units under this preference policy. And then in the second, be it further resolved, which is the resolved that councilors clark and green just amended, there would be a new six, the current six would move to a number seven, and the new six would say, be it

further resolved, it is recommended that the report include analysis of pilot zones available for near-term implementation of social housing models at scale, including within the albina vision project area and other neighborhoods within the north northeast preference policy area. I am going to let vice president koyama lane manage discussion on this in case there are questions for me about the amendment.

**Speaker:** Councilor clark, we can start with you.

**Speaker:** It hasn't been seconded.

**Speaker:** I apologize. You're right. I was going to let her manage it through that. Also, though,

**Speaker:** I'll second. No.

**Speaker:** Right. Second.

**Speaker:** I think you had a second from councilor smith.

**Speaker:** So the amendment has been moved by. Councilor pirtle-guiney and seconded by councilor smith. Will you call the roll? Discussion. No discussion.

**Speaker:** You're managing the discussion.

**Speaker:** All right, councilor clark, go ahead.

**Speaker:** I'm not going to mention the amendment. I'm interested in more general comments later.

**Speaker:** All right. Councilor green, would you like to talk about the amendment?

**Speaker:** I would, madam vice president. Thank you. As I read it, i, I'm supportive of the amendments for a couple different reasons. One, the whereas clauses, I think, just add to the body of context for why it's important to do the study and why we have certain urgency around it. It also ties to which I think is a, a practice that we should extend prior work that identified gaps and said, you know, city supports x, y and z. This does that here for a part of the city that when we talk about real estate

development, if we were to ignore the impacts that earlier urban renewal projects did on the albina district, we would be doing ourselves a disservice. So I think it does that which is good. And then I think the add resolve piece, that doesn't diminish, in my view, any of the substantive original intent of the resolution and just sort of makes it explicit that, you know, we have some opportunities. So I support that.

**Speaker:** Councilor zimmerman.

**Speaker:** Thank you, council vice president. So I am a little bit troubled by the amendment, not in the whereases but in the be it resolved piece. And it is related to how some of the public comment actually came out. One of the things that I'm looking forward to in this study, and why I will say in my in my overall remarks why I think that information we should never be afraid of information. And one of the things I'm looking forward to this study is that it is it is completed and as non-biased as a manner as possible, in a way that doesn't look at just funding more of the current system. But some of the public comment today were already from groups who I think are starting to see a funding solution to their own programs. And this to me is kind of opening up. And so where do we stop? Do we have now six, seven, eight, nine and ten for a variety of other organizations who also want to get in? I think that what makes this study most pure would be that it not be directing work with one organization over the next. So I'm looking forward to those results and the information that comes of it. And if the study identifies that pilots are appropriate for us to consider a later date, I think that would be great. But I am a little bit concerned about the nature of this study in the way I think some members of the public commented today is seen as a way to just drive funding to what I would call as the old broken system already, and I want to know more about it without having to question the study's motivations. So I would I will not support the amendment if

the be it resolved portion was not in it, I would support it, but I just want to put that out for consideration.

**Speaker:** Councilor smith.

**Speaker:** Thank you. I have some comments about that. Councilor zimmerman, and I want you to be more specific in what you're talking about, because I don't I'm not going to assume anything. So if you could call out what you're saying, organizations are trying to fund their own organizations by doing housing. What organizations? Because as far as I know, albina vision trust, their book of business is housing and development.

**Speaker:** If I can. Happy to respond. I think it's great. Right. And we are we are in business and we are supportive. Right. And I my point here is, do we list all of the housing organizations in this and take an amendment for all of them, who we are currently trying to help and get into the business of helping develop more affordable housing, or one of the things about this, the way I'm taking this study, is that it is offering more than just our current system of how we are funding nonprofit and affordable housing development, but looking at what is the next level of that, i, I don't know that I don't know that we have to list this for the study to be successful, but this seems like a one call out for one group, and we could list all the groups that we do affordable housing with.

**Speaker:** Yeah, let's let's be clear. These organizations would not exist if the regular system was providing communities of color, adequate affordable housing. And that is why. Albina vision trust came up. That is why self-enhancement, who is known as a youth development organization, they found that even their own employees could not afford the housing in this city, and so they have created housing for elderly seniors who are african American. And they have they're not trying to supplement their book of business, which is in the youth development

business. They're offering a service that is currently not being offered by the general housing community or ecosystem. They had to add something to that ecosystem to serve the people that they serve. So I would look at it at a different way. Councilor zimmerman.

**Speaker:** So should we include then cy in this and latino network in this? That's what I'm asking is, well.

**Speaker:** If it makes you feel better, include them, but be able to fund them at the same level that you're trying to do this first. If that is the issue, I don't find that an issue so much about what they're going to be funded because there's no numbers here. But what I find that is a little troubling, and I'm going to add a whereas myself and I wanted to bring that up. So just so that we put a finer point on this to, to basically settle any councilors concerns about why people have been pointed out, listen to this. Whereas based on 2022 us census, us census data for Portland in this is in the report that that they cited. The us census data for Portland. The average black household brings in about \$3,000 in monthly income, while latino households earn 4500 a month and native American households earn 5000 a month. In comparison to white Portlanders, households earn 6400 on an average each month. And so if we add that data to a, whereas we put a finer point on the discrepancies and how we minimize or marginalize certain groups in this city. And so there is a disproportionate amount of housing for african Americans, latino and native Americans compared to their monthly salary. So if you look at that councilor, I think that would help you to get to a finer understanding of why this amendment is needed.

**Speaker:** I think I understand the whereases just fine. What what I have made very clear is that I don't understand just the resolve part, the whereas and that added language that you just suggested, I think is important. But what I'm not

understanding is why we'd only look at pilot zones with one organization when we have a lot of partners. And, and I think that is confusing for me in that sense. So I think your whereases are great. Councilor.

**Speaker:** Well, let's add latino network in in self enhancement if that makes you feel better about this amendment.

**Speaker:** Thank you. Councilors, I think there are some people in the queue that would like to speak on this. Also. Councilor pirtle-guiney.

**Speaker:** Yeah, thank you. And I you know i, I occasionally take off my council president hat and get to speak as a district two councilor. And this is something that is really important to me for a couple of reasons. And councilor zimmerman, I understand your concerns, which is why the resolved specifically speaks to neighborhoods within the north and northeast preference policy area, not just albina vision trust and the reason that albina vision trust has been called out specifically is because they have already been working with our housing bureau on social housing, and they have already been looking at how they might be able to pilot social housing. It seemed appropriate if we are asking for a study of social housing, and we know that we are hearing from groups that are specifically speaking to the need for social housing, for communities that have been historically displaced. And we have an organization already working with our bureau on piloting social housing, specifically in an area where we say we are working to help families come back that have been displaced, that we should call out the ability to look at that work as a potential to learn from as we go through the process of this study. So that is why this region of Portland, more broadly, has been called out in this resolution, and why this organization specifically has been called out in the resolution. It's not to diminish the work of anybody else who could play in this space. And it's not to presuppose a determined outcome, but rather to say we

actually have an opportunity where work is already happening to look at as we do this study.

**Speaker:** Councilor kanal thank you, madam vice president, I this is a very interesting conversation and I appreciate it. I think I appreciate also councilor smith's, I guess second proposed amendment or proposed amendment to the amendment. I don't know how it'll end up being done, but I wanted to ask because I think for me, the thing that makes the area unique is it's the only area where we have historically established a policy to help address the intentional policy making in the past that displaced so many people that that, to me is the regional interest in it. And also it's the only place where we're talking about building land and that makes it unique, unlike any other. We're talking about making more of it. And I think that that's a notable thing. Councilor zimmermann, I want to ask you the actual place where the organization is called out is in the second, whereas whereas we're just talking about the project area for the sort of the lower albina redevelopment in the resolved. So I wanted to ask why the concern was about the whereas versus the resolved. Does that make sense? I hope.

**Speaker:** I'm yeah I think so. I the I just want to be be clear my concern with the resolves is that the resolve in some sense I think of it as, as directing language. Right. And that is that is where my concern stops, because I am hoping that this study brings us back a study full of information that is about, I think, the heart of the way that councilor green and councilor avalos wrote the original. And so that is where the resolve piece, it adds this layer to it. And I don't understand necessarily why we would drive that in the result. That's purely where, where my concern existed, which is why I can support the first and second, whereas it is also very clear there's very strong feelings about this. The geographic nature of it makes a lot of



sense to me. Councilor this seemed odd to call out one group in one area in the be resolved. That was that was it.

**Speaker:** That makes sense to me. I just my question was it doesn't actually call out the group in the resolved. It calls out the area and the project. Is it so it's not the name, it's the idea of the focus is that, am I understanding you correctly? I'm trying to understand the intent here.

**Speaker:** Councilor I believe I in number two that it says the city has partners like the albina vision trust. Right? I think that's what the councilor is referring to that that is a group, not necessarily the area.

**Speaker:** Right. But that's unaware as and I think he. Yeah, it's the resolved is where the concern is. And I'm trying to I just want to make sure I'm understanding it perfectly because I think we might be able to, to figure something out.

**Speaker:** So would you like to direct respond? Councilor.

**Speaker:** I'm not I'm not sure it matters. I think the I think the point has been made. I, I hear you, I appreciate it, councilor smith. I appreciate the dialog a lot. And so it it will also not change my support for the overall study. As I have clearly said from the very beginning, I am looking forward to what this brings us in terms of solutions.

**Speaker:** Councilor smith, are you still in the queue?

**Speaker:** Yes, yes I am. I'm trying to figure out how do I want to say this? In the black and brown communities, having access to capital is very limited. So you always have to prove and prove and do a study before you actually give them resources to begin to develop housing for their constituency, which are black and brown folks and folks who can't afford certain types of housing. And that has been very limited. And I just want to give you an example, because I want you to understand, and i'll do full transparency. I've worked with all of these organizations,

but I want to say this. Look, mci has done the ronnie herndon building and they co-own it on alberta, the paul and geneva knolls building. They have already done that and you all need to study it. They are in development in partnership to try to build additional housing for people who are black and brown folks, because the ecosystem does not have them. And to be able to study this as the council president has said, I just want you to understand, there is the reason why government jumps in to places. It's because the system is failing a group of people, and they have to bring them up to level the playing field. And so while this playing field is being leveled, we are just identifying who can do this work and who would be a good recipient of the social housing. So I just want to be clear. We you know, I've said this before and I've noticed it and I noticed it in the last agenda item that when we start talking about risk management and giving money away to black men who have been harmed by our organization, there's some issues with it. And so when we are trying to identify ways to do social housing for the most vulnerable group in our city, which are african Americans, we got problems with it. And so we need to check ourselves, have problems with other things, bigger things. This is just it's so small. It is really small. And I just want y'all to know there are some. There are some implicit bias about certain things that we need to check ourselves about. And that's all I'm saying. I'm sitting here from a different vantage point than many of you on this, on this board. So I've been around here for a long time, and I've watched and I've seen and I've seen what got passed and what didn't get passed based on who the organization is and based on who they serve and whom they serve. So I would just ask us to be a little bit more flexible in our thinking and understanding. And again, if you care to add others to the list, drop the amendment and add others to the list. But I just want to let you know that people are not doing housing because they want to support their youth program. They're doing housing because

black folks can't find affordable housing, period. So that's all I'm saying. And I'll be quiet. Thank you.

**Speaker:** All right. I'm in the queue for some comments. Some of you know, I actually ran on talking about social housing and looking into that. It's something that I care a lot about. I'm interested in what does it look like when we are able to remove the profit motive out of this conversation? I also want to acknowledge that I am so impressed with Albina Vision, Trust and their work. There's actually someone on your team who I taught their kid in fourth grade. I've been following your work with the school district, and so my support for your work is very strong. I also want to say that some of what Councilor Zimmerman is saying makes some sense to me. Maybe we can keep adding partners, but I do wonder if this is a study, if it's cleaner to give this to the director and have them, you know, come back with, with a list of who they can work with. That could be part of the it could be part of the study. I do know I hear that this is small a small addition and we are setting precedents. We're we're setting the stage. And so I'm trying to separate my affinity for this group and just try to think about what, what seems like it makes the most sense and what we want moving forward. I will also say that what my colleagues share, especially my colleagues in district one, districts one and two, my colleagues with lived experiences as. Letter very close to the black and brown community, latino, native American, african American, black community. I am I am listening to that perspective also and but i, I just want to say some of some of this makes sense. I do want director historic to be able to do this study and, and really feel like there isn't anything predetermined. Those are my thoughts for now. Councilor green.

**Speaker:** Thank you. Madam vice president, I'd like to call the question I would like I would like to vote on this amendment.

**Speaker:** So I will call to vote. We're voting on. The council president's amendment to clarify, because there was something else. I believe that we if we're calling for a vote, I believe we have to vote to end discussion first.

**Speaker:** Yeah, it's a motion to end debate and call the question. A second.

**Speaker:** Second, second.

**Speaker:** So I hear a motion from councilor green and a second from councilor novick to end debate and take a vote on the on councilor council president pirtle-guiney amendment. Yes. Correct. Okay.

**Speaker:** It's been a majority canal.

**Speaker:** On the motion to end debate and move to a vote on the amendment I vote i.

**Speaker:** Brian.

**Speaker:** Koyama lane i.

**Speaker:** Morillo i.

**Speaker:** Novick i.

**Speaker:** Clark. I green. I zimmerman. I avalos. I dunphy, I smith.

**Speaker:** So I just before. I before I take this vote and I will have a need for further discussion. But I just want to respond to something that councilor koyama lane said. I mean this for me. And so people need to understand how to separate. It's not about having an affinity for organizations. You have to have an affinity for the people that they serve. And I have an affinity for black folks and brown folks and poor folks who don't get to be in the system. So we have to be clear. And so talking about affinities for organizations, that's not important to me. The work is and albina vision trust has done the work. Self-enhancing inc. Has done the work. And they have a product, just as albina trust does. So we have to get away from liking organizations just before, just because they're the organizations of the day. You

have to like what they do and how they do and how they move in this world. And albina vision trust moves in this community. As a supporter of black and brown folks, me being back into the community in the albina area where my grandparents and the reason why I'm taking this so seriously, my grandparents were moved from the from that albina area, moved to have a freeway move to have a the coliseum moved because they were black, and they thought they could move them because they would be the least resistant. So we have to be clear on why we support people and for what we support people for. I'm very clear. I know exactly why I support albina vision trust and albina vision trust being in this language. Because again, this this conversation, it just shows why we need people who are african Americans who can have a voice for this platform. And if you don't have them at the room, in the room, they are not going to have anybody speaking up. Now, if I wasn't sitting here, you wouldn't have anybody on this on this dais speaking the way that I am, because you can't speak from experience, you can't speak from understanding the community. I lived in district two most of my life. My grandparents still have their home 65 years in albina after they were moved. And we still have the home. So we have to understand, we have to bring others to our ecosystem to be able to, to give us the appropriate, the accurate information about who we are and why we're serving. And so I will support shutting this down, but not for the reason that you're doing it. I.

**Speaker:** Pirtle-guiney i.

**Speaker:** With 12 eyes debate is closed and the amendment is accepted.

**Speaker:** I believe that closes debate, but we still need to now immediately move to vote on the amendment.

**Speaker:** Correct. Canal.

**Speaker:** Having to follow that is challenging. And between the moral argument and the d2 argument, and being the only person of color representing d2, it's a very easy vote for me. I vote I on the amendment.

**Speaker:** Thank you. Ryan.

**Speaker:** Yes, I'm supportive of the amendment. I just want to say I'm glad we're connecting the dots with the north and northeast preference policy. That was what I really enjoyed about it. I think as we were identifying those that have the greatest disparities. Black, latino, native Americans include pacific islander. They're often misrepresented and also elderly and disabled. So that's just a way of saying I hope that gets added to the study.

**Speaker:** I koyama lane.

**Speaker:** I'm grateful for councilor smith's presence on this council and voice, thank you for sharing. Thank you for sharing your personal experiences and for bringing them with you to work. You don't necessarily have to do that, and we're benefiting from that. I trust that the director of the housing bureau will be able to move forward with this study, and there won't be anything presupposed, and I'm happy to support this amendment knowing that, well, I'm wanting my colleagues to know that i, I will if we are going to list other partners, I will continue to bring this up, but I vote i.

**Speaker:** Morillo.

**Speaker:** I novick. I clark.

**Speaker:** I have a certain amount of discomfort with the resolved add. I am a little hesitant to call any individual organization out. And I felt a little jealousy actually. Like, well, what about southwest corridor? You know, we've done a lot of work on that corridor. We want to preserve affordable housing. We have a large immigrant and low income population in southwest Portland. However, listening to our council

president say a little bit more about the progress that albina vision trust has actually made on social housing, that maybe they're a great test pilot for this, I will vote i.

**Speaker:** Green.

**Speaker:** I zimmerman.

**Speaker:** I met loretta.

**Speaker:** Smith in her first campaign in 2010. She is my longest colleague on this dais, my best friend on this dais. I think the health of being able to have a spirited debate across this diocese really damn good. I made my points. I think that with councilor Ryan's comments as well, there are other groups that we could be listing. Cascade aids project comes up for mind for me of a of a organization from my community who has a deep need for housing, a deep, deep other needs where people have been displaced. And so I think those points will still come out in the study. But. When your longest colleague makes a spirited and important point, you change your mind. And so I vote i.

**Speaker:** Will you to change your mind.

**Speaker:** Pavlos,

**Speaker:** I.

**Speaker:** Dunphy. I smith. I.

**Speaker:** Pirtle-guiney i. And with 12 ayes the amendment is accepted.

**Speaker:** Very good counselors. I believe we have a few people in the queue to speak to the resolution as a whole, and I do just want to do a time check. We are scheduled to end at 1230, with a work session to begin at one. I believe we can extend this meeting to one and postpone the start of that work session to 130. If there is not objection so that we can at least begin our final agenda item when we're done with this one.

**Speaker:** Excuse me, council president testimony is completed for the resolution.

**Speaker:** For this resolution, for. This resolution. I'm sorry. So that we can begin the testimony for the ordinance that's after this for the final agenda item. I should have been more clear. Are there any objections to that slight schedule change counselors? Okay, counselor clark to the resolution.

**Speaker:** Thank you, madam chair. This is kind of emotional for me because I started my career in affordable housing, so I really welcome this resolution, and I'm grateful that you brought it forward. It's really music to my ears, very close to my heart. I thank you also for including the addressing impediments amendment. I truly believe a significant segment of our housing needs to be outside the market and remain outside the market to stay affordable over time. I've been working on this for a long time. I really appreciated the comments from the reverend from montavilla who mentioned the pre-development loan fund. I got the legislation to create that pre-development loan fund, so it's very close to my heart. We did amazing things in Portland during world war two. I know I've referenced that during the campaign, the federal government actually came in and preempted Oregon's our Portland zoning code in order to build affordable housing for soldiers and for the people who were working in the shipbuilding industry. We just don't have that kind of gumption here. We're not I don't feel like we're acting like an emergency. So I wish the date had been moved up on the delivery of this plan. And I would echo the comments of the people who said, we don't need another plan. We need action. I believe that's true to. But I'm happy, very happy to support this and appreciate you bringing forward. And lastly, my best friend lives in vienna, austria. I think we should take a field trip and go check out that housing. And I know she's never coming back to the united states. And with that, i'll close my comments. Thank you.

**Speaker:** Councilor smith.



**Speaker:** Thank you. I would like to be able to add another whereas clause to this resolution. And I don't know if this is the right place to do it because I think it's.

**Speaker:** So time. Yes.

**Speaker:** Is this the time. Yes. Yeah. Because this is very important to have the data about the numbers. Numbers don't lie. So the new whereas would be based on the 2020 us census data for Portland, the average black household brings in 3000 and monthly income, while latino households earn 4500 and native American households earn nearly 5000. In comparison, white Portland households earned 6400 on the average each month. And in that report that you identified, that's in the Portland housing bureau, it shows that white residents can afford a home in about one third of Portland's neighborhoods, while basically black native and. Latino residents, they can't. So you make your point. And I wanted to see if I could add that as an amendment, because that data needs to be very clear. It's in the report. I took it right out of the report from the Portland housing bureau.

**Speaker:** I second that.

**Speaker:** Councilors, we have a motion and a second on the table. This would be to add an additional whereas, councilor smith, have you specified where that whereas would go in the resolution?

**Speaker:** I don't have a specific space, but I think after when you make the comment that the average black household can't afford, you don't have any numbers to it.

**Speaker:** So would you like it to be after that. Whereas so it would be the second to last.

**Speaker:** So that people can see the data and I can take while that I that I added while latino households it can just be latino households earn 4500.

**Speaker:** Okay. We'll get that language written up for the clerk. I see rebecca looking over here for that. In the meantime, we now are in discussion to the amendment because it has been first and seconded by councilor green. Councilor green, are you in the queue for the amendment?

**Speaker:** I am madam president. I support the amendment. I implore my colleagues to just accept this amendment, not debate it and discuss it so we can vote on it and vote on the original amendment. Move on with the agenda because it's uncontroversial. Thank you.

**Speaker:** I don't see anyone else in the queue for discussion of this amendment.

**Speaker:** Madam president, councilor avalos wanted me to read it again. She didn't get it.

**Speaker:** Okay.

**Speaker:** I'll read it again. It says. Whereas based on 2020 us census data for Portland, the average black household brings in about 3000 in monthly income. Latino households bring in earned 4500 and native American households earn 5000. In comparison to white Portland households who earned \$6,400 a month on average each month. And then I said, the report shows that white residents can afford a home in about one third of Portland neighborhoods, mostly adjacent to the city's eastern border.

**Speaker:** Councilor smith is that the language directly out of the report? So if we're sending it to the clerk, I could copy it from the report and send it to her.

**Speaker:** Exactly.

**Speaker:** Okay. Councilor avalos, you got it. Okay. I do not see any other discussion. Anybody waiting in the queue for discussion? So, rebecca, are you comfortable calling the roll as I pull that language up to send to you? Or would you like us to wait until you have it in front of you?

**Speaker:** If it's you're sending it now.

**Speaker:** I am I'm pulling up the report to send it to you right now.

**Speaker:** We can call the roll if council.

**Speaker:** Okay. If you could call the roll, that would be great.

**Speaker:** Canal.

**Speaker:** On this amendment, I vote i.

**Speaker:** Ryan. I koyama lane.

**Speaker:** I enthusiastically vote i.

**Speaker:** Morillo i.

**Speaker:** Novick i.

**Speaker:** Clark, I green I zimmerman I avalos. I dunphy. I smith. I pirtle-guiney.

**Speaker:** I councilors. We now are back to discussion on the underlying resolution with its three adopted amendments. Councilor smith, are you in the queue or is that I'm.

**Speaker:** Not in the queue anymore?

**Speaker:** Councilors, last chance for discussion on the underlying resolution with three amendments. Seeing none. Rebecca, could you please call the roll.

**Speaker:** Canal housing is a human right. Government has an obligation to make sure it's available and accessible at every income level. Like most of the country, we're an affordable housing housing crisis in Portland. We cannot rely exclusively on the private sector and its profit motive to be the sole solution. And social housing is therefore one of the ways that we can address Portland's crisis. I am going to support this. I do want to encourage director to keep as much of the study in house as possible, and to listen to the public testimony we receive from the sightline institute writer and create spaces for the public to weigh in. So fb and eventually the council received the unexpected and varied voices he mentioned,

including from people that we've mentioned the groups. And I also want to thank everyone who wrote in testimony as well. I was already in support of this document, but it was nice to hear why from so many of you, especially the renters. We're 47% of the population, only 2 or 3 of us up here. I also want to note one piece of written testimony, which noted the positive impacts of social housing on our construction workforce by smoothing out the sort of ups and downs of the market in construction that hasn't been brought up yet. So I wanted to make sure to highlight that as well. Thanks to everybody for putting this forward in particular, councilors avalos and green I vote i.

**Speaker:** Ryan.

**Speaker:** Yeah.

**Speaker:** I'm supportive of the resolution as amended. This study is needed and I do hope we concentrate on studies from cities in this country. I love being I've never been there, but kind of like it. Wasn't that a sound of music when I was a little kid. All right, there's that. But our reality is this country. So let's focus on cities in the united states. I look forward to this robust, unbiased study and why we're all here talking about the humanitarian crisis. I hope we start demanding that we offer behavioral and mental health services for everyone who needs it in our city and county. That will get us to the heart of the matter with direct action to be to a bold solution to address this humanitarian crisis and get individuals into housing who need it.

**Speaker:** I vote yea koyama lane.

**Speaker:** I'm thrilled to support this and be a co-sponsor. There's a lot I can say about social housing, but I want to cede my time to make sure we have time for public testimony, I vote i.

**Speaker:** Morillo. I novick.

**Speaker:** I have to say, I started off wondering why the rush to adopt this resolution so early in our term, given that the idea is to explore a model pioneered in vienna, and billy joel specifically tells us that vienna will wait for us. But I've been convinced by the co-sponsors and the testimony. The timing is appropriate.

**Speaker:** I think.

**Speaker:** I also enthusiastically vote I green.

**Speaker:** Thank you all.

**Speaker:** For your support.

**Speaker:** I zimmerman avalos.

**Speaker:** Social housing. Let's go I vote aye.

**Speaker:** I have a very good I'm sorry colleagues. Every time we try to make a bold move on housing, whether it's affordability, stability or fairness, we hear the same refrain the private market won't build if you do that. So it's time for us to stop waiting on the private market. This is a supply side problem. This is not a regulatory problem. A developer recently told me that if we handed him the land and the permits for free, they still wouldn't be building in Portland today because the financiers of housing construction won't invest unless they're guaranteed exorbitant returns in the form of extremely high rents, which requires a constrained supply. That means there's no scenario in which developers will build enough housing to affect the supply problem. They're not going to risk their own returns. So if developers won't build what our city needs, then the city must explore how we do it ourselves. But I have some concerns. As a government. The city of Portland has abandoned our historic responsibility to build things, and we've especially lost our ability to build things at scale in a timely and affordable way. So I look forward to the report coming back with tangible and specific recommendations for this body to take in order to get the cost per square foot

down it. Simply, this project will not work if we're building at 200% of what the market the private market provides. So let's get the facts, let's get the tools, and let's get ready to act. I vote i.

**Speaker:** Smith.

**Speaker:** I.

**Speaker:** Pirtle-guiney I appreciate councilor avalos work to develop this important resolution. This speaks to how we move forward in addressing our needs as a community in a way that says that we're open for business, open for partnership and open for people, and that we don't have to choose between those three things. This work sets up an important conversation about what our future looks like in Portland. As council president, I'm thrilled to see us do this work. And as a councilor in district two, in north and northeast Portland, where so many people have been displaced, I appreciate my colleagues willingness to think about how we can use the north and northeast preference policy and ensure that that is part of the work that's done in this study, and that our partners who are already working on social housing with us, are a part of this work. I vote aye.

**Speaker:** With 12 ayes. The resolution is adopted, as amended.

**Speaker:** Councilors, we have one agenda item left. We have 55 minutes. Thank you for your flexibility in that short change to our agenda. Rebecca, can you please call agenda item 16.

**Speaker:** Amend affordable housing code to add prohibition of anti-competitive rental practices, including the sale and use of algorithmic devices.

**Speaker:** Okay. And I believe we have claire coming back up to provide a committee staff summary for us.

**Speaker:** Madam president, councilors, again, for the record, claire adamson, from council and staff to the homelessness and housing committee. The ordinance

before you document number 20 2545 adds new provisions to Portland city code section 30.01 .088. It prohibits the sale, purchase or use of price setting tools that analyze or compile competitively sensitive information to recommend or set residential rental prices, fees, or occupancy levels or lease terms for dwelling units. It further prohibits a landlord or landlord's agent from sharing competitively sensitive information for use in a price setting, tool or price fixing scheme within the city, or from allowing a third party with access to competitively sensitive information to establish rent prices for a dwelling unit. The ordinance describes an aggrieved tenant's private right of action and eligibility for damages, and calculates violations for noncompliance with these code provisions. And it also allows the city attorney to investigate violations and seek injunctive relief, damages, and civil penalties. Any action under this section may be filed within five years of the violation, and penalties authorized by this code. Section will apply to any contracts entered into after the effective date of the ordinance. I will note for the council that the committee adopted an amendment prior to moving the item to full council. The effects of that amendment are summarized in the or. Sorry. The effects of the amendment on the original ordinance draft are summarized in the committee staff summary that's posted with this item, and the full impact statement on this item includes a financial and budget impact and analysis, economic and real estate development, impact and analysis, and community impacts and community involvement. In terms of public testimony heard by the committee at the first committee meeting on this item on February 25th, five people provided verbal testimony. 83 people submitted written testimony prior to committee action, and an additional 21 people submitted testimony after the committee meeting and prior to the full council agenda posting. The general themes of the testimony included strengthening protections for renters, particularly low income people of

color and seniors, people with disabilities at risk of homelessness. It also included the use of technology tools by third party companies to coordinate anti-competitive rental pricing practices, policy alignment with current state and federal actions, protecting fair market competition in Portland's housing market. Code enforcement as an alternative to private right of action against property owners found in violation the correlation between higher rents and increased vacancy rates. Limiting potential potentially limiting access to affordable units. Ensuring landlords and property owners may continue the use of revenue management tools to support their business operations. The request for evaluation of the city's current rental housing regulations prior to adopting new regulations, and finally, damage for violations of this proposed code as a potential deterrent for future housing development. And that concludes the committee report.

**Speaker:** Thank you. And, councilor avalos, I believe you chaired the committee. Is there anything you'd like to add to that committee report?

**Speaker:** I do have things to add. All right. So thank you, claire. Before the ordinance sponsor councilor morillo introduces the details of the bill. I would like to offer some additional context about how this bill traveled through my committee, because I want this on public record. Since this ordinance serves as a test case, and it is important for the entire council to be fully aware of some of the challenges challenges we will all have to address in the absence of guidance or codes. First, when this policy was brought, first brought to our attention, we planned to schedule it for two 45 minute hearings to include public testimony. But on February 24th, we received new guidance from council president stating, quote, moving forward, you may, of course, discuss and debate an ordinance or resolution for as long as your committee needs. But if an ordinance is ready for passage after being posted for just one hearing with public testimony, of course you are ready to send



it to council. Please do so. There is no need to schedule a second reading of the ordinance in the committee. But because this change in direction came the day before the first hearing of this ordinance, I didn't feel comfortable changing the direction and insisted that it come back to committee a second time, so that there was ample time for committee members to engage and offer amendments. So then, on February 25th, the ordinance came for the first hearing, and it received public testimony. And after the hearing, our office engaged with stakeholders including realpage and swift public affairs. We met with the attorney's office to get several questions answered, and we assume that all offices were doing the same to prepare for the second hearing and to offer any amendments that they had. By the time it came back to committee a full month later, it had received a full legal and clerk review, and the language was improved to offer clarity. We found no substantive changes to the intent or the outcomes, and this was confirmed by the attorneys in the clerk. I personally was satisfied with the bill and ready to vote, voted to full council. If a majority vote of the committee agreed. We had a majority of the committee members who felt the same, and we voted to refer it out to council. I will also note that days before the bill came to the committee, the second time, my chief of staff had a couple of conversations with council president's office and received instruction that public testimony was required at least once, but there's no need for additional testimony unless substantive changes were made. It should also be noted, though, that there is no code, neither for committee procedures or council procedures, that require public testimony after amendments are made. I understand this has been best practice in past council sessions, and we do expect that practice to continue in council at the discretion of council president, which is why I felt it was important to get this ordinance in front of the full body. I look forward to sharing my experience and my recommendations for how we can

improve our processes with the governance committee at their earliest convenience, because it is urgent that we all agree on the procedures as soon as possible. So I wanted to add that context because there's been a lot of discussion. And again, I think this serves as an opportunity for us to reflect on ways that we can make sure we're being inclusive not only of the public, but also of our councilors, as we are moving legislation forward. And we're all weighing in from the perspective of our districts, which is what happens at council meeting, not at committee. So with that, I'm going to pass it forward to councilor morillo to introduce her bill.

**Speaker:** Thank you, chair avalos.

**Speaker:** First, I want to start.

**Speaker:** Off with my colleagues. Can you raise your hands if you watch the housing committee presentation from February 25th.

**Speaker:** I was there. Okay.

**Speaker:** Oh, okay. Great. I think it's important that we have this discussion on process, and I'm not going to delve on it too long. But the reality is the previous that this current setup actually punishes you for having a lot of public support for your testimony, because now we have less than an hour to go over antitrust law and algorithms, which are both very complicated things to cover, and we have done everything we can as an office to hold your hands through this process and make sure that you have as many answers to your questions, so that I don't have to answer the question about whether or not our ordinance bans excel sheets anymore because it does, not just for the record. And so I think that, you know, in the future, we need to discuss what it means to actually have a robust public engagement process, because we have a lot of people who are here. I know in support, and we are essentially getting punished for having that public support because it's eaten up some of our time to go over these complex matters. With

that, I'm going to go over my overview of the policy, and then we're going to have some experts, including folks who are in opposition to our ordinance, come and speak, because we thought it was important to have their perspective here as well. So I want to start off with how this all began with the department of justice lawsuit. So in 2024, the united states department of justice sued a company called realpage, alleging that its software represented a price fixing scheme to raise rents. In may of 2024, the fbi raided the atlanta headquarters of apartment manager cortland management as part of an ongoing investigation by the u.s. Department of justice into potential antitrust violations into the multifamily housing industry. I want to note for my colleagues that the department of justice does not bring things forward unless there is serious evidence, findings, evidence of collusion, or evidence of cartel behavior. And I know everyone's afraid of the word cartel. We're not talking about drug cartels. That is a legal term that discusses the use of collusion in algorithms. This is going to be hurting everybody renters, small housing providers and small businesses and small landlords because people aren't investing their money in the economy. Everybody hurts and everybody loses, except for realpage and companies that are using these types of algorithms to price fix and to help themselves at the expense of everyone else. So people have asked us a lot, is this even a problem in Portland? And I can absolutely tell you that it is. 46% of our constituents are renters. Two of the top three largest landlords that are named defendants in the federal lawsuits against realpage own a minimum of 32,000 units in the city of Portland. That would be greystar and avenue five. They didn't identify themselves in public testimony, but if you read their written testimony and you search some of the names, you'll find which companies they work for. And maybe i'll do that and bring you a list. So, you know, according to the united states department of justice, the Portland market is a market where and I quote

agreements between realpage and landlords and agreements among landlords to share nonpublic, competitively sensitive information for use in pricing.

Conventional multifamily rentals have harmed or are likely to harm competition, and thus renters. Common sense laws exist to address problems that might happen in the future anyways, and this is a very common sense law that is coming not just in our city, but across the entire united states. This is what our ordinance does and what our ordinance does not do. This is what our ordinance does. It prohibits three categories of practice. And each of these practice categories have are fall under anti-competitive practices. But the three in concert function as highly anti-competitive business models. So that includes landlords sharing competitively sensitive information with other landlords or entities that operate a price setting tool. A person or entity using a price setting tool. Entering into an agreement to use a price setting tool. Charging rent that was determined with a price setting tool or engaging in a price fixing scheme and entity selling or licensing price setting tools. What this ordinance does not do mom and pop landlords can continue to use spreadsheets like excel or algorithms to track their property data, as well as the data of any property in which they have the majority or beneficial 25% ownership. Using spreadsheets or algorithms to track their property data, along with aggregated data of publicly available listings. Preparing or using reports, studies, or other forms of market research. Using publicly available data and using tools like zillow or other services that provide existing rental data value estimates. I also want to note that our office met with zillow. They had zero concerns about our ordinance because they are not using their public data to price fix using any other tools in this manner that does not facilitate price fixing and coordination is completely acceptable to the extent that you need to share competitively sensitive information, like information about your pricing strategy or supply and demand data to your

bank or legal advisers, you can already do so under existing agency law. However, under existing antitrust law and rules of professional ethics, it is potentially problematic for you to do so if the bank employee or legal advisors are your competitors. The analogy that I would use for this, if it makes it simple for you, is if you are playing a soccer game and your referee is a part of one of the teams and they're the ones making the calls, well, it would be beneficial for them to make calls that support their own team, right? That's the simple analogy that I can make for this. This ordinance does not change any of the existing antitrust law. This is simply closing the loophole on algorithms and the 21st century version of this problem. I also want to point out to my colleagues that this is going to be the norm across the entire united states, for cities have already passed it berkeley, san francisco, minneapolis and philadelphia. Five other cities are looking into the ban as well. The state of Washington is on the verge of passing it, and we have legislators at the state and federal level who are trying to push this legislation. Senator gorsuch is trying to pass this at the Oregon legislature, but the bill has not been rescheduled for another hearing. Senator ron wyden is pushing this at the federal level. But given the makeup of our federal government, it's pretty unclear if it's going to pass. This could be our one and only chance to protect Portlanders against corporate landlords who are price fixing. Our ordinance reaffirms over 100 years of antitrust laws under the sherman antitrust act, and it simply closes the loophole for our advancing technology. So with that council president, this ordinance is at the intersection of law, economics and technology. It's a very simple premise, the idea that price fixing and coordination are illegal, whether conducted in person or digitally via data sets and algorithms. But given the complexity of the topics implicated, given the fact that the majority of my colleagues did not have time to watch the housing committee presentation that detailed this, we want to ensure

that everyone is on the same page and have subject matter experts who are available to speak to the common misunderstandings. Thank you.

**Speaker:** Councilor, for that thorough overview. There were a number of comments made about our process, which I think i'll address another time, because I'd like us to get through our technical questions and get to hearing from at least a few folks before 1:00. So this is the time not for discussion, but to clarify some of what we have heard about what happened in committee so that everybody on council has a clear understanding of the discussion so that we can make informed decisions today, even though we were not a part of that full discussion in the past. Councilor smith, do you have such a question?

**Speaker:** Yes. Thank you, madam president. I do have a question because I may have a possible conflict of interest. I am a small plex owner. I am a part of that. 77% of the people who actually are considered mom and pop. And I was wondering if there's a way to put where we can exclude those folks who are in the 77% group from not being held responsible for this. That would be great. So that is my question.

**Speaker:** Is there that would be an amendment proposal which we could talk through and discussion.

**Speaker:** I okay, no, I'm just asking the question.

**Speaker:** Is that is it technically possible?

**Speaker:** Is that technically possible to do that?

**Speaker:** Councilor would you like to respond to the technical possibility of that with the language that you've put forward?

**Speaker:** I would say that some of our testimony are probably going to articulate this, but antitrust law is already incredibly difficult to prove. I keep hearing about these mom and pop landlords that are terrified that they're going to be sued under

this. They are not the ones. And we've even spoken about this. They're not the ones using this technology. So they are not price fixing. They're not going to get tried under a court of law for this. I also want to point out that other jurisdictions have much higher penalties. We went pretty gentle with this. Philadelphia has \$2,000 fines a day for this type of thing, because antitrust law is so difficult to prove that it needs to be a deterrent for the companies that are doing this.

**Speaker:** Thank you.

**Speaker:** Councilor green. Technical question.

**Speaker:** No. My questions for after we hear from the invited testimony.

**Speaker:** We'll talk about the testimony pieces in a minute. Councilor novick.

**Speaker:** And coming off of these questions are inappropriate, but I just and I apologize. I've not studied the legislation closely enough. Didn't watch the committee, and I had folks who are opposed or have concerns come to me just yesterday. So I'm playing catch up here. But like one of the questions raised was, well, if you're saying it's okay for people to use spreadsheets. Why are spreadsheets listed among price setting tools?

**Speaker:** So and I want to point out a problem in process. Right. My colleagues have all heard from corporate lobbyists. They're not going to get to hear from the community as much today. And they didn't go through all of the materials when we're having this substantive discussion. And that's partly a timing issue and a process issue. And I just want to acknowledge that it's not like an individual sin from everybody. The reason it's listed there is because there you could technically use a spreadsheet in excel to price fix if you so desired to, but that doesn't mean that you are using it for that purpose. So it is naming the specific technologies that could be used for this. If you are using excel not to price fix, then you are fine. If

excel was going to be banned, I promise you that microsoft would be all up in this building.

**Speaker:** Okay, second question. I'm going to try to limit this. The another argument we heard was that competitively sensitive information used to be nonpublic information. And so if nonpublic is no longer there, does that mean you're saying the competitively sensitive information, even if it's public, should not should not be used in this manner? But basically the argument was why don't you go back to say information not available to the general public?

**Speaker:** Competitively sensitive data is a legal term. Susie, do you want to take this one or is tony here to explain this?

**Speaker:** I'm happy to take it.

**Speaker:** Unless.

**Speaker:** Susie, could you introduce yourself for us?

**Speaker:** Yes.

**Speaker:** Of course. Hi everyone. I'm susie, I'm councilor morillo policy advisor. I'm also an attorney.

**Speaker:** Thank you. Go right ahead.

**Speaker:** Thank you. I don't know if tony is here, but I'm happy to respond if that's helpful. So competitively sensitive information. I think it's important to be able to look at the.

**Speaker:** Go ahead. Please continue. Oh. Hi, tony.

**Speaker:** Yeah. So competitively sensitive information. I think it's very helpful to both look at the text of the definition and think about the intent. So this is how a court would examine this in practice. So competitively sensitive information. Looking at the text in the ordinance we changed this definition to first be in greater alignment with best practice in this space. So this definition was pulled directly from



the Cortland proposed final judgment. So Councilor Morillo alluded to that. Previously, Cortland was a defendant, along with Realpage and many other named property managers and other large organizations that were being accused of using price fixing tools and other collusive measures. This definition was pulled directly from that PFA proposed final judgment, and we wanted to be in greater alignment with it for that reason. So the text of it, I think, is quite clear about what is prohibited and what is not, what is treated as competitively sensitive information and what is not. And to the extent that it's not clear, we provide precise examples. So we are listing in this examples of information, all of which are they provide a competitive advantage and they are sensitive in nature. So they are nonpublic in nature. So and then so that's the text. But then moving to intent, which is something else that the court would look to if intent were not perfectly clear in the text. Again, let's look at the name competitively sensitive information. What is the purpose of this ordinance? We are trying to prohibit the exchange of information that provides a competitive advantage. If we are both landlords. And I have information that I would not want to share with you, it is typically because it would provide you with a competitive advantage. You would use it to steal my clients. That is the type of information that is prohibited here with respect to use in a price fixing tool.

**Speaker:** What would.

**Speaker:** It defeat your purposes to simply add in the words nonpublic?

**Speaker:** Yes.

**Speaker:** That's a great clarification. So what I would suggest in that case, in terms of quality of statutory drafting and we're not opposed to this, would be adding a definition for public data that is distinct from competitively sensitive information. So these are distinct definitions. They should be treated as such. So let's put them

separately. And this is also what Cortland does I mean it is not legally necessary to include this. But we could, for the purposes of clarity, as we did with our previous amendment, add additional definitions and elaborate on those definitions. Include additional words. Happy to do that. But no, I mean, public data could be its own definition. And as we did with competitively sensitive information, be quite explicit about what that entails.

**Speaker:** And finally, on the issue of your lawyer, your banker. Et cetera, et cetera. The argument I heard was, well, okay, you and your lawyer are both mom and pop property owners. Each of you owns two properties, so theoretically you compete with each other. But should you really not be allowed to consult with your lawyer about something? Because in some abstract way, you both are landlords.

**Speaker:** So sorry Susie, do you want to take this.

**Speaker:** One as well?

**Speaker:** No, I mean, you can if you.

**Speaker:** Like.

**Speaker:** Under existing antitrust law, you are not allowed to collude. Whether you're doing that through an algorithm. The issue is that antitrust law has not really been enforced for 150 years. So people have gotten into pretty sloppy practices about how this works. But you're not allowed to share competitively sensitive data with each other, whether you're doing that through an Excel sheet, an algorithm, or in a smoky back room. Did you want.

**Speaker:** To add?

**Speaker:** Yes, I would just want to add to that so, you know, it has the councilor alluded to this in her initial statement, but it is the case under existing agency law that you can share information that pertains to your enterprise, your business with a designated agent. So it has to be a legitimate agent. But a real estate agent is an

agent. I mean, you know, an attorney is an agent. Any I mean, a relative could be an agent if, you know, they conform to the definition of agent under the law. So you are permitted to share information, competitively, sensitive or otherwise, with your agent. This ordinance does not change that. This ordinance says nothing about usurping long standing agency law. Similarly long standing antitrust law. So again, it's been in place for 100 years, indicates that, you know, regardless of the business situation that you may be in or, you know, marital situation that is not an exemption. It's not a free pass to price fix. So if I happen to be in a business relationship with a competitor landlord who is an agent in the context of that relationship, that would be problematic. I would want to revisit that. That is not true under this ordinance. That is true under long standing antitrust law. And if we wanted to relitigate that, we would need to, you know, hop in a time machine and go back 130 years to relitigate the tenants of the sherman antitrust act. That's not a product of this ordinance.

**Speaker:** Thank you.

**Speaker:** Counselor. Any additional questions for technical clarity? Or can we move on so we can hear from.

**Speaker:** I.

**Speaker:** Will subsequently a follow up from what I've asked. But no, i'll shut up now.

**Speaker:** Okay.

**Speaker:** Counselor zimmerman, technical questions.

**Speaker:** Thanks. This question is for our city counsel or council lawyer.

**Speaker:** All right.

**Speaker:** For our city attorney who is at the table. Is that okay?

**Speaker:** Thank you.

**Speaker:** I can't believe that wasn't clear in how I stated the question. Tony.

Thanks. So with respect to the enforcement aspect of this ordinance, we've got two as I read it right, we've got an area where the city attorney's office now can investigate. I don't know if the right word would be allegations of wrongdoing as it relates to this ordinance, but we also have the private right of action. My question is broad, and so I'm just going to put it out there so you can go through your answers. But where else does the city attorney's office investigate items that are in violation of city code? Because I'm used to that happening by other entities. And then secondly, the as I read the calculation for damages and the numbers of times that something happened, if I were to, I will also I should say this. I am also a one unit landlord, so I qualify as the potential conflict here. So I'm trying to understand it a bit. But if I execute a lease or my property management company executes a lease, that one action, let's say it's on January 15th. The way this is written is that every month when the rent comes due, that's considered a new violation. And I was hoping you could talk about those two items so that we can understand just how that would be used for those two arms of enforcement. Sure.

**Speaker:** For the record, tony garcia.

**Speaker:** With the Portland.

**Speaker:** City attorney's office, let me first talk about enforcement.

**Speaker:** We have.

**Speaker:** Many different.

**Speaker:** Ways of enforcement here.

**Speaker:** At the city. We have code compliance where when there's a cannabis businesses and entities, we also have noise. So there's many different ways in which we enforce. What we have under this ordinance is consistent with the last time we brought a new code provision, which is the delivery fees regulations. So the

ability to subpoena records. So that's what we're doing in this one. But certainly a decision for this council whether to continue with that practice or to have it mirror other sections of code and our other enforcement that we have. Does that answer your question on, on that piece? So we don't have subpoena authority under all provisions. We would have it here. There is one other section of code where we have that, but there are many where we do not. I think the benefit would be it would allow our office to initiate actions without having to first go to either circuit court or to the hearings office to start an action.

**Speaker:** Okay. Thanks. So it basically okay, I think I've got that. Let's do the next part. The different the way violations are calculated.

**Speaker:** The way they're calculated, I we have it in here. So there's separate calculations depending on whether it's a private right of action or whether it is a city enforcement mechanism. And yes, if the city brings a case then each month that that an entity is in violation, the city could recover, you know, the fines or fees appropriate for that, that monthly violation.

**Speaker:** And then also the person and all people in that complex could also down the civil side or whatever the private right of action is. That's correct.

**Speaker:** Sure. I think the way you would actually see this work is if the city brought a case and we went to the hearings office, I imagine that would occur on one of these larger scale multi unit cases. Under the facts that have been presented here. And if the city brought a case, the city would find the violation. That would be a determination that then a private individual could take that over, go to an attorney and they could go into circuit court and they could bring their own case and they could bring their own penalty provision for that. I think it would make it easier for them to be able to do that. Thank you.

**Speaker:** Councilor Ryan. Technical questions.

**Speaker:** I just wish we could.

**Speaker:** Hear testimony. I, I had a very different take on the committee experience, and here we are. And we still haven't heard testimony. And so I think we just need to get to it.

**Speaker:** I believe you're the last person in the queue, so why don't we do that?

**Speaker:** Thanks.

**Speaker:** Counselors. I'm not going to do a second call for technical questions right now. I'm going to take counselor Ryan's advice.

**Speaker:** And i.

**Speaker:** Prioritizing the people that are here.

**Speaker:** And. Well.

**Speaker:** So i.

**Speaker:** There are there are.

**Speaker:** A on that one.

**Speaker:** Okay. Here's what we're doing. There are there is nobody else in the queue. I don't believe counselor smith. I believe that's an old hand. Is that correct? Okay. For technical questions, I am sure there will be more questions. And it sounds like proposals for amendments when we get to discussion, the next step in the process that we have been operating under is to hear testimony. There are a couple of folks who are here to testify who might be able to provide additional context, who we will call up, and then we will move to the order that our clerk has. We have 26 minutes. We will get through as many people as we can. And then we have that time on Thursday and we will have time on the 16th. I am sorry, folks, that we don't have more time today. I was hoping we would have about an hour for testimony. So I want to start us really quickly with these folks who can provide context before we move to the broader list. That is marcel gesmundo, who will be

followed by doctor brian kelsey, mark paul albert, foxconn and lee heppner. And then we will move to the broader list. So if those folks are available, let's have them move through as quickly as they can.

**Speaker:** Good morning, senator.

**Speaker:** Council members, may i.

**Speaker:** Begin, please?

**Speaker:** My name is marcel gesmundo. I'm an.

**Speaker:** Attorney that focuses and specializes.

**Speaker:** In housing law. And represents housing providers in the area and across.

**Speaker:** The state.

**Speaker:** I'm here on behalf of multifamily northwest, though, which represents about 300,000 units, kind of in the state in the greater area, I would invite questions whenever possible. I think that you will get the most out of this if that occurs. I'm not.

**Speaker:** Here to sell, but we have two minutes for you folks can reach out to you, I'm sure afterwards.

**Speaker:** I'm not here to support price fixing. I don't believe anybody is. But I do oppose the proposed ordinance as drafted. It does in fact prohibit housing providers from using publicly available information when setting rents. Despite the testimony that I heard earlier, if you read the statute, it certainly does not exempt it in any way. And that was one of the questions that I heard earlier. It also prohibits property managers from considering their own internal data and expertise when setting rents. Property managers represent different owners. They might represent two different owners on different sides of the street, and you're essentially asking them to put on blinders when they're setting rents, even though that's basically impossible. I think the City Council hasn't had adequate time to really take into

account all the stakeholder input and other information that it didn't receive, and as a result, it would be hasty to set this policy that, though, while well-intentioned, will inadvertently add to Portland's reputation as kind of being a hostile place to build. Worse yet, the ordinance is so broadly worded with such a disproportionate penalty provision that it could potentially bankrupt any housing provider for factoring in advertised rates or their own data when setting rents. I think to commissioner zimmerman's, excuse me, councilman zimmerman's point, if you with the statute of limitations of five years over with 12 months in a year at a \$10,000 per month penalty, that would be a \$600,000 lawsuit for one tenant. So you would want to take that very seriously when considering the penalty, as it relates to the vagueness and breadth of the policy. Again, not objecting to the policy of preventing price fixing, objecting to the breadth of the ordinance as drafted. I think, you know, this does, in fact prohibit housing providers from scraping data from apartments.com, zillow and putting it into their own system, into their own spreadsheet and algorithm. We're not saying that that the ordinance I will cede time, but I have a lot to say and happy to share it with any council members that are interested.

**Speaker:** Thank you, and please feel free to send information to us as well. Thank you. I see albert foxconn online. Why don't you get started? And doctor brian kelce and lee hepner I believe are joining as well.

**Speaker:** Thank you so much. My name.

**Speaker:** Is albert.

**Speaker:** Foxconn and I'm.

**Speaker:** The executive director of the. Surveillance technology oversight project, a new york based civil rights group. I also am a fellow at nyu law school, previously have studied antitrust and technology issues at yale law school, harvard law school,



and the kennedy school. Basically, we're trying to prevent the erosion of rights that have been protecting tenants since the 1890s. We're talking about such.

**Speaker:** A.

**Speaker:** Modest first step here to restore the protections that have, you know, safeguarded Americans from price setting conspiracies since for truly generations. And I should also note, as someone whose family are also small landlords as well, I know that there are a number of regulatory burdens that landlords face, and having to avoid violating the sherman antitrust act by not. Conspiring with your fellow landlords is a very modest burden right now. We have seen landlords across the country able to skirt the law, commit felonies, avoid liability simply because of the difficulty.

**Speaker:** Of actually.

**Speaker:** Pursuing these cases. Under the existing sherman antitrust law. I should note that, yes, there are some broad technologies here that can be implicated. But you know, the same excel program that 99% of the times landlords are using in a legal way can be used illegally. It's no different than thinking about a car that someone uses in a completely safe and lawful way. And if they are running people off the road, they face liability. When you use excel to commit price fixing, it causes real harm. And you have to understand that some of the most dangerous algorithms in America today aren't in some cutting edge machine learning system, some neural network. They are operating in very simple equations in excel and other similar systems. And I really think that this is an indispensable act to protect renters.

**Speaker:** Thank you for being with us, doctor brian. I apologize if I mispronounced that.

**Speaker:** Nope. You said it both ways. My immediate family says it, so all good.

Thank you members of the of the council for the opportunity to provide testimony on the proposed ordinance prohibiting the use of algorithm, the pricing, price fixing tools in Portland's rental housing market. My name again is brian kalish, and I'm the chief economist at the open markets institute, which is an anti-monopoly think tank based in Washington, d.c, and my colleagues and I have published several articles on algorithmic pricing tools. And we've recently filed amicus briefs in two algorithmic price fixing cases, cornish and a b versus caesar's and gibson versus group. And so our support for a ban on on algorithmic price fixing is grounded in antitrust law, economic theory and empirical evidence of the effects of algorithmic tools. Now, what collusion does is it restricts supply and raises prices. And it's illegal under the antitrust laws already. Just last week, the us any reiterated that the exchange of competitively sensitive information can violate the sherman antitrust act, even if the information is exchanged through an intermediary like a software provider. And the economic literature keeps on turning up cases where algorithms end up colluding even when they aren't programed explicitly to do so. So the empirical evidence strongly suggests that the algorithms currently in use in housing markets do, in fact, drive rents higher and not lower. While there is a theory that algorithms can lower rents by helping landlords respond more quickly to softer demand conditions, the empirical evidence we have to date tells us this effect is far outweighed by the software's facilitation of collusive outcomes, so the quantification of this is about \$25 per month and is an argument, not that the banning price fixing will hold back development. If landlords are unable to artificially hold up prices, then developers will lack the incentive to build. In fact, collusion raises rents in a way that discourages rather than encourages investment by thwarting the normal operation of supply and demand. Because collusion raises

prices by increasing vacancies, which result in excess capacity, developers don't make profits by building into an environment of excess capacity. So collusion is illegal, whether it's done in smoke filled rooms or over the phone or via third party software provider. So yeah, thank you for the. Yeah, thank you that that concludes my testimony.

**Speaker:** Thank you, lee hepner.

**Speaker:** Good afternoon, president pirtle-guiney and council members. My name is lee hepner. I'm an antitrust attorney and senior legal counsel at the American economic liberties project. We're a nonprofit advocacy group dedicated to advancing fair markets for consumers, workers and small businesses. We've now weighed in on over a dozen pieces of legislation like this at both the municipal and state level, and they all seek to do one thing, which is to say that price fixing is illegal under current law, and that price fixing by algorithm is as illegal as that handshake in a smoky back room, which many of you and colleagues have spoken to already. You can't use digital tools to violate the rules, but existing price fixing law is challenging to enforce. So no one enters into an illegal agreement openly. And the advent of a price fixing algorithm is to further conceal the existence of an illegal agreement to fix prices, so there is real value in establishing bright line rules to prohibit the misuse of competitively sensitive information to set rents. A white house study determined that renters across the country pay an additional \$3.8 billion in rent per year because of rent fixing algorithms. But it's not just about high rents. Evidence introduced in pending litigation in arizona says that price fixing also increases rates of eviction. Furthermore, as doctor callaci mentioned, price fixing holds badly needed housing units off the market by providing owners with the assurance that they can meet revenue targets even if a greater number of units are left vacant. Now, this isn't about undermining the efficient setting of rents. In fact,

we believe that the fair competition sets rents most efficiently. But we also have to be clear about what this legislation should not prohibit. If a landlord wants to hire a pricing consultant and share their own data with a third party to set rents. Nothing in this bill prevents them from doing so. There is nothing illegal about a landlord researching the market and independently setting rents to get heads in beds. In fact, that's exactly the price competition that this body should encourage. So I look forward to any questions.

**Speaker:** Thank you.

**Speaker:** Thank you. And I know folks have a lot of expertise and counselors may have questions. So I would just encourage people to connect offline to get questions answered. Counselor smith, are you in the queue? No. Counselor green, are you in the queue?

**Speaker:** Yes, but I just want to say briefly.

**Speaker:** Public testimony.

**Speaker:** Okay. I just you heard some from some economists. I won't reproduce those arguments. I laid on your dais station. My attempt to summarize the economics of competitive pricing. Review leisure. Ask me any questions. I didn't want to break public meetings. Law in the spirit of steve novick. So I cede.

**Speaker:** Thank you. And I was remiss in not mentioning in our council operations staff summary, we heard about the various statements and analyzes that were included in this, and I had said that I would put on the record that some of those analyzes had been updated. There had been a question about why they weren't included earlier this week, and they are up now. So I just wanted to put that on the record to make sure that we have that included in the official record since they came on a little late. Rebecca, we have 14 minutes. Let's see how many folks we can

get through to make sure that we can hear from some of the people who are here today.

**Speaker:** First, we have chris olson, travis noddings, and john knight.

**Speaker:** And I will just let folks, as soon as you come up, start speaking so that we can have as little transition time as possible. And if our staff who are at the table, maybe want to clear those seats for now, that would be great.

**Speaker:** Hello, my name is chris olson. State my name for the record. Thank you, council president and vice president for allowing us to speak. I'm a renter and I'm a resident in district two and a member of the Portland democratic socialists of America housing working group. I'm going to be speaking on my own behalf, but also of the experience of renters that I've met through this working group. I strongly support this evidence. As a lifelong renter, I've experienced firsthand the relentless rise in housing costs. Despite working hard to keep up with rent, the increases constantly outpace my wage growth, making it nearly impossible for many Portlanders, including myself, to get ahead. This ordinance is necessary because algorithmic pricing software enables landlords and property managers to artificially inflate rents, effectively engaging in price fixing that puts stable housing further out of the reach of many working people. Through the Portland dsa housing working group, we have heard from hundreds of renters across the city. Portland's housing market is already unaffordable for many, and the use of secretive, profit maximizing algorithms only worsens the crisis. As I reviewed written testimony yesterday, I was struck by the overwhelming amount of public support for this ordinance. However, one opposing statement from a landlord stood out to me and I quote the only solution is exporting people to lower cost of living states. This sentiment is appalling to corporate landlords. We are not people with lives, families, dreams and communities that we want to live in. We are just a number that can

push around like cattle, from apartment to apartment or from state to state. Our lives do not matter to them. We are simply numbers on a balance sheet, easily displaced when we can no longer afford to pay. Portland risks allowing corporate landlords to turn the city into an exclusive playground for the wealthy, as they've done to San Francisco and Seattle. The harm caused by algorithmic price setting is not hypothetical, because across the country, as you know, many attorneys general have pushed back against this. I urge all City Council members to vote yes on this ordinance during the next City Council meeting. Thank you for your time.

**Speaker:** Thank you.

**Speaker:** I spoke previously, so I'll keep my comments brief. Homelessness and evictions are on the rise in Portland and Multnomah County, and that is overwhelmingly due to rent prices. Marcel Gesmundo, who spoke previously, is an eviction lawyer, though he spoke in euphemisms about his job title, he works at and for law businesses, going extremely well for them. They're one of the top eviction firms in Multnomah County. You can find them every single day at eviction court. I would encourage any of the councilors here to get an idea of the impacts of our rental crisis, to go to eviction court and speak with tenants there. They're breaking down in tears every single day, 40 to 50 to sometimes 80 households on any given day. We just opened a section, a second eviction court in east county so we can get through our eviction docket faster because evictions have been going up 30% year over year for the last few years, and we desperately need to do more to stop this. And I'll end there and ask that you support this ordinance.

**Speaker:** Councilor Morillo, President Pirtle-Guiney Portland City Councilors. My name is John Harris Night. I'm a ten year resident of Portland. I work as a nursing assistant in a local hospital. I'm representing myself today, where I have worked since 2020 to help during the pandemic. Despite working in public education for the

state and in social and public services, I have enjoyed the highest income of my life over the last five years. Still, since mid 2019, I've had to move ten times in Portland housing, sold or closed for renovations and conversion, relying on friends for a room or to use. Luckily below market rates and adu declared uninhabitable from a neighbor's complaint against the landlord. Unaffordable corporate rent increases approaching the state's 10% annual limit. Staying with my twin brother and his partner. Thanks, bro. For months or a year at a time while searching for something affordable or saving up to get through a one year lease. All because I can't find one decent place that stays affordable using algorithmic technology to maximize profits, instead of using it to minimize costs to renters is a scam. Price fixing, collusion between corporations. Withholding units from the public to create false scarcity. To rationalize raising rents should be illegal, and grounds for revoking these corporations business licenses. These conditions further harm anyone granted less opportunity and privilege than my white, able bodied, college educated male self. The whole city suffers. I have tried pursuing a graduate degree to raise my income, but to afford school, more work is required. Interfering with school. Finding safe, affordable, quality housing should be easy. I take additional jobs and hours to subsidize. Corporate greed is chasing the dragon's tail. If they want billions, they should get a second job or a third one. Like us. We are all living versions of les misérables. As fantine. We sacrifice our lives, health and dignity to satisfy ever increasing demands from these corporate to nadir while they abuse our assets until we are lost to each other forever.

**Speaker:** And I know that there were some good lines there. We are going to try to keep order and quiet in chambers so we can keep moving quickly.

**Speaker:** Rebecca brennan poole, michael dara, and joseph gardner.

**Speaker:** Go right ahead. As soon as you're seated, just please introduce yourself.

**Speaker:** Good afternoon.

**Speaker:** My name is.

**Speaker:** Brennan poole.

**Speaker:** I'm a physicist and software engineer renting in mill park, and I'm.

**Speaker:** A regular.

**Speaker:** Volunteer at the.

**Speaker:** Oregon food bank.

**Speaker:** I'm testifying.

**Speaker:** For myself today in strong support of this ordinance. Price fixing is. Illegal in this country and has been for over a century.

**Speaker:** It's illegal if.

**Speaker:** It's being.

**Speaker:** Done in.

**Speaker:** A smoky bar.

**Speaker:** Between old timey tycoons.

**Speaker:** Or if it's being.

**Speaker:** Done in a well-lit office using an app.

**Speaker:** Price fixing.

**Speaker:** The.

**Speaker:** Rental market. Artificially raises the price of rent.

**Speaker:** Pushes people into.

**Speaker:** Homelessness, and suppresses the creation of new affordable housing units. This price fixing. Violates the free.

**Speaker:** Market ideals.

**Speaker:** Of our. Economy and actively hurts honest landlords. I have been a renter.



**Speaker:** My entire.

**Speaker:** Adult life.

**Speaker:** And i.

**Speaker:** Have.

**Speaker:** Only seen.

**Speaker:** The price of rent. Increase and the quality of those rental units decrease.

Many of my friends have been less fortunate than myself, and have had to move out of the city in search of more affordable housing.

**Speaker:** Many of them.

**Speaker:** Needing to live with their parents to make ends meet. These price fixing apps encourage landlords to keep perfectly serviceable units off the market to inflate housing prices, and as such, finding affordable housing in the city is a significant challenge. This ban is not a complete solution to our city's housing issues, but it is an important first step in reining in the lawless speculation on the vital needs of the hundreds of thousands of working class Portlanders who make the city great. I urge you to vote yes on this ordinance. Thank you.

**Speaker:** Sir.

**Speaker:** Members of the council.

**Speaker:** I'm joe.

**Speaker:** Gardner, speaking on.

**Speaker:** Behalf of my client, realpage. I'm also. Testifying as a lifelong renter.

**Speaker:** And a tenant in the.

**Speaker:** Portland metro.

**Speaker:** Area, a tenant who is deeply.

**Speaker:** Worried. That this council is on the verge of exploding the cost of the rental market by.

**Speaker:** Massively increasing rates of.

**Speaker:** Frivolous lawsuits.

**Speaker:** While also.

**Speaker:** Driving away desperately needed investment into new housing. Many of you may be tempted to vote on this.

**Speaker:** Ordinance based.

**Speaker:** On false allegations.

**Speaker:** And.

**Speaker:** Inaccurate statements made by its sponsors.

**Speaker:** Allegations too numerous for.

**Speaker:** Me to rebut in the.

**Speaker:** Two minutes I have.

**Speaker:** But I wish to address a.

**Speaker:** Few of.

**Speaker:** These.

**Speaker:** Not to malign proponents, but as evidence that this proposal is brought to you without appropriate.

**Speaker:** Attention to detail.

**Speaker:** And consideration of unintended consequences. Proponents of this ordinance have falsely claimed.

**Speaker:** That realpage.

**Speaker:** Is part of a price.

**Speaker:** Fixing scheme, driving.

**Speaker:** Rents higher.

**Speaker:** In reality, the.

**Speaker:** Cities where. Realpage serves the highest market share have experienced some of the most significant rent drops in the country in recent years. Proponents claim that realpage has coordinated. Conspiracy to control rents in Portland.

**Speaker:** Yet testimony.

**Speaker:** Also acknowledged that only around 18% of the rental.

**Speaker:** Market in the city.

**Speaker:** Is served by the software. No, no explanation has been given for how realpage can be both the central linchpin of a price fixing.

**Speaker:** Conspiracy.

**Speaker:** While also being so superfluous that 82% of the rental market is allegedly able to collaborate in the scheme without using the software. Far from pushing the rents higher, average realpage recommended rent levels in the Portland metro area over the past five years have ranged from 1.5 to 6.3% below equivalently publicly posted rent levels. Realpage does not pressure customers to adopt this rent value estimate, as councilor morillo has previously claimed. This is patently false. In fact, in the majority of cases, customers choose to diverge from software estimates based on their own insights into local market conditions. This ordinance will not help marginalized populations, as some proponents have claimed. In reality, part of the impetus for the software was to reduce the importance of face to face bargaining in renting, a process that subject to severe implicit bias effects based on race, gender, english language skills, and other factors. Justin's hearing. We've heard contradictory claims from proponents about whether excel is implicated or not, whether private information is exempted or not, not even the supporters can agree on what this law you're voting on does. Finally, proponents have claimed that this ordinance will come at no cost to the city. To the contrary,

the severe problems with this proposal and the severe confusion all but guarantees that its passage will result in lengthy and expensive court cases for the city.

**Speaker:** Hi, I'm Mike Aurora.

**Speaker:** I am a.

**Speaker:** Member of the democratic social housing. Working group, and just a little information on our.

**Speaker:** Canvassing.

**Speaker:** Project. We've been canvassing renters from one end of the city, from basically from the border of Gresham, all.

**Speaker:** The way to.

**Speaker:** The border of Beaverton in the last year.

**Speaker:** And a half.

**Speaker:** And in our last two canvasses, particularly in our last canvass in northeast Portland off 122nd, we started running into tenants who were telling us that they just got a rent hike, and their manager said it was out of their hands. It was the quote unquote algorithm. So this is. Just empirical. This is just real life data. But it is. We're running into it and we're running into it more. We seem to be running into it more frequently as the time goes by. Thanks.

**Speaker:** Thank you all so much for being here. Rebecca, could you please call up two more people to testify?

**Speaker:** Bobby Munoz and Javier Alomia.

**Speaker:** Please go ahead and introduce yourself and get started.

**Speaker:** Good afternoon.

**Speaker:** Council members. And Madam President.

**Speaker:** My name.

**Speaker:** Is bobby munoz. I've been a realtor within the Portland metro area for 11 years, two of which have been within property management. I am opposed to price fixing. I'm already. It's already illegal under state and federal law. I am not opposed to making it illegal under city ordinance as well as a real estate practitioner. I encourage black and brown buyers and sellers to purchase and sell real estate as a pathway to create generational wealth. Many of the single and multi-family homes here in Portland are owned by Portlanders, who have worked hard to leave a legacy for their families. As written, this measure is confusing. Does it apply only to expensive software like realpage or google sheets and microsoft? Microsoft excel two does it does it ban sharing only private or public data as well? For such a confusing measure, the penalty of a 10,000 is a lot, especially if it's calculated every month for a month to month lease over five years. That's \$600,000. As written, this measure would impact every single landlord in Portland, no matter how small their real estate portfolio may be. I am very concerned that the black and brown families that I work with, with, will give them, will give up their dreams and stop offering housing to their neighbors. That's bad for all of us. Thank you for your time.

**Speaker:** Good afternoon councilors. My name is. Javier lumia. I've been a proud Portland resident for 25 years. I'm a real estate agent with two decades of experience. A board member at Portland metropolitan association of realtors, and a former member of hacienda cdc at hacienda. During my time at hacienda, we focused on increasing the supply of affordable rental housing across the region because we understood something fundamental. The only way to sustainably bring rents down is to build more homes. More supply is the foundation of affordability. In my career, I've also worked closely with small local housing providers, the mom and pop mom and pop landlords who own just 1 or 2 units. These people are not large corporations. They're community members, retirees, and families who fill a

vital gap in Portland's rental market. And yet, this ordinance sends the wrong message more regulation, more risk. In a city already burdened with red tape. This is just one more reason to stop investing, and many have already left. To be clear, I do not support price fixing. It is wrong and it's already illegal. But this ordinance goes far beyond banning collusion. The language around nonpublic competitor data is so vague it could prevent a landlord from using their own rent history or internal business data. That is not unethical. That is just smart, informed property management. This ordinance does not solve our housing crisis. It compounds it. It creates confusion, drives away investment, and distracts from the real solution. We need more housing if we truly want to lower rents and create opportunity. We need policies that support housing production, not ones that punish the people trying to provide it. Thank you.

**Speaker:** Thank you. That puts us at exactly 1:00. Councilors, we need to allow staff time to turn over the room for our work session. To folks who have signed up to testify, if you are available tomorrow from 330 to 5, we will make sure there is a quorum of counselors here to continue hearing public testimony. If you would like to testify and you are signed up and you are not available. Tomorrow we will be scheduling this item for additional time at our evening meeting on April 16th. That is a Wednesday, two weeks from today. You are welcome to come to either of those periods of time to continue testifying. We are closing the oral record today, which means we are not going to take signups for additional public testimony. We will keep the written record open in case folks who have signed up are not able to come to either of those other two dates to testify, and would like to submit written testimony instead. Closing the oral record does not mean that we won't be taking additional public testimony. It just means that we won't be taking new public testimony sign ups. I want to thank our staff, especially our clerk who is stuck here

while we are here for running a little bit over today. And with that, I am going to recess today's meeting to tomorrow when we will continue testimony on this agenda item.

## **Portland City Council Meeting Closed Caption File**

**April 3, 2025 – 3:30 p.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

**Speaker:** Good afternoon. I am going to call us into session for this is a continuation of yesterday's council meeting. It is April 3rd at 3:31 p.m. We are continuing the agenda item that we started yesterday. I have different notes in front of me, but I believe it was agenda item 16. And rebecca, can you please call the roll?

**Speaker:** Here?

**Speaker:** Ryan koyama lane here. Morillo. Novick here. Clerk. Here. Green. Here. Thank you. Zimmerman.

**Speaker:** Here.

**Speaker:** Avalos.

**Speaker:** Present.

**Speaker:** Dunphy here.

**Speaker:** Smith.

**Speaker:** Here.

**Speaker:** Pirtle-guiney here. And I want to start by thanking everybody who showed up today again after being here yesterday to testify. And I'd like to thank all of my fellow councilors who rearranged their afternoons to be here to make sure to hear from you. It's important for as many of us as possible to hear where you all are at, so that we can make informed decisions, share information with our



colleagues who aren't able to join us. And I appreciate everybody making space for that. Rebecca, could you please call the agenda item?

**Speaker:** Agenda item 17 amend affordable housing code to add prohibition of anti-competitive rental prices, including the sale and use of algorithmic devices.

**Speaker:** Thank you. And I just want to flag for councilors and anybody who is in the room or watching online that since yesterday, there is a proposed amendment to exhibit a, which has been added to the online record of this agenda item. I believe right now we're going to move straight into public testimony, but I want to make sure folks know that that is there because as we have discussion later, I'm sure that will come into effect.

**Speaker:** Whose amendment was it?

**Speaker:** So it was my amendment. And it's to. Oh, I'm so sorry, I didn't know. That's okay. Sorry I got excited.

**Speaker:** It is. Councilor murillo's amendment and councilor zimmermann, are you wanting to hear just a minute about it before we go into public testimony? Is that helpful? Okay. Councilor morillo, can you just quickly let folks know what that is?

**Speaker:** Thank you. Apologize so much for just jumping on a little bit late. The amendment is to address the concerns that some councilors had about how this might impact small landlords. So we've actually created a tiered system so that small landlords aren't impacted by this policy or addresses the perception that they might be. We worked with the city attorney on the amendment aspect of it, and he actually recommended that we read and go through the amendment first so that we can get public testimony on it, and people can adjust their testimony according to the amendment. Curious if that's an option.

**Speaker:** So, councilor, I appreciate that. I also know that folks in the audience have not had time to read this over since it went up, and we're trying to get in as

much public testimony as possible. I'm hoping that anybody who showed up today doesn't get turned away.

**Speaker:** I it was posted already today. I also have printed copies for everyone. I think it's a I think a lot of the testimony that we're going to hear is going to have some of these concerns addressed by our amendment. So I think that it would be more beneficial for the public testimony if we could address the amendment first. According to the city attorney's recommendation.

**Speaker:** Councilor, I appreciate that. And you and I discussed the order for today and the fact that we were trying to prioritize public testimony. So I appreciate that this is posted, and I think it's important to have you speak like you have for a minute as to what it does so that folks understand that. But if we take the time to have councilor debate over this, we are not going to be able to hear from everybody who has come back now for a second day to testify.

**Speaker:** Can we hear an opinion from the city attorney on that?

**Speaker:** I don't believe that this is a legal opinion. I think that this is a process question. But if the city attorney would like to weigh in, he's welcome to do so.

**Speaker:** Hello. Robert Taylor, city attorney. The. It's entirely up to council how you would like to proceed with the amendment. It's been posted. People can see it. There's been a description of it. So if folks want to testify about it, they can look at it online and testify about it. The council in the past has handled amendments in a variety of different ways. Sometimes they will move. And second, the amendment at the beginning of the meeting so that the amendment is on the table for people to consider and people can testify on it at other times, council waits and hears the testimony, and then we'll offer the amendment to address the testimony that's received. So it's entirely in council's prerogative on how they'd like to handle it.

**Speaker:** Thank you, mister Taylor.

**Speaker:** I, I guess the reason I'm pushing for this is not to be frustrating about process, but because I think a lot of the testimony that we're going to hear today is going to be from small landlords who are concerned that this ordinance impacts them. And this amendment was an attempt to reconcile that and ensure that they are not impacted by that issue. And that's why I think it's important for them to hear it so that their testimony can be adjusted. Or maybe, you know, they feel like they don't have to be here anymore, which I think would cut down on testimony time. Could I motion to discuss the amendment?

**Speaker:** That would be a motion that we could take.

**Speaker:** Does anyone want to second that?

**Speaker:** Second.

**Speaker:** Second. Yeah.

**Speaker:** Is there. Can I we are at discussion to discuss the amendment. Is your comment on discussion about the vote at hand?

**Speaker:** Yes.

**Speaker:** Go right ahead.

**Speaker:** Nobody second to the amendment yet. I want to do that.

**Speaker:** I believe that the amendment was seconded by councilor novick.

**Speaker:** Okay. I thought she was seconded.

**Speaker:** To discuss the amendment.

**Speaker:** That was to discuss the amendment. The motion on the table is to move to discussion.

**Speaker:** Got it then. I have nothing else to add.

**Speaker:** Rebecca.

**Speaker:** Canal. Yes. Ryan koyama lane.

**Speaker:** What's happening right now?

**Speaker:** Would you like to move to discussion of the amendment before we take further public testimony?

**Speaker:** No.

**Speaker:** I'm because it is. We're doing it officially and there's someone has moved to do this. Then I feel comfortable. Yes.

**Speaker:** I believe you just had an I vote from councilor. Koyama lane.

**Speaker:** Yes. Okay. Yes. Okay. Thank you.

**Speaker:** Morillo i. Novick i.

**Speaker:** Clark. I mean. I.

**Speaker:** Zimmerman. I avalos. Apologies. Thank you.

**Speaker:** Dunphy i. Smith i.

**Speaker:** Pirtle-guiney.

**Speaker:** No. Though this clearly passes. So we will move into discussion. And for folks who are here to testify, we will need to wait to start taking testimony. As anybody in the queue to discuss the amendment.

**Speaker:** I don't know, sorry.

**Speaker:** Councilor. Morillo.

**Speaker:** Thank you. I have some printed copies here if anyone needs to see them in printed form. It was posted earlier today, but so you should have it in your online documents. But we wanted to address the concern about small landlords being impacted. So we have an amendment that says that has a tiered system of fees, so that if you're a small landlord, you're not going to face the same \$10,000 fee that a very large corporation would. So for a landlord with fewer than five units, damages are just actual damages. So for example, if you price fixed with your five units or less \$100 per tenancy, then it would just be actually that \$100 for a landlord with 5 to 15 units. Damages are treble damages, so if you increase someone's fee by \$100,

you would pay \$300. And for a landlord with 16 or more units, damages include either treble damages or statutory damages of \$10,000 for each lease period within which there is a violation of this title. So we got the official definitions for small landlords from. From its official landlord definitions. And we want to ensure that this is basically just impacting big corporations and not the mom and pop landlords that do so much for our city. So I can take any questions at this time.

**Speaker:** Councilor zimmerman.

**Speaker:** Thank you councilor. I appreciate having this. Looking on the screen is very helpful. Using your language. I want to make sure I totally understand. So I'm looking in paragraph c or section c, subparagraph b for landlord with fewer than five units. Damages are actual damages. That's the amendment. You said if you only price fix with your own five units. And I think I understand the spirit there, but I'm trying to understand how a person who owns five units and, you know, they have knowledge of those five, how that knowledge of those five doesn't fall into being a violation, because I know I know the history of those units. I know how they're going to be rented in the future, or how they have been rented in the past, because I wouldn't want just the knowledge of their rental history or future to be a violation of this. And I'm trying to understand this a little bit. I think I understand the spirit, but it's not quite coming off the way you described it.

**Speaker:** Councilor would you like to respond?

**Speaker:** So in order to price fix, you would have to collude with people that are not yourself. So if it's your own five units or less, that would not count as collusion. That would be your own knowledge.

**Speaker:** Okay. Thank you.

**Speaker:** Councilors. Is there anybody else who would like to discuss ask questions, make comments.

**Speaker:** Okay.

**Speaker:** Could we move to vote on the amendment if there's no further discussion?

**Speaker:** Yes, we could.

**Speaker:** I have further discussion. If there's no other questions.

**Speaker:** Go right ahead. Councilor.

**Speaker:** Sorry, I was just trying to give a space. I know I've created a lot with you, councilor, so I appreciate the tiered approach. I think that is the right step in the right direction. The. I don't know that this amendment in and of itself. Alleviates the concern for a small quote unquote mom and pop owner, because they can still, of course, violate, I think, the tenets of antitrust and of collusion, etc, like that. I want to make sure we understand this still applies, but we're definitely changing the it looks like this amendment is definitely changing the enforcement mechanism and the fines mechanism. So I appreciate that I'll be supportive of this amendment. But I also for the public's case, if the ordinance would still apply overall to a smaller landlord who engaged in this prohibited activity.

**Speaker:** Yes, we live in a society where there should be some enforcement. Even if you are a small landlord, when you are violating the rights of your tenants.

**Speaker:** It was a complimentary comment. Councilor take the win.

**Speaker:** Councilor green.

**Speaker:** Thank you councilor. Yeah, I think that this this is a straightforward, I think, response to the testimony that and a lot of the opposition that councilor maria heard on our first reading or on yesterday, I would propose for just the rest of the council to consider just voting to adopt. I'm going to support this voting to adopt this amendment and then proceed into the public testimony to keep this sort of a clean up process, where folks who showed up today to give this testimony can

do it. And then if there are any other subsequent amendments that people want to introduce, we could do that after the testimony. I think that's my suggestion.

**Speaker:** Thank you. Councilor, is there anybody else who is waiting to get in the queue for discussion? So, councilors, we have an amendment before us. I don't know if folks feel prepared to vote on it or not. We could take councilor Ryan.

**Speaker:** Yeah. I think it's fair that we. I was worried we were going to discuss this for too long, and I was really didn't want to be rude to the people that showed up for two days in a row. That's why I voted no. I don't think we should vote on it until after we hear the testimony. We still are here to listen today to the testimony. It's transparent. They know that we will be voting on this. They might even speak to if they like the amendment or not. So can we just move forward? And I just saw the amendment so I'm not ready to vote on it.

**Speaker:** Councilor.

**Speaker:** Green councilor, there's a motion on the floor and we need to vote on it. Or another motion needs to be yeah.

**Speaker:** Do we have.

**Speaker:** I don't believe that we have a motion. And a second, actually, at this time we had somebody say, should we.

**Speaker:** There was no second.

**Speaker:** But there has.

**Speaker:** You can motion and second. So it's in the public record that we are going to discuss and vote on the amendment. But you don't have to vote on it before you listen to the testimony. Okay? I don't know where that rule came from.

**Speaker:** I that's.

**Speaker:** A it's a practice of the past council, and it's something that is allowed in some rules and not in others.

**Speaker:** So but isn't the scenario isn't the scenario that the vote that we did was for the just to discuss? But we have not made a motion or a second for the actual amendment yet.

**Speaker:** This there has not been a second. I don't know that there was even an official motion. Councilor morillo said. Could we now motion.

**Speaker:** I would like to motion to vote on this, because if we do not vote on this today, the reality is that justice is also required to be expedient, in my opinion. And if we don't get through the amendment today, it will not go through to be heard on the 16th for a vote. That's really what is the behind the scenes that we're discussing about here. And this is directly I'm sorry, it was short notice. It is directly responsive to the concerns and feedback that we received. This is my attempt to be good in the policy and make sure that we're addressing the concerns of people who would otherwise not be supportive of this. So my guess is we're going to go through public testimony. Many advocates and other community members who took time to be here yesterday and who took time off work to be here, aren't here. The people who are mostly able to be here are going to be paid lobbyists. That is the reality of how this works when you switch testimony time. So I would motion that we vote on this today.

**Speaker:** Okay.

**Speaker:** Councilors. Councilor smith.

**Speaker:** I'd like to put a motion on the floor.

**Speaker:** I believe that we have a motion on the floor.

**Speaker:** I second.

**Speaker:** It, okay.

**Speaker:** We have a motion and a second to vote on the amendment that has been presented. Is there any further discussion?



**Speaker:** Canal on the motion to end discussion on the amendment.

**Speaker:** Or is this is a motion and a second to adopt the amendment? That is what is on the table. We are voting on the amendment.

**Speaker:** Thank you. I.

**Speaker:** Ryan.

**Speaker:** Tiny step in the right direction.

**Speaker:** I koyama lane. I morillo. I novick. I clark.

**Speaker:** Green. I zimmerman. I avalos. I dunphy. I smith.

**Speaker:** I.

**Speaker:** Pirtle-guiney i.

**Speaker:** With 11 eyes. It's passed. It's accepted.

**Speaker:** Councilor smith are you in the queue?

**Speaker:** Okay.

**Speaker:** Rebecca, I'd like us to get back to public testimony. Now, could you call up the first folks who are on the list? And for anybody who is online or in the room, we will have two minutes per person for public testimony. We'll call folks up in groups of three, as we did yesterday. We'll run through the list in order. There will probably be a number of folks who aren't here, so we'll just move quickly through those names. If you are online or in the room and are not able to get off, mute or get into the right place and we miss you, please let our clerk know and we'll make sure that we do get to you today. If folks are arriving late, if you know somebody who is planning to testify today and is arriving a little bit late because they weren't sure about the timing, make sure our clerk knows. And again, we can run through at the end, folks who we missed going through the list. Rebecca, go right ahead.

**Speaker:** Jenna knoblauch, amy walsh and christine orlandi. Sarah fisher, brian orndorf, henry miller.

**Speaker:** Welcome. Thank you for coming back.

**Speaker:** Thank you for being here. Good afternoon. Councilors.

**Speaker:** My name is brian orndorf. I'm a business owner and resident in district four. I'm here today to express my deep concerns regarding the rushed and poorly considered proposal to amend the affordable code, particularly code section 30.01 .88, prohibiting anti-competitive rental practices. With over 30 years of experience leading teams in commercial real estate and the completion of \$3.5 billion of development, including 2000 apartment units in Oregon and 1000 units within a five block radius of this building. I'm an expert in housing policy financing and the detrimental effect of poorly crafted government regulations. Lobbying from swift public affairs wrote to the homeless committee last Friday that the ordinance before the committee yesterday wasn't the one members of the public had been previously able to testify on. This policy, and its significant revisions require appropriate public review and comment in full compliance with the city's public involvement laws. Councilor avalos efforts to expedite this process disregards these requirements and undermines the intent of transparent and thorough public input. It is imperative that a policy affecting rental practices such as this one be postponed until the housing bureau study on the failed policies has been released. This study should inform future decisions and should not be ignored in favor of rushed political agendas. Furthermore, the proposed ordinances allowing tenants to sue based on suspicion of unfair practices is both impractical and unjust. While concerns about anti-competitive practices and rental software may be valid, the regulation such technology and its application should be handled at the federal level, not through local ordinances. The developers and landlords have been accessing both public and private information software for decades, as it is a way of understanding market to set competitive rates for both newly constructed and

older apartments. Portland landlords aren't illegally price fixing, and the City Council should refocus on removing barriers to building at a time when construction is at a decade low. Despite the clear sign of deepening supply shortage, some elected officials have shifted the focus on this algorithmic rent pricing tool, portraying this as leading cause of affordability crisis. It is not. This is a misdiagnosis and a harmful one. The true driver of rising rents is not technology. It's the chronic, worsening shortage of housing. I strongly disagree with this proposal. It's not going to bring rents down. It's going to make rents.

**Speaker:** Go up.

**Speaker:** Thank you.

**Speaker:** Thank you. I believe we had somebody online from that.

**Speaker:** Group.

**Speaker:** Jessica greenlee.

**Speaker:** Hi, council. My name is jessica greenlee. I have worked in the multifamily housing field for 20 years, and nobody is paying me to be here today. I my responsibilities included designing and implementing policy changes to ensure compliance with laws. And I here because I do believe in making good public policy. I listen to all of the committee meetings discussed in the discussion yesterday and quite honestly, very offended. By the way, councilor morillo just outlined the public's input on this. So I apologize for sounding kind of emotional, but the way the redraft of this ordinance is, it's vastly different from the original. You need to fundamentally understand one fact here. There is no obtainable insurance coverage for an accidental mistake, and someone who's possibly 4 or 5 levels removed from the decision makers and the situation, and that will shape how companies must respond to this, the intention of the ordinance and the reality of how this will work in practice are vastly different. I've not had a chance to

thoroughly review the information that you just drafted in the amendment, so I don't know if that addresses those concerns, but the way this is written is vastly different than the state's ordinance that are being looked at in California and Oregon and Washington and 17 other states, and is making this far more complex than it needs to be because of the way the ordinance is written. Does any lawsuit would fall under ill gotten gains provisions, and it's an insurance exclusion where any requirements these practices went just by being accused would be facing a bankruptcy level event. You really need to look at the language here. Every company would need airtight procedures. Essentially any person, no market research could be done, no surveys, no viewing of other property written websites because just inferring from conduct could potentially put you in a situation where you were being sued and you could lose everything. It's about six years behind on the technology scale here. Really, for anybody who has more than 40 units, there are tools available for them that already exclude all of that and just look at the company's KPIs. But you're disadvantaging small landlords in this scenario by taking away all of those tools and making them very vulnerable.

**Speaker:** Thank you for being here with us today. I'm sorry that we're running short on time. We appreciate having you and having your comments.

**Speaker:** Michael Parker Spencer from Eric Högstedt. Saurav Pala Cerave's online.

**Speaker:** Go right ahead, Mr. Pella.

**Speaker:** Good morning. Council President Pirtle-Guiney, City Councilors and members of staff. My name is Sara Paula and I'm a resident of the Goose Hollow neighborhood and a member of Portland Neighbors Welcome, a Portland based pro housing volunteer run group here to testify in support of the proposed ordinance. Algorithmic pricing tools have been thrust into the national spotlight as cities grappling with the housing crisis have seen rapid adoption of these software tools,

although although these are not harmful by nature of being, we've seen how these products have been used to engage in uncompetitive and borderline cartel like behavior. Several states attorney generals have already filed lawsuits against some of the most prominent players, alleging that their actions are illegal and have exacerbated local pressures on the rental market. Access to information is essential for a fairly priced and responsive housing market. However, these tools and companies are incentivized to silently collude on pricing. With that in mind, I'd recommend that the council progress this item. I'd also like to recommend that the council support the recent amendment proposed. These changes address the concerns of small landlords, while still ensuring that consequences are enforced for violations. However, we shouldn't soften this bill any further. While small landlords are essential to ensuring competition in the housing market, tenants should have adequate recourse to ensure their rights are respected regardless of who they rent from. I'd like to conclude my testimony by mentioning that although this is a small piece of tackling the overall housing crisis in our city, this isn't by far the greatest obstacle to ensuring that every Portlander has an affordable, safe, and healthful place to call home. We've seen how decades of under-building have left every Portland neighborhood desperately in need, in more housing at every income level, and the only real solution to that is housing abundance. Thank you for your time.

**Speaker:** Thank you for being here.

**Speaker:** Marion drake. Angela bonilla angela is online.

**Speaker:** Go right ahead, miss bonilla.

**Speaker:** Hello. My name is angela bonilla. I use the I.a. Pronouns, and I'm the president of the Portland association of teachers. I'm here speaking on behalf of almost 4000 members who work in this city. Our largest democratic body has signed on to the pdx renters bill of rights, because we know that a strong city needs

a strong school district, and neither of those can happen without updating our laws and ordinances to protect renters against new threats like algorithmic price fixing tools that use ai. These price fixing tools that use ai will only make the problem of unaffordable housing worse. It will inflate rates by allowing companies to coordinate price setting and reduce fair market competition. That feels more reminiscent of the trust that we fought in the early 1900s to eliminate, rather than just good business. This price fixing also displaces workers and families. It is not possible to rent a one bedroom apartment in Portland with the current minimum wage. Price fixing will further exacerbate the housing crisis we have in our city. So when we went on strike in the fall of 2023, we made it clear Portland is no longer an affordable city, even for those who work in unionized positions that require advanced degrees and training in 2023, according to research from the nonprofit national council of teacher on teacher quality, Portland was the second least affordable city in the country for new teachers looking to rent a one bedroom apartment, and not much has changed, except for our winning of a cola that barely keeps us above water. We need to make sure that we curb predatory pricing tactics. Let's follow San Francisco's lead and avoid becoming a childless city. We can't have a strong city if working families can't afford to live here. I've lived here in Portland since 2009, renting the entire time, and it is likely that I will be a renter my entire life. And I'm not alone. Don't forget about workers and families who want to continue to love and learn and live in Portland. Please make sure that we pass this ordinance with the proposed amendment. Thank you.

**Speaker:** Thank you for being with us today.

**Speaker:** Clay. Clay is online.

**Speaker:** Go right ahead, clay.

**Speaker:** Good afternoon, council members. My name is clay and I live in Portland. This algorithmic pricing ban rests on weak evidence, misunderstands basic economics, and most importantly, distracts from real housing solutions. The evidence involves studies linking software like realpage to rent hikes averaging \$53 a month. But correlation is not causation. Is this collusive cartel pricing which creates deadweight loss or merely accurate measurement of the market, which reduces deadweight loss? The data is ambiguous, and pretending otherwise is irresponsible, and frankly, any impact either way is likely trivial compared to the structural barriers we maintain. We could abolish the racist practice practice of zoning tomorrow, as well as arbitrary setbacks and floor area ratio limits. We could transition from construction, punishing property taxes to land value taxes, which have no deadweight loss. In so doing, we could chart a course toward barcelona level density, a true abundance agenda. Millions more people who want to call Portland home could do so, and they could get around via bikes and public transit and run over fewer kids and emit less carbon dioxide in the midst of our climate emergency. Stop wasting political capital on this performative software sideshow. Focus on what works. Abolish restrictive zoning. Eliminate arbitrary building constraints. Transition aggressively to land value taxes, and deal with equity effects separately through a universal income that doesn't restrict how our most vulnerable neighbors can spend their social safety net. That is how you unleash supply and genuinely improve efficiency and equity. Check this distraction. Thank you.

**Speaker:** Thank you for being here.

**Speaker:** Greg frick, keely cook, leah belton. Lilly hogue, lilly's online.

**Speaker:** Hi. Good afternoon, City Council. My name is lilly hogue. I rent out a home in district four and I live in district here today. I'm in support of this ordinance

and the amendment. And I want to say first that I heard something yesterday from the first person who testified that said they were a housing provider. And I just want to say, as a landlord, I am not a housing provider, just like an insurance company is not a doctor or a health care provider. I am a middle person between someone and their housing, and I am privileged to profit off of that. I absolutely support this amendment, and I'm also here as someone who grew up extremely poor in rental housing in Oregon. So as a landlord, I have immense power over the lives of the people who rent for me. And it's not a responsibility I take lightly. There is no way to describe the stress and horror and trauma that comes from not being able to afford a place to live, and I experienced this as a child, and somehow it has literally gotten ten times worse since all those years ago. So I just want to be clear that this is a no nonsense, uncomplicated piece of legislation that literally enforces something that already exists. Not only is a landlord that I can't and would never coordinate on something like price fixing with large corporations, but I want to be really clear that if we want to ensure that people have more places to live, they need affordable places to live and they need to be protected proactively from over inflated and predatory price gouging by nameless and faceless companies whose sole goal is to extract money from our local economy. For shareholders, that money could be used to shop at local places, to stay in Portland to increase our tax base, and instead is being extracted by these property management companies and by these developers pretending to be housing providers. So passing this is not a huge controversial step. The way that some corporate folks are saying it is. It's simple. I hope that City Council will pass this ordinance to make a change in support of the people who live, work and hopefully someday can thrive here. Thank you.

**Speaker:** Thank you for being here. Thank you for your testimony.

**Speaker:** Michael abrams.



**Speaker:** Welcome, mr. Abrams.

**Speaker:** Thank you. Council president pirtle-guiney. Vice council vice president koyama lane City Councilors, thank you for the opportunity to present testimony on behalf of the American civil liberties union of Oregon. My name is michael abrams, and I serve as policy counsel. I'm also a Portlander. The aclu of Oregon is a nonpartisan, nonprofit organization dedicated to defending and advancing civil liberties and civil rights. With more than 44,000 members and donor supporters statewide, we strongly support the ordinance under consideration. It creates a bright line rule and provides clarity to landlords and renters. Landlords would remain free to use a wide variety of alternatives to set rents, whether it be as simple as an excel spreadsheet or as complex as algorithmic software that only utilizes the company's internal data. Landlords are also fully protected, and their ability to share data between multiple properties that they own. This measure is highly unlikely to generate a flood of litigation against landlords. Proving a violation will not be easy and will generally require discovery. It is likely that groups of tenants pooling pooling resources and information where the city attorney, through its administrative subpoena authority granted by the ordinance, will be needed to successfully maintain actions. This creates a reasonable limit on the frequency and scale of lawsuits that landlords are likely to likely to face, especially with the recent amendment just adopted. And fundamentally, it is very easy for landlords to comply with this provision. Landlords simply need to cease use of these algorithms and use a fair, competitive means of setting rent and deciding unit vacancies instead. None of this is likely to deter housing development in Portland. This measure addresses a technical aspect of rent setting conducted after construction is complete. Factors like financing, rental, demand, permitting and others are much more important than whether rents can be set by a certain algorithm. After

development, it has become clear that current antitrust law has not been updated to reflect the realities of the internet age, including the advent of ai powered algorithms that facilitate price fixing. Fortunately, Portland, through its City Council, can modernize the landlord tenant law and redress this grave injustice against Oregon's renters without delay. Please vote aye. Thank you.

**Speaker:** Thank you so much for being here and for your testimony.

**Speaker:** Colin. Font. Lorena guyot, thad fisco.

**Speaker:** Come on up. Thank you for being here. Go ahead and introduce yourself and then we'll take your testimony.

**Speaker:** All right. Thad fiscal d4, resident, local business guy.

**Speaker:** So I'm going to be real brief. I'm on the ground.

**Speaker:** I think what happens when.

**Speaker:** You.

**Speaker:** Do something like this is you create a tremendous amount of confusion in the business sector, had coffee with a local broker yesterday who said that he's withdrawing, offering prices on anything that he knows about to the market right now. What does that mean? How do banks assess the value of properties if they can't tell what the rental income streams are on those? How do people that are thinking about coming to Portland to invest and add apartments, add commercial space, or simply be a tenant and understand what the value of their proposition on the street is going to be as they move forward and try to put together a business plan for coming into our city. Those are big, enormous questions that truly concern me greatly as we fall off a cliff here in Portland, i, I think that that needs to be considered and deeply thought about before you move forward on this piece of action. Secondly, and I think more importantly. I'm really concerned that the first piece of legislation that has come out of City Council is anti-

business. This isn't what our city needs today. We really need you guys to stand up and move us forward. Please, as a group, get some foundation under us and let us go. This isn't it. Thank you, thank you, appreciate it.

**Speaker:** Thank you for coming back and sharing that with us.

**Speaker:** Natalie hutchinson. Oh, nguyen. Mary emerson.

**Speaker:** Thank you both for taking the time to come back downtown.

**Speaker:** Thank you, madam president and councilors, my name is nguyen. I live in district three and I support the ban on I rent fixing. Besides the obvious anti-trust issue, there is another faulty assumption about setting rents using proprietary data and an algorithm. Proponents of this method say this is how the free market works, and that what is good for the market is good for everybody. But that's not true. The market is not a natural phenomenon that just grows organically out of thin air. It is a set of rules to facilitate the fair and orderly conduct of business in our daily lives. In a democratic society, the rules are set by government for the common good. In an oligarchy, they are set by the rich and the powerful to maximize their profits at the expense of everything else. We have all seen what happens when the rules of the market are rigged to benefit the elites. Prices go up, quality go down. Just think of airline deregulation. How many have been caught in airline chaos when big landlords collude to do price fixing, housing becomes unaffordable and the less fortunate among us will end up on the streets. The rules of the market are a vital tool to make sure the economy works for everyone, not just the top 1%. Your job as elected officials is to set the rules for the common good. Please put an end to ai rent fixing. Thank you to councilor morillo, vice president, koyama lane and councilor green for leading this effort I yield.

**Speaker:** Thank you. Go right ahead.

**Speaker:** My name is mary emerson and I live in district three. I support banning the use of algorithmic devices to facilitate price fixing of rents. I would have thought this was a no brainer as price fixing has long been illegal and counter to any concept of a free market. But even if you think it is appropriate to throw out our basic tenets of fair competition within the regulatory framework established by governments, it is important to look at some of the real world implications of what is being proposed. Portland has a housing affordability crisis, with the fact that many people in our community are housing insecure. When people can no longer make the rent, they join the ranks of the homeless and the impacts of a large unhoused population affects everyone in our city. I've heard that outlawing algorithmic assisted price fixing will stifle investment in new housing units. I would argue that if the unit is not affordable to the many unhoused and housing insecure people in our fair city, that the units will remain empty and we will still have a housing affordability crisis. Using software to maximize profits is the antithesis of providing homes that are affordable to the very people we want to ensure are housed. Last time, this city jumped through hoops in the interest of overpriced housing, we ended up with block 216. It's a 35 story behemoth, which has sold fewer than 10% of its units, leaving about 120 units empty. To add insult to injury, with their forthcoming bankruptcy, we will likely never receive the affordable units that were promised in exchange for permitting this white elephant. I'm really excited that with this council, we have an opportunity to do better. Please vote yes to encourage creation of housing that is truly affordable, rather than just lining the pockets of corporations interested only in their bottom line. Thank you.

**Speaker:** Thank you, thank you both for coming back today to speak with us.

**Speaker:** Zach voss, tessa cole, meg bender, stefanski. J j m riley martz, haley nissen. Will spalding, heather riggs, hanna. Brooks. Olsen. John. Isaacs, jeremy.

Baird, rohan. Spillman. Michael. Shanks, richard. Boscovich, brant. Hoffman. Jordan. Lewis, tyler. Fellini, adam. Shippey. Cody. Thurman, cody is online.

**Speaker:** Welcome, mr. Thurman, please go right ahead.

**Speaker:** All right. We're we're trying to unmute cody.

**Speaker:** I believe I'm on.

**Speaker:** Hi, cody. We can hear you.

**Speaker:** Hi. Thank you, miss thurman. I know you can't. I'm not sure if you can see me or not, but thank you for the opportunity to speak today. My name is cody thurman and I have worked in residential property management for the past 25 years. Currently, I oversee 400 single rentals here in Portland and to be honest, I've learned a lot in these last few days about ai tools and how they fall under antitrust laws. In the light of realpage lawsuit, I am already seeing competitor software companies pivot their offerings. Just a few days ago. The software that I use, which is not real page, changed its cost comparison tool to include only information on advertised units. So I'm feeling really confident that the message has been received. So my proposal let's just focus. Keep the focus on the laws, on the software companies who have the power and the data to generate national databases with our information. Today's amendment is in the right direction, but stacking another Portland landlord law onto a pile with such high fines is going to continue to feed this narrative that Portland is an impossible place to be a landlord. As a representative of small landlords, I'm here to share that Portland's reputation doesn't just impact the big landlords. Like I think we believe what it's intended. The reputation trickles down to mom and pops. I've lost 37% of my single family portfolio in two years. It's getting really hard to keep my local landlords and my local investors in Multnomah County. We're leading the charge in tenant protections, and it feels naive to adopt every landlord restriction. You'll expect folks

to want to play in our sandbox. We want real affordability. We need real supply. That means creating an environment where investors, big and small, feel welcome. Let's be strategic and continue to enforce the current rules to protect tenants from bad actors. And if there's confidence that there is antitrust here, the rules will change in. Portland does not need to be at the forefront of the anti landlord parade once again. More importantly, let's just make room for people like me who just want to do this job really well. Thank you.

**Speaker:** Thank you.

**Speaker:** We're going to return to john isaacs john john has joined online.

**Speaker:** Hello. Thank you, president pirtle-guiney and City Councilors. My name is john isaacs and I am the executive vice president of public affairs for the Portland metro chamber chamber. I prefer he him pronouns, and I am a resident of district three in southeast Portland. Quote unquote. Price fixing is illegal under state and federal law, as currently using technology or any other means to engage in, quote unquote, price fixing. They are currently breaking the law. And it goes without saying that the Portland metro chamber supports any and all legitimate legal processes and remedies based on legitimate evidence to hold individual bad actors accountable who may be engaged in illegal, uncompetitive practices. The ostensible purpose of this bill, while generally supported, is to ban something that has already banned making it, on its face, questionably necessary. And while I can argue that this ordinance is unnecessary, it would be fair to ask us the chamber of commerce, why do you have so many problems with something that doesn't do anything new? Well, that's the problem since this ordinance ordinance doesn't have a new problem to solve as currently written, it will only potentially harm the local small and medium sized businesses that are critical to a healthy rental market. This ordinance, unfortunately, has all of the predictable problems of any ordinance

throughout history that is hastily drafted without any impact analysis, any legitimate public stakeholder process, and legitimate fiscal impact based on a questionable emergency. We wish that we would see the same level of urgent action on our real crises of dead in the water, housing production, record, unsheltered homelessness and historic housing supply shortage, which is the foundation of our accelerating economic weakness. While the chamber appreciates that an amendment was just adopted with the stated intention of mitigating the impacts on small business, it's simply not possible to provide any feedback when, like this entire process, it has all been developed at the last minute without any understanding of how it will actually impact small businesses or our local economy as a whole. We ask you, this is it. Shouldn't it be just as important to the council to prevent bad actions by multinational bad actors? We would also ask that you would see it as equally important to be certain that this ordinance doesn't have significant negative impacts on our small businesses.

**Speaker:** Thank you, mr. Isaacs. Unfortunately, we're just giving everybody two minutes. I appreciate you being here with us today.

**Speaker:** Lee shelton, claire knudsen, jesse dillon. Benjamin gilbert benjamin's online.

**Speaker:** Welcome. Benjamin. Thank you for being here.

**Speaker:** Benjamin, if you can hear us, you're. It's your turn.

**Speaker:** Thank you.

**Speaker:** Okay. Good afternoon, council members. My name is ben, and I'm a member of the Portland democratic socialists of America and a tenant in district four. I have spoken to other tenants in my building, and many are concerned about algorithmic price fixing. At the previous meeting. And in this meeting, there's been talk about leaving this issue to the federal government. We all know that we cannot

rely on donald trump's justice department to solve this problem. The deck is already stacked against tenants in Portland. Working families and young people struggle to afford living in our city and are being forced to leave our city in great numbers. Well, this is just a small step toward solving our housing crisis. It is essential to take this small step and pass this ordinance. Thank you to the council members who led the way on this. Yeah, I yield my time.

**Speaker:** Thank you for offering those comments. We appreciate you being here today.

**Speaker:** Christina dirks, mike simko, colin brown. Joe hovey, lawson dambrosio lawson is online.

**Speaker:** Hello. Am I coming through?

**Speaker:** You are. Thank you for being here.

**Speaker:** Yeah. Of course. Thank you. Yeah. Thank you all to City Council. I appreciate the time. I just wanted to voice my opinion in support of this. I am a fortunate to be a homeowner here in district three in rose city park. But for most of my decade living in Portland, I was a renter. When I first moved here, it was into a 480 square foot studio that was renting for \$1,100 a month, and that same studio is now renting for \$1,800 a month. After that, we moved into a single family house that was renting for \$1,900 a month, and in the three years we were there, that rent increase from 2019 until 2022 to \$2300 a month, I think that we should, on the side of ensuring that housing remains affordable and accessible. I think we are witnessing some of the effects of the combination of algorithmic price fixing and other factors keeping housing inaccessible to our community. To echo some of what other folks have stated as well, this is not a singular solution to a very multifaceted issue. However, I would love to see additional. Ordinances passed that make it both easier and more accessible for those who are doing the house



building and developing, whether that's streamlining of the permitting process or other things to make that more amenable, as well as things to protect those who have housing and enjoy living here in Portland and want to be a part of this community. Thank you again to City Council. I appreciate you taking the time and I yield the rest of my.

**Speaker:** Thank you very much.

**Speaker:** Rajesh venkatachalapathy. Lina pool, amanda haynes.

**Speaker:** Thank you for being here. Please introduce yourself and go right ahead.

**Speaker:** Sorry, I was very ready and then I now I'm not.

**Speaker:** That's okay. Take your time.

**Speaker:** Hello, councilors. My name is amanda fam haynes, and I'm the statewide housing justice manager at unite Oregon. I'm here in strong support of the proposed ordinance to ban rent, setting software, a common sense and targeted step to protect renters from algorithm driven price coordination, fueling displacement throughout our city. We keep hearing that the ordinance would harm mom and pop landlords, but where do we have credible evidence that small landlords are even price fixing? More importantly, why are they being used as the face of opposition to a policy clearly aimed at billion dollar corporate landlords and tech firms? The narrative is doing the heavy lifting for the real bad actors firms profiting from opaque, coordinated rent increases. These companies demand massive data to justify any regulation while offering no transparency in return. And let's be clear this ordinance does not ban rent increases or interfere with daily operations. It targets a specific pricing tool already facing antitrust lawsuits in over 20 cases and from over eight states. Some argue existing antitrust laws are sufficient. But if they were working, we wouldn't be here. Oregon introduced a bill earlier this year to address price fixing software, and then quietly backed away

from it under pressure. That tells us something about our opposition. Either they are afraid that scrutiny will reveal illegal behavior, or they are protecting business models that cannot survive public accountability. If we truly want to support small landlords, then let us stop using them as a rhetorical shield for corporate misconduct. Let us pass policies that make the distinction between small, community rooted landlords and large, profit driven actors real and enforceable. Councilor smith alluded to this yesterday. I also want to recognize that councilor, smith, zimmerman, and dunphy have all shared that you are landlords yourselves. I appreciate the transparency. I think it matters, and I bring it up not to call you out, but to ground this conversation in reality, because I doubt any of you are using ai softwares to maximize profits by setting rents based on competitor data. I imagine your decisions are rooted in something else relationships with tenants, with neighborhoods, and with values. And that's my point. We need policy that reflects those values and puts people before profits. Thank you.

**Speaker:** Thank you for being here with us.

**Speaker:** Holly hamilton. Antonia januzzi thomas. Jordan byers, catherine king, kirk foster, alicia morseth.

**Speaker:** Hello.

**Speaker:** My name is kirk foster and i.

**Speaker:** Live in district two. Good afternoon. Council president and members of the council. Affordable housing should be considered a human right. I understand this in my opinion. You may not agree, but you cannot deny that affordable housing is necessary for a healthy and livable city. There's no denying that housing prices are part of our housing problem. Price fixing is a crime. I spent years owning and running a medical transportation business in this city. During most of those years, trimet controlled 90% of the market in every single contract meeting I ever had with

them. They threatened me and my colleagues with termination of our contracts if we were thought to be price fixing, and that most certainly would have meant bankruptcy. I would like to see this county council protect renters with as much zeal as trimet protected those medicaid dollars. Price fixing is a crime that steals from every renter, and may make the renter choose between health care and rent, between food and rent, and even force them onto the street. When the representative for multifamily northwest and I'm paraphrasing, said yesterday that this ordinance could potentially bankrupt housing providers that were caught price fixing, I say good, let those properties be liquidated in bankruptcy court and bought by housing provider that choose to not to commit crimes against Portlanders when the representative and I'm paraphrasing from northwest, said that property managers may have insider information about the markets that they would need to put and that we need to put blinders on, and it would be impossible not to commit crimes. If you can't run a business without committing crimes, then you aren't the kind of business owner we need in this city. Even if you don't agree that housing, affordable housing should be a right. And even if you don't agree that affordable housing is necessary for a healthy city, price fixing is still a crime. And if you agree that we should use free markets, free market solutions wherever possible, as I do, then you know that price fixing is synonymous with a failed free market. Whether you support affordable housing or healthy cities or free markets or all three or any of the three, please support this amendment.

**Speaker:** Thank you.

**Speaker:** We appreciate your testimony.

**Speaker:** Sandra comstock.

**Speaker:** Welcome.

**Speaker:** Thank you. I'm Sandra Comstock, representing district four. And as a landlord myself, I urge you to ban price fixing technology in our rental market. Currently, half Portlanders pay more than 30% of their income in rent and a quarter pay more than 50%. Meanwhile, realpage alone controls 15%, 15%, or 54,000 rental units here in the metro region, where it pushes users to use auto accept on its rent pricing recommendations and requires landlords to state a business reason for every floor plan in each building if they offer a lower rental price. The national council of economic advisers finds realpage use has increased monthly average rents across the nation by \$70, or 4% nationally, while the American economic liberties project estimates that up to a quarter of rental inflation across the US between 2020 and 2024 is due to price fixing software. Worse, realpage users have high vacancy rates, higher eviction rates and profit margins 3 to 7% above regional market rates. Overall, that's what they brag. In fact, comparing two similar Seattle neighborhoods in 2023 one where 70% of rental units used algorithms, and one where algorithms were not dominant, the area monopolized by algorithms saw rent increases of 42% over ten years, while rents increased by 33% in the non algorithm area. Prohibiting the use of algorithms is one of the few immediate tools we have to mitigate out-of-control rental prices plaguing our region. We must halt inflationary algorithms before it's too late. Thank you.

**Speaker:** Thank you so much.

**Speaker:** For being here with us today.

**Speaker:** Next we have Andy Smith. Andy is online.

**Speaker:** Welcome, Andy. Go ahead and introduce yourself.

**Speaker:** Hello. Thank you. Members of the council. For the record my name is Andy Smith and I'm a housing provider within the city of Portland and serve in a volunteer role as board president of Multifamily Northwest. I've been in the industry

for over 15 years. I currently oversee 160 units in district four, and I'm here today in opposition of this ordinance as written, and ask that we work collaboratively together on solutions. For the record, I am against price fixing and collusion. I'm concerned with how the ordinance is written and the confusion this could cause in operations in the potential penalties. Additionally, I specifically have concerns with section b, subsection one, as it relates to real estate investment, sales and the due diligence process involved. I appreciate the amendment, though, to remove subsection five and seven. I recently gave an interview to k2 news regarding the decline in new construction in multifamily units within city of Portland, and how it is directly related to the legislative landscape. At a time when we are at a housing crisis, we are seeing the largest decline in new construction in Portland in over a decade, and we need to be concerned about how covid investment assesses the risks and opportunities in Portland. This effect is clear with the decline in new construction in Portland compared to other cities across the country, according according to costar analytics, austin, texas market had a record 31,000 units delivered in 2024, leading the us market in supply growth at over 11%. The entire Portland metro delivered just over 7000 units. This increase in supply in austin has directly impacted rents, with asking rents dropping -4.3% over the past 12 months, which is the largest decline in the country. This proves that lowered rents are directly related to increased supply. As written, this ordinance will not achieve the goals it intends, and I ask you not to approve this ordinance as written. Thank you for your time.

**Speaker:** Thank you for being here today.

**Speaker:** Amin rutherford, ayanda allen. That completes testimony.

**Speaker:** If there's anybody in the room or online who missed their name being called, please let us know now so we can make sure to excuse me, hear from you

while you're here today. Okay. Rebecca, are you able to share with us how many people have signed up that haven't yet had the opportunity to testify, who we might hear from on the 16th? Or do you not have that number offhand?

**Speaker:** I don't have it. I can get it in just two minutes.

**Speaker:** Okay, perfect. I want to thank everybody who came back today. I know that we ask a lot of you to be here during the work day. Two days in a row. I really appreciate it. It. We have folks who are for and against this, folks who are renters and rental owners from multiple districts across the city who made time out of their days to be here. And I just want to say how grateful I am, and I think we all are for you taking that time, sharing your messages with us, and making sure that even though we had a tight agenda yesterday, we were still able to hear from you. Councilors. We will continue public testimony on the 16th, but we do have about a half an hour left today. We have one amendment that was proposed, and if there is any other discussion that folks want to have, we could do that now. Councilor novick.

**Speaker:** Thank you, madam president. I have a small amendment I would like to offer to the definition of public data.

**Speaker:** Please tell us more.

**Speaker:** Currently, the definition reads information on a rental units asking price, parentheses including publicly offered rental price, concessions and parentheses that is readily accessible to the general public on the property's website, physical building brochures or an internet listing service. I think that the list of ways in which items can be accessible was meant to be examples rather than exclusive, but I want to make that explicit. So I'm proposing to add between the words general public and on the property's website comma including comma, but not limited to comma.

**Speaker:** So councilors, in the amended version of the resolution in the public data section, which is, if you look at the redlined version that councilor morillo shared at the bottom of the first page and the top of the second page, that's where we're looking, correct. Councilor.

**Speaker:** Yes.

**Speaker:** Okay.

**Speaker:** Actually, I need more instruction. Where where am I looking?

**Speaker:** If you look at the amended.

**Speaker:** Bottom of.

**Speaker:** The amended version of the ordinance, I believe councilor morillo is putting the paper copy in front of you at the bottom of the first page. In the top of the second page is a new section that was added in the amendment that reads public data and then has a definition of public data and councilor. Can you share with us again where you would like this amendment to go and what it would say, so that we can make sure everybody is looking at it together?

**Speaker:** Yes, I would have it say information on a rental units asking price, parentheses including publicly offered rental price concessions that is readily accessible to the general public. And then the language I would want to add is after the word public comma, including comma, but not limited to comma.

**Speaker:** Okay, I see.

**Speaker:** A city attorney is coming up.

**Speaker:** We have a motion on the floor.

**Speaker:** I'll second it.

**Speaker:** Yeah okay. We have a motion and a second councilor green, are you. Actually, before we go there, councilor novick, would you like to say anything else to your proposed amendment?

**Speaker:** No.

**Speaker:** Okay. Councilor green, are you in the queue to discuss the amendment on the table?

**Speaker:** Yes.

**Speaker:** Go right ahead.

**Speaker:** To the amendment on the table. That seems like a really elegant clarification that does not limit the sort of contextual intent of those examples. Therefore, I'm prepared to support this amendment. I think it's a good one.

**Speaker:** Councilor morillo.

**Speaker:** I agree. I think this is a good amendment. Do we need to say including but not limited to information, just to add the word information in that, to make it as technical as possible?

**Speaker:** I will look to the proposer and seconder of the amendment to see if they would accept that as a friendly amendment to their amendment.

**Speaker:** I, I accept that as a friendly amendment to my friendly amendment.

**Speaker:** Okay, so we now have an amendment. The friendliest.

**Speaker:** Which reads that is readily accessible to the general public, comma.

**Speaker:** Including but not limited to comma information perfect.

**Speaker:** And then continues on on the property's website, physical building brochures, or on an internet listing service. Any other discussion about the amendment?

**Speaker:** I just have a problem with all the commas. Does it need all those commas?

**Speaker:** Yes.

**Speaker:** I can switch some to semicolons if you like.



**Speaker:** I believe that when this amendment goes through the official editing process, when we make amendments like this from the dais, they still have to be formally written and edited in. And I believe that there is an editing process to make sure that it is consistent with the rest of code. So I'm going to look to our clerk and our attorneys to include the correct number of commas. Covid-19 any other discussion of the amendment? Okay. Rebecca, could you please call the roll. Canal councilors, we are voting on councilor novick's proposed amendment as seconded by councilor canal and further amended by councilor morillo.

**Speaker:** Canal i.

**Speaker:** Ryan i.

**Speaker:** Koyama lane i. Morillo i.

**Speaker:** Novick i.

**Speaker:** Clark i.

**Speaker:** Green i.

**Speaker:** Zimmerman i. Avalos i. Dunphy i. Smith i. Pirtle-guiney i.

**Speaker:** 12 eyes. The amendment is accepted.

**Speaker:** Okay councilors. This is a first reading of this agenda item. So we don't vote on the final agenda item today. We do have an additional 20 minutes. If there are other amendment proposals or discussion. I know that we had blocked this time for public testimony. So it may be that there are people who didn't come ready for a full discussion on the underlying ordinance yet, and we'll make sure that we have time for that at a future date as well, if needed. Councilor avalos.

**Speaker:** Yeah, just a question about so, you know, it doesn't require a vote at the next meeting, it will be heard as a second hearing. What happens if people introduce new things in between now and the next meeting?

**Speaker:** We'll have the opportunity for motions, discussions, potential votes, and if additional amendments are adopted. We do have language in our code that requires that we have five days between the adoption of an amendment and the final passage of an ordinance, unless it is an emergency ordinance. So if additional amendments are brought forward at that meeting and are voted in, we would then either. At the conclusion of that discussion, wait to vote on the ordinance at the next meeting. Or add an emergency clause to the ordinance to vote on it at that meeting. Those would be our two options. It could, of course, be voted on without further amendments at the next meeting as well. But I assume that what you're getting at is questions around discussion and amendments in the future. I'm looking to the attorney to make sure that they're nodding yes, councilor green.

**Speaker:** Thank you, madam president. Just wanted to share some broad thoughts as we put our thinking caps on between now and the second time that we hear this and vote on it, that there are there's a couple of themes from the opposition of this, this ordinance that I'd like to just speak to. One of them is on the idea that, you know, our urgent task in Portland right now is to do everything we can to make it easy and safe for business to operate in this city. And this may surprise some people, but I agree, I really do. This ordinance doesn't penalize business. In fact, this gets at the heart of frictions and imperfections in a market that prevents the due course of the free, competitive market system to come up with rents that reflect supply and demand. We have a 30% vacancy rate in the downtown core in commercial properties. That's hurting business. The failure for that to adjust hurts business. The period of growth in our markets is associated with a much higher rate of price growth than it is on the other side. On the downside, and when that happens, our small business owners get penalized with that rent growth. Rent is also a cost to business owners. And so I think when we think about impacts on

business, we need to think about which business owners we're thinking about, because our mom and pop business owners are not all landlords, most of them are actually proprietors and business enterprise. So that is one strand. And I think it's important to remember that. The other piece is that it is illegal to engage in price fixing, irrespective of whichever method you choose. And so I think a lot of people are getting hung up on this idea that, well, it's always been the case that people can come together at a golf course or a dinner or a social club and discuss relevant business sensitive information to sort of engage in quote unquote, price discovery. But folks, that's illegal too. And just because we had some informal practices in the past that were illegal in a market doesn't mean we should ignore a technical fix to a new technology that makes it even easier. And so that's that's why I support this broadly. It does not get in the way of improving the rate of production of housing in the city of Portland. Let's not forget that the main impediment is the macroeconomic conditions that we have. That is our that is our issue. The city must contend with that like every other city. So that's all I want to say today.

**Speaker:** Thank you. Councilor, councilors, any other comments or discussion or questions? Councilor morillo.

**Speaker:** I just wanted to take a second to say, while we still have time, that I really appreciate the leadership of folks, especially you, council president, because this has been a really difficult process to figure out as a new council how we navigate this system, how we create policy within committees and then bring it forward to full council. And I know that I have been sort of intense about pushing this forward. I feel like I was elected to do a certain thing, and I feel intensely about moving quickly for my constituents and getting those wins for them. But I just want to say how much I appreciate your leadership at this time, navigating all of these changes

as we're learning how this new process works together. And so I just wanted to put on the record that I'm very grateful for the work that you're doing.

**Speaker:** Thank you. Councilor. Any other questions or discussion? Okay.

Councilors, we will have this back on the agenda on the 16th. There are 48 people who had signed up to testify and did not have the ability to be here today to testify. My guess is that many of those people have submitted written testimony in the meantime. I know we've had additional written testimony come in. But we could have... a significant number of additional people testify on the 16th. We have a number of other things on that agenda, but we will have time set aside to make sure that we can hear testimony. And then if time allows after that. Continue our discussion and move toward a vote. With that, this was the only item on our agenda today. So I will close today's council meeting and give everybody 15 minutes back. Thank you.