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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JON ISAACS,
Petitioner,
v.
JENNY MADKOUR, Multnomah County
Counsel,
Respondent.

Case No.
PETITION FOR DIFFERENT
MEASURE BALLOT TITLE
AND EXPLANATORY
STATEMENT
(MULTNOMAH COUNTY
INITIATIVE 09)

Petitioner alleges:

1.

Petitioner is an elector of Multnomah County.

2.

Respondent is the County Counsel for Multnomah County.

3.

On or about March 3, 2022, Chief Petitioners filed a Prospective Petition
entitled Eviction Representation for All (“Measure”). A true and accurate copy of the
Measure is attached as Exhibit 1. The Multnomah County Elections Division has
designated this Measure as MultCoInit-09.

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MULTNOMAH COUNTY
DIRECTOR OF ELECTIONS

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4.

On or about March 17, 2022, Respondent filed the ballot title for the Measure with the County Clerk. A true and accurate copy of the notice of publication of the ballot title and explanatory statement is attached as Exhibit 2.

5.

This Court has jurisdiction under ORS 250.195(1) and Multnomah County Code §5.101(C) to review the ballot title because Petitioner filed this Petition not later than the seventh business day after the ballot title for the Measure was filed with the Director of the Multnomah County Elections Division.

6.

Petitioner is dissatisfied with the Measure’s ballot title. The ballot title is “insufficient, not concise, or unfair” under ORS 250.195 and fails to meet the ballot title requirements in ORS 250.035(1) for at least the following reasons:

a. All portions of the ballot title are insufficient and unfair for at least the following reasons:

1. The ballot title does not disclose that the Measure imposes a tax with major differences from any common or specialized understating of a “capital gains tax” —to the extent that there even is a common understanding of this specialized legal concept—which makes the use of that term inaccurate and misleading absent explanation.
2. The ballot title focuses on “tenant resources” and “eviction representation” without disclosing that the Measure also provides free legal representation in “post-foreclosure” and other situations that do

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not involve tenants or even evictions at all. The term “foreclosure” is not referenced anywhere, despite the significance of the Measure applying to both traditional landlord-tenant and owner/mortgage situations. Similarly, there is no mention of application in illegal trespassing and squatting situations.

b. The caption is insufficient, not concise, or unfair and does not “reasonably identif[y] the subject of the measure” under ORS 250.035(1)(a) for at least the following reasons:

1. The caption incorrectly indicates that a new residential resources program is established only for tenants.
2. The caption uses vague, duplicative, and non-concise language, such as “resources program.”
3. The caption incorrectly indicates that legal representation only applies to evictions when such representation applies to far more than just evictions.
4. The caption incorrectly implies that legal representation applies to non-residential evictions.
5. The caption does not include quotation marks, a “(defined),” or any other signal to flag for readers that the proposed “capital gains” tax is significantly different than any common or specialized understanding of such a tax.
6. The caption does not disclose that this unique, local capital gains tax is an entirely new concept in Multnomah County.

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c. The question is insufficient, not concise, unfair, and does not plainly phrase the “chief purpose of the measure” under ORS 250.035(1)(b) for at least the following reasons:

1. The question carries forward the same issues as listed for the caption in Section (b)(1)-(6) above.
2. The question inaccurately states that the Measure is “funded by a 0.75 percent capital gains tax,” when the Measure explicitly makes the tax rate a variable rate that shall be changed.
3. The question does not provide adequate information about one of the two core purposes of the Measure—the tax that provides funding.

d. The summary is insufficient, not concise, unfair, and fails to “impartial[ly] . . . summarize[] the measure and its major effect” as required by ORS 250.035(1)(c) for at least the following reasons:

1. As an overarching concern, the summary fails to inform voters of the incredibly broad scope of free legal representation that will be provided. The summary inaccurately states says that representation applies just to “persons facing eviction or removal in Multnomah County residential eviction proceedings and related claims.” This does not adequately disclose to voters that representation applies as broadly as counterclaims, appeals, collection actions, appeals to maintain assistance under federal Section 8 rent assistance, administrative hearings with the Portland Public Housing Authority, post-foreclosure matters, removal of illegal trespassers and squatters, and more.

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2. The summary does not provide adequate information about many of the numerous complexities of how the tax on net capital gains would work, what the tax would apply to, and how the tax is significantly different than any common or specialized understanding of a capital gains tax.
3. The summary inaccurately states that the program will be “operational within 12 months of passage,” which is not a legal certainty and contradicts the Measure’s own provisions.
4. The summary fails to disclose that the Measure attempts to dictate changes in state court procedure.
5. The summary fails to disclose that the Measure creates significant eviction delays.
6. The summary fails to disclose the requirement for landlords to comply with the county’s efforts to create and maintain a county-wide rental registry.
7. The summary uses a term defined in the Measure—“culturally specific and responsive services”—without disclosing that it is defined to mean something beyond what that phrase would otherwise ordinarily mean were it not defined in the Measure. Without explanation or indication of definition in the Measure, this usage creates an inaccurate description.

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8. The summary uses language from the Measure that tends more to promote the Measure’s passage than to describe its substance accurately.
9. The summary fails to summarize several of the most important and broadly applicable impacts while using words on less important details as well as on unnecessarily duplicative and non-substantive phrases like “Establishes program by ordinance.”
10. The summary uses inaccurate descriptions that conflict with important Measure requirements, such as saying the tax rate “may” be increased or decreased when the Measure requires that the tax rate “shall” be increased or decreased.
11. The summary does not disclose requirements to maintain competitive salaries and benefits for lawyers, paralegals, and other support staff, which could significantly increase program expenses and, as a result, force increases in the capital gains tax.

7.

Petitioner is dissatisfied with the Measure’s explanatory statement. The explanatory statement fails to comply with Multnomah County Code § 5.101(A)(2) because it is not “impartial,” not “simple and understandable,” and does not accurately explain “the measure and its effect,” for at least the reasons set out above in Paragraph 6, Section 6(a) and (d)(1)-(10).

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8.

This Court should certify a caption that addresses all of the issues in the current caption. An alternative that addresses these issues could read: "New 'capital gains' tax funds residential removal lawyers, rent payments."

9.

This Court should certify a question that addresses all of the issues in the current question. An alternative that addresses these issues could read: "Should County enact new, variable-rate 'capital gains' tax funding free residential removal lawyers and rent payments, while delaying evictions?"

10.

This Court should certify a revised summary that corrects all of the issues raised in this petition. Petitioner will propose alternative language in his subsequent memorandum to the Court

11.

This Court should certify a revised explanatory statement that corrects all of the issues raised in this petition. Petitioner will propose alternative language in his subsequent memorandum to the Court.

WHEREFORE, Petitioner prays for a judgment as follows:

1. Declaring the Measure ballot title to be insufficient, not concise, and unfair, and not conforming to the requirements of ORS 250.035.
2. Certifying to the County Elections Division a ballot title that conforms to the requirements of ORS 250.035 as set forth in paragraphs 6 and 8-10 above.

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3. Declaring the Measure explanatory statement is not
“impartial,” not “simple and understandable,” does not accurately explain “the
measure and its effect,” and does not conform to the requirements of
Multnomah County Code § 5.101(A)(2).

4. Certifying to the County Elections Division an explanatory
statement that conforms to the requirements of Multnomah County Code §
5.101(A)(2) as set forth in paragraphs 6-7 and 11 above.

5. Awarding Petitioner his costs and disbursements.

6. Awarding any other relief the Court considers just and
equitable.

DATED this 28th day of March, 2022.

SHERMAN, SHERMAN, JOHNNIE & HOYT, LLP

s/ Steve Elzinga
Steve Elzinga, OSB No. 123102
steve@shermlaw.com
Of Attorneys for Petitioner

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 28th day of March, 2022, I served or caused to be
3 served a true and correct copy of **PETITION FOR DIFFERENT MEASURE**
4 **TITLE AND EXPLANATORY STATEMENT (MULTNOMAH COUNTY**
5 **INITIATIVE 09)** on the following at their last-known addresses as shown below:

6 Jenny Morf Madkour
7 Multnomah County Attorney's Office
8 501 SE Hawthorne Blvd., Ste. 500
9 Portland, OR 97214
10 jenny.m.madkour@multco.us
11 **Of Attorneys for Respondent**

12 **BY REGULAR MAIL:** I placed copies of the document(s) in a sealed
13 envelope and caused such envelope to be deposited in the United States Mail at
14 Salem, Oregon, with postage thereon fully prepaid and addressed as listed above.

15 **BY HAND DELIVERY:** I arranged for the documents to be hand delivered
16 to the address(es) listed above.

17 **BY ELECTRONIC MAIL:** I served the documents by electronic mail to the
18 electronic mail address(es) listed above.

19 **BY FACSIMILE:** I served the documents by facsimile to the facsimile
20 number(s) listed above.

21 **OTHER:** _____

22 SHERMAN, SHERMAN, JOHNNIE & HOYT, LLP

23 s/ Steve Elzinga
24 Steve Elzinga, OSB No. 123102
Of Attorneys for Petitioner

SHERMAN, SHERMAN, JOHNNIE, & HOYT, LLP
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Salem, Oregon 97308-2247
(503)364-2281 FAX: (503)370-4308

Prospective Petition

Local Initiative and Referendum

SEL 370

rev. 01/22 ORS 250.045,
250.165, 250.265, 255.135

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, contact phone number and signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status must be reported to the filing officer no later than the 10th day after a chief petitioner first has knowledge or should have had knowledge of the change. At least one original chief petitioner must remain throughout the petition process or the petition is void.

Petition Information	Type		
This filing is an	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Initiative <input type="checkbox"/> Referendum

Jurisdiction	Some Circulators may be Paid		
<input checked="" type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> District	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Title Subject or name you give your petition.
Eviction Representation for All

Petition Correspondence Select the method of receiving notices or other correspondence from the Filing Officer.

Correspondence Recipient Email Chief Petitioners Mail Chief Petitioners

Recipient Information

Name	Email Address
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Chief Petitioner Information Only chief petitioner's residential city and state will appear on petition sheets.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name <i>Ever Burchfield</i>	Contact Phone <i>541 245 6115</i>
Residence Address street, city, state, zip <i>2608 NE 7th Ave Portland, OR 97212</i>	
Mailing Address if different	Email Address <i>evantburchfield@gmail.com</i>
Signature <i>Ever T Burchfield</i>	Date Signed <i>3/3/22</i>

Name <i>Jill Pham</i>	Contact Phone <i>971 244 3992</i>
Residence Address street, city, state, zip <i>4515 E BURNSIDE ST PORTLAND, OR 97215</i>	
Mailing Address if different	Email Address <i>JILL@JWJPDX.ORG</i>
Signature <i>JPham</i>	Date Signed <i>3/3/2022</i>

Name	Contact Phone
Residence Address street, city, state, zip	
Mailing Address if different	Email Address
Signature	Date Signed

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 MULTNOMAH COUNTY
 DIRECTOR OF ELECTIONS

EVICTION REPRESENTATION FOR ALL

The People of Multnomah County find:

- A. Housing is a human right, defined by the United Nations as "the right to live somewhere in security, peace and dignity," and includes access to affordable housing, adequate living conditions, security of tenure, and protection against forced evictions.
- B. High housing costs not only place households at increased risk of eviction but also reduce their ability to pay for other necessary expenses, such as food, healthcare, education, and transportation.
- C. Within Multnomah County, 40% of households are cost-burdened, with lowest income areas generally having the highest percentage of cost-burdened households.
- D. A 2020 report by Lisa K. Bates, PhD and the Community Alliance of Tenants found that "tenants who are Black, Indigenous, and People of Color identified are more likely to be cost burdened and struggle with housing insecurity, being over-represented among the houseless population in Oregon."
- E. Evictions not only cause tenants to lose their homes but also cause them to lose their possessions, disrupt their connection to the wider community, force children to change schools, lead to job loss, negatively affect people's mental health, threaten child custody, and impose an obstacle to future housing.
- F. Portland State University's Homelessness Research & Action Collaborative estimated that evictions flowing from the COVID-19 pandemic could cost the State of Oregon somewhere between \$720 million and \$4.7 billion. Conversely, numerous studies have shown that publicly funded tenant representation saves state and local governments more money than it costs, due to avoided social safety net expenses.
- G. Studies show that less than 3% of tenants typically have legal representation in eviction proceedings compared to upwards of 81% for landlords.
- H. At least sixteen jurisdictions across the United States have successfully implemented ordinances to ensure free access to legal counsel for tenants facing evictions.

I. Annual reports from jurisdictions with tenant representation programs, including New York, San Francisco, and Cleveland, show that legal representation helps tenants avoid default judgments, obtain better settlements, and avoid eviction more often at trial.

Therefore, the People of Multnomah County Ordain as follows:

Section 1. Policy and Purpose

Multnomah County shall fully fund, administer, manage, and maintain a program that provides free legal representation, and related tenant services and resources, to all residential tenants who are facing legal proceedings to evict them from their residence.

Section 2. Definitions

A. "Covered individual" means any natural person, regardless of immigration status, facing eviction or removal from a residential property, including but not limited to any building, structure, land, rented space, or transportable dwelling unit, or any part thereof, used for a residence.

B. "Covered proceedings" means legal proceedings to evict a covered individual from their residence, including related counterclaims, appeals, and collection actions. Covered proceedings also means post-foreclosure evictions of covered individuals, as well as appeals on behalf of covered individuals to maintain assistance under the Housing Choice Voucher Program (Section 8). Covered proceedings includes, but is not limited to, representation at administrative hearings brought by, or on behalf of, the Portland Public Housing Authority and/or any other entity acting as, or on behalf of, a landlord.

C. "Designated organization" means a non-profit law firm or community-based organization that has the capacity to provide high-quality legal representation to covered individuals facing eviction.

D. "Legal representation" means full scope legal services provided by a designated organization to a covered individual in connection with a covered proceeding. Full scope legal services shall include but shall not be limited to providing legal advice and

consultation, filing an appearance and responsive pleadings with the court, conducting discovery, attempting to negotiate settlement, and representing the covered individual in court hearings, motion practice, and trial, where applicable. Full scope legal representation may include post-trial matters, appeals, and collection actions pursued at the discretion of the designated organization. Legal representation shall continue for the full duration of a covered proceeding as described in this section, subject to the consent of the covered individual and applicable ethical standards and rules of professional conduct.

E. "Culturally specific and responsive services" means community-based services that are consistent with Multnomah County's policies and guidance documents for "contracting and Procurement for Culturally Specific and Responsive Services," and includes providing language and translations services.

Section 3. Capital Gains Tax

A. *Tax:* Residents in Multnomah County shall pay a tax on net capital gains as defined by the Internal Revenue Code. The initial rate for this tax shall be 0.75%. The rate for this tax may be adjusted by Multnomah County as necessary to ensure compliance with the program objectives as set forth in this ordinance.

B. *Effective Date:* The tax will be imposed for all tax years beginning on or after January 1, 2023. Thereafter, payment of this tax will be due annually on April 15th or the closest following business day.

C. *Rulemaking:* The Multnomah County Chief Financial Officer (hereinafter "CFO") will adopt administrative rules to implement this tax and may contract with public agencies to implement this ordinance.

D. *Receipts:* The CFO, or a public agency on behalf of Multnomah County, will receive the tax imposed by this ordinance from the taxpayers, keep accurate records, report all monies received, and will collect and enforce payment of all taxes owing to the county.

E. *Revenues:* Net revenues (after deducting the costs of collection and enforcement) shall be deposited into a separate fund designated as the "Multnomah County Eviction Representation for All Fund" (hereinafter "Fund").

Section 4. Eviction Representation for All Program

- A. Monies in the Fund shall be dedicated to the Eviction Representation for All (hereinafter "ERA") program to ensure free legal representation for all tenants facing eviction in the county.
- B. A covered individual can access the services of the ERA program immediately after receiving notice of a termination of tenancy or eviction, or immediately after having reasonable belief that notice of a termination of tenancy or eviction has been served.
- C. The ERA program shall be fully operational within 12 months from the time voters pass this ordinance.
- D. The Fund shall accrue and then maintain reserve funds adequate to ensure 18 months of continued operation of the ERA program.
- E. Whenever the county receives temporary funds from another government body to provide eviction representation or whenever a designated organization is awarded attorney fees or costs in a covered proceeding, those monies shall be added to the Fund as a cost-savings measure.

Section 5. Tenant Resource Office

- A. The county shall create the Tenant Resource Office (hereinafter "TRO") within the Department of County Human Services (DHS) to administer and manage the ERA program as set forth in this ordinance.
- B. The TRO shall maintain a sufficient staff to support all aspects of the ERA program.
- C. The TRO shall contract with and fund a minimum of five designated organizations to provide legal representation to covered individuals. The TRO shall ensure that the contracted designated organizations provide high quality legal representation to all covered individuals and retain competent attorneys and legal staff at competitive salaries and benefit levels.

D. The TRO shall maintain a county-wide registry of all residential rental properties. The rental registry shall be accessible to the public.

E. On January 31 of each year beginning on January 31, 2024, the TRO shall submit a written report to the county, detailing the number of covered individuals served, the names of all designated organizations and extent of legal services performed, metrics evaluating outcomes, projected budgeting needs for full representation to all covered individuals, revenue needed to maintain rainy day funds, data regarding evictions, and a summary of the engagement and education of tenants. The county shall increase or decrease the capital gains tax rate based on these reports to ensure projected funding is adequate for proper functioning of the program.

F. The TRO shall create and administer a program to provide emergency rental assistance or pay legal costs, in whole or in part, incurred if a covered individual does not prevail in a claim or has a money award against them at the conclusion of litigation (such as plaintiff's attorney fees, costs, prevailing party fees, and/or landlord fees). A covered individual may apply to this program via the TRO, and the TRO shall establish rules to guide the discretionary award of funds under this program, taking into account the policy objectives of this ordinance, budgetary considerations, fairness considerations, and whether the award of funds will resolve the legal dispute.

G. The TRO, in coordination with designated organizations, shall educate and inform the public about available eviction services, and other programs related to preventing displacement and supporting tenants.

H. The TRO shall create and maintain a current and easily accessible website that educates the public about available eviction services (with links to designated organizations) and other programs related to preventing displacement and supporting tenants, including the emergency rental assistance.

I. The TRO shall contract with designated organizations to hire peer educators to provide education and information on available eviction services, and other programs related to preventing displacement and supporting tenants.

Section 6. Designated Organizations

A. Designated organizations shall provide high quality and culturally specific and responsive legal representation to covered individuals in covered proceedings.

B. Designated organizations shall employ staff attorneys and/or contract with attorneys to represent covered individuals in covered proceedings. Designated organizations shall hire attorneys at competitive salaries and benefit levels, as well as paralegals and support staff at competitive salaries and benefit levels.

C. Designated organizations shall seek to recover attorney fees and costs under ORS 90.255 and prevailing party fees under ORS 20.190 whenever applicable. All attorney fees and costs awarded shall be received by the designated organization and reimbursed to the TRO. Any legal fees or costs paid by the covered individual shall be reimbursed to the covered individual.

D. Designated organizations shall educate and inform the public about available eviction services and other programs related to preventing displacement and supporting tenants, including emergency rental assistance programs to prevent eviction. Where appropriate, designated organizations may develop culturally specific and responsive outreach plans to support their educational goals.

E. Designated organizations shall meet and report on predetermined performance metrics, report those metrics to the TRO on an annual basis, and adhere to ethical standards and rules of professional conduct set by the Oregon State Bar; all components must be satisfied to receive an ongoing contract to provide legal representation for the program. The TRO will also supply annual reports to DHS reporting similar metrics.

Section 7. Termination Notices and Evictions

A. All residential property owners in Multnomah County must comply with the following requirements when serving notices of termination:

1. At the time a notice of termination is served against a covered individual, the landlord must provide a written notification, in all languages commonly spoken in Multnomah County, informing the covered individual of free legal representation in a covered proceeding.

2. Within 24 hours of serving a covered individual a notice of termination, the landlord must file the notice with the TRO.

B. All residential property owners in Multnomah County must comply with the county's efforts to create and maintain a county-wide rental registry.

C. If a covered individual appears in court having not been informed of the ERA program in writing on the notice of termination, or was informed of the ERA program but was unable to be assigned a lawyer, the court shall setover the first appearance for no less than seven days to provide time for the covered individual to seek legal representation, unless there is an informed, affirmative waiver of counsel made on the record.

Section 8. Board of Commissioners to Take Necessary Action

The Multnomah County Board of Commissioners shall take all action necessary to ensure that taxes imposed by this ordinance are collected and are used to fulfill the policies and purposes of this ordinance.

Section 9. Severability Clause

If any part, section, or provision of this ordinance or any tax against any taxpayer imposed by this ordinance is found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity will affect only that part, section, or provision of this ordinance or tax, and will not affect or impair any other part, section, or provision of this ordinance.

NOTICE IS HEREBY GIVEN that a Ballot Title and Explanatory Statement for a Multnomah County Initiative Petition has been filed with the Multnomah County Director of Elections. The initiative petition complies with constitutional requirements.

Any registered voter dissatisfied with the Ballot Title and Explanatory Statement may file a petition for review with the Multnomah County Circuit Court on or before March 28, 2022. Any person filing a petition must also file a copy of the challenge with the Director of Elections, 1040 SE Morrison St., Portland, not later than 5:00 p.m. on the next business day after the date the petition has been filed with the Circuit Court. - Tim Scott, Multnomah County Director of Elections

MultColnit-09 Ballot Title and Explanatory Statement

Establishes residential tenant resources program, eviction representation, capital gains tax

Question: Should County create residential tenant resources program, including free eviction-related legal representation, funded by 0.75 percent capital gains tax?

Summary: Establishes program by ordinance to provide free, culturally specific and responsive legal representation, including translation services, to persons facing eviction or removal in Multnomah County residential eviction proceedings and related claims. Program operational within 12 months of passage, administered by new Tenant Resource Office. County to contract with at least five nonprofit law firms or community based organizations ("designated organizations") to provide services. County to administer, establish rules for discretionary award of funds for emergency rental assistance and payment of legal costs or money awards awarded to property owners. County, designated organizations to prepare annual program reports, provide education about services. County to create registry of residential rental properties. Residential property owners must inform individuals about program when serving notice of termination, provide notice to County.

Establishes 0.75 percent tax on net capital gains (as defined by Internal Revenue Code) of County residents, effective 2023, to fund program. Supplemental funding from recovered attorney fees, costs. Designated fund must maintain 18 months of reserve funds. Tax rate may be increased or decreased based on annual reports.

Explanatory Statement: This measure creates a Multnomah County ordinance establishing a new program to provide free, culturally specific and responsive legal representation, including translation services, to persons facing eviction or removal in Multnomah County residential eviction proceedings and related claims. Any natural person, regardless of immigration status, facing eviction or removal from a residential property can seek services immediately after receiving notice of termination or immediately after having reasonable belief that notice of termination has been served. Residential property includes any building, structure, land, rented space, or transportable dwelling unit, or part thereof, used for a residence. Program to be fully operational within 12 months of passage of the measure.

The program would be administered and managed by a new Tenant Resource Office within the Department of County Human Services. The County would be required to contract with at least five nonprofit law firms or community based organizations ("designated organizations") to provide legal representation, including seeking to recover attorney fees, costs, and prevailing party fees when applicable; educate the public about eviction services and related programs; and report annually on predetermined performance metrics. Designated organizations must employ staff attorneys or

contract with attorneys to provide representation and must provide competitive salaries and benefit levels.

The County must administer and establish rules for the discretionary award of program funds for emergency rental assistance and payment of legal costs or money awards awarded to residential property owners or landlords if a represented person does not prevail in a claim. County rules for distribution of those program funds must account for measure's policy objectives, budgetary considerations, fairness, and whether the funds would resolve the legal dispute. County to provide education about eviction services and related programs; maintain a countywide registry of residential rental properties; and prepare annual reports on a variety of metrics.

Residential property owners are required to provide written notification about the legal representation program when serving an individual with notice of termination, and failure to do so would require setover of a first court appearance for at least 7 days to allow individual time to seek legal representation.

The measure establishes a 0.75 percent tax on net capital gains (as defined by the Internal Revenue Code) of County residents to fund the program, imposed for tax years beginning on or after January 1, 2023. The tax rate may be increased or decreased based on the County's annual reports. Net revenues, after deducting the costs of collection and enforcement, to be deposited into a separate program fund. If a designated organization is awarded attorney fees or costs, or if the County receives temporary funds from another government for eviction representation, those monies also would be added to the program fund. The fund must accrue and maintain reserve funds adequate to ensure 18 months of continued program operation.

The tax will be received, collected, and enforced by the County Chief Financial Officer, or a public agency on behalf of the County. The Chief Financial Officer will adopt administrative rules to implement the tax.

