

Multnomah County

Measure 26-238

Proposed by Initiative Petition.

BALLOT TITLE

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

Question: Should County create residential tenant resources program providing free lawyers, financial assistance, funded by adjustable 0.75 percent capital gains tax?

Summary: Establishes program by ordinance to provide free, culturally specific and responsive legal representation, with translation, to persons sued in Multnomah County residential eviction proceedings (including post foreclosure) as well as related housing claims and appeals, including to maintain public housing assistance. Eviction cases postponed until lawyer can be appointed. Program administered by new Tenant Resource Office. County to contract with at least five nonprofit law firms or community-based 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. Establishes new, adjustable 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. 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 in Multnomah County residential eviction proceedings (including post-foreclosure), and related claims, including appeals to maintain public housing assistance payments. Any natural person, regardless of immigration status, facing eviction 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.

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 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. Eviction cases postponed until lawyer can be appointed.

The measure establishes a new, adjustable 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. Businesses are not subject to the tax. 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, who also will adopt administrative rules to implement the tax.

Submitted by:

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Multnomah County