

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>Evan 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>evanburchfield@gmail.com</i>
Signature <i>Evan 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>	
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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

RECEIVED
 2022 MAR -3 PM 2:47
 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 set over 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.