

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2023-006

Approving Calling a Measure Election to Submit to the Electors of Multnomah County MultColnit-09.

The Multnomah County Board of Commissioners Finds:

a. On March 3, 2022, the Multnomah County Elections Division (“Elections Division”) received a prospective petition for a Multnomah County initiative, MultColnit-09, attached as **Exhibit A**.

b. Under MCC 5.103(H), because MultColnit-09 proposes adoption of county legislation other than a Charter amendment, the proposed measure must be submitted to electors if the number of qualified signatures “equals or exceeds 6% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term.”

c. On May 26, 2022, the Multnomah County Elections Director certified the final ballot title and explanatory statement for MultColnit-09, and notified the chief petitioners that they had until November 28, 2022 to collect a minimum of 22,686 signatures. **Exhibit B**.

d. On November 23, 2022, the Elections Division received initiative petition MultColnit-09 for signature verification. Under MCC 5.103(F), “Within 30 days after the director’s acceptance of a petition, the director must certify to the Board whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors[.]”

e. On December 22, 2022, after completing verification of a statistical sample of signatures under the procedures set forth in OAR 165-014-0110, the Elections Director certified to the Board of County Commissioners that the total number of qualified signatures for initiative petition MultColnit-09 is 24,216 signatures. **Exhibit C**. Therefore, initiative petition MultColnit-09 contains a sufficient number of qualified signatures to require submission of the proposed measure to the electors.

f. Under MCC 5.105(A), upon receiving the Election Director’s certification of sufficient qualified signatures, the Board may either by ordinance adopt the proposed legislation or call an election for submission of the legislation to the electors.

g. Under MCC 5.105(B), if the Board calls an election, the election must be on the next election date available under state law that is not sooner than the 90th day after the date of the Election Director’s certificate of sufficient qualified signatures. Under ORS 203.085(2), the next election date available under state law that is not sooner than the 90th day after December 22, 2022 is May 16, 2023.

The Multnomah County Board of Commissioners Resolves:

1. A measure election is hereby called for the purpose of submitting to the electors of Multnomah County MultColnit-09 set forth in **Exhibit A**.
2. The measure election hereby called shall be held in the County on May 16, 2023.
3. The County Attorney or her designee shall submit the SEL 801 – Notice of Measure Election (County) to the Multnomah County Elections Division using the final ballot title and explanatory statement set forth in **Exhibit B**.
4. The Elections Director shall assign the measure the next sequential measure number.

ADOPTED this 26th day of January, 2023.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jessica Vega Pederson

Jessica Vega Pederson, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Katherine Thomas*
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Jenny M. Madkour, County Attorney

Exhibit A to Resolution Approving Calling a Measure Election
Prospective Petition to Submit to the Electors of Multnomah County MultColnit-09

SEL 370

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

Local Initiative and Referendum

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
------	---------------

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 Evan Burchfield	Contact Phone 541 245 6115
Residence Address street, city, state, zip 2608 NE 7th Ave Portland, OR 97212	
Mailing Address if different	Email Address evanburchfield@gmail.com
Signature 	Date Signed 3/3/22

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

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.

**Exhibit B to Resolution Approving Calling a Measure Election
to Submit to the Electors of Multnomah County MultColnit-09**

Department of Community Services
Elections Division • Tim Scott, Director



Sent VIA Email to Chief Petitioners: evantburchfield@gmail.com and jill@jwjpdx.org

May 26, 2022

Evan Burchfield
2608 NE 7th Ave.
Portland OR 97212

Dear Evan Burchfield;

This letter provides the Election Director's certification of the attached ballot title and explanatory statement as prescribed by a court order dated May 24, 2022, following the ballot title challenge related to MultColnit-09.

We have reviewed your initiative petition paperwork, as to meeting the requirements to collect signatures, and have found it to be in order and to include the certified ballot title as necessary. Please use only the approved forms during signature collection. You must use the same paper color for all petition sheets.

The deadline to collect a minimum of 22,686 signatures from registered voters in Multnomah County is Monday, November 28, 2022.

For the measure to be placed on the November 8, 2022 General Election, the completed petition would need to be turned in no later than Monday, July 18, 2022. This date allows time for the Elections Division to signature verify the petition and for the Multnomah County board to act to refer it to the ballot.

Signature sheets must be numbered prior to submission.

If you have any questions, please don't hesitate to contact us at 503-988-VOTE (8683).

Sincerely,

A handwritten signature in black ink that reads "Tim Scott".

Tim Scott, Director of Elections
Multnomah County Elections Division
1040 SE Morrison St
Portland OR 97214

CC: Katherine Thomas, Assistant Multnomah County Attorney
Jill Pham, Chief Petitioner

Signature Sheet | Local Initiative Referendum

Petition ID MULTCOINIT-09

It is against the law to sign a petition more than one time. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

SOME Circulators NO Circulators for this petition are being paid.

To the Elections Official of:

→ We, the undersigned voters, request this measure to be submitted to the residents of the jurisdiction listed below for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.

County Multnomah | City | District

Ballot Title Caption (Initiative) or Number of Ordinance or Resolution and Date Adopted (Referendum)

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

Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.

Signature Date Signed mm/dd/yy Print Name Residence or Mailing Address street, city, zip code

1
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10

Circulator Certification This certification must be completed by the circulator and additional signatures should not be collected on this sheet once the certification has been signed and dated. I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 198.750, 221.031, 250.165, 250.265, 255.135). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature Date Signed mm/dd/yy Sheet Number Completed by chief petitioner

Printed Name of Circulator Circulator's Address street, city, zip code

Initiative or Referendum Petition

County: Multnomah

City:

District:

Ballot Title or Measure Title

→ Insert the final ballot title of the initiative or the title of the measure as enacted by the local governing body. If there is no title chief petitioners may supply one that must include the number of the ordinance/resolution being referred and the date the local governing body adopted the ordinance/resolution.

CAPTION: 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.

Text Proposed charter or ordinance or text of ordinance as enacted by local governing body.

Available from Circulator

Included below

Chief Petitioners Names and Residential City and State

Evan Burchfield, Portland, Oregon

Jill Pham, Portland, Oregon

Instructions for Circulators

- 1 Only active registered voters of the county, city or district may sign the petition.
- 2 Have signers use a pen when signing petitions. Use a pen when you are certifying petitions.
- 3 Only one circulator may collect signatures on any one signature sheet of the petition.
- 4 You must personally witness all signatures you collect and you should not collect additional signatures on the petition sheet once you have signed and dated the circulator certification.
- 5 It is against the law for circulators to:
 - Circulate a petition containing a false signature.
 - Make false statements to any person who signs the petition or requests information about it.
 - Attempt to obtain the signature of a person who is not qualified to sign the petition.
 - Offer money or anything of value to another person to sign or not sign the petition.
 - Sell or offer to sell signature sheets.
 - Write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
 - Accept compensation to circulate a petition that is based on the number of signatures obtained.

Warning Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Instructions for Signers

- 1 Only active Oregon voters may sign the petition. Sign your full name, as you did when you registered to vote.
- 2 Fill in the date you signed the petition, your printed name and residence address in the spaces provided. Only you may complete your optional information.
- 3 Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.
- 4 Use a pen when signing the petition.
- 5 It is against the law for signers to:
 - Sign another person's name under any circumstances.
 - Sign a petition more than one time.
 - Sign a petition when you are not qualified to sign it.

Electronic Signature Sheet | Local Initiative Referendum

Petition ID MULTCOINIT-09

SOME Circulators NO Circulators for this petition are being paid.

Ballot Title or Measure Title

County, City or District Name Multnomah County

CAPTION: 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.

A full and correct copy of the text of the petition is included.

Chief Petitioners

Evan Burchfield, Portland, Oregon Jill Pham, Portland, Oregon

Warning! It is against the law for you to sign another person's name under any circumstances, sign a petition more than one time or sign a petition when you are not qualified to sign it.

Instructions Only sign this petition if you are an active Oregon voter, registered to vote in the county, city or district where this petition is being circulated and you personally printed this sheet or requested someone else print it for you.

- 1 You must sign both the request for the petition to appear on the ballot and the certification.
- 2 Sign your name, as you did when you registered to vote.
- 3 Fill in the date, print your name and residence address. Only you may complete this optional information.

Request I request this petition be placed on the ballot for approval or rejection by the voters.

Signature

Date Signed mm/dd/yy

Certification I certify that I personally printed a copy of this sheet or requested a separate person print a copy so that I may sign it.

Signature

Date Signed mm/dd/yy

Print Name

Residence Address street, city, zip code

APPENDIX A

MultCoInit-09 Ballot Title and Explanatory Statement

Caption: 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

Appendix A

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.

Appendix A



Department of Community Services

Elections Division • Tim Scott, Director

Date: December 22, 2022

VIA EMAIL

To: Board of Multnomah County Commissioners
c/o Deborah Kafoury, Chair, Multnomah County Board of Commissioners
Multnomah County
501 SE Hawthorne St, Suite 600
Portland, OR 97214

RE: Certification of Initiative Petition MultColnit-09

On November 23, 2022, the Multnomah County Elections Division received initiative petition MultColnit-09 for signature verification. Under MCC 5.103(F), the Director of Elections must certify to the Board “whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors[.]”

Under MCC 5.103(H), because MultColnit-09 proposes adoption of county legislation other than a Charter amendment, the proposed measure must be submitted to electors if the number of qualified signatures “equals or exceeds 6% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term.” For the May 16, 2023 election, the number of qualified signatures required is 22,686 signatures.

As required by MCC 5.103(F) and Oregon Administrative Rule (“OAR”) 165-014-0110, the Multnomah County Elections Division completed verification of a statistical sample of signatures submitted for initiative petition MultColnit-09 on December 21, 2022. Based on the statistical formula found in OAR 165-014-0110, Appendix 4, the Director certifies that the total number of qualified signatures for initiative petition MutColnit-09 is **24,216** and therefore the petition contains a sufficient number of qualified signatures to require submission of the proposed measure to the electors.

Under MCC 5.105, the Board may either by ordinance adopt the proposed legislation or call an election for submission of MultColnit-09 to the electors at the May 16, 2023 election.

A handwritten signature in black ink that reads "Tim Scott".

Tim Scott
Director of Elections
Multnomah County
1040 SE Morrison St
Portland OR 97214

Cc: Katherine Thomas, Assistant County Attorney, Multnomah County
Evan Burchfield, Jill Pham, Chief Petitioners MultColnit-09