



Council Retreat

CR

Milwaukie City Council

COUNCIL RETREAT

Milwaukie Community Center
5440 SE Kellogg Creek Drive, Milwaukie, OR 97222
& Zoom Video Conference
(www.milwaukieoregon.gov/meetings)

REVISED AGENDA

JANUARY 28-29, 2023

(Revised January 26, 2023)

Council will hold this retreat in-person and through video conference. The public may attend the retreat by coming to the Milwaukie Community Center or joining the Zoom webinar. For **Zoom login** visit see the meeting page links below. **The retreat will not be recorded.**

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 850 0301 2270 and Passcode: 169457. To raise hand by phone dial *9.

Written comments may be delivered to City Hall (10722 SE Main Street, Milwaukie, OR 97222) by 5 p.m. on Friday January 27 or emailed to ocr@milwaukieoregon.gov. Council may take verbal comments.

Note: agenda item times are estimates and are subject to change.

Revisions made on January 26 include further detail on the discussions and activities that Council and staff will participate in during the retreat. For readability, the changes are not highlighted. The changes include the text between the numbered agenda items.

Day 1: Saturday January 28

For Zoom webinar login visit: www.milwaukieoregon.gov/citycouncil/city-council-retreat-day-1

1. Call to Order (9:00 a.m.)

Council and staff will participate in a facilitated discussion regarding relationship building, goals, and community vision. Council will not make any final decisions during this retreat.

Welcome and Agenda Overview – Remarks and Activity (9:00 a.m.)

Council and Administration Roles – Discussion (10:15 a.m.)

Break (10:45 a.m.)

Vision Check-In – Discussion and Activity (10:55 a.m.)

Lunch (12:00 p.m.)

Environmental Scan – Discussion and Activity (12:30 p.m.)

The group will receive updates on previous Council goals, city finances, and organizational capacity.

Break (1:45 p.m.)

Idea Mapping – Discussion and Activity (1:55 p.m.)

The group will discuss the goal setting process and participate in an idea mapping exercise.

Team Check-In and Wrap-Up – Discussion (3:30 p.m.)

2. Adjourn (4:00 p.m.)

3. Dinner (5:00 p.m.)

After the retreat, Council will gather for dinner at Oswego Grill – Clackamas (9073 SE Sunnyside Road, Clackamas, OR 97015). No city business will be discussed during the dinner.

Day 2: Sunday January 29

For Zoom webinar login visit: www.milwaukieoregon.gov/citycouncil/city-council-retreat-day-2

4. **Reconvene** (9:00 a.m.)

Council and staff will continue to participate in a facilitated discussion regarding relationship building, goals, and community vision. Council will not make any final decisions during this retreat.

Welcome and Agenda Overview – Remarks and Activity (9:00 a.m.)

Goal Review and Refinement – Discussion and Activity (9:20 a.m.)

Break (10:30 a.m.)

Goal Review – Discussion (10:40 a.m.)

Team Agreements – Discussion (11:00 a.m.)

Lunch (12:00 p.m.)

Team Agreements – Discussion (continued) (12:30 p.m.)

Wrap-Up and Next Steps – Discussion (1:15 p.m.)

5. **Adjourn** (2:00 p.m.)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



SSW CONSULTING

CITY OF MILWAUKIE: COUNCIL RETREAT AGENDA

Date: Saturday, January 28 – Sunday, January 29, 2023
Location: Milwaukie Community Center
5440 SE Kellogg Creek Dr, Milwaukie, OR 97222

RETREAT GOALS:

- Council Goals with tangible/measurable outcomes
- Equally engage the team in the process and discussions
- Identify a shared understanding of the current community and organizational context and develop goals in alignment with the City's vision
- Help the Council connect and come together as a team - develop a team agreement

DAY 1 AGENDA: SATURDAY, JANUARY 28, 2023

8:30 AM ARRIVAL + REFRESHMENTS

9:00 AM WELCOME + AGENDA OVERVIEW

- Welcome, Mayor Batey and City Manager Ober
- Agenda Review + Rules for Success
- Warm-up Activity

10:15 AM COUNCIL + ADMINISTRATION ROLES

- Overview of Roles + Responsibilities
- Team Discussion

10:45 AM BREAK

10:55 AM VISION CHECK-IN

- Review 2040 Vision
- Vision Check-In Exercise
- Team Discussion: Alignment of Vision, Council Goals + Strategic Plan

12:00 PM LUNCH

12:30 PM ENVIRONMENTAL SCAN

- Goal Updates
- Financial Forecast + Organization Capacity
- Current Environment – Context Mapping Exercise
- Team Discussion

1:45 PM BREAK

1:55 PM IDEA MAPPING



SSW CONSULTING

- Review Goal Setting Process
- Idea Mapping Exercise
- Team Discussion: Goal Themes

3:30 PM TEAM CHECK-IN + WRAP-UP

4:00 PM ADJOURN

DAY 2 AGENDA: SUNDAY, JANUARY 29, 2023

8:30 AM ARRIVAL + REFRESHMENTS

9:00 AM WELCOME + AGENDA OVERVIEW

- Agenda Review
- Day 1 Reflections
- Warm-up Activity

9:20 AM GOAL REVIEW + REFINEMENT

- Review Results of Idea Mapping Exercise
- Confirm Desired Goal Outcomes
- How is Success Measured?
- How do the Goals Intersect?

10:30 AM BREAK

10:40 AM GOAL REVIEW

11:00 TEAM AGREEMENTS

- Envisioning Council Team Success
 - What is the Council's role in supporting/advancing the goals?
 - Considering the Council's role, what does the Body need for success?
 - How can our individual strengths support the team?
 - How can our differences strengthen the team?

12:00 PM LUNCH

12:30 PM TEAM AGREEMENT DISCUSSION

1:15 PM WRAP-UP + NEXT STEPS

- Team Reflection
- Next Steps

2:00 PM ADJOURN

MEMORANDUM

To: Mayor and City Council
From: City Administration

Date Written: Jan. 25, 2023

Subject: **Equity Goal Update**

BACKGROUND

In September 2019, city staff developed an internal equity committee to support the city's transition to a more equitable and inclusive government. Eight months later, in response to the national reckoning around race and policing, Council and staff began meeting with Milwaukie's Black, Indigenous, and people of color (BIPOC) community members about their personal experiences interacting with the city. These initial conversations were developed to hear directly from the BIPOC community about how to make Milwaukie a place that truly lives up to its vision of being safe and welcoming to all. On August 18, 2020, Council made equity, inclusion, and justice a Council goal.

In September 2020, the city manager's office coordinated listening sessions with our BIPOC community. The Milwaukie Police Department (MPD) actively participated in these sessions to hear questions and concerns directly from our community. Following the sessions, the facilitators compiled a list of questions that they provided to the city. City staff provided the session participants with a response to these questions and used them to design the city's early equity work. We recognize the profound concerns expressed by our BIPOC community and are committed to continue listening, learning, and engaging with the community.

EQUITY PROGRAM

In December 2020, the city hired its first equity program manager, Jon Hennington. This section is dedicated to his focus areas.

Equity Steering Committee (ESC)

On November 16, 2021, Council adopted Resolution 57-2021 appointing the initial nine members of the ESC that had been previously authorized by Ordinance 2207. The ESC held its first meeting on January 27, 2022, and established a schedule of meeting on the fourth Thursday of each month. After an introduction to city operations and the work the city will be putting before them, the ESC quickly jumped into reviewing both proposed policies and administrative actions.

Since its creation, the committee has set focus areas including city events, houseless support, and relationship building between our communities of color and the MPD. Most recently, the committee was involved in discussions with the planning department about the Housing Capacity Analysis (HCA) and the Housing Production Strategies (HPS).

Equity and Inclusion (DEI) Plan

The city contracted with Keen Independent Research to conduct a comprehensive inclusion and belonging study to assess the state of equity in how the city serves the public and how we

operate as an employer. This study will culminate in the development of a diversity, equity, and inclusion plan to help shape the city's ongoing efforts.

Keen is assessing city employment and contracting practices, facilitating internal and external discussions on diversity and inclusion, and evaluating service delivery from an equity perspective. Keen will be seeking input from city employees, residents, and other stakeholders through:

- Interviews,
- Focus groups,
- Surveys,
- Virtual workshops,
- Virtual town hall meetings, and
- Other avenues.

Keen is an equity research and consulting firm that has performed similar work for public organizations in Oregon and across the country. David Keen and Annette Humm Keen are directing this assignment. Dr. Nicole Yates is leading key research elements.

The study began in July 2022 and will be completed in June 2024. A sample of the expected report can be found at https://keenindependent.com/wp-content/uploads/2022/08/KeenIndependent_DaneCountyParksZooEvaluation_Final_08102022.pdf

Community Cultural Celebrations

The Milwaukie community, with city staff support, has held two Juneteenth celebrations – one on June 19, 2021, and the second on June 18, 2022. The events were planned by members of Milwaukie's Black community with support and logistical assistance from the city.

On June 4, 2022, staff also threw a community celebration for LGBTQIA+ Pride Month. That event was held at the South Downtown Plaza and included live entertainment and free ice cream.

These events gave staff a sense of how the city can best support historically marginalized communities in a way that is equitable and sustainable, and that retains community member-ownership of the event to the greatest extent possible.

Staff has established the following internal guidelines for supporting community-led cultural celebrations:

- Provide approximately \$500 in funding from the equity program budget,
- Consultation on site selection and anticipated needs,
- Assistance in obtaining necessary event permits,
- Printing of event materials,
- Day-of-event presence by representatives from city administration, and
- Promotion of event via social media.

These guidelines are likely to be refined as staff becomes more experienced with supporting various community events and as community members provide additional feedback. Staff also anticipates that the ESC will provide additional recommendations regarding cultural celebrations.

Language Access Policy

Staff from the city manager's office, municipal court, planning department, and the city recorder's office coordinated to develop a language access policy to address translation and interpretation services provided by the city. This policy defines interpretation as "the oral rendition of a spoken message from one language to another" and translation as "the process of translating works or text from one language to another."

The policy directs staff to translate documents, online communication (city website, social media posts, Engage Milwaukie, etc.), and other key project materials into the major languages spoken by Milwaukie community members that relate to a critical topic or program area. For the purposes of this policy, these critical topics are:

- City-provided utility services,
- Public safety,
- City finances, taxes, and fees,
- Construction projects and related impacts, and
- Community engagement.

A major language is defined as a language that United States Census Bureau data indicates at least 4% of the city population belong to a specific language group when rounded up to the nearest whole percentage point. Currently, Spanish is the only language that meets this criterion.

This policy has been approved by the city manager. In response, the city has been publishing a Spanish-language version of The Pilot both online and in print since the February 2022 issue.

The library is offering monthly story time programming in Spanish.

Training

In December 2020, the city held equity related trainings for non-police staff. The equity staff have been working since that time to find the right trainers for our various departments to support everyone's diverse and unique growth. In 2021, the city partnered with World Trust Educational Services for our annual training. In 2022 and 2023, we have contracted with Ann Su Consulting to help move our city forward. Ann Su is a local attorney and equity leader in the region. A little about Ann:

I advise organizations and non-profits in strategic planning and organizational effectiveness with an equity and inclusion lens. I have worked with local non-profits, government, and private organizations for over twenty years as an advocate, community activist, educator, strategist, and social justice leader. From 1998-2002, I was the Chair of Bradley-Angle House, a local organization that serves survivors of domestic violence and their families. I also was on the board of Oregon Center for Environmental Health and served as their board treasurer.

Staff is currently working on a Council equity training for this summer.

EQUITY IN POLICING

Police Policy Equity Reviews

Starting in July 2020, the city began a process to review seventeen police policies. The goal was to apply an equity lens to these policies to ensure fair and impartial policing. An equity lens is "a process for analyzing the impact of the design and implementation of policies on under-served or marginalized individuals or groups, to identify and potentially eliminate barriers."

The city manager and the chief of police asked the city's labor attorney to review the police policies and select those policies that legal counsel believed warranted the most attention based on the goal of racial equity. We reviewed the policies against best practice and current trends and make the recommended revisions.

Following that, city staff joined with BIPOC community members for an additional review of the policy language. This was done through a series of weekly meetings ending in January 2021. The policy review work group provided questions and concerns for robust discussions. Those final policies were then introduced into the police contract negotiations process. After contract negotiations, the modified policies were officially implemented.

Police Contract

The Milwaukie Police Employees Association (MPEA) negotiates a collective bargaining agreement (CBA) with the city typically every two years on behalf of MPD employees. Prior to negotiating the most recent contract, the city developed a BIPOC Police Contract Review team. These community members participated in a series of meetings and provided input, questions, and concerns. This process also created the opportunity for education on important topics. The feedback from this process was then incorporated into our contract negotiation process. The current CBA has been posted on online and can be found [here](#).

Fair and Impartial Policing – Procedural Justice

In December 2022, we provided procedural justice training to all MPD staff. Procedural justice speaks to the idea of providing “fair processes” and how people's perception of fairness is strongly impacted by the quality of their experiences and not just the result of these experiences. In the criminal justice context, most procedural justice research has focused on citizen-police interactions. Key components of procedural justice training include treating everyone with dignity and respect, intentionally attempting to give people voice, intentional efforts to be neutral and transparent, and intentional efforts to convey trustworthy motives.

Fair and Impartial Policing (FIP) – Community Session

In December 2022, the MPD held a community conversation on bias at Clackamas Community College. The event included approximately thirty community stakeholders, five police representatives, and five city employees. This training was designed for communities whose law enforcement agency is either currently training or has previously trained their personnel in FIP. Led by a trained FIP professional or executive-level instructor, community members are invited to attend this session to learn about:

- The science of implicit bias and how implicit biases might impact on law enforcement personnel and community members,
- How they can recognize, reduce, and manage their own biases, and
- What their local agency is doing to promote fair and impartial policing.

Community Engagement

In the city's community engagement efforts, the intent is to gradually blur the lines between the police and the community by looking for opportunities for marginalized community members to have a seat at the table and have a voice in processes. Those opportunities also provide a chance for education and a better understanding of the profession, the people, and the challenges. The city has attempted to apply the basics of contact theory - the idea that contact between two groups can promote tolerance and acceptance if we attempt to equally distribute status and create common goals.

Hiring – The city is increasingly looking for and finding opportunities to include non-sworn city staff and community members into recruitment, hiring, and training processes. Staff are working to ensure our hiring and promotional boards are comprised of individuals who understand what we are trying to do, and they then play a significant role in identifying and selecting future police officers and leaders.

On-boarding – The city now includes non-sworn city staff and community members in on-boarding processes to create a more impactful and collaborative process. Recent on-boarding events have included neighborhood district association (NDA) leaders, members of the ESC, and people who have filed complaints. A power point presentation is used as the foundation for a sixty to ninety-minute conversation. New employees learn about the role elected leaders play in the city, city goals, the history of policing, and the value we place on listening to and building relationships with our community.

Supervisor Meetings – Staff have included members of the community and members of the ESC in monthly supervisor meetings to create community and common goals and understanding.

Traffic Enforcement and Customer Service – BIPOC community members have been included in the development of annual training related to traffic enforcement and customer service. The training includes stories and experiences from BIPOC community members. This system can better inform our officers of how impactful the way they do their job can be.

Public Information Officer (PIO) – The city's MPD PIO actively participates in our ESC and community engagement programs. They attempt to actively engage the public and consider equity issues in all messaging.

Milwaukie ChitChat Facebook Group – The city tries to recognize non-traditional opportunities to engage our community and the value of our local community leaders. Staff meet with these leaders to discuss issues, answer questions, and respond to concerns. Through that engagement, the city benefits from hearing questions and concerns that can influence how staff do business. These informal leaders with influence will also likely be more supportive of city departments because they feel included, valued, and develop a better understanding of the challenges we all face.

Body Worn Cameras

After a yearlong process, we deployed body worn cameras in September 2022. Prior to deployment, staff had multiple meetings between police officers and the ESC to hear questions and concerns. Those discussion guided the policy development. MPD staff also used the city engagement staff and the Engage Milwaukie platform to create more real time collaboration with the community. Finally, the MPD published articles in The Pilot providing a synopsis of the new program and directing interested people to Engage Milwaukie.

Culture

MPD's core values include integrity, transparency, customer service, work ethic, inclusion, collaboration, empathy, and accountability. The department takes these values very serious and discusses them regularly at all levels of the MPD. MPD business decisions revolve around these core values, and they help the MPD define and maintain our culture.

Culture of Accountability

Accountability is critical and ensuring it exists, at all levels of the organization, is one of the primary responsibilities of the chief of police. The chief immediately addressed the department culture after being promoted to chief. The following paragraph is an excerpt from a memo to all police staff, which the chief sent in April 2019:

Part of my job is to insure performance and accountability at all levels of our organization. How we work together to accomplish that is something I'd like to talk about regularly. Each of us being good at our core jobs and being good with people, is critical. Professionalism and reasonableness must be cornerstones of our organization, which we all buy into. Being able to listen well and interact with each other and the community with respect are important skills. I will work hard at them each day and I'll expect the same of each of you.

Oregon House Bill (HB) 2355, Statistical Transparency of Policing (STOP Data), 2017

HB 2355 requires all Oregon Law Enforcement Agencies (LEAs) to collect specific data related to officer-initiated traffic and pedestrian stops that are discretionary. Oregon State Police (OSP), in consultation with the Oregon Criminal Justice Commission (CJC) and Department of Justice (DOJ), established a standardized method for the collection of required data elements from all Oregon LEAs. The CJC performs the requisite data analysis to identify patterns, practices, and profiling, and delivers a report to the Oregon Department of Public Safety Standards and Training (DPSST) to provide advice or technical assistance based on the best practices of policing to LEAs. The requirements of HB2355 were subject to a tiered implementation based on the number of sworn officers. Milwaukie was a Tier 2 agency (25-99 officers), which required the department to begin recording data on July 1, 2019 and officially report accurate data by July 1, 2020. MPD voluntarily agreed to early compliance and began recording data in December 2018. The department began reporting the data to the state in July 2019.

Accreditation

The MPD has been accredited through the [Oregon Accreditation Alliance](#) (OAA) since 2013. This accreditation process is optional and exists to improve the department's performance and accountability to the community. MPD's accreditation expires every three years, and the department must reapply, and demonstrate it continues to meet state and national best practices as evaluated by an independent body from outside the agency and city. MPD was last audited through OAA in January 2022.

EQUITY IN HIRING

The city's human resources (HR) department has taken several key steps to foster equity in the workplace. The effort includes policy review and revision, process updates, benefits review, and employee engagement activities.

Several policies were revised in 2022 to promote equity and access for all employees. The revised policies include Americans with Disabilities Act (ADA) accommodations, compensation administration, benefits, bereavement leave, family and medical leaves, leaves of absence, pregnancy accommodation, recruitment and selection, and training and development. Each of these policy revisions included language and practice changes to ensure city employees have access to fair treatment in HR's practices and processes. Many of the policy revisions were related to changes in the law and application of best practices and include revisions to city-wide practices.

The city reviewed and revised the recruitment and selection process with an eye towards equity and the adoption of several industry best practices. In addition to the following, HR has implemented other changes to improve candidate experience and efficiency.

- Anonymized screening by eliminating personally identifiable information at certain stages of the review process to reduce implicit bias based on names, addresses, and graduation dates.
- Intentional qualifications review which allows related work and volunteer experience to substitute for educational requirements.
- Interview question anchors and standardized scoring matrix to promote more objective scoring of questions.
- Bias awareness training for interview panels to enhance bias recognition and thoughtful approaches to question bias.

The city also reviewed policies and processes related to accommodations under the ADA and Oregon's pregnancy accommodation law. The new process eliminates barriers to access by removing the requirement to complete forms when employees or potential employees request accommodations. The new process allows an accommodation request to start the interactive process through verbal or written communication via any manager or human resources staff.

Finally, the city reviewed, and revised policies related to compensation, especially compensation at the start of employment, to comply with Oregon's Pay Equity Act. The new process takes into consideration previous experience and education related to the position and helps the city avoid unlawful conversations about previous pay. The intent of the law is to reduce the gender pay gap and the city strives to reach this goal through eliminating or reducing the salary negotiation process, which traditionally favors those good at negotiation rather than those good at the job for which they are hired.

EQUITY IN OUTREACH

A significant amount of the equity work for the past two years has been focused on improving the way the city engages with marginalized communities within Milwaukie. Two examples of that work are the outreach surrounding the development of Bowman-Brae, Scott, and Balfour parks. The second, was the outreach work for the Comprehensive Plan and the implementation of new housing production legislation related to middle-housing (Oregon HB 2001).

Specific to the park projects, the city has been working with the ESC and the BIPOC community throughout the design process to assure these voices and the voices of our changing community are heard prior to development. On March 14, 2022, a consulting team led by GreenWorks held an equity and public involvement discussion with members of the Park and Recreation Board (PARB), the ESC, city, and North Clackamas Parks and Recreation District staff. The purpose of this meeting was to gather feedback and revise a draft on the project's public involvement plan (PIP). The PIP provides several recommendations to the city to ensure that community engagement is approachable and removes barriers from participation for all, especially members of the BIPOC community.

Over the course of the park engagement process, our staff and consulting team used a layered approach to engagement and communications. The planning process for each park started with an open house in the park that included food, games, and activities for families. These were followed by hybrid (in-person and online) planning meetings with food. Each step of the planning process also had an accompanying online survey for those who could not attend in

person. A combination of bi-lingual postcards, Pilot articles, social media, yard signs, and website postings were used to alert residents of the opportunities every step of the way. All meeting materials were in both English and Spanish and interpreters were on site. Interpretation into other languages or other accommodations could also be request ahead of the meeting. Staff also worked with Clackamas County Housing Authority staff to have text message alerts sent to their residents who live in the housing complex near Balfour Park.

Focus groups with high level conversations on park policy, access, and amenities were also utilized. Focus groups convened people with disabilities, our local Spanish speaking population, and our BIPOC community. Staff followed up individually with focus group attendees to ensure that they were personally invited to other engagement meetings and events. Focus group participants received stipends in the form of Fred Meyer cards. Food and children's activities were provided at the meeting. Summaries of these small group, invitation only conversations are available. These meetings provided invaluable feedback for our parks.

In total, 276 people participated in the park planning process with a total of 631 in-person or online surveys filled out. Twenty-eight percent of these surveys came from people new to the Milwaukie planning process. Thirteen percent came from members of our BIPOC community.

Within the Comprehensive Plan implementation process and related middle-housing development code engagement, the planning department and consultant team endeavored to provide more opportunities for residents of all backgrounds and abilities to participate. This resulted in coordinating small group discussions (English and Spanish), offering three virtual open houses (English and Spanish), two community surveys (English and Spanish), and marketing materials in English and Spanish. This process offered more robust engagement than in previous years, Cty staff and the consulting team recognize that we still have not historically done a great job of ensuring the engagement work crossed demographic lines within our community by not tracking the demographic data or being intentional in specific engagement activities. In this latest iteration of engagement related to the HCA/HPS, Transportation System Plan (TSP), and the neighborhoods hubs project, the team is working to ensure that even greater focus is placed on engaging with people of color, immigrants, renters, low-income people, and people with disabilities. That work will be highlighted in future Council and community presentations for this project.

EQUITY AT LIBRARY

The Ledding Library is focused on equity work in the areas of library collections, programing, and partnerships.

Collections

In late 2020, the collections team of the library's DEI Committee agreed to launch a diversity audit to assess the current collection for its representation of diverse groups and populations. Diversity audits can be used to collect data on any number of factors, including workplace demographics, services and programs, and collections. In an audit of collections, titles are typically reviewed one by one to determine which, if any, groups they represent. Results of the audit showed there are a few key areas in which we are underrepresenting the Milwaukie population - Hispanic/Latino persons, persons of two or more races, persons with disabilities, and persons in poverty. These will likely become areas of focus moving forward with the collection development.

Since the audit, the collections team has taken the diversity audit lens and applied it to the ways in which we promote and highlight our resources. We have completed diversity audits of book lists, been more intentional about creating and stocking diverse displays, and have focused on spotlighting diverse titles on the shelves when room allows.

The library has updated its collection development policy to explicitly state the goal of making the library a place where all voices are included, especially underserved populations. This is an important change, as it guides purchasing decisions on materials the library purchases and provides for the community.

The library is currently adding a Chinese language collection in addition to the existing Spanish and Russian collections.

Programs & Partnerships

The library is intentionally creating partnerships and providing programs that further equity work goals. Generally, librarians are prioritizing BIPOC performers when booking performances. For in-house story times and programs, the team is always mindful of books that are shared, trying to make sure all children/families see themselves represented in the program and displays.

Below are five important examples of library partnerships:

- The Ledding Library was one of five libraries in the state selected for the Welcoming Libraries Pilot Project, which includes a pop-up display of “I’m your neighbor” picture books sharing stories of newly arrived/immigrant families. The library will loan this collection to community partners throughout the year.
- Partnered with Immigrant & Refugee Community Organization (IRCO) to host job fair.
- Collaborating with IRCO to provide youth employment and career exploration at the library in spring 2023
- Partnering with Milwaukie Museum to present Ledding Lecture Series. At October’s lecture, Chris Rempel discussed the history and culture of the Confederated Tribes of Grand Ronde with 50 in attendance in-person and online.
- Librarians provide monthly story times with Ready Set Go, a kindergarten readiness program where over half the children speak Spanish.

MEMORANDUM

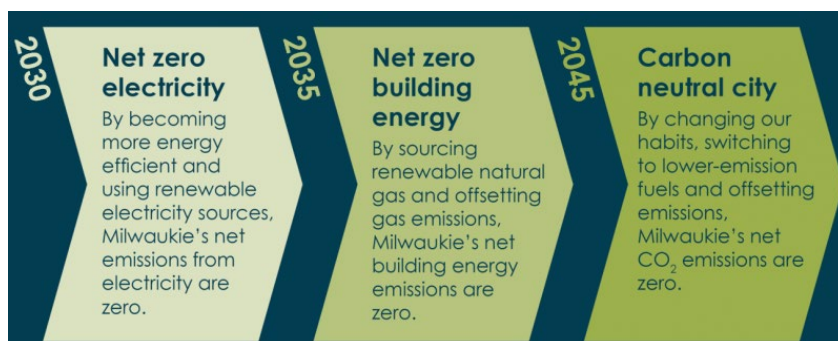
To: Mayor and City Council
From: Ann Ober, City Manager,
 Natalie Rogers, Climate and Natural Resources Manager, and
 Peter Passarelli, Public Works Director

Date Written: Jan. 25, 2023

Subject: **Climate Goal Update**

BACKGROUND

In 2017, community members and Council engaged in the development of the Milwaukee Community Vision and Action Plan, which included specific goals and actions focused on the planet, environment, and sustainability. In 2017, Council also adopted "climate change action" as a Council goal, calling for the creation of a strategy document to direct city-led climate action efforts. The creation of the Milwaukee Climate Action Plan (CAP) followed in 2018 after a [community engagement process](#) and was unanimously adopted by Council. For the last four years, Council has made climate action a city goal, directing additional funding and staff resources specifically targeted at reaching the climate goals outlined in the CAP.



Above: Milwaukee's current accelerated climate goals.

Researchers across scientific and economic sectors continue to report on the increasing threat of climate change and the need for more aggressive carbon reduction targets to minimize the worst effects. In January 2020, Council adopted a resolution that declared a climate emergency. The Milwaukee climate emergency declaration restated the city's commitment to climate action and accelerated the climate goals adopted in the CAP by five years.

For the last four years, Milwaukee has been implementing city-led climate actions to educate and inspire climate-friendly behaviors, incorporate city climate policy into city-wide policy making and processes, mitigate the Milwaukee community's contributions to climate change, and ensure future climate resiliency through adaptation strategies and infrastructure.

EMBEDDING CLIMATE

A key element of this work is ensuring that core city services, strategies, and policies address climate change and local climate goals in their analysis and recommendations. Since adoption of the CAP, the following plans have included consideration of local climate goals and actions:

- Urban Forest Management Plan (2019).

- Natural Hazard Mitigation Plan (2019).
- Climate Action Plan Update (in progress).
- Comprehensive Plan (2020).
- Water Utility Master Plan (2021).
- Wastewater Utility Master Plan (2021).
- Biennial City Budgets.
- Transportation System Plan (starting 2023).
- Stormwater Master Plan (starting 2023).

Additional areas where climate goals and actions have been incorporated into city policy making and processes include:

- Climate legislation updates to Council.
- Climate impact statements required on staff reports to Council.
- Quarterly Council updates and study sessions on climate-related topics such as electrical grid regulation and renewable energy credits.
- Discussions with departments and staff on the incorporation of city climate goals into city projects.

CLIMATE ACTION PLAN

Milwaukie's CAP contains 53 city-led actions to reach the adopted climate goals. A detailed [overview of each action](#) was created in the CAP development process and is available online for review. Milwaukie has been extremely successful in its implementation of the CAP and the incorporation of climate actions into city processes and operations. Part of that success is due to:

- Establishing a network of regional local government staff to share ideas and feedback on right-sizing programs.
- Leveraging existing utility, state, and non-profit programs for community member incentives.
- Identifying incentives for customers or community partners that leverage administrative processes or staff time.
- Prioritizing high emission reduction actions, even if less visible to the community.
- Allowing flexibility in program design and implementation.

A detailed update on the city-led actions outlined in the CAP will be distributed to Council in February 2023.

CLIMATE PRIORITIZED WORK

The following projects related to building energy and broader program funding are being prioritized for implementation in the coming year in order to capitalize on regional interest and emission reduction potential in the community:

Community Green Tariff

Starting in 2019, Milwaukie explored a potential new renewable energy product for investor-owned utilities like Portland General Electric (PGE) in order to offer the community a more climate friendly option.

The product would work as an opt-out model instead of an opt-in to avoid the extensive outreach program required for opt-in products and incorporate community goals into PGEs

customer processes. This new community renewable product would allow cities to influence product infrastructure selection, incorporate demand side and community programming into the product, access cheaper renewable energy through economies of scale and reduced risk for investors, and still allow for personal choice by the customer. An initial PGE survey of 380 Milwaukie customers indicated customer support for the overall concept of community-specific renewable products (full survey and PGE presentation [available online](#)).

City staff has prioritized this project because it uses our existing utility relationships and has the potential to close the emission gap in reaching Milwaukie's 2030 goal. The city and PGE made progress on product design and rate modeling in 2019 and 2020, but the potential for Oregon Public Utility Commission (PUC) delay and uncertainty around program models led to a pause in the product design in 2020 to wait for guiding legislation in the 2021 session. Milwaukie rallied other communities to advocate for the legislation, which was ultimately passed by the Oregon Legislature.

Next steps: Milwaukie is now working with regional cities, PGE, and the PUC to clarify the process and review draft language submitted by PGE at the end of 2022. In the coming years, staff will need to review and revise the proposals and develop a plan to engage the community on the potential product design and supported cost. As timelines are constantly shifting for this project, staff will create a plan for action once the product development and adoption process is clarified with the PUC.

Resolution to Electrify City-Owned Buildings

Through 2022, Council held discussions regarding the climate impacts of natural gas as an energy source. A Council-led discussion, staff did not become involved until late 2022 when Council discussed the possibility of transitioning from fossil fuel infrastructure and the electrification of buildings in the community in order to meet the CAP's 2035 net-zero building energy goal. Council directed staff to develop requirements for replacing aging or failing natural gas infrastructure in city-owned buildings with electric options and requiring building electrification when significant city-owned building investments occur.

In December 2022, staff presented Council with a proposed resolution to accomplish these efforts and Council voted to adopt the resolution to advance the decarbonization of city buildings. The resolution establishes electrification requirements and retrofits for city-owned or city-financed buildings. The resolution requires that a feasibility study for Milwaukie's buildings be performed and made replacement of inoperable fossil fuel systems with electric options effective immediately. The requirement for existing and operable fossil fuel system replacement with large city building investments or renovations would begin on July 1, 2024. The resolution also outlines exemption opportunities and flexibility to account for project and financial feasibility and consideration of alternatives to maximize emission reduction.

Next steps: Staff will prepare the feasibility study required by the resolution based on the timeline below.

City-owned building decarbonization timeline



Resolution to Decarbonize Residential New-Construction

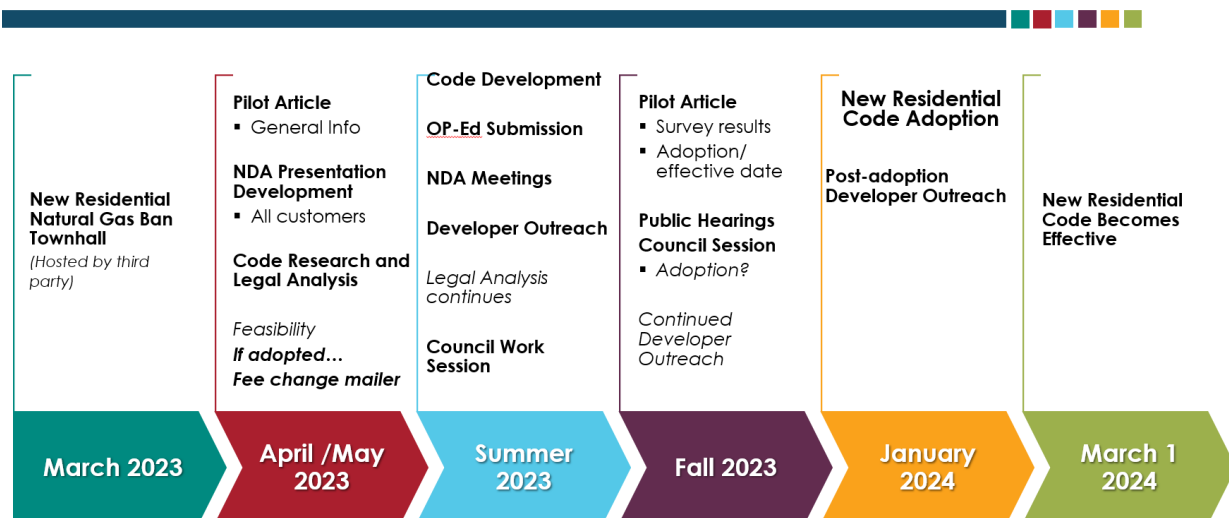
Regional conversations about phasing out emission-intensive fossil fuels and the public health impacts of natural gas on indoor air quality have intensified. With Oregon's state-mandated building code effectively preempting local jurisdictions from modifying building code standards based on community interests, Oregon cities have historically had limited ability to influence the fuel use from buildings through building design.

Cities have also been discussing the option of preventing new connections to natural gas infrastructure rather than influencing the design of the building, with the City of Eugene being the first in Oregon to develop resolutions attempting to implement this approach.

In December 2022, the Milwaukie City Council adopted its own resolution requiring the decarbonization of residential new construction. The resolution impacts new developments of residential housing. The resolution directs city staff to develop code language to implement the ban on new connections to fossil fuel infrastructure for new residential housing and begin community conversations to explore future options to reduce fossil fuel use in commercial and industrial buildings.

Next steps: Should the City Council continue this goal, or should it pass a climate fee, city staff will begin this work in 2023, starting with outreach and engagement and draft code development. This will require third-party outreach assistance and Council outreach efforts. Potential legal challenges to the code will mean further resource investment into this project.

Natural Gas Resolutions – New Residential Code Timeline



CLIMATE FUNDING

Since adoption of climate as a goal in 2017, climate action has been renewed annually as a Council and city priority. In 2018, Council directed the city to allocate funds towards the creation of the CAP and the implementation of its programs. After adoption of the CAP in 2018, the public works department hired the city's first dedicated climate staff person to implement the strategies and actions in the CAP.

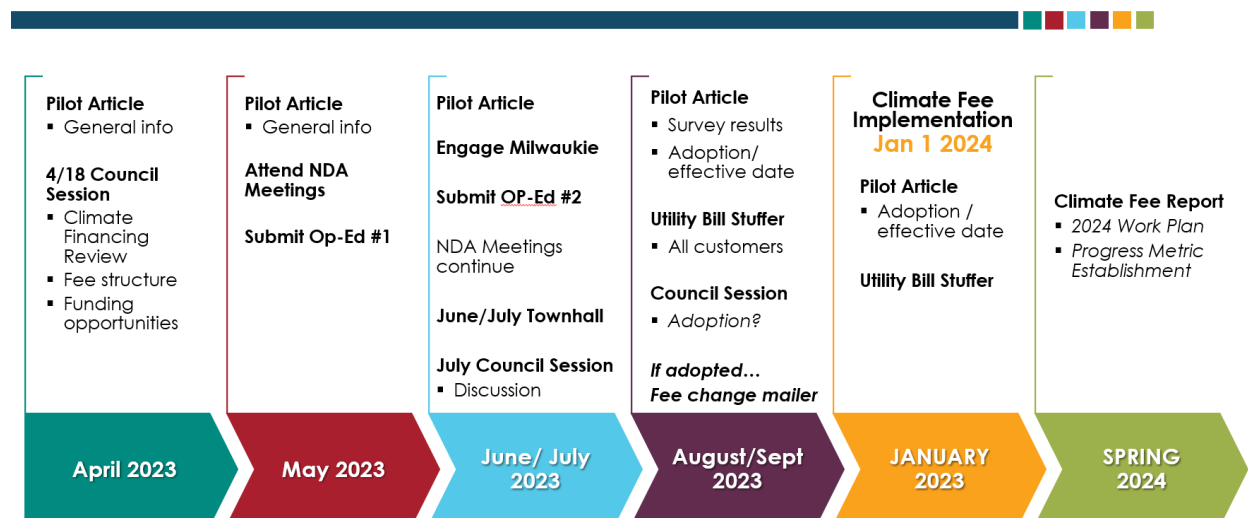
Identifying program overlap and potential opportunities to better implement the natural resource CAP goals, the city expanded the original climate position to include management of the city's natural resources team and related green infrastructure programming. The climate and natural resources manager continues to work under the public works director to develop and manage the city's climate and natural resource programming and initiatives.

Climate Funding in the Future

When Council adopted climate as a goal in 2022, Council directed staff to explore potential options for funding Milwaukie's climate programming into the future. Working with consultants, staff facilitated a City Council discussion exploring a variety of funding mechanisms that could help address resource gaps and continue Milwaukie's climate programming. Council directed staff to proceed in developing a funding framework that considered land use and associated greenhouse gas (GHG) emissions to reflect a property's relative contribution to community emissions from energy and transportation perspectives. After several discussions with Council, it was decided to defer further discussion of climate funding until the newly elected Council is in office.

In 2023, staff will present Council with a funding structure for Milwaukie's climate programming and will provide a recommended timeline for additional engagement depending on Council's interest.

Climate Fund Action Timeline



**Rebecca Stavenjord
Milwaukie City Council**

10722 SE Main St, Milwaukie, OR 97222
stavenjodr@milwaukieoregon.gov

January 27, 2023

Senator Kayse Jama, Chair
Senate Committee on Housing and Development
900 Court Street, NE, Salem OR 97301

Honorable Chair Jama and Members of the Committee,

I am writing to you in support of SB 799 which will be heard by the Senate Committee on Housing and Development on Monday, January 30, 2023.

Housing availability and stability occupy a prominent place in the lives of Oregon's residents. Far too often, this adds stress to families who are desperate to provide a safe place for their children to thrive. The COVID19 pandemic only succeeded in exposing deep inequities and well-meaning stop gap tenant protections ended before true stability could be gained for our most vulnerable neighbors.

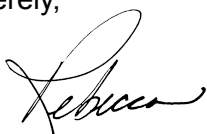
We know that those who have stable, quality housing experience the benefits of improved physical and mental health; increased access to education and job opportunities; increased social and community connections; improved safety and financial stability; and an overall greater ability to plan for the future. If evicted, residents may not have the resources or capacity to find new housing, they experience greater strain and stress within their families and mental health suffers. This reduces our community stability as programs and services are devoted to acute crisis rather than maintaining the ability to thrive. We experience a greater economic loss because responding to an emergency always costs more than preventing it in the first place.

I want to thank you for taking the time to consider permanent changes that reflect the lessons learned from the pandemic. It will take years to recover from COVID19 and our systems of support have been strained to a point where re-imagining our policies is a better solution than building back a broken system. I look forward to celebrating your leadership in this chapter of Oregon's evolution. As we struggle with reduced housing supply and lack of affordable housing stock, I appreciate that you are exerting bold leadership to address evictions as the public health concern they are. Systemic change and economic relief for renters that allows them to stay in stable housing benefits us all.

For residents who are accessing rental assistance programs, the process can be time consuming and complicated. Having additional time to navigate that process while applications are pending can make all the difference. Restoring non-payment timelines will reduce displacements as renters also struggle with reduced court operations. The 60-day period you're considering will allow time for rent assistance programs to process payments and this provides stability for landlords and property managers who can then maintain existing tenants rather than search for new ones.

On behalf of my constituents in Milwaukie who are struggling with housing stability, I appreciate your leadership on this issue.

Sincerely,



Senate Bill 799

Sponsored by COMMITTEE ON HOUSING AND DEVELOPMENT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires residential landlords to extend notice periods for terminations of tenancy based on nonpayment of rent and to include additional notices. Postpones any eviction proceeding based on such termination notices for up to 60 days while an application for rental assistance is pending. Postpones dates for first appearance and trial for evictions based on such termination notices. Requires landlords and clerk to include notice with summons for nonpayment of rent.

Requires public bodies and grantees to inform tenants and landlords regarding rental assistance applications.

Requires residential landlord to demonstrate that tenant not appearing at eviction first appearance remains in possession of premises before entry of judgment by default.

Requires courts to annually set aside and seal certain inoperative residential eviction judgments.

Prohibits residential landlord from enforcing certain guest policies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to residential tenancies; creating new provisions; amending ORS 90.394, 105.115, 105.124, 105.135 and 105.137 and section 8, chapter 420, Oregon Laws 2021; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

TERMINATION FOR NONPAYMENT OF RENT

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 90.

SECTION 2. (1) As used in this section:

(a) "Documentation" includes electronic mail, a screenshot or other written or electronic documentation from a rental assistance provider verifying the submission of an application for rental assistance.

(b)(A) "Nonpayment" means the nonpayment of a payment that is due to a landlord, including a payment of rent, late charges, utility or service charges or any other charge or fee as described in the rental agreement or ORS 90.140, 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.

(B) "Nonpayment" does not include payments owed by a tenant for damages to the premises.

(2)(a) If a tenant provides the landlord with documentation that the tenant has applied for rental assistance, a landlord may not, while the application for rental assistance is pending:

(A) Deliver a termination notice for nonpayment; or

(B) Initiate or continue an action for possession under ORS 105.110 based on a termination notice for nonpayment.

(b) A tenant may provide documentation by any method reasonably calculated to achieve

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 receipt by the landlord, including by sending a copy or photograph of the documentation by
2 electronic mail or text message.

3 (c) If 60 days have passed since the tenant provided documentation under this subsection
4 or the tenant's application is no longer pending:

5 (A) A landlord may deliver to the tenant a new termination notice for nonpayment, to
6 which this section does not apply, without providing the notice under subsection (4) of this
7 section; or

8 (B) If a first appearance under ORS 105.137 was continued under subsection (5)(b) of this
9 section, the court may promptly reschedule the appearance.

10 (3) Except as provided in subsection (2)(c)(A) of this section, a landlord shall deliver the
11 notice described in subsection (4) of this section along with:

12 (a) Any notice of termination for nonpayment; and

13 (b) Any summons for a complaint seeking possession based on nonpayment given by the
14 landlord or service processor, including a summons delivered under ORS 105.135 (3)(b).

15 (4) The notice required under subsection (3) of this section must be in substantially the
16 following form:

17
18
19 **THIS IS AN IMPORTANT NOTICE ABOUT YOUR RIGHTS TO PROTECTION AGAINST**
20 **EVICITION FOR NONPAYMENT.**

21
22 For information in Spanish, Korean, Russian, Vietnamese or Chinese, go to the Judicial
23 Department website at _____.

24
25 If you have applied for rental assistance, then you may be temporarily protected from
26 eviction for nonpayment of rent. To qualify for this protection, you must give your landlord
27 documentation of your rental assistance application at or before your first appearance in
28 court. The protection from eviction for nonpayment of rent applies for up to 60 days, or until
29 your application is no longer pending, whichever occurs first. Do not miss an eviction ap-
30 pearance or trial, even if you believe your eviction should not be moving forward.

31
32 You may provide your landlord with documentation of your application for rental assist-
33 ance by any reasonable method, including by sending a copy or photograph of the documen-
34 tation to your landlord by electronic mail or text message. "Documentation" includes
35 electronic mail, a screenshot or other written or electronic documentation verifying the
36 submission of an application for rental assistance.

37
38 You may be able to receive rental assistance by dialing 2-1-1 or by contacting:

39 _____.

40
41 Low-income tenants may be able to receive free or low-cost legal advice by contacting:

42 _____.

43
44
45 (5)(a) A court shall enter a judgment dismissing a complaint for possession that is based

on a termination notice for nonpayment if the court determines that:

(A) The landlord failed to deliver the notice as required under subsection (3) of this section;

(B) The tenant has tendered or caused to be tendered rental assistance or any other payment covering the nonpayment amount owed under the notice;

(C) The landlord caused the tenant to not tender rent, including as a result of the landlord's failure to reasonably participate with a rental assistance program; or

(D) The tenant provided the landlord with documentation of application for rental assistance as described in subsection (2) of this section before the claim was filed.

(b) If the tenant provides the landlord or court with documentation of application for rental assistance as described in subsection (2) of this section at any time after the landlord commenced the action for possession and at or before the first appearance, at the first appearance the court shall, on its own motion, postpone the first appearance until no sooner than 60 days after the documentation was delivered.

(6) If a landlord violates this section, the tenant has a defense to an action for possession and may bring claims for actual damages.

(7) Notwithstanding ORS 105.137 (4), if a claim for possession is dismissed under this section, the tenant is not entitled to prevailing party fees, costs or attorney fees if the landlord:

(a) Delivered to the tenant all notices required under subsection (3) of this section as required; and

(b) Did not know, and did not have reasonable cause to know, at the time of commencing the action that the tenant had provided documentation of application for rental assistance under subsection (2) of this section.

SECTION 3. (1) The Judicial Department, in consultation with the Housing and Community Services Department, shall supply and may regularly update the information necessary to complete the notice form under section 2 (4) of this 2023 Act.

(2) The Judicial Department shall translate the completed form under subsection (1) of this section into the Spanish, Korean, Russian, Vietnamese and Chinese languages and shall display links to the English and translated forms prominently on the department's webpage.

(3) Each form on the Judicial Department website must include a statement in English, Spanish, Korean, Russian, Vietnamese and Chinese indicating that the form and translations can be found on the Judicial Department website and providing the web address where the forms may be found.

SECTION 4. In distributing rental assistance to residential tenants funded by federal, state or local moneys, a public body, as defined in ORS 174.109, and any designee or grantee of a public body shall:

(1) Promptly provide a dated application receipt to each tenant who applies for assistance. The receipt may be in an electronic format.

(2) Close an application, after providing notice of potential closure to the tenant, if the provider reasonably determines that the tenant is no longer participating.

(3) If, upon qualifying circumstance, an application is approved and payment is made to a person other than the tenant's landlord, provide a dated notice of payment to the tenant's landlord at any known address or electronic mail address.

(4) If an application is denied or is otherwise closed without payment, provide a dated

notice of the denial or closure to the tenant and to the tenant's landlord at any known address or electronic mail address.

SECTION 5. ORS 90.394 is amended to read:

90.394. The landlord may terminate the rental agreement for nonpayment of rent and take possession as provided in ORS 105.105 to 105.168, as follows:

(1) When the tenancy is a week-to-week tenancy, by delivering to the tenant at least 72 hours' written notice of nonpayment and the landlord's intention to terminate the rental agreement if the rent is not paid within that period. The landlord shall give this notice no sooner than on the fifth day of the rental period, including the first day the rent is due.

(2) For all tenancies other than week-to-week tenancies, by delivering to the tenant:

(a) At least [72 hours'] **10 days'** written notice of nonpayment and the landlord's intention to terminate the rental agreement if the rent is not paid within that period. The landlord shall give this notice no sooner than on the eighth day of the rental period, including the first day the rent is due; or

(b) At least [144 hours'] **13 days'** written notice of nonpayment and the landlord's intention to terminate the rental agreement if the rent is not paid within that period. The landlord shall give this notice no sooner than on the fifth day of the rental period, including the first day the rent is due.

(3) The notice described in this section must also specify the amount of rent that must be paid and the date and time by which the tenant must pay the rent to cure the nonpayment of rent.

(4) Payment by a tenant who has received a notice under this section is timely if mailed to the landlord within the period of the notice unless:

(a) The notice is served on the tenant:

(A) By personal delivery as provided in ORS 90.155 (1)(a); or

(B) By first class mail and attachment as provided in ORS 90.155 (1)(c);

(b) A written rental agreement and the notice expressly state that payment is to be made at a specified location that is either on the premises or at a place where the tenant has made all previous rent payments in person; and

(c) The place so specified is available to the tenant for payment throughout the period of the notice.

SECTION 6. ORS 105.124 is amended to read:

105.124. For a complaint described in ORS 105.123, if ORS chapter 90 applies to the dwelling unit:

(1) The complaint must be in substantially the following form and be available from the clerk of the court:

IN THE CIRCUIT COURT
FOR THE COUNTY OF

No. _____

RESIDENTIAL EVICTION COMPLAINT

PLAINTIFF (Landlord or agent):

1 _____
 2 Address: _____
 3 City: _____
 4 State: _____ Zip: _____
 5 Telephone: _____

6
 7 vs.

8
 9 DEFENDANT (Tenants/Occupants):

10 _____
 11 _____

12 MAILING ADDRESS: _____
 13 City: _____
 14 State: _____ Zip: _____
 15 Telephone: _____

16
 17 1.

18 Tenants are in possession of the dwelling unit, premises or rental property described above or
 19 located at:

20
 21 _____

22
 23 2.

24 Landlord is entitled to possession of the property because of:

- 25
 26 _____ 24-hour notice for personal
 27 injury, substantial damage, extremely
 28 outrageous act or unlawful occupant.
 29 ORS 90.396 or 90.403.
 30 _____ 24-hour or 48-hour notice for
 31 violation of a drug or alcohol
 32 program. ORS 90.398.
 33 _____ 24-hour notice for perpetrating
 34 domestic violence, sexual assault or
 35 stalking. ORS 90.445.
 36 _____ 72-hour [*or 144-hour*] notice for
 37 nonpayment of rent **in a week-to-week**
 38 **tenancy**. ORS 90.394 (1).
 39 _____ 7-day notice with stated cause in
 40 a week-to-week tenancy. ORS 90.392 (6).
 41 _____ 10-day notice for a pet violation,
 42 a repeat violation in a month-to-month
 43 tenancy or without stated cause in a
 44 week-to-week tenancy. ORS 90.392 (5),
 45 90.405 or 90.427 (2).

5 —— 30-day, 60-day or 180-day notice without
6 stated cause in a month-to-month
7 tenancy. ORS 90.427 (3)(b) or (8)(a)(B)
8 or (C) or 90.429.

11 **_____ The stated cause is for**
12 **nonpayment as defined in section 2 of**
13 **this 2023 Act.**

18 _____ Notice to bona fide tenants after
19 foreclosure sale or termination of
20 fixed term tenancy after foreclosure
21 sale. ORS 86.782 (6)(c).

23 _____ No notice (explain) _____

27 3.

Landlord requests judgment for possession of the premises, court costs, disbursements and attorney fees.

34 _____

35 _____

37

42 (3) A copy of the notice relied upon, if any, must be attached to the complaint.

105.135. (1) Except as provided in this section, the summons shall be served and returned as in
other actions.

(2)(a) The clerk shall calculate the first appearance, which shall be on the first available date that is:

(A) A date on which a judge is available to conduct the first appearance;

(B) Not a date that the plaintiff has indicated unavailability; and

(C)(i) At least seven days after the judicial day next following payment of the filing fees; or

(ii) If the claim for possession is brought under ORS 90.392 or 90.394 for nonpayment as defined in section 2 of this 2023 Act, at least 21 days after the judicial day next following payment of the filing fees.

(b) The clerk shall enter the first appearance date on the summons. *[That date shall be seven days after the judicial day next following payment of filing fees unless no judge is available for first appearance at that time, in which case the clerk may extend the first appearance date for up to seven additional days. At the request of the plaintiff, the clerk may enter a date more than seven days after the judicial day next following payment of filing fees if a judge will be available.]*

(c) If the claim for possession is based on nonpayment as described in subsection (2)(a)(C)(ii) of this section, the clerk shall include as part of the summons a copy of the notice described in section 2 (4) of this 2023 Act.

(3) Notwithstanding ORCP 10, by the end of the judicial day next following the payment of filing fees:

(a) The clerk shall mail the summons and complaint by first class mail to the defendant at the premises.

(b) The process server shall serve the defendant with the summons and complaint at the premises by personal delivery to the defendant or, if the defendant is not available for service, by attaching the summons and complaint in a secure manner to the main entrance to that portion of the premises of which the defendant has possession.

(4) A sheriff may serve a facsimile of a summons and complaint that is transmitted to the sheriff by a trial court administrator or another sheriff by means of facsimile communication. A copy of the facsimile must be attached to the sheriff's return of service. Before transmitting a summons and complaint to a sheriff under this subsection, the person sending the facsimile must receive confirmation by telephone from the sheriff's office that a telephonic facsimile communication device is available and operating.

(5) The process server shall indicate the manner in which service was accomplished by promptly filing with the clerk a certificate of service as provided by ORCP 7 F(2)(a).

(6) In the case of premises to which ORS chapter 90 applies, the summons shall inform the defendant of the procedures, rights and responsibilities of the parties as specified in ORS 105.137.

SECTION 8. Section 8, chapter 420, Oregon Laws 2021, as amended by section 9, chapter 1, Oregon Laws 2021 (second special session), is amended to read:

Sec. 8. (1) Section 2, chapter 420, Oregon Laws 2021, as amended by section 2, **chapter 1, Oregon Laws 2021 (second special session)** [*of this 2021 second special session Act*], is repealed on October 1, 2022.

(2) Section 5, chapter 420, Oregon Laws 2021, as amended by sections 4 and 6, **chapter 1, Oregon Laws 2021 (second special session)** [*of this 2021 second special session Act*], is repealed on [July 1, 2023] **the effective date of this 2023 Act.**

(3) Section 6, chapter 420, Oregon Laws 2021, is repealed on October 1, 2022.

(4) Section 7, chapter 420, Oregon Laws 2021, as amended by section 5, **chapter 1, Oregon**

Laws 2021 (second special session) [of this 2021 second special session Act], is repealed on October 1, 2022.

EVICTION PROCESS

SECTION 9. ORS 105.115 is amended to read:

105.115. (1) Except as provided by subsections (2) and (3) of this section, the following are causes of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:

(a) When the tenant or person in possession of any premises fails or refuses to pay rent within 10 days after the rent is due under the lease or agreement under which the tenant or person in possession holds, or to deliver possession of the premises after being in default on payment of rent for 10 days.

(b) When the lease by its terms has expired and has not been renewed, or when the tenant or person in possession is holding from month to month, or year to year, and remains in possession after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant of the lease or is holding possession without any written lease or agreement.

(c) When the owner or possessor of a recreational vehicle that was placed or driven onto property without the prior consent of the property owner, operator or tenant fails to remove the recreational vehicle. The property owner or operator is not required to serve a notice to quit the property before commencing an action under ORS 105.126 against a recreational vehicle owner or possessor holding property by force as described in this paragraph.

(d) When the person in possession of a premises remains in possession after the time when a purchaser of the premises is entitled to possession in accordance with the provisions of ORS 18.946 or 86.782.

(e) When the person in possession of a premises remains in possession after the time when a deed given in lieu of foreclosure entitles the transferee named in the deed to possession of the premises.

(f) When the person in possession of a premises remains in possession after the time when a seller is entitled to possession in accordance with the provisions of ORS 93.930 (2)(c) or pursuant to a judgment of strict foreclosure of a recorded contract for transfer or conveyance of an interest in real property.

(g) When the person in possession of a premises remains in possession after the expiration of a valid notice terminating the person's right to occupy the premises pursuant to ORS 91.120, 91.122 or 91.130.

(2) In the case of a dwelling unit to which ORS chapter 90 applies:

(a) The following are causes of unlawful holding by force within the meaning of ORS 105.110 and 105.123:

(A) When the tenant or person in possession of any premises fails or refuses to pay rent within the time period required by a notice under ORS **90.392 or 90.394**.

(B) When a rental agreement by its terms has expired and has not been renewed, or when the tenant or person in possession remains in possession after a valid notice terminating the tenancy pursuant to ORS chapter 90, or is holding contrary to any valid condition or covenant of the rental agreement or ORS chapter 90.

(b) A landlord may not file an action for the return of possession of a dwelling unit based upon a cause of unlawful holding by force as described in paragraph (a) of this subsection until after the

1 expiration of a rental agreement for a fixed term tenancy or after the expiration of the time period
2 provided in a notice terminating the tenancy.

3 **(c) The court may dismiss a claim for possession at any time if the complaint does not**
4 **comply with this subsection.**

5 (3) In an action under subsection (2) of this section, ORS chapter 90 shall be applied to deter-
6 mine the rights of the parties, including:

7 (a) Whether and in what amount rent is due;

8 (b) Whether a tenancy or rental agreement has been validly terminated; and

9 (c) Whether the tenant is entitled to remedies for retaliatory conduct by the landlord as pro-
10 vided by ORS 90.385 and 90.765.

11 **SECTION 10.** ORS 105.137 is amended to read:

12 105.137. In the case of a dwelling unit to which ORS chapter 90 applies:

13 (1) *[If the plaintiff appears and the defendant fails to appear at the first appearance,]* A default
14 judgment shall be entered in favor of the plaintiff for possession of the premises and costs and
15 disbursements[.] **only if:**

16 **(a) The plaintiff appears and the defendant fails to appear at the first appearance;**

17 **(b) The court determines that the complaint complies with ORS 105.115 and 105.124 and**
18 **is sufficient to state a cause of action for possession; and**

19 **(c) The plaintiff testifies under oath or submits an affidavit or declaration under penalty**
20 **of perjury stating that, as of the date of the testimony:**

21 **(A) The defendant has not delivered possession to the plaintiff as described in ORS 90.147**
22 **(2); and**

23 **(B) The plaintiff reasonably believes that the defendant remains in possession of the**
24 **premises.**

25 (2) If the defendant appears and the plaintiff fails to appear at the first appearance, a default
26 judgment shall be entered in favor of the defendant dismissing the plaintiff's complaint and awarding
27 costs and disbursements.

28 (3) An attorney at law shall be entitled to appear on behalf of any party, but attorney fees may
29 not be awarded to the plaintiff if the defendant does not contest the action.

30 (4) If the plaintiff dismisses the action before the first appearance, a judgment of dismissal shall
31 be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and
32 disbursements. The defendant may not recover attorney fees for prejudgment legal services provided
33 after the delivery of written notice of the dismissal by the plaintiff to the defendant, or to an at-
34 torney for the defendant, in the manner provided under ORS 90.155.

35 (5) The plaintiff or an agent of the plaintiff may obtain a continuance of the action for as long
36 as the plaintiff or the agent of the plaintiff deems necessary to obtain the services of an attorney
37 at law.

38 (6) If both parties appear in court on the date contained in the summons, the court shall set the
39 matter for trial *[as soon as practicable,]* unless the court is advised by the parties that the matter
40 has been settled. The trial shall be scheduled:

41 **(a) For a claim based on nonpayment as defined in section 2 of this 2023 Act, between 20**
42 **and 30 days following the appearance; or**

43 **(b) For any other claim, as soon as practicable and no later than 15 days from the date of**
44 ***[such]* the appearance.**

45 **(7) If the matter is not tried within the *[15-day]* period described in subsection (6) of this**

section, and the delay in trial is not attributable to the landlord, the court shall order the defendant to pay rent that is accruing into court, provided the court finds after hearing that entry of such an order is just and equitable.

[(7)(a)] **(8)(a)** The court shall permit an unrepresented defendant to proceed to trial by directing the defendant to file an answer in writing on a form which shall be available from the court clerk, and to serve a copy upon the plaintiff on the same day as first appearance.

(b) The answer shall be in substantially the following form:

IN THE _____ COURT FOR
THE COUNTY OF _____

(Landlord),)
)
Plaintiff(s),)
)
vs.) No. _____
)
(Tenant),)
)
Defendant(s).)

ANSWER

I (we) deny that the plaintiff(s) is (are) entitled to possession because:

___ The landlord did not make repairs.

List any repair problems: _____

___ The landlord is attempting to evict me (us) because of my (our) complaints (or the eviction is otherwise retaliatory).

___ The landlord is attempting to evict me because of my status as a victim of domestic violence, sexual assault or stalking.

___ The eviction notice is wrong.

___ List any other defenses: _____

I (we) may be entitled as the prevailing party to recover attorney fees from plaintiff(s) if I (we) obtain legal services to defend this action pursuant to ORS 90.255.

I (we) ask that the plaintiff(s) not be awarded possession of the premises and that I (we) be awarded my (our) costs and disbursements and attorney fees, if applicable, or a prevailing party fee.

Date Signature of defendant(s)

1
2
3 [(8)] (9) If an unrepresented defendant files an answer as provided in subsection [(7)] (8) of this
4 section, the answer [may] **does** not limit the defenses available to the defendant at trial under ORS
5 chapter 90. If such a defendant seeks to assert at trial a defense not fairly raised by the answer, the
6 plaintiff [shall be] **is** entitled to a reasonable continuance for the purposes of preparing to meet the
7 defense.

8 9 SEALING RECORDS

10
11 **SECTION 11.** Section 12 of this 2023 Act is added to and made a part of ORS 105.105 to
12 105.168.

13 **SECTION 12.** (1) On an annual basis, each circuit court shall enter an order setting aside
14 a judgment and sealing the official records for each case for possession brought under ORS
15 chapter 90 for which the court finds that:

16 (a) The judgment does not contain a money award or that any money award has expired
17 or been satisfied or discharged; and

18 (b)(A) The judgment was a judgment of restitution entered for the plaintiff and at least
19 five years have passed from the date of the judgment; or

20 (B) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and
21 at least 12 months have passed from the date of the judgment.

22 (2) Upon entry of the order, the judgment that is the subject of the motion is deemed
23 not to have been entered, and any party may answer accordingly any questions relating to
24 its occurrence.

25 (3) Nothing in this section limits the ability of a defendant to apply for an order under
26 ORS 105.163.

27 **SECTION 13.** (1) Section 12 of this 2023 Act does not apply to judgments entered on or
28 before January 1, 2014.

29 (2) Each justice and circuit court shall conduct a review of its records and enter its first
30 order under section 12 of this 2023 Act on or before December 31, 2024.

31 32 GUEST OCCUPANCY

33
34 **SECTION 14.** Section 15 of this 2023 Act is added to and made a part of ORS chapter 90.

35 **SECTION 15.** (1) Notwithstanding ORS 90.262 (3) or 90.510 (7), a landlord may not enforce
36 a restriction by any means, including assessing a fee or terminating the tenancy, if the re-
37 striction is based on:

38 (a) A maximum occupancy guideline for the number of tenants or guests that is lower
39 than an amount required by federal, state or local law or regulation.

40 (b) The maximum duration of a guest's stay in the tenancy.

41 (2) If a guest resides in the dwelling unit more than 15 days in any 12-month period, a
42 landlord may screen the guest and require that the parties enter into a temporary occupancy
43 agreement under ORS 90.275.

44 (3) This section does not prohibit a landlord from, based on the guest's conduct or failure
45 to comply with this section, collecting a fee allowed by ORS 90.302 or terminating a tenancy.

1 (4) Notwithstanding ORS 90.412, acceptance of a payment by a landlord from the guest
2 does not make the guest a tenant under this chapter.

3 (5) As used in this section, “guest” means an individual who is staying temporarily, in-
4 cluding overnight, within the dwelling unit at the invitation of the tenant.

5
6 **CAPTIONS**
7

8 **SECTION 16.** The unit captions used in this 2023 Act are provided only for the conven-
9 ience of the reader and do not become part of the statutory law of this state or express any
10 legislative intent in the enactment of this 2023 Act.

11
12 **EMERGENCY CLAUSE**
13

14 **SECTION 17.** This 2023 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
16 on its passage.
17
