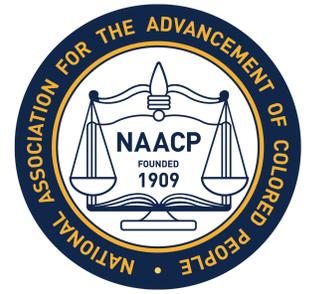


5/1/2020



Mayor Wheeler and Commissioners:

In 2014, the City of Portland created the Unreinforced Masonry Building (URM) Seismic Retrofit Project to “develop a policy to require the mandatory retrofit of all URM buildings in the city and develop methods to assist building owners to implement the policy.” This initiative was led by the Portland Bureau of Emergency Management (PBEM) in collaboration with the Portland Bureau of Development Services (BDS) and Prosper Portland.

The City hoped to identify funding to mitigate URM buildings, in part to help building owners retrofit their buildings to improve building performance during an earthquake, avoid displacement and to protect Portland’s historic buildings.

On June 13, 2018, during a City Council meeting, a resolution was passed to require—effective March 1, 2019 —the placement of placards on URM buildings. The placards would include a warning to visitors in 30-point bold type that the building may be unsafe in the event of a major earthquake. Along with the placards, the City insisted upon recording a document for each affected property containing very problematic language regarding its URM status. As the Council is aware, a coalition of building owners took The City of Portland to court and on May 30, 2019, a federal judge issued an injunction against the placarding requirement.

The Court concluded that the ordinance did not compel purely factual information because it falsely identifies some buildings as unreinforced and erroneously identifies some non-URM buildings as URM. While we are grateful the ordinance was stayed, we find that the issue at the core of our coalition’s complaint has not been fully resolved. The City-maintained URM database list was hastily put together and includes many buildings that, due to upgrades or being falsely identified, should no longer be classified as URMs. For building owners to confirm that they’ve adequately improved the safety of their URMs, it can be prohibitively costly to have an engineer assess the property.

The list is a burden for building owners, making it difficult to secure loans and discouraging investment in the structures. The City of Portland acknowledges the database to be inaccurate and unable to predict building performance in an earthquake, but still requires “conclusive evidence”—a prohibitively high bar—that a building is no longer a URM in order for it to be removed from the list. Thus, the judge stated, “Some buildings, including those owned by two of the plaintiffs, remain on the list despite having been retrofitted with safety improvements.”

The NAACP asks plainly that the City-maintained online URM database list be abolished. The inherent limitations on its accuracy acknowledged by the City render it an irresponsible means of tracking this issue. Judge John Acosta, who presided over the URM placarding case wrote, Plaintiffs have demonstrated that they will suffer imminent

irreparable harm if they are required to comply with the Ordinance, and that the balance of equities tips in favor of the Plaintiffs and it is in the public interest to prevent the violation of Plaintiffs' constitutional rights."

Although we are not being ask to placard our buildings, the list still poses a threat to all building owners.

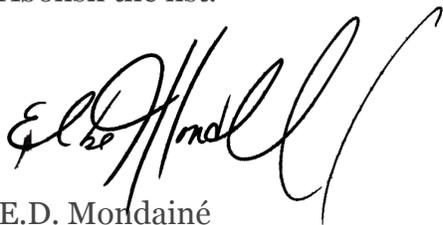
Especially at this time, during a global pandemic and pending depression, our communities are hurting. People are afraid. People are Dying. Sick. Out of work, and overwhelmed. The trajectory of a potential recovery remains uncertain. As such, the call to abolish the online URM database list has become part of our larger call for government, organizations and residents to pull together and have each other's back.

The effects of the pandemic will be with us for years. Efforts toward helping renters and small businesses will be ineffective if building owners walk away and buildings remain shuttered. No amount of relief or aid will help recovery of our residents and small businesses if there are no buildings open to house them.

And, of course, the disproportionate effect this will have on the Black community through the acceleration of gentrification and displacement remains a looming threat. As the NAACP has pointed out before, the existence of such a list "exacerbates a long history of systemic and structural betrayals of trust and policies of displacement, demolition, and dispossession predicated on classism, racism, and white supremacy."

The NAACP calls—unequivocally—for the leadership of this city to remove any and all burdens on these property owners and any obstacles to their recovery from this crisis. The existence of the list acts as a modern-day redlining. This regressive action by the City cannot be tolerated under normal circumstances, but is especially intolerable during an economic crisis.

Abolish the list.



E.D. Mondainé
VP - NAACP AWOSAC /
President, Portland NAACP

Coalition Partners:

Portland Business Alliance
Music Portland
Masonry Building Owners of Oregon
The Old Town Hospitality Group
Save Portland Buildings
Hawthorne Boulevard Business Association