

Homeless camp sues city as pressure builds for its removal

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Right 2 Dream Too, the homeless way station at Fourth and Burnside, is digging in its heels against City Hall with a lawsuit claiming its legitimacy under state law.

The suit was filed on Dec. 10 during a R2DToo rally with supporters outside City Hall.

The lawsuit, which names the city, Commissioner Dan Saltzman and Bureau of Development Services Director Paul Scarlett, disputes the city's assessment of Right 2 Dreams Too's camp and the validity of the city's fines. Saltzman's office oversees the Bureau of Development Services, which ruled on Right 2 Dream Too's status last year.

"It is our hope that the lawsuit is a motivator to get responsible people to sit down and negotiate," says Mark Kramer, the attorney representing R2DToo. Kramer is donating his work as a member of the National Lawyers Guild.

The city claims the nonprofit is operating a "recreational park" campground on the lot, and as such is subject to city ordinance requirements. Right 2 Dream Too, however, says the site is not a campground at all, but rather a transitional housing accommodation for people experiencing homelessness, as allowed under state statute. Oregon law allows for two such sites, the first being Dignity Village in Northeast Portland.

Right 2 Dream Too has sheltered between 60 and 80 homeless people each night, and has been at Fourth Avenue and Burnside Street for more than a year.

The lawsuit also seeks relief from the \$5,349 in fees, along with the interest and penalties that have mounted since the BDS began assessing them early this year. R2DToo is joined by property owners Michael Wright and Daniel Cossette and his family as the plaintiffs.

Kramer said he and his clients sat down twice with Saltzman and Commissioner Nick Fish, who oversees the city's housing and homeless programs, to find a solution to the impasse.

"It was cordial and friendly, but they were unbending and ultimately unresponsive," Kramer says. Kramer added that the members of R2DToo have been looking for another site, but they need the city's help to negotiate something appropriate, and they have not received any. "It's like assigning to David a Goliath task."

R2DToo, a nonprofit, marked its one-year existence on Oct. 10 by signing another year lease with the property owners. For most of the past year, the city's Bureau of Development Services has levied fines, now more than \$1,200 a month, against the group for violating city ordinances.

Despite the city's sanctions, the rest area has held a fairly low profile among police and residents with very few complaints of any

problems arising at the site. It has actually been a place guards and officers have referred people who are experiencing homelessness.

Kramer said the process of the lawsuit could take several months, during which time R2DToo will likely remain on site, despite efforts by one local developer to rev up the complaint process and have the camp removed to appease investors.

Portland developer David Gold says the R2DToo operation is jeopardizing the financial stability of the long-awaited renovation of the Grove Hotel.

In a strongly worded letter to the Old Town Chinatown Neighborhood Association last month, Gold urged the community to take advantage of the complaint process to prompt the city to dissolve or relocate the camp.

Gold is one of several investors comprising Grove Hostel Property LLC, which has been working to transform the formerly decrepit Grove Hotel into a modern urban hostel. The project has received earnest support from City Hall and millions of dollars through the Portland Development Commission. But Gold says that it needs the financial boost of first-floor restaurants to pencil out, and those investors say companies won't rent the space with Right 2 Dream Too across the street.

"It is really a very simple concept," Gold said. "If we cannot rent the space across from the camp, we cannot pay our loan payments. Real estate brokers have advised us that no restaurateur will lease the space and invest the necessary funds on improvements and equipment with the illegal camp across the street."

The Portland Business Alliance has also called on Saltzman's office to step up its efforts to disband the camp.

City Hall, meanwhile, has a virtual gag order wrapped around it while the lawsuit proceeds. Commissioners Nick Fish and Dan Saltzman, and the Bureau of Development Services, have declined to comment on the issue of Right 2 Dream Too in light of the pending litigation.

"We have been good neighbors and are trying to be good stewards of the neighborhood. We are working to give people the opportunity to have shelter and to do for themselves," says Ibrahim Mubarak, a R2DToo resident and one of its organizers. "We are going to continue to do what we've been doing."

Gold said he was encouraged by Mayor Sam Adams' and Commissioner Saltzman's offices to launch a complaint campaign in order to pressure the city into finding a long-

term solution for Right 2 Dream Too.

"I am deeply concerned about the plight of those without housing in Portland," Gold told Street Roots. "I don't pretend to have the answer on how to end homelessness, but I do not think that illegal campgrounds are the answer. Social service agencies, residents, property owners and business owners have historically worked together in the Old Town/Chinatown neighborhood. The violation of building codes, zoning laws, and design review requirements at this site threatens that fragile relationship and jeopardizes



PHOTO BY ISRAEL BAYER

future projects that will require community consensus."

So what happens with the money the city has already invested in the project if it does not go through?

"If the project will not have sufficient funds to make its loan payments, it would be irresponsible to move forward," Gold told Street Roots. "The investors and PDC would lose all the funds already invested, as well as the thousands of hours a multitude of people have invested over the past few years. But more importantly, the neighborhood will lose an incredible opportunity for a new, innovative business that would improve a full block of West Burnside and bring jobs, customers and daytime street activation to the neighborhood. The Grove represents a larger vision for the neighborhood that will be lost if it does not come to fruition."

"Homelessness is a community issue that must be solved at the public policy level by the city. The mayor and City Council need to show the leadership to humanely and equitably resolve the current situation."

Beyond the fines and property liens, the city could try to foreclose on the property in order to push Right 2 Dream Too off the land, Kramer says. "But that's a long and cumbersome process. They just can't move in with police and displace the tenants of a private landowner," Kramer says.

Attorney Mark Kramer with the National Lawyers Guild speaks at the rally outside City Hall in support of Right 2 Dream Too. He was announcing the filing of a lawsuit against the city for its assessment and fines against the homeless encampment.



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