

September 15, 2020

VIA EMAIL

Mayor Wheeler and the Portland City Council
Portland City Hall
1221 SW 4th Avenue
Portland, OR 972904

RE: Written Testimony of Disability Rights Oregon on Broadway Corridor Community
Benefits Agreement (Agenda No. 741)

To Mayor Wheeler and the Portland City Council:

The written testimony is in response to the request and recommendation that City Council authorize and direct its Bureaus to take actions necessary or appropriate to facilitate the development of Broadway Corridor consistent with the “CBA Term Sheet.” The testimony is prepared by Disability Rights Oregon staff attorney, Matthew Serres. The Broadway Corridor project is an opportunity to expand the prosperity of persons with disabilities in the Portland community. Disability Rights Oregon does not support the Broadway Corridor Community Benefits Agreement (CBA) as reflected in the “CBA Term Sheet,” because it does not expand opportunities for people with disabilities and fails to fulfill on a promise of disability justice.

For over a year, Disability Rights Oregon advocated for a CBA for the Broadway Corridor that included workforce equity and heightened accessibility standards that would benefit persons with disabilities. We joined the Healthy Communities Coalition (HCC) in the hope that, through the negotiation process, disability justice could be achieved with a CBA that afforded jobs and business opportunities for people with disabilities and guaranteed more accessible housing. The “Term Sheets” currently before the Portland City Council to authorize do not deliver on that promise of disability justice and continue to sideline the disability community.¹ It is for that reason that Disability Rights Oregon has refused to become an official signatory to the Broadway Corridor CBA, despite our association with HCC and the CBA negotiations.

The “CBA Term Sheet” reflects a lack of commitment to equity for persons with disabilities. References to persons with disabilities are mostly with respect to the affordable housing

¹ “Term Sheets” collectively refers to the Disposition and Development Agreement (DDA) Term Sheet and the Community Benefits Agreement (CBA) Term Sheet.

provisions of the agreement and those provisions come with no hard commitments:

- Persons with disabilities *might* be included in a stakeholder group on “intentional tenanting.” That should be a requirement.
- The Portland Housing Bureau (PHB) makes no firm commitment to increase the number of Type A accessible units. The “CBA Term Sheet” vaguely states that PHB “will seek to increase opportunities to include Type A accessible units,” without specifying how many of the 700 affordable housing units will benefit from the higher level of accessibility inherent to “Type A” units.
- The commitments to units with mobility accessibility (5%) and blind/deaf accessibility (2%) are not ambitious, because those percentages will most likely be required of affordable housing developers as recipients of federal funds.
- PHB’s agreed upon goals for construction equity includes only “service disabled veteran” COBID firms, when they could have included a broader category of “disability-owned” businesses. “Service disabled veteran” firms are small in number when compared to the greater category of “disability-owned” businesses.
- Prosper Portland agrees to establish a \$3-million-dollar fund for grants and low-cost loans that will prioritize underrepresented businesses. While a laudable goal of 30% is included with respect to minority-owned businesses, the “CBA Term Sheet” states no goal as it relates to “businesses owned by persons with disabilities.”

In short, even where persons with disabilities are referenced in the “CBA Term Sheet,” they are still left out because of vague or narrow commitments that cannot be enforced.

More troubling than the weakness of the provisions included for persons with disabilities in the “CBA Term Sheet” is what is not included. Major provisions that Disability Rights Oregon advocated for all along the way are not to be found:

- Inclusion of persons with disabilities in construction workforce development requirements.
- Hiring benchmarks for persons with disabilities for both construction and service industry jobs.
- Strong provisions with respect to business equity for disability-owned businesses.
- Heightened standards with respect to affordable housing accessibility.

Negotiators at the table with Prosper Portland and Continuum viewed many of those provisions for persons with disabilities as too great an ask. Disability Rights Oregon believes that workforce equity and heightened accessibility standards for persons with disabilities are not too great of an ask and that the sidelining of the disability community in the negotiation process has left disability justice out of the Broadway Corridor CBA.

Creating economic and housing opportunities for people with disabilities as part of the

Broadway Corridor development does not come at the cost of reducing opportunity for others, because Portlanders with disabilities are as diverse as the city itself. Our city includes people of color with disabilities, women with disabilities, immigrants with disabilities, LGBTQ+ people with disabilities, members of religious minorities with disabilities, and every other intersection of marginalized and oppressed communities.

The effort to secure opportunity and disability justice for persons with disabilities in the Broadway Corridor Community Benefits Agreement has come to naught. We believe the project can still expand economic and housing opportunities for people with disabilities and open doors to greater integration. Unfortunately, the current “CBA Term Sheet” does not set the Broadway Corridor project on a path toward accomplishing those outcomes for persons with disabilities. We do not support the Broadway Corridor’s “CBA Term Sheet” and hope that, as the project moves forward, the City’s Bureaus and project developers will work together with the disability community to make the project as accessible, welcoming, and inclusive as it has the potential to become.

Sincerely,

A handwritten signature in black ink that reads "Matthew Serres". The signature is written in a cursive, flowing style.

Matthew Serres

Staff Attorney

Disability Rights Oregon

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