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QUESTION A: Minimum Wage

Question: “An Act to Increase the Minimum Wage in Portland will increase the minimum wage in Portland to \$15 an hour over three years: it increases the minimum that tipped employees must be paid to 50% of the minimum wage, although employers must make up the difference if tipped employees do not earn at least minimum wage when their tips are added in. It moves the effective date of annual cost-of-living increases to the minimum wage from July 1 to Jan 1 to maintain consistency with state law. It also requires that employees be paid 1.5 times the minimum wage rate for any work performed during an emergency declared by the state or the municipality if that emergency applies to the employee’s geographical workplace. For instance, if the minimum wage were \$12/hr, and the State of Maine or the City of Portland issued emergency proclamations such as the emergency orders declared during the COVID-19 pandemic, work performed during that emergency would be paid at 1.5 times the minimum wage, or \$18/hr. This higher rate of pay would not apply to employees being allowed to work from home.”

What does this Question Mean?

This question seeks to increase the minimum wage in Portland incrementally from the current \$12 per hour to \$15 per hour by January 1, 2024. If passed, the city’s baseline minimum wage would be \$13 per hour in 2022, \$14 per hour in 2023, and \$15 per hour in 2024. Thereafter, the wage would be indexed to inflation.

The baseline minimum for tipped workers in Portland currently stands at 50% of the minimum wage, or \$6. If passed, the tipped worker minimum wage would increase proportionally with the minimum wage to \$6.50 per hour in 2022, \$7 per hour in 2023, and \$7.50 per hour in 2024.

The question adds a hazard pay provision requiring workers to be paid time-and-a-half for work performed during a declared state of emergency, unless the employee is allowed to work from home.

Argument for YES

- 14,000 workers in Portland whose wages are at or below \$15 per hour will be assisted
- 90% of families living below the poverty line in Portland will be assisted
- 2,000 adults and children will be pulled out of poverty
- It disproportionately helps women, who make up more than half of minimum wage workers
- It disproportionately helps BIPOC workers, who make up four out of ten minimum wage workers
- 9,000 families will be indirectly assisted by the increase when employers increase pay for workers above the minimum wage in order to stay competitive.
- Helps the local economy by giving people more money to spend locally.
- 10,400 frontline workers will receive hazard pay in a state of emergency.

Argument for NO

- If the higher wage hurts businesses, the ordinance cannot be changed within 5 years except by voter approval
- A state of emergency that did not affect the whole city would still impact wages for all city workers
- Small businesses cannot afford the higher wages during the pandemic and recession

Question B: Facial Surveillance Ban

Question: “An Act to Ban Facial Surveillance by Public Officials in Portland will ban the city of Portland and its departments and officials from using or authorizing the use of any facial surveillance software on any groups or members of the public, and provides a right to members of the public to sue if facial surveillance data is illegally gathered and/or used.”

What does this Question Mean?

Facial surveillance (sometimes called *facial recognition*) refers to any computer program or technology that can identify an individual based on the unique physical characteristics of their face. These systems are used both in consumer technologies such as cell phones as well as in law enforcement. The City of Portland, including the Portland Police Department, does not currently use facial surveillance.

Over the summer, the City Council passed a facial surveillance ban. This ballot question seeks to strengthen the existing ban and add enforcement measures.

It would prohibit the City from using facial surveillance or from entering into any contract or

agreement with any third parties to use facial surveillance on behalf of the City. It also allows individuals to sue the City if they are subjected to unlawful facial surveillance and makes any evidence obtained through facial surveillance unusable in courts. This act does not prohibit the use of facial surveillance by private businesses or individuals.

Argument for YES

- Strengthens the existing ban
- Ensures the existing ban cannot be repealed or amended for 5 years without voter approval
- Allows individuals to sue the city if they are surveilled unlawfully, does not allow individuals to seek frivolous suits against the city
- Does not interfere with the work of Portland Police, as they do not have this technology
- Demonstrates public opposition to mass surveillance
- Provides a stop-gap in Portland against extra-legal surveillance by law enforcement at the State level

Argument for NO

- Facial recognition could potentially help increase security
- The Department of Homeland security may want to use facial recognition in the future at international entry points
- The enforcement provisions could conflict with collective bargaining agreements for city staff
- This ban could not be repealed or amended for 5 years without voter approval

Question C: Green New Deal

“An Act to Implement a Green New Deal for Portland requires that all building projects receiving \$50,000 or more in public funds through grants by the City, Community Development Block Grant loans, HOME loans, Neighborhood Stabilization loans, tax increment financing, or other gifts, resources, property or things of value from the City, are built using up-to-date environmental standards, with solar-ready or living roofs, and that workers on these projects receive additional worker pay and training. It requires that 25% of the units in new building developments of 10 units or more be affordable to people making 80% of the area median income, and increases the fee developers must pay to opt out of this requirement from \$100,000 to \$150,000 per unit. It also requires the City to annually publish and present a report detailing the city’s use of and reliance on fossil fuels including the following information: 1) a survey of all new building built in Portland without fossil fuel based infrastructure; 2) a survey of green building technologies that have been implemented as alternatives to fossil fuels; 3) an assessment of the benefits of adopting this policy; 4) a survey of relevant legislation enacted at the state and local level; and 5) proposals for further changes to the City Code to reduce the

use of fossil fuels.”

What does this Question Mean?

This ballot question promotes sustainable development and sustainable communities while providing fair contracting, wages, and training for workers who build those projects. If passed, any new developments in Portland receiving tax money must be built to the highest environmental standards, be solar-ready, and comply with increased affordability, worker training, and safety requirements. Portland’s minimum sustainable building requirements (LEED) have not been updated since before 2009. They are so outdated that there is no longer any way to achieve its stipulated certifications, so buildings built today aren’t required to meet even the most basic, industry standard sustainability goals. If passed, this referendum would not only update the LEED requirements, but also add new optional certification pathways including through the Living Building Challenge and Passive House, which are more stringent. The ordinance adds an evergreen clause to keep these certification requirements current. It also requires the city to quantify fossil fuel infrastructure towards future compliance with the city's stated emissions targets.

Argument for YES

- Implements policies toward meeting the standards set by the Paris Climate Agreement.
- Updates outdated (2009) environmental building requirements
- Makes a transition to solar energy easier now and down the road
- Supports fair workplaces and responsible contracting
- Trains workers in the construction trades on green building techniques
- Helps us to measure building emissions, which is the first step towards reducing emissions
- Strengthens inclusionary zoning by increasing the number of affordable units built in developments of 10 units or more, and increases the affordability of those units
- Closes the “poor door” loophole by requiring that affordable units be integrated, display no outward signage, and use a common entrance with market-rate units.
- Protects the most vulnerable by keeping cost of heating/cooling affordable units low through improved efficiencies
- Keep working class housing within the city of Portland, thereby reducing carbon emissions from commuting
- Ensures that applicable buildings provide a healthy and comfortable place to live, work, and play particularly to those who have been shown to be most vulnerable to “sick building syndrome”

Argument for NO

- Costs associated with the ordinance will make it harder for housing developers to compete for the tax credits needed to build affordable housing, since the scoring criteria prioritize projects that cost less.

- The Portland City Council has previously considered and rejected proposals to increase requirements for work-force housing and for an apprenticeship program
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Question D: Rent Control

“An Act to Protect Tenants will cap most annual rent increases to the rate of inflation, incentivize landlords to provide 90-day notice to tenants they are asking to vacate, and create a tenant/landlord board to permit additional rent increases when individual building circumstances warrant, such as major capital improvements. Several types of rental units in the City are exempted from this Act, including: units operated by municipal housing authorities, accessory dwelling units as defined in the City Code, rental units in multi-unit buildings in which there are four (4) or fewer units and the owner of the building occupies one of the units, and accommodations provided in a hospital or religious facility.”

What does this Question Mean?

Renters make up 60% of Portland and almost 50% of those renters pay more than 30% of their income on rent, the standard for being rent burdened, and a predictor of homelessness. This question seeks to stabilize rents in a tight housing market and volatile economy, prevent price gouging by large landlords, and protect renters’ interest in remaining in their homes.

Argument for YES

- Will keep people in their homes and homelessness rates down
- Promotes the social interest in stable, mixed-income neighborhoods by increasing tenure times
- Will constrain the largest landlords from having a market advantage over smaller landlords who keep rents low
- Will make discrimination against tenants with public vouchers more difficult
- Incentivizes landlords to provide 90-day notice to tenants they are asking to vacate
- Allows rent increases above the costs of inflation through democratic process where tenants have a voice.

Arguments for NO

- A similar proposal was considered and rejected by Portland voters 3 years ago
- Rent increases are how landlords pay for repairs, and freezing rent would result in less-safe housing
- Shifts the property-tax burden toward individual homeowners
- Property values could stagnate as rents became essentially fixed.
- The tenant/landlord board preempts the court system, and creates extra bureaucracy

Question E: Short Term Rental Restrictions

“An Act to Restrict Short Term Rentals (STRs) in Portland” will restrict all mainland STRs to only those that are owner-occupied. It increases the annual fee for all STRs to \$1,000 for each mainland STR and \$400 for each island STR. The initiative also increases penalties for, and requires the Department of Permitting and Inspections to, maintain a log of complaints against STRs, and allows the city to revoke STR licenses for any violations.”

What does it mean?

This question seeks to bring Portland’s short term rental policy into compliance with residential zoning intent, by conserving existing housing stock and maintaining the residential character of neighborhoods by controlling the impacts of commercial and non-residential uses.

It will also align Portland closer to several other municipality STR ordinances such as South Portland’s STR ordinance by only allowing owner occupied units within residential zones as well as making stronger the enforcement language of STR violations.

Arguments for YES

- Will return at least 2.5% of Portland’s available rentals (est. at least 400 units) to the long-term rental market, lowering rents as a result.
- Will stabilize neighborhoods and increase community cohesion as long-term residents replace tourists.
- Allows short-term rental of owner-occupied units.
- Strengthens enforcement and provides a process for filing and logging complaints
- Increases housing supply without increasing Portland’s carbon footprint through new buildings.

Argument for NO

- Restricting short-term rentals increases the demand for hotels
- The ordinance would cost income to people who rent out their homes to make ends meet
- Tourism, including short-term rentals, is an important part of the local economy
- Short term rentals all already regulated enough

Question F: No Cannabis Cap Campaign

This referendum seeks to remove the 20-store cap on the number of marijuana retail shops allowed under the local marijuana ordinance approved this spring. It also changes the distance required between marijuana retail facilities and dispensaries from 250' to 100'.

The 20 licenses would be chosen according to a point system, which would award a maximum of 34 points for meeting requirements set, which ranged from having at least \$150,000 in liquid assets, good for two points, to being majority-owned by socially and economically disadvantaged individuals, for six points. The city of Portland lost a lawsuit in Sep brought by Wellness Connection, with the judge ruling it is unconstitutional to prefer local ownership.

Argument for YES:

- Cap helps out of state businesses who are better resourced
- It makes it harder for new small businesses to get into the market
- With increased choices and competition, consumer prices would drop
- As currently written, a part of the cap system was found to be unconstitutional
- Several businesses have already applied for licenses that would not be allowed if the 250' restriction is maintained.

Argument for NO:

- Having a cap on licenses helps the city support local businesses and those owned by disadvantaged communities
- If there are too many retail stores, they could flood the market, drive down marijuana prices and make it likely that stores would fail, which wouldn't be good for the city or the industry.