

Enrolled House Bill 2259

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Housing and Community Services Department)

CHAPTER

AN ACT

Relating to Community Action Directors of Oregon; creating new provisions; and amending ORS 456.515, 456.555, 458.505 and 458.532.

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

SECTION 1. ORS 456.515 is amended to read:

456.515. As used in ORS 456.515 to 456.725 and ORS chapter 458 unless the context requires otherwise:

(1) "Community Action [*Directors*] **Partnership** of Oregon" means an organization described in ORS 458.505.

(2) "Construction" includes, but is not limited to, new construction or moderate or substantial rehabilitation of existing structures or facilities.

(3) "Council" means the State Housing Council established under ORS 456.567.

(4) "Department" means the Housing and Community Services Department established under ORS 456.555.

(5) "Director" means the Director of the Housing and Community Services Department.

(6) "Elderly household" means a household whose head is over the age of 55, residing in this state.

(7) "Major life activity" includes but is not limited to self-care, ambulation, communication, transportation, education, socialization, employment and ability to acquire, rent or maintain property.

(8)(a) "Multifamily housing" means a structure or facility established primarily to provide housing that provides more than one living unit, and may also provide facilities that are functionally related and subordinate to the living units for use by the occupants in social, health, educational or recreational activities:

(A) For the elderly, including but not limited to individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400 to 443.455 and other congregate care facilities with or without domiciliary care.

(B) For persons with disabilities, including, but not limited to, individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400 to 443.455 and other congregate care facilities with or without domiciliary care.

(b) "Multifamily housing" does not include nursing homes, hospitals, places primarily engaged in recreational activities and single-family, detached dwellings, except manufactured dwellings situated in a mobile home and manufactured dwelling park.

(9) "Person with a disability" means a person who has a physical or mental impairment that substantially limits one or more major life activities.

(10) "Target population" means:

- (a) Elderly households; or
- (b) Persons with disabilities.

SECTION 2. ORS 456.555 is amended to read:

456.555. (1) The Housing and Community Services Department is established.

(2) The department shall be under the supervision and control of a director who is responsible for the performance of the duties imposed upon the department. The Governor shall appoint the Director of the Housing and Community Services Department. The director shall hold office at the pleasure of the Governor. The person appointed as director shall be a person who, by training and experience, is well qualified to perform the duties of the office.

(3) The director shall receive such salary as may be provided by law, or, if not so provided, as may be fixed by the Governor. In addition to the salary of the director, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by the director in the performance of official duties.

(4) The director may establish department divisions including but not limited to divisions for administration, housing programs and community services programs.

(5) The State Housing Council shall:

(a) With the advice of the director, set policy and approve or disapprove rules and standards for housing programs;

(b) Approve or disapprove loans, grants and other funding award proposals under ORS 456.561; and

(c) Carry out the provisions of ORS 456.571.

(6) The Community Action [*Directors*] **Partnership** of Oregon shall advise the department and the council on community services programs as determined by the director and as set forth in ORS 458.505.

(7) The director shall report regularly to the council to keep the council informed on progress made by the department in carrying out the department's responsibilities for housing programs.

(8) The department may adopt rules to carry out the programs that the department is charged with administering, including, but not limited to, rules regarding:

(a) Administration and enforcement.

(b) Criteria for the granting of benefits.

(c) The establishment of fees and charges.

(d) The identification of housing programs and community services programs.

(e) The distinguishing of housing programs from community services programs.

(9) Subject to the approval of the council, the department shall establish by rule a threshold property purchase price above which a single-family home ownership loan proposed by the department requires council review and approval under ORS 456.561. In establishing or modifying a threshold property purchase price under this subsection, the department shall consider any maximum acquisition cost set forth in the Internal Revenue Code or federal rules and regulations implementing the code.

SECTION 3. ORS 458.505, as amended by section 28, chapter 100, Oregon Laws 2007, is amended to read:

458.505. (1) The community action agency network, established initially under the federal Economic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, State Department of Energy Weatherization Program and such others as may become available.

(2) Funds for such programs shall be distributed to the community action agencies by the Housing and Community Services Department with the advice of the Community Action [*Directors*] **Partnership** of Oregon.

(3) In areas not served by a community action agency, funds other than federal community services funds may be distributed to and administered by organizations that are found by the Housing and Community Services Department to serve the antipoverty purpose of the community action agency network.

(4) In addition to complying with all applicable requirements of federal law, a community action agency shall:

(a) Be an office, division or agency of the designating political subdivision or a not for profit organization in compliance with ORS chapter 65.

(b) Have a community action board of at least nine but no more than 33 members, constituted so that:

(A) One-third of the members of the board are elected public officials currently serving or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;

(B) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and

(C) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.

(c) If the agency is a private not for profit organization, be governed by the Community Action Board. The board shall have all duties, responsibilities and powers normally associated with such boards, including, but not limited to:

(A) Selection, appointment and dismissal of the executive director of the agency;

(B) Approval of all contracts, grant applications and budgets and operational policies of the agency;

(C) Evaluation of programs; and

(D) Securing an annual audit of the agency.

(d) If the organization is an office, division or agency of a political subdivision, be administered by the board that shall provide for the operation of the agency and be directly responsible to the governing board of the political subdivision. The administering board at a minimum, shall:

(A) Review and approve program policy;

(B) Be involved in and consulted on the hiring and firing of the agency director;

(C) Monitor and evaluate program effectiveness;

(D) Ensure the effectiveness of community involvement in the planning process; and

(E) Assume all duties delegated to it by the governing board.

(e) Have a clearly defined, specified service area. Community action service areas may not overlap.

(f) Have an accounting system that meets generally accepted accounting principles and be so certified by an independent certified accountant.

(g) Provide assurances against the use of government funds for political activity by the community action agency.

(h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orientation or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program.

(i) Provide assurances the community action agency shall comply with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act of 1973.

(5) For the purposes of this section, the Oregon Human Development Corporation is eligible to receive federal community service funds and low-income energy assistance funds.

(6) The Housing and Community Services Department shall:

(a) Administer federal and state antipoverty programs.

(b) Apply for all available antipoverty funds on behalf of eligible entities as defined in this section.

(c) In conjunction with the Community Action *[Directors]* **Partnership** of Oregon, develop a collaborative role in advocating for, and addressing the needs of, all low income Oregonians.

(d) Biennially produce and make available to the public a status report on efforts by it and state agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding the numbers and types of persons living in poverty in Oregon.

(e) On a regular basis provide information to the Community Action *[Directors]* **Partnership** of Oregon on the activities and expenditures of the Housing and Community Services Department.

(f) As resources are available, provide resources for technical assistance, training and program assistance to eligible entities.

(g) As resources are available, provide resources **pursuant to ORS 409.750** for the training and technical assistance needs of the Community Action *[Directors]* **Partnership** of Oregon.

(h) Conduct a planning process to meet the needs of low income people in Oregon. That process shall fully integrate the Oregon Human Development Corporation into the antipoverty delivery system. The planning process shall include development of a plan for minimum level of services and funding for low income migrant and seasonal farmworkers from the antipoverty programs administered by the agency.

(i) Limit its administrative budget in an effort to maximize the availability of antipoverty federal and state funds for expenditures by local eligible entities.

SECTION 4. ORS 458.532 is amended to read:

458.532. (1) The Hunger Relief Task Force is established in the Housing and Community Services Department. The task force shall consist of not more than 28 members appointed as follows:

(a) The President of the Senate shall appoint one member from among members of the Senate.

(b) The Senate Minority Leader shall appoint one member from among members of the Senate.

(c) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(d) The House Minority Leader shall appoint one member from among members of the House of Representatives.

(e) The Director of the Housing and Community Services Department, with the advice of the Director of Human Services, shall appoint the following:

(A) One member representing the Department of Education who has experience in child nutrition programs.

(B) One member representing the Department of Human Services who has experience in food stamp programs.

(C) One member representing the Department of Human Services who has experience in the Women, Infants and Children program.

(D) One member representing the State Department of Agriculture.

(E) One member representing the Oregon Food Bank.

(F) One member representing United Way of America or a successor organization.

(G) One member representing an Oregon low-income advocacy group.

(H) One member who is a student at an institution of higher education.

(I) One member representing the Community Action *[Directors]* **Partnership** of Oregon.

(J) One member representing the food retailing industry.

(K) One member representing the food growing and processing industries.

(L) One member who is a direct service provider.

(M) One member representing county government.

(N) One member representing the migrant community.

(O) Three members representing the religious community.

(P) One member representing the Housing and Community Services Department.

(Q) No more than six additional members having qualifications other than those of members described in subparagraphs (A) to (P) of this paragraph.

- (2) A member serves for a three-year term. A member may be reappointed.
- (3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term. The appointing authority may appoint a replacement for any member of the task force who misses more than two consecutive meetings of the task force.
- (4) One-half of the task force membership constitutes a quorum for the transaction of business.
- (5) The Director of the Housing and Community Services Department shall provide the task force with staff support the director deems appropriate, by using Housing and Community Services Department employees or by contract. The director shall also provide for the payment of appropriate task force operating expenses.

SECTION 5. (1) The amendments to ORS 456.515, 456.555, 458.505 and 458.532 by sections 1 to 4 of this 2009 Act are intended to change the name of the Community Action Directors of Oregon to the Community Action Partnership of Oregon.

(2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the Community Action Directors of Oregon, wherever they occur in Oregon Revised Statutes, other words designating the Community Action Partnership of Oregon.

Passed by House February 19, 2009

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 Chief Clerk of House

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 Speaker of House

Passed by Senate March 31, 2009

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 President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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 Governor

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.....M.,....., 2009

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 Secretary of State