

Senate Bill 200

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Housing and Community Services Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes state policy regarding homelessness.

A BILL FOR AN ACT

1
2 Relating to homelessness; creating new provisions; and amending ORS 458.505, 458.525 and 458.530.

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

4 **SECTION 1. (1) As used in this section, "homelessness" means the lack of a decent, safe,**
5 **stable and permanent place to live that is fit for human habitation.**

6 **(2) The Legislative Assembly finds and declares that:**

7 **(a) Homelessness is a detriment to individuals, families and communities. The effects of**
8 **homelessness impact quality of life, productivity and self-sufficiency, career and educational**
9 **opportunities, health and wellness. Those effects may also extend to future generations.**

10 **(b) Preventing and ending homelessness is important for all levels of government, busi-**
11 **ness and the community.**

12 **(3) The Housing and Community Services Department and the Department of Human**
13 **Services shall serve as the lead agencies in administering the state policy regarding**
14 **homelessness. The Interagency Council on Hunger and Homelessness shall advise the de-**
15 **partments in carrying out the policy.**

16 **(4) It is the policy of this state that the departments and the council work to encourage**
17 **innovation by state, regional and local agencies that will create the comprehensive and**
18 **collaborative support system and housing resources vital for a successful campaign to end**
19 **and prevent homelessness. The comprehensive and collaborative support system should in-**
20 **clude, but not be limited to:**

21 **(a) The redesign of existing response systems to homelessness to include a realignment**
22 **of services with permanent housing.**

23 **(b) The inclusion of community-based treatment, outreach services, early intervention**
24 **strategies, housing and service management and an interagency system that can address**
25 **individuals with compound needs.**

26 **(c) The coordination of multiagency services provided to people with chronic needs, older**
27 **adults and homeless and runaway youths, including but not limited to criminal justice,**
28 **housing, public welfare, health, mental health and youth and family services, to create inte-**
29 **grated and cost-effective programs that deliver housing and service needs of homeless per-**
30 **sons in a seamless and timely manner.**

31 **(d) Programs of care for the homeless that have an accompanying set of outcomes to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **increase accountability and further development of more effective methods in reaching client**
 2 **outcome goals and cost effectiveness. Outcomes for increasing the accountability of pro-**
 3 **grams of care for the homeless include shortening the length of stay in emergency housing,**
 4 **eliminating repeated periods of homelessness and addressing the issue of homelessness in all**
 5 **areas of the state.**

6 (e) **An individualized approach to the homeless person that includes an assessment of**
 7 **individual needs, identification of appropriate solutions that may include services, coordi-**
 8 **nation and cost-effective use of support across agencies and appropriate monitoring and**
 9 **evaluation of the homeless person's individual progress.**

10 **SECTION 2.** ORS 458.505, as amended by section 28, chapter 100, Oregon Laws 2007, is
 11 amended to read:

12 458.505. (1) The community action agency network, established initially under the federal Eco-
 13 nomic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in
 14 Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program,
 15 State Department of Energy Weatherization Program and such others as may become available.

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

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

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

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

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

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

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

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

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

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

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

43 (C) Evaluation of programs; and

44 (D) Securing an annual audit of the agency.

45 (d) If the organization is an office, division or agency of a political subdivision, be administered

1 by the board that shall provide for the operation of the agency and be directly responsible to the
2 governing board of the political subdivision. The administering board at a minimum, shall:

3 (A) Review and approve program policy;

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

5 (C) Monitor and evaluate program effectiveness;

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

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

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

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

12 (g) Provide assurances against the use of government funds for political activity by the com-
13 munity action agency.

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

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

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

24 (6) The Housing and Community Services Department shall:

25 (a) Administer federal and state antipoverty programs.

26 (b) Apply for all available antipoverty funds on behalf of eligible entities as defined in this sec-
27 tion.

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

30 (d) Biennially produce and make available to the public a status report on efforts by it and state
31 agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding
32 the numbers and types of persons living in poverty in Oregon. **The report shall also describe the**
33 **status of efforts by the department and the Department of Human Services to implement the**
34 **state policy regarding homelessness described in section 1 of this 2009 Act.**

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

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

39 (g) As resources are available, provide resources for the training and technical assistance needs
40 of the Community Action Directors of Oregon.

41 (h) Conduct a planning process to meet the needs of low income people in Oregon. That process
42 shall fully integrate the Oregon Human Development Corporation into the antipoverty delivery sys-
43 tem. The planning process shall include development of a plan for minimum level of services and
44 funding for low income migrant and seasonal farmworkers from the antipoverty programs adminis-
45 tered by the agency.

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

3 **SECTION 3.** ORS 458.525 is amended to read:

4 458.525. *[(1) The Housing and Community Services Department shall serve as the lead public body*
5 *on hunger and homelessness issues.]*

6 *[(2)] (1)* The Interagency Council on Hunger and Homelessness is established. The Director of
7 the Housing and Community Services Department shall chair the council. In addition to the director,
8 the council shall consist of 15 members as follows:

9 (a) One member representing each of the following:

10 (A) The Housing and Community Services Department.

11 (B) The Department of Corrections.

12 (C) The Economic and Community Development Department.

13 (D) The State Commission on Children and Families.

14 (E) The Department of Education.

15 (F) The State Department of Agriculture.

16 (G) The Employment Department.

17 (H) The Department of Veterans' Affairs.

18 (I) The Department of Transportation.

19 (J) The Oregon Youth Authority.

20 (K) The Department of Community Colleges and Workforce Development.

21 (L) The Department of Justice.

22 (b) Three members representing the Department of Human Services. Of the three members rep-
23 resenting that department:

24 (A) One shall have expertise on issues affecting services to adults and families.

25 (B) One shall have expertise on issues affecting health services.

26 (C) One shall have expertise on issues affecting services to seniors and to persons with disabil-
27 ities.

28 *[(3)] (2)* Each council member must be the administrative head of the listed agency or an em-
29 ployee of that agency who is designated by the administrative head and who has an agency policy-
30 making role affecting hunger, food programs, nutrition, homelessness or related issues.

31 *[(4)] (3)* The Hunger Relief Task Force shall adopt recommendations and proposals as the task
32 force deems appropriate. The council shall be responsible for receiving the recommendations and
33 proposals adopted by the task force and the recommendations of any state body relating to the issue
34 of homelessness, and for forwarding the recommendations and proposals to state agencies or other
35 public or private organizations for action that the council deems appropriate:

36 (a) To ensure the coordination of state agency hunger relief efforts and homelessness relief ef-
37 forts;

38 (b) To ensure that food and nutrition programs, other hunger relief efforts and homelessness
39 relief efforts operate efficiently and effectively;

40 (c) To monitor the utilization of federal hunger relief efforts and homelessness relief efforts and
41 provide outreach to expand underutilized programs; and

42 (d) To encourage the coordination of state and local programs, public and private antipoverty
43 programs affecting food distribution and programs for assisting the homeless.

44 *[(5)] (4)* The Director of the Housing and Community Services Department, in collaboration with
45 the Director of Human Services, shall convene council meetings at least quarterly.

1 [(6)] (5) The Director of the Housing and Community Services Department shall provide the
 2 council with staff support the director deems appropriate, by using Housing and Community Services
 3 Department employees or by contract. The director shall also provide the council with supplies as
 4 the director deems appropriate.

5 **SECTION 4.** ORS 458.530 is amended to read:

6 458.530. (1) **The Housing and Community Services Department shall serve as the lead**
 7 **public body in administering the state policy on hunger.**

8 [(1)] (2) The Legislative Assembly finds and declares that it is the policy of this state that:

9 (a) Hunger is defined as the state of being unable to obtain a nutritionally adequate diet from
 10 nonemergency food channels. Hunger is not one discrete event. Hunger is a series of events that
 11 lead up to and follow a lack of adequate food intake. It is the process in which people become at
 12 risk of hunger, attempt to cope with the problem and suffer a variety of health and social conse-
 13 quences.

14 (b) All persons have the right to be free from hunger.

15 (c) Freedom from hunger means all persons have food security. Persons lack food security if
 16 they are uncertain of having, or being able to acquire in socially acceptable ways, enough accepta-
 17 ble food at all times to meet basic needs because they have insufficient money or other resources
 18 for food.

19 (d) Oregon will rank among the top 10 states in providing food security without hunger by 2015.

20 [(2)] (3) The Legislative Assembly declares that the policy of this state is to provide and en-
 21 courage activities and programs necessary to fulfill the commitment stated in subsection [(1)] (2) of
 22 this section and that the purpose of policies stated in this section is to provide a guide for the es-
 23 tablishment, implementation and operation of activities and programs designed to alleviate or
 24 eradicate hunger in this state. [It] **The Legislative Assembly** further declares that the activities
 25 and programs shall be initiated, promoted and developed through:

26 (a) Volunteers and volunteer groups;

27 (b) Public and private not-for-profit organizations;

28 (c) Partnership with local governmental agencies;

29 (d) Coordinated efforts of state agencies;

30 (e) Coordination and cooperation with federal programs;

31 (f) Partnership with private health and social service agencies; and

32 (g) The Interagency Council on Hunger and Homelessness, the Hunger Relief Task Force and
 33 other state bodies created to address the issue of homelessness.

34 **SECTION 5. The amendments to ORS 458.505 by section 2 of this 2009 Act apply to**
 35 **biennial status reports produced by the Housing and Community Services Department on or**
 36 **after January 1, 2011.**