

House Bill 3434

Sponsored by Representative GELSER

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**.

Authorizes limited transfer of funds from Community Housing Trust Account to Department of Human Services Account for specified purposes.

Modifies definition of "community housing" for purpose of funds deposited in Community Housing Trust Account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to moneys in the Community Housing Trust Account; creating new provisions; amending ORS 427.330, 427.340 and 427.345; and declaring an emergency.

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

SECTION 1. (1) Notwithstanding ORS 427.340, in calendar year 2011, the Department of Human Services may transfer from the Community Housing Trust Account established by ORS 427.340 to the Department of Human Services Account established by ORS 409.060 no more than \$3.1 million.

(2) Moneys transferred under subsection (1) of this section may be used only for services provided to children and adults with intellectual and other developmental disabilities to the extent of the difference between the General Fund appropriation for the department for such services in the 2011-2013 biennium and the appropriation to the department for such services in the 2009-2011 biennium. The Legislative Assembly intends that the moneys transferred be restored to the account prior to July 1, 2017.

(3) Moneys transferred under subsection (1) of this section are not subject to allotment control by the Oregon Department of Administrative Services.

(4) Any portion of the moneys transferred under subsection (1) of this section that are unspent as of June 30, 2013, shall be transferred to the Community Housing Trust Account.

SECTION 2. ORS 427.330 is amended to read:

427.330. As used in ORS 427.330 to 427.345:

(1) "Care provider" means an individual, family member or entity that provides care.

(2)[(a)] "Community housing" includes:

[(A)] (a) Real property, including but not limited to buildings, structures, improvements to real property and related equipment, that is used or could be used to house and provide care for individuals with [*mental retardation or other*] developmental disabilities; and

[(B)] (b) A single-family home or multiple-unit residential housing that an individual with [*mental retardation or other*] a developmental disability shares with other inhabitants, including but not limited to family members, care providers or friends.

[(b) "*Community housing*" does not include the Eastern Oregon Training Center.]

(3) "Construct" means to build, install, assemble, expand, alter, convert, replace or relocate.

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 “Construct” includes to install equipment and to prepare a site.

2 (4) “Developmental disability” means [*a disability attributable to mental retardation*] **an intel-**
 3 **lectual disability, autism**, cerebral palsy, epilepsy or other neurological [*handicapping*] condition
 4 or severe physical impairment that [*requires training similar to that required by persons with mental*
 5 *retardation, and the disability*]:

6 (a) Originates before the person attains the age of 22 years;

7 (b) [*Has continued or can be*] **Is** expected to continue indefinitely; and

8 (c) [*Constitutes a substantial handicap to*] **Results in a significant impairment in** the ability
 9 of the person to function in society.

10 (5) “Equipment” means furnishings, fixtures, appliances, special adaptive equipment, **technology**
 11 or supplies that are used or could be used to provide care in community housing.

12 (6) “Family member” means an individual who is related by blood, [*or*] marriage, **domestic**
 13 **partnership or legal adoption** to an individual with [*mental retardation or other*] **a** developmental
 14 disability.

15 (7) “Financial assistance” means a grant or loan to pay expenses incurred to provide community
 16 housing.

17 (8) “Housing provider” means an individual or entity that provides community housing.

18 **SECTION 3.** ORS 427.340 is amended to read:

19 427.340. (1) There is established a Developmental Disabilities Community Housing Fund in the
 20 State Treasury, separate and distinct from the General Fund. All moneys in the fund are contin-
 21 uously appropriated to the Department of Human Services to pay expenses incurred by the Depart-
 22 ment of Human Services in carrying out the provisions of ORS 427.330 and 427.335. Interest earned
 23 on moneys in the fund shall be credited to the fund.

24 (2) There is established within the fund a Community Housing Trust Account. Notwithstanding
 25 the provisions of ORS 270.150, the Department of Human Services shall negotiate with the Oregon
 26 Department of Administrative Services to apply the proceeds from the sale, transfer or lease of any
 27 surplus real property owned, operated or controlled by the Department of Human Services and used
 28 as a state training center **or for community housing** to the account. The Department of Human
 29 Services may expend, for the purposes of ORS 427.330 to 427.345, any earnings credited to the ac-
 30 count, including any income from the lease of surplus property and any interest earned on moneys
 31 deposited in the account, and up to five percent of any sale or transfer proceeds initially credited
 32 to the account by the Oregon Department of Administrative Services. At least 95 percent of all sale
 33 or transfer proceeds shall remain in the account in perpetuity.

34 (3) The fund shall consist of:

35 (a) Moneys appropriated to the fund by the Legislative Assembly;

36 (b) Repayment of financial assistance provided to housing providers or care providers for com-
 37 munity housing under ORS 427.335 (3);

38 (c) Proceeds from the account under subsection (2) of this section;

39 (d) Moneys reallocated from other areas of the Department of Human Services’ budget; and

40 (e) Interest credited to the fund.

41 (4) The Department of Human Services shall provide a report of revenues to and expenditures
 42 from the fund as part of its budget submission to the Governor and Legislative Assembly under ORS
 43 chapter 291.

44 **SECTION 4.** ORS 427.345 is amended to read:

45 427.345. (1) When the Department of Human Services sells any surplus real property owned by

1 the department and used as a state training center **or for community housing**, the sale price shall
2 equal or exceed the fair market value of the property.

3 (2) The proceeds from the sale of any real property owned by the department and used as a state
4 training center **or for community housing** shall be applied under the provisions of ORS 427.340 (2).

5 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
7 **on its passage.**

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