

DRAFT

SUMMARY

Defines “emergency shelter.” Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws and regulations. Sunsets requirement July 1, 2022.

Expands description of transitional housing accommodations to include motor-vehicle camping. Removes three-vehicle limit on motor-vehicle camping on religious institution property.

Expands uses of Emergency Housing Account to include developing technical assistance regarding emergency shelters or transitional housing accommodations.

Appropriates moneys to Housing and Community Services Department for deposit into Emergency Housing Account to fund grants and technical assistance for organizations to develop or operate low-barrier emergency shelters, develop supportive facilities or provide rapid rehousing services and support.

Appropriates moneys to Oregon Department of Administrative Services to distribute to Cities of Bend, Eugene, Salem and Medford and to Yamhill County to develop navigation centers that must be operating on or before July 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 203.082, 446.265
3 and 458.650; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made**
6 **a part of ORS chapter 197.**

7 **SECTION 2. (1) As used in this section and section 3 of this 2021**
8 **Act, “emergency shelter” means a building that provides shelter on a**
9 **temporary basis for individuals and families who lack permanent**

1 **housing.**

2 **(2) A building used as an emergency shelter under an approval**
3 **granted under section 3 of this 2021 Act:**

4 **(a) May resume its use as an emergency shelter after an inter-**
5 **ruption or abandonment of that use for two years or less, notwith-**
6 **standing ORS 215.130 (7).**

7 **(b) May not be used for any purpose other than as an emergency**
8 **shelter except upon application for a permit demonstrating that the**
9 **construction of the building and its use could be approved under cur-**
10 **rent land use laws and local land use regulations.**

11 **SECTION 3. (1) A local government shall approve an application for**
12 **the development or use of land for an emergency shelter on any**
13 **property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any**
14 **statewide plan, rule of the Land Conservation and Development Com-**
15 **mission or local land use regulation, zoning ordinance, regional**
16 **framework plan, functional plan or comprehensive plan, if the emer-**
17 **gency shelter:**

18 **(a) Includes sleeping and restroom facilities for clients;**

19 **(b) Will comply with applicable building codes;**

20 **(c) Is located inside an urban growth boundary or in an area zoned**
21 **for rural residential use as defined in ORS 215.501;**

22 **(d) Will not result in the development of a new building that is sited**
23 **within an area designated under a statewide planning goal relating to**
24 **natural disasters and hazards, including flood plains or mapped envi-**
25 **ronmental health hazards, unless the development complies with reg-**
26 **ulations directly related to the hazard;**

27 **(e) Has adequate transportation access to commercial and medical**
28 **services; and**

29 **(f) Will not pose any unreasonable risk to public health or safety.**

30 **(2) An emergency shelter allowed under this section must be oper-**
31 **ated by:**

1 (a) A local government as defined in ORS 174.116;

2 (b) An organization with at least two years' experience operating
3 an emergency shelter using best practices that is:

4 (A) A local housing authority as defined in ORS 456.375;

5 (B) A religious corporation as defined in ORS 65.001; or

6 (C) A public benefit corporation, as defined in ORS 65.001, whose
7 charitable purpose includes the support of homeless individuals, that
8 has been recognized as exempt from income tax under section 501(a)
9 of the Internal Revenue Code on or before January 1, 2018; or

10 (c) A nonprofit corporation partnering with any other entity de-
11 scribed in this subsection.

12 (3) An emergency shelter approved under this section:

13 (a) May provide on-site for its clients and at no cost to the clients:

14 (A) Showering or bathing;

15 (B) Storage for personal property;

16 (C) Laundry facilities;

17 (D) Service of food prepared on-site or off-site;

18 (E) Recreation areas for children and pets;

19 (F) Case management services for housing, financial, vocational,
20 educational or physical or behavioral health care services; or

21 (G) Any other services incidental to shelter.

22 (b) May include youth shelters, winter or warming shelters, day
23 shelters and family violence shelter homes as defined in ORS 409.290.

24 (4) The approval of an emergency shelter under this section is not
25 a land use decision and is subject to review only under ORS 34.010 to
26 34.100.

27 **SECTION 4.** Section 3 of this 2021 Act is repealed on July 1, 2022.

28 **SECTION 5.** ORS 446.265 is amended to read:

29 446.265. (1) Inside an urban growth boundary, a local government may
30 authorize the establishment of transitional housing accommodations used as
31 individual living units by one or more individuals. Use of transitional hous-

1 ing accommodations is limited to [*persons*] **individuals** who lack permanent
 2 or safe shelter and who cannot be placed in other low income housing. A
 3 local government may limit the maximum amount of time that an individual
 4 or a family may use the accommodations.

5 (2) Transitional housing accommodations are intended to be used by in-
 6 dividuals or families on a limited basis for seasonal, emergency or transi-
 7 tional housing purposes and may include yurts, huts, cabins, fabric
 8 structures, tents and similar accommodations, **as well as areas in parking**
 9 **lots or facilities for individuals or families to reside overnight in a**
 10 **motor vehicle, without regard to whether the motor vehicle was de-**
 11 **signed for use as temporary living quarters.** The transitional housing
 12 accommodations may provide parking facilities, walkways and access to wa-
 13 ter, toilet, shower, laundry, cooking, telephone or other services either
 14 through separate or shared facilities. The Oregon Health Authority may de-
 15 velop public health best practices for shared health and sanitation facilities
 16 for transitional housing accommodations.

17 (3) Transitional housing accommodations are not subject to ORS chapter
 18 90.

19 (4) As used in this section, “yurt” means a round, domed tent of canvas
 20 or other weather resistant material, having a rigid framework, wooden floor,
 21 one or more windows or skylights and that may have plumbing, electrical
 22 service or heat.

23 **SECTION 6.** ORS 203.082 is amended to read:

24 203.082. (1) Any political subdivision in this state may allow churches,
 25 synagogues and similar religious institutions to offer overnight camping
 26 space on institution property to homeless [*persons*] **individuals** living in ve-
 27 hicles.

28 [(2) *In addition to any conditions or limitations imposed by a political*
 29 *subdivision, a religious institution located within the political subdivision and*
 30 *offering camping space described under subsection (1) of this section must:]*

31 [(a) *Limit camping space at the institution site to three or fewer vehicles*

1 *at the same time; and]*

2 **(2) A political subdivision may impose reasonable conditions upon**
3 **offering camping space under this section, including establishing a**
4 **maximum number of vehicles allowed.**

5 *[(b)]* **(3) A religious institution offering camping space under this**
6 **section shall also** provide campers with access to sanitary facilities, in-
7 cluding *[but not limited to]* toilet, *[hand washing]* **handwashing** and trash
8 disposal facilities.

9 **SECTION 7.** ORS 458.650 is amended to read:

10 458.650. (1) The Emergency Housing Account *[shall be]* **is** administered
11 by the Housing and Community Services Department to assist homeless
12 *[persons]* **individuals** and those *[persons]* **individuals** who are at risk of be-
13 coming homeless. An amount equal to 25 percent of moneys deposited in the
14 account pursuant to ORS 294.187 is dedicated for expenditure for assistance
15 to veterans who are homeless or at risk of becoming homeless. For purposes
16 of this section, “account” means the Emergency Housing Account.

17 (2) The Oregon Housing Stability Council, with the advice of the Com-
18 munity Action Partnership of Oregon, shall develop policy for awarding
19 grants to organizations that shall use the funds:

20 (a) To provide to low and very low income *[persons]* **individuals**, includ-
21 ing but not limited to, *[persons]* **individuals** more than 65 years of age, per-
22 sons with disabilities, farmworkers and Native Americans:

23 (A) Emergency shelters and attendant services;

24 (B) Transitional housing services designed to assist *[persons]* **individuals**
25 to make the transition from homelessness to permanent housing and eco-
26 nomic independence;

27 (C) Supportive housing services to enable *[persons]* **individuals** to con-
28 tinue living in their own homes or to provide in-home services for such
29 *[persons]* **individuals** for whom suitable programs do not exist in their ge-
30 ographic area;

31 (D) Programs that provide emergency payment of home payments, rents

1 or utilities; or

2 (E) Some or all of the needs described in subparagraphs (A) to (D) of this
3 paragraph.

4 (b) To align with federal strategies and resources that are available to
5 prevent and end homelessness.

6 (3)(a) The council shall require as a condition of awarding a grant that
7 the organization demonstrate to the satisfaction of the council that the or-
8 ganization has the capacity to deliver any service proposed by the organiza-
9 tion.

10 (b) Any funds granted under this section [*shall*] **may** not be used to re-
11 place existing funds. Funds granted under this section may be used to sup-
12 plement existing funds. An organization may use funds to support existing
13 programs or to establish new programs.

14 (c) The council, by policy, shall give preference in granting funds to those
15 organizations that receive grants from the Housing Development Grant Pro-
16 gram established under ORS 458.625.

17 (4) The department may expend funds from the account for:

18 (a) **The** administration of the account as provided for in the legislatively
19 approved budget, as that term is defined in ORS 291.002, for the department.

20 (b) **The development of technical assistance and training resources**
21 **for organizations developing and operating emergency shelters as de-**
22 **defined in section 2 of this 2021 Act and transitional housing accommo-**
23 **dations as described in ORS 446.265.**

24 **SECTION 8. Section 9 of this 2021 Act is added to and made a part**
25 **of ORS 458.600 to 458.665.**

26 **SECTION 9. (1) As used in this section, “low-barrier emergency**
27 **shelter” means an emergency shelter, as defined in section 2 of this**
28 **2021 Act, that follows established best practices to deliver shelter ser-**
29 **vices that minimize barriers and increase access to individuals and**
30 **families experiencing homelessness.**

31 (2) **The Housing and Community Services Department shall award**

1 **grants and provide technical assistance to organizations to fund:**

2 **(a) The construction, purchase or lease of facilities to be used as**
3 **low-barrier emergency shelters;**

4 **(b) The operation, use or staffing of low-barrier emergency shelters,**
5 **including the costs to provide clients with access to the shelters;**

6 **(c) The development or use of amenities or facilities that provide**
7 **no-cost services to individuals and families who are homeless, includ-**
8 **ing restroom and hygiene facilities, laundry facilities, dining facilities,**
9 **storage for personal property, meeting or gathering spaces and facili-**
10 **ties providing case management services; or**

11 **(d) Rapid rehousing services and supports for individuals and fami-**
12 **lies.**

13 **(3) In awarding grants and providing technical assistance under this**
14 **section, the department shall:**

15 **(a) Ensure that funds are distributed among different regions of the**
16 **state; and**

17 **(b) Prioritize funding areas of highest need as identified in the Au-**
18 **gust 2019 Oregon Statewide Shelter Study.**

19 **(4) Grants under this section must be awarded:**

20 **(a) Through a competitive process that emphasizes collaborative**
21 **proposals; or**

22 **(b) To one or more community action agencies.**

23 **SECTION 10. (1) As used in this section, “navigation center” means**
24 **a low-barrier emergency shelter, as defined in section 9 of this 2021**
25 **Act, that is open seven days per week and connects individuals and**
26 **families with health services, permanent housing and public benefits.**

27 **(2) The Oregon Department of Administrative Services shall award**
28 **grants to local governments to:**

29 **(a) Plan the location, development or operations of a navigation**
30 **center;**

31 **(b) Construct, purchase or lease a building for use as a navigation**

1 center;

2 (c) Operate a navigation center that has been constructed, pur-
3 chased or leased under paragraph (b) of this section; or

4 (d) Contract for the performance of activities in this subsection.

5 (3) The department shall require that each local government re-
6 ceiving a grant under this section agree to return all moneys granted
7 unless the local government has developed a navigation center that is
8 operating on or before July 1, 2022.

9 SECTION 11. Notwithstanding ORS 458.650 (2) and (3), the Housing
10 and Community Services Department may expend funds from the
11 Emergency Housing Account to award grants and provide technical
12 assistance under section 9 of this 2021 Act.

13 SECTION 12. Sections 9, 10 and 11 of this 2021 Act are repealed on
14 January 2, 2024.

15 SECTION 13. In addition to and not in lieu of any other appropri-
16 ation, there is appropriated to the Housing and Community Services
17 Department, for the biennium beginning July 1, 2021, out of the Gen-
18 eral Fund, for deposit into the Emergency Housing Account estab-
19 lished under ORS 458.620, the following amounts:

20 (1) \$26,500,000 for grants under section 9 of this 2021 Act; and

21 (2) \$2,000,000 for technical assistance under ORS 458.650 (4)(b) and
22 section 9 of this 2021 Act.

23 SECTION 14. In addition to and not in lieu of any other appropri-
24 ation, there is appropriated to the Oregon Department of Administra-
25 tive Services, for the biennium beginning July 1, 2021, out of the
26 General Fund, the following amounts:

27 (1) \$1,500,000 to Yamhill County for a navigation center within the
28 urban growth boundary of the City of McMinnville, pursuant to sec-
29 tion 10 of this 2021 Act;

30 (2) \$2,500,000 to the City of Bend for a navigation center pursuant
31 to section 10 of this 2021 Act;

1 **(3) \$2,500,000 to the City of Medford for a navigation center pursuant**
2 **to section 10 of this 2021 Act;**

3 **(4) \$5,000,000 to the City of Salem for a navigation center pursuant**
4 **to section 10 of this 2021 Act; and**

5 **(5) \$5,000,000 to the City of Eugene for a navigation center pursuant**
6 **to section 10 of this 2021 Act.**

7 **SECTION 15.** **This 2021 Act being necessary for the immediate**
8 **preservation of the public peace, health and safety, an emergency is**
9 **declared to exist, and this 2021 Act takes effect on its passage.**

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