



February 5, 2020

The Honorable Rep. Alissa Keny-Guyer  
Chair, House Committee on Human Services and Housing  
900 Court St. NE, H-272  
Salem, Oregon 97301

Re: Proposed Amendments to HB 4001

Dear Chair Keny-Guyer and Members of the Committee,

On Tuesday, February 4, 2020 I received the League of Oregon Cities' (LOC) notification of House Speaker Tina Kotek's proposed amendments to HB 4001, which provides "urgent and emergency measures" to address Oregon's high rates of homelessness and lack of shelter. As the Community Development Director for the City of Cornelius I am writing to share a number of concerns with the technical and policy-based elements within this proposed legislation as it relates to local land use and public safety.

To begin with, once again the Speaker has introduced far-reaching, pre-emptive legislation with very little time for stakeholder review and comment. This legislation will impact every single community in the State of Oregon, and this process to date has not provided any reasonable opportunity for the public to read, understand, and weigh in on its impacts. The hurried nature of this process flies in the face of Statewide Goal 1 (Citizen Involvement). The City of Cornelius was recently awarded status as an All-America City by the National Civic League, having been recognized for our prioritization of community involvement and amplifying the voices of many who have historically been disenfranchised in local land use decisions. We take public involvement very seriously and it is a major factor in any proposed legislation or policy decision within our city. This is why it is so concerning that this major legislative proposal has not been sufficiently fielded with members of the public - those who will bear the brunt of its impacts.

Communities across the State of Oregon have recognized and responded to the crisis of homelessness that many of our residents face. Over the past three years the City of Cornelius has partnered with local non-profits and religious organizations to increase the quantity and quality of services provided to those in our area who experience or are threatened with homelessness. However we have, by right and necessity, done this through a methodical process that takes into account the needs of our entire community. The proposed amendments to HB 4001 completely disregard the balance of a community wherein emergency shelters and transitional facilities may be placed, and erase any consideration or recourse of or by the local government.

These are specific comments or concerns related to the proposed HB 4001 amendments:

- In the second "Whereas," notably omitted is the fact that 44.8 percent of those experiencing chronic homelessness self-report as suffering from mental illness, and 37.5 percent self-report substance abuse disorders (PDX Monthly, 4/23/2019). Mental illness and substance abuse are significant factors in chronic homelessness, and should be at the forefront of service considerations as well as the location of emergency shelters, particularly low-barrier shelters.

- Under Section 3.(1), local governments are obligated to approve an application for the development or use of land for an emergency shelter on any lot or parcel. As indicated by subsection (b), this may include “transitional housing accommodations,” the later definition for which includes “yurts, huts, cabins, fabric structures, tents and similar accommodations, as well as areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle....” A natural conclusion of this train of thought would be that cities are therefore unable to limit or disapprove of locating any transitional housing accommodations, which may include tent encampments or overnight vehicle camping, on any property within their jurisdiction. The City of Cornelius strongly opposes this transitional housing accommodation language, as it will not have any functional or structural benefit to those needing such accommodations but may potentially locate them within established neighborhoods where support services are not available.
- This legislation is proposed to impact all cities and counties within the state. However, the highest concentrations of homelessness are generally those with larger populations in urban centers that have the capacity to serve those experiencing homelessness in a more comprehensive manner. As a result, these larger communities are presumably experiencing higher pressure to supply emergency shelter. Smaller cities simply cannot provide the breadth of services needed to combat the causes of temporary or chronic homelessness, and locating shelters in communities that may not have this comprehensive care will do a disservice to both those seeking assistance as well as those in the community that must now bear the often negative impacts from transitional housing accommodations. A solution to this issue would be to limit this legislation to cities with a population over 100,000, or some other reasonable number, as these cities often have a service ecosystem that can better support those experiencing and suffering from the myriad causes of homelessness.
- The City of Cornelius also requests inclusion of certain zoning considerations within the bill to limit the locating of emergency shelters to those zones wherein such facilities are currently permitted in each jurisdiction, or at the very least limited to commercial zones or areas no further than ¼ mile from major public transit routes. The fact is that those experiencing homelessness are generally highly-dependent on public transportation to move from shelters to other service centers. Placement of emergency shelters or transitional housing accommodations far from these transit routes creates a disincentive for those using such facilities to access the other services. It also places undue hardship on established residential neighborhoods that do not offer the support infrastructure for those experiencing homelessness. Rather, it creates the potential for low-barrier entry into facilities that may be located near schools or in neighborhoods with large sensitive populations. There needs to be some consideration for the safety and well-being for these residents as well. Providing for those experiencing homelessness, particularly those who may be suffering from mental illness or substance abuse disorders, cannot be at such a high potential expense to other community members due to an absolute lack of location parameters.
- Section 3.(3) states that “approval of an emergency shelter under this section is not a land use decision...” This language is clearly an attempt to circumvent the policies and sentiment established in Statewide Goal 1 (Citizen Involvement). Guideline B.4. of Statewide Goal 1 states that “The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.” The declaration of an emergency and the need for “urgent and emergency measures” to address the state’s homelessness crisis, and as a result rendering what is typically a limited land use decision as being anything but, is not sufficient justification to erase the public’s voice in this matter. As stated before, this legislation should go through a proper public vetting process and not be forced through the short session not suited nor designed for the consideration of legislation of this magnitude.

The City of Cornelius supports the appropriation of funding for additional support for local jurisdictions and service providers. The City welcomes the opportunity to partner with well-resourced service providers to find solutions to our local homelessness problems, and to locate service centers or emergency or

transitional housing facilities where appropriate. Nevertheless, this should be done through a sufficiently-structured land use process wherein the impacted community can be at the table to weigh in. Their rights should not be so infringed upon through the passage of this legislation as it is now proposed. The Speaker's own Oregon State Legislature webpage states that "Our democracy relies on public involvement and advocacy." Please respect this sentiment and reconsider this legislation as proposed. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Ryan A. Wells', with a long horizontal flourish extending to the right.

Ryan A. Wells, AICP  
Community Development Director

Cc: House Speaker Tina Kotek  
Rob Drake, Cornelius City Manager