

# Cornelius

Oregon's Family Town

February 19, 2020

The Honorable Rep. Paul Holvey  
Chair, House Committee on Rules  
900 Court St. NE, H-277  
Salem, Oregon 97301

Re: Proposed Amendments to HB 4001-A

Dear Chair Holvey and Members of the Committee,

The City of Cornelius has previously submitted testimony to the House Committee on Human Services and Housing related to the -1 Amendments to HB 4001. More recently, Cornelius City Manager Rob Drake provided in-person testimony before the same committee on Wednesday, February 12, 2020. The purpose of this letter is to express our general appreciation to Speaker Kotek and her staff for the responsiveness that the -2 Amendments to HB 4001 convey while offering some additional recommendations that we feel warrant consideration.

The preparation and amendment of HB 4001 has been challenging in such a brief time frame as the short legislative session provides, and we are thankful that Speaker Kotek has presented a number of substantial revisions to HB 4001 through the -2 Amendments. Her willingness to convene working groups to discuss goals and strategies to provide the needed expansion of services to those experiencing homelessness is commendable and we encourage continued convening of these groups. Though the desired passage of such a far-reaching and potentially impactful piece of legislation within 35 days provides numerous opportunities for suboptimal delivery, we recognize the Speaker's mission and vision in her efforts.

That being said, the recent -2 Amendments still fall short of the chief concern that the City of Cornelius conveyed in our previous testimony, that being the preemptive language in Section 3(1) requiring cities to approve emergency shelter facilities that meet certain guidelines. In addition, though these guidelines, found in Section 3(1)(a-e) clearly respond to the feedback provided in earlier testimony by numerous entities, their rather nebulous nature, particularly the language around "adequate transportation access to commercial and medical services" stated in subsection (c), creates uncertainty in implementation.

We offer two options to amend the language in Section 3 that would remove the preemption language while maintaining alignment with the overall objectives of the legislation.

1. Amending the first sentence in Section 3(1) to state "The governing body of a local government *may* [or, as an alternative "*shall have the ability to*"] approve an application for the development or use of land for an emergency shelter on any lot or parcel..." provides the coverage for jurisdictions to assign any parcel to serve as an emergency shelter without the preemptive compulsion to do so. At the February 12, 2020 public hearing before the House Committee on Human Services and Housing, Committee Member Rep. Meek referenced the bill's intended outcome to provide local control to address local issues around homelessness. The permissive language recommended herein maintains the local control over land use while enabling and empowering communities to expand the areas wherein emergency shelters can be located.
2. As an alternative, rather than the blanket application of the shelter approval requirement in a jurisdiction, we would recommend that each jurisdiction designate specific geographical areas within its boundary where emergency shelters may be principally permitted, within a certain time frame. This would allow jurisdictions to assign their own unique priorities to the location of these facilities (for example, a maximum of ¼ mile from any major transit corridor). These jurisdictions may also be subject to certain percentage requirements

related to the total area in order to broaden the eligible properties. Additionally, to reduce the regulatory burden these emergency shelters could be reviewed through a Type II land use review (administrative review with public notice) rather than through a discretionary process.

3. In either case (1 or 2, above), it is important to maintain this review as a limited land use process, and subject to appeal, rather than remove the public's voice completely by assigning this review process to the limiting provisions in ORS 34.010 to 34.100. We request a modification of the language in Section 3(3) to reflect this point.

We hope that these recommendations may prove helpful as the Speaker and her staff consider a third round of amendments to HB 4001 for consideration by the House Committee on Rules. We would be happy to provide any clarification or additional information should it be requested.

Respectfully,

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

Ryan A. Wells, AICP  
Community Development Director