

A-Engrossed
House Bill 4001

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representative KOTEK (Pre-session filed.)

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.

[Directs Housing and Community Services Department to study laws related to housing and to report to Legislative Assembly no later than September 15, 2020.]

Defines "emergency shelter." Requires local governments to allow siting of qualifying emergency shelters notwithstanding land use laws and regulations. Sunsets requirement July 1, 2021.

Expands description of transitional housing accommodations to include motor-vehicle camping.

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 to fund grants and technical assistance for organizations to develop or operate low-barrier emergency shelters, develop supportive facilities or provide short-term rental assistance.

Appropriates moneys to Oregon Department of Administrative Services to distribute to Cities of Bend, Salem and Eugene to develop navigation centers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

4 Whereas high rents, high home prices and a lack of available housing are causing housing in-
5 stability and homelessness to increase rapidly; and

6 Whereas higher rates of unsheltered homelessness on the west coast of the United States can
7 be attributed to lack of shelter capacity, rising costs of rental housing, stagnant incomes for low-
8 wage workers and a decline in federal support for affordable housing; and

9 Whereas more than 64 percent of people experiencing homelessness in Oregon are unsheltered;
10 and

11 Whereas Oregon has the highest rate of unsheltered family homelessness in the nation; and

12 Whereas shelter beds alleviate the acute trauma of unsheltered homelessness; and

13 Whereas urgent and emergency measures are warranted to address this crisis; now, therefore,

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

15 **SECTION 1. Sections 2 and 3 of this 2020 Act and ORS 446.265 are added to and made a**
16 **part of ORS chapter 197.**

17 **SECTION 2. (1) As used in this section and section 3 of this 2020 Act, "emergency**
18 **shelter" means a building that provides shelter on a temporary basis for individuals and**
19 **families who lack permanent housing.**

20 **(2) A building acquired, constructed or rehabilitated for use as an emergency shelter**

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 under an approval granted under section 3 of this 2020 Act may not be used for any purpose
2 other than as an emergency shelter except upon application for a permit demonstrating that
3 the construction of the building and its use could be approved under current land use laws
4 and local land use regulations.

5 **SECTION 3.** (1) The governing body of a local government shall approve an application
6 for the development or use of land for an emergency shelter on any lot or parcel,
7 notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the
8 Land Conservation and Development Commission or local land use regulation, zoning ordi-
9 nance, regional framework plan, functional plan or comprehensive plan, if the emergency
10 shelter:

11 (a) Includes sleeping and restroom facilities for residents;

12 (b) Will comply with applicable building codes;

13 (c) Has adequate transportation access to commercial and medical services;

14 (d) Has had its design and operation plans reviewed and approved as not posing any
15 identifiable concern to public health or safety by:

16 (A) The local health department, as defined in ORS 431.003; and

17 (B) The State Fire Marshal, a deputy state fire marshal or a person acting for a gov-
18 ernmental subdivision described in ORS 476.030; and

19 (e) Will be operated by:

20 (A) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose in-
21 cludes the support of homeless individuals, that has been recognized as exempt from income
22 tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017 and that
23 has at least three years experience operating emergency shelters using best practices;

24 (B) A religious corporation, as defined in ORS 65.001, that has at least three years expe-
25 rience operating emergency shelters using best practices;

26 (C) A local government as defined in ORS 174.116; or

27 (D) A nonprofit corporation partnering with any other entity described in this paragraph.

28 (2) An emergency shelter approved under this section:

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

30 (A) Showering or bathing;

31 (B) Storage for personal property;

32 (C) Laundry facilities;

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

34 (E) Recreation areas for children and pets;

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

37 (G) Any other services incidental to shelter.

38 (b) May include youth shelters, winter or warming shelters, day shelters and family vi-
39 olence shelter homes as defined in ORS 409.290.

40 (3) The approval of an emergency shelter under this section is not a land use decision
41 and is subject to review only under ORS 34.010 to 34.100.

42 **SECTION 4.** Section 3 of this 2020 Act is repealed on July 1, 2021.

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

44 446.265. (1) Inside an urban growth boundary, a local government may authorize the establish-
45 ment of transitional housing accommodations used as individual living units by one or more indi-

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

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

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

15 (4) As used in this section, “yurt” means a round, domed tent of canvas or other weather re-
16 sistant material, having a rigid framework, wooden floor, one or more windows or skylights and that
17 may have plumbing, electrical service or heat.

18 **SECTION 6.** ORS 458.650 is amended to read:

19 458.650. (1) The Emergency Housing Account *[shall be]* **is** administered by the Housing and
20 Community Services Department to assist homeless persons and those persons who are at risk of
21 becoming homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to
22 ORS 294.187 is dedicated for expenditure for assistance to veterans who are homeless or at risk of
23 becoming homeless. For purposes of this section, “account” means the Emergency Housing Account.

24 (2) The Oregon Housing Stability Council, with the advice of the Community Action Partnership
25 of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:

26 (a) To provide to low and very low income persons, including but not limited to, persons more
27 than 65 years of age, persons with disabilities, farmworkers and Native Americans:

28 (A) Emergency shelters and attendant services;

29 (B) Transitional housing services designed to assist persons to make the transition from
30 homelessness to permanent housing and economic independence;

31 (C) Supportive housing services to enable persons to continue living in their own homes or to
32 provide in-home services for such persons for whom suitable programs do not exist in their ge-
33 ographic area;

34 (D) Programs that provide emergency payment of home payments, rents or utilities; or

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

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

38 (3)(a) The council shall require as a condition of awarding a grant that the organization dem-
39 onstrate to the satisfaction of the council that the organization has the capacity to deliver any
40 service proposed by the organization.

41 (b) Any funds granted under this section *[shall]* **may** not be used to replace existing funds.
42 Funds granted under this section may be used to supplement existing funds. An organization may
43 use funds to support existing programs or to establish new programs.

44 (c) The council, by policy, shall give preference in granting funds to those organizations that
45 receive grants from the Housing Development Grant Program established under ORS 458.625.

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

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

4 (b) **The development of technical assistance and training resources for organizations de-**
5 **veloping and operating emergency shelters as defined in section 2 of this 2020 Act and tran-**
6 **sitional housing accommodations as described in ORS 446.265.**

7 **SECTION 7. Section 8 of this 2020 Act is added to and made a part of ORS 458.600 to**
8 **458.665.**

9 **SECTION 8. (1) As used in this section, “low-barrier emergency shelter” means an**
10 **emergency shelter, as defined in section 2 of this 2020 Act, that follows established best**
11 **practices to deliver shelter services that minimize barriers and increase access to individuals**
12 **and families experiencing homelessness.**

13 (2) **The Housing and Community Services Department shall award grants and provide**
14 **technical assistance to organizations to fund:**

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

17 (b) **The operation, use or staffing of low-barrier emergency shelters, including the costs**
18 **to provide residents access to the shelters;**

19 (c) **The development or use of amenities or facilities that provide no-cost services to in-**
20 **dividuals who are homeless, including restroom and hygiene facilities, laundry facilities,**
21 **dining facilities, storage for personal property, meeting or gathering spaces and facilities**
22 **providing case management services; or**

23 (d) **Short-term rental assistance for individuals or families transitioning from**
24 **homelessness to permanent housing.**

25 (3) **In awarding grants and providing technical assistance under this section, the depart-**
26 **ment shall:**

27 (a) **Ensure that funds are distributed among different regions of the state through a**
28 **competitive process that emphasizes collaborative proposals; and**

29 (b) **Prioritize investment on areas of highest need as identified in the Oregon Statewide**
30 **Shelter Study.**

31 **SECTION 9. Section 8 of this 2020 Act is repealed on January 2, 2022.**

32 **SECTION 10. (1) As used in this section, “navigation center” means a low-barrier emer-**
33 **gency shelter, as defined in section 8 of this 2020 Act, that is open seven days per week and**
34 **connects individuals and families with health services, permanent housing and public bene-**
35 **fits.**

36 (2) **In addition to and not in lieu of any other appropriation, there is appropriated to the**
37 **Oregon Department of Administrative Services, for the biennium ending June 30, 2021, out**
38 **of the General Fund, for distribution to cities to conduct or contract for predevelopment**
39 **planning, construction, purchase or lease of property that will be used for navigation centers,**
40 **the amount of:**

41 (a) **\$2,000,000 for distribution to the City of Bend;**

42 (b) **\$4,000,000 for distribution to the City of Salem; and**

43 (c) **\$4,000,000 for distribution to the City of Eugene.**

44 **SECTION 11. In addition to and not in lieu of any other appropriation, there is appro-**
45 **priated to the Housing and Community Services Department, for the biennium ending June**

1 **30, 2021, out of the General Fund, the amount of:**

2 **(1) \$20,000,000, to award grants under section 8 (2)(a), (b) or (c) of this 2020 Act;**

3 **(2) \$8,000,000, to award grants under section 8 (2)(d) of this 2020 Act; and**

4 **(3) \$2,000,000, to develop and provide technical assistance under ORS 458.650 (4)(b) and**
5 **section 8 of this 2020 Act.**

6 **SECTION 12. This 2020 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
8 **on its passage.**

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