

B-Engrossed House Bill 4001

Ordered by the House February 24
Including House Amendments dated February 14 and February 24

Sponsored by Representative KOTEK; Representatives FAHEY, HELT, KENY-GUYER, MEEK, MITCHELL, NOBLE, SANCHEZ, SCHOUTEN, SMITH WARNER, WILLIAMS (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.

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, 2021.

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 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*] **rapid rehousing services and support.**

Appropriates moneys to Oregon Department of Administrative Services to distribute to Cities of Bend, Salem and [*Eugene*] **Medford and to Yamhill and Lane Counties** to develop navigation centers **that must be operating on or before November 30, 2020.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 203.082, 446.265 and 458.650; and de-
3 claring an 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 used as an emergency shelter under an approval granted under section 3**

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 of this 2020 Act:

2 (a) May resume its use as an emergency shelter after an interruption or abandonment
3 of that use for two years or less, notwithstanding ORS 215.130 (7).

4 (b) May not be used for any purpose other than as an emergency shelter except upon
5 application for a permit demonstrating that the construction of the building and its use could
6 be approved under current land use laws and local land use regulations.

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

12 (a) Includes sleeping and restroom facilities for clients;

13 (b) Will comply with applicable building codes;

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

16 (d) Will not result in the development of a new building that is sited within an area des-
17 igned under a statewide planning goal relating to natural disasters and hazards, including
18 flood plains or mapped environmental health hazards, unless the development complies with
19 regulations directly related to the hazard;

20 (e) Has adequate transportation access to commercial and medical services; and

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

22 (2) An emergency shelter allowed under this section must be operated by:

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

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

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

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

28 (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose in-
29 cludes the support of homeless individuals, that has been recognized as exempt from income
30 tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

31 (c) A nonprofit corporation partnering with any other entity described in this subsection.

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

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

34 (A) Showering or bathing;

35 (B) Storage for personal property;

36 (C) Laundry facilities;

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

38 (E) Recreation areas for children and pets;

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

41 (G) Any other services incidental to shelter.

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

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

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

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

3 446.265. (1) Inside an urban growth boundary, a local government may authorize the establish-
4 ment of transitional housing accommodations used as individual living units by one or more indi-
5 viduals. Use of transitional housing accommodations is limited to *[persons]* **individuals** who lack
6 permanent or safe shelter and who cannot be placed in other low income housing. A local govern-
7 ment may limit the maximum amount of time that an individual or a family may use the accommo-
8 dations.

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

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

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

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

23 203.082. (1) Any political subdivision in this state may allow churches, synagogues and similar
24 religious institutions to offer overnight camping space on institution property to homeless *[persons]*
25 **individuals** living in vehicles.

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

29 *[(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and]*

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

32 *[(b)]* **(3) A religious institution offering camping space under this section shall also** provide
33 campers with access to sanitary facilities, including *[but not limited to]* toilet, *[hand washing]*
34 **handwashing** and trash disposal facilities.

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

36 458.650. (1) The Emergency Housing Account *[shall be]* **is** administered by the Housing and
37 Community Services Department to assist homeless *[persons]* **individuals** and those *[persons]* **indi-**
38 **viduals** who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited
39 in the account pursuant to ORS 294.187 is dedicated for expenditure for assistance to veterans who
40 are homeless or at risk of becoming homeless. For purposes of this section, “account” means the
41 Emergency Housing Account.

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

44 (a) To provide to low and very low income *[persons]* **individuals**, including but not limited to,
45 *[persons]* **individuals** more than 65 years of age, persons with disabilities, farmworkers and Native

1 Americans:

2 (A) Emergency shelters and attendant services;

3 (B) Transitional housing services designed to assist *[persons]* **individuals** to make the transition
4 from homelessness to permanent housing and economic independence;

5 (C) Supportive housing services to enable *[persons]* **individuals** to continue living in their own
6 homes or to provide in-home services for such *[persons]* **individuals** for whom suitable programs do
7 not exist in their geographic area;

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

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

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

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

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

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

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

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

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

26 **SECTION 8. Section 9 of this 2020 Act is added to and made a part of ORS 458.600 to**
27 **458.665.**

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

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

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

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

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

42 (d) **Rapid rehousing services and supports for individuals and families.**

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

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

1 (b) Prioritize funding areas of highest need as identified in the August 2019 Oregon
2 Statewide Shelter Study.

3 (4) Grants under this section must be awarded:

4 (a) Through a competitive process that emphasizes collaborative proposals; or

5 (b) To one or more community action agencies.

6 **SECTION 10.** (1) As used in this section, “navigation center” means a low-barrier emer-
7 gency shelter, as defined in section 9 of this 2020 Act, that is open seven days per week and
8 connects individuals and families with health services, permanent housing and public bene-
9 fits.

10 (2) The Oregon Department of Administrative Services shall award grants to local gov-
11 ernments to:

12 (a) Plan the location, development or operations of a navigation center;

13 (b) Construct, purchase or lease a building for use as a navigation center;

14 (c) Operate a navigation center that has been constructed, purchased or leased under
15 paragraph (b) of this section; or

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

17 (3) The department shall require that each local government receiving a grant under this
18 section agree to return all moneys granted unless the local government has developed a
19 navigation center that is operating on or before November 30, 2020.

20 **SECTION 11.** Sections 9 and 10 of this 2020 Act are repealed on January 2, 2022.

21 **SECTION 12.** In addition to and not in lieu of any other appropriation, there is appro-
22 priated for the biennium ending June 30, 2021, out of the General Fund:

23 (1) To the Housing and Community Services Department, the amount of:

24 (a) \$26,500,000, to award grants under section 9 of this 2020 Act, notwithstanding ORS
25 458.650 (2) and (3); and

26 (b) \$2,000,000, to develop and provide technical assistance under ORS 458.650 (4)(b) and
27 section 9 of this 2020 Act; and

28 (2) To the Oregon Department of Administrative Services, to award grants for navigation
29 centers under section 10 of this 2020 Act, the amount of:

30 (a) \$1,500,000 for distribution to Yamhill County for use within the urban growth bound-
31 ary of the City of McMinnville;

32 (b) \$2,500,000 for distribution to the City of Bend;

33 (c) \$2,500,000 for distribution to the City of Medford;

34 (d) \$5,000,000 for distribution to the City of Salem; and

35 (e) \$5,000,000 for distribution to Lane County for use within the City of Eugene.

36 **SECTION 13.** This 2020 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
38 on its passage.
39