

HB 4001-1  
(LC 283)  
2/4/20 (RLM/ps)

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4001**

1 In line 2 of the printed bill, after “housing;” insert “amending ORS  
2 446.265 and 458.650;”.

3 After line 2, insert:

4 “Whereas the lack of available housing, high rents and high home prices  
5 are causing housing instability and homelessness to increase rapidly; and

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

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

12 “Whereas Oregon has the highest rate of unsheltered family homelessness  
13 in the nation; and

14 “Whereas shelter beds alleviate the acute trauma of unsheltered  
15 homelessness; and

16 “Whereas urgent and emergency measures are warranted to address this  
17 crisis; now, therefore,”

18 Delete lines 4 through 7 and insert:

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

21 **“SECTION 2. (1) As used in this section and section 3 of this 2020**

1 Act, 'emergency shelter' means a temporary shelter for individuals  
2 and families who lack permanent or safe shelter and who cannot be  
3 placed in other low income housing.

4 “(2) A building acquired, constructed or rehabilitated for use as an  
5 emergency shelter under an approval granted under section 3 of this  
6 2020 Act may not be used for any purpose other than an emergency  
7 shelter except upon application for a permit demonstrating that the  
8 construction of the building and its use could be approved under cur-  
9 rent land use laws and local land use regulations.

10 **“SECTION 3. (1) The governing body of a local government shall**  
11 **approve an application for the development or use of land for an**  
12 **emergency shelter on any lot or parcel, notwithstanding ORS chapter**  
13 **195, 197, 197A, 215 or 227 or any statewide plan or any rule of the Land**  
14 **Conservation and Development Commission or any local land use reg-**  
15 **ulation, zoning ordinance, regional framework plan, functional plan**  
16 **or comprehensive plan, if the emergency shelter:**

17 **“(a) Is operated by a nonprofit corporation as defined in ORS 65.001,**  
18 **including a religious corporation, or a local government as defined in**  
19 **ORS 174.116; and**

20 **“(b) Includes facilities or space for residents' sleeping and bathing.**

21 **“(2) An emergency shelter approved under this section:**

22 **“(a) May provide on-site for its residents and at no cost to the res-**  
23 **idents:**

24 **“(A) Storage for personal property;**

25 **“(B) Laundry facilities;**

26 **“(C) Service of food prepared on-site or off-site;**

27 **“(D) Recreation areas for children and pets;**

28 **“(E) Case management services for housing, financial, vocational,**  
29 **educational or physical or behavioral health care services; or**

30 **“(F) Any other services incidental to shelter.**

1       “(b) May include youth shelters, winter or warming shelters, day  
2 shelters, family violence shelter homes as defined in ORS 409.290 and  
3 transitional housing accommodations within an urban growth bound-  
4 ary as described under ORS 446.265.

5       “(3) The approval of an emergency shelter under this section is not  
6 a land use decision and is subject to review only under ORS 34.010 to  
7 34.100.

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

9       “SECTION 5. ORS 446.265 is amended to read:

10       “446.265. (1) Inside an urban growth boundary, a local government may  
11 authorize the establishment of transitional housing accommodations used as  
12 individual living units by one or more individuals. Use of transitional hous-  
13 ing accommodations is limited to [*persons*] **individuals** who lack permanent  
14 or safe shelter and who cannot be placed in other low income housing. A  
15 local government may limit the maximum amount of time that an individual  
16 or a family may use the accommodations.

17       “(2) Transitional housing accommodations are intended to be used by in-  
18 dividuals or families on a limited basis for seasonal, emergency or transi-  
19 tional housing purposes and may include yurts, huts, cabins, fabric  
20 structures, tents and similar accommodations, **as well as areas in parking**  
21 **lots or facilities for individuals or families to reside overnight in a**  
22 **motor vehicle, without regard to whether the motor vehicle was de-**  
23 **signed for use as temporary living quarters.** The transitional housing  
24 accommodations may provide parking facilities, walkways and access to wa-  
25 ter, toilet, shower, laundry, cooking, telephone or other services either  
26 through separate or shared facilities. The Oregon Health Authority may de-  
27 velop public health best practices for shared health and sanitation facilities  
28 for transitional housing accommodations.

29       “(3) Transitional housing accommodations are not subject to ORS chapter  
30 90.

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

5 **“SECTION 6. Section 7 of this 2020 Act is added to and made a part  
6 of ORS 458.600 to 458.665.**

7 **“SECTION 7. (1) As used in this section:**

8 **“(a) ‘Low-barrier emergency shelter’ means an emergency shelter,  
9 as defined in section 2 of this 2020 Act, that:**

10 **“(A) Is operated by a nonprofit corporation as defined in ORS 65.001,  
11 including a religious corporation, or a local government as defined in  
12 ORS 174.116;**

13 **“(B) Includes facilities or space for residents’ sleeping and bathing;**

14 **“(C) Does not require its residents to provide identification, to  
15 prove gender identity, to complete background checks, to meet  
16 sobriety standards or to meet any other prerequisite condition except  
17 as necessary to mitigate an immediate risk of danger that residents  
18 pose to themselves or others;**

19 **“(D) Provides shelter for pets, couples, families with children and  
20 unattended children;**

21 **“(E) Provides storage for residents’ personal property; and**

22 **“(F) Offers residents assistance with finding permanent or tempo-  
23 rary housing.**

24 **“(b) ‘Navigation center’ means a low-barrier emergency shelter that  
25 accepts all residents without respect to sex or gender, is open 24 hours  
26 per day and provides intensive case management connecting residents  
27 with public benefits, health services and permanent housing.**

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

30 **“(a) The construction, purchase or lease of facilities to be used as**

1 **low-barrier emergency shelters;**

2 **“(b) The operation, use or staffing of low-barrier emergency shel-**  
3 **ters;**

4 **“(c) The predevelopment planning, construction, purchase or lease**  
5 **of property used for navigation centers in the Cities of Salem or**  
6 **Eugene;**

7 **“(d) Short-term rental assistance for individuals transitioning from**  
8 **emergency shelters to permanent or temporary housing; or**

9 **“(e) The development or use of amenities or facilities that provide**  
10 **no-cost services to individuals who are homeless, including restroom**  
11 **and hygiene facilities, laundry facilities, dining facilities, storage for**  
12 **personal property, meeting or gathering spaces and facilities providing**  
13 **case management services.**

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

16 **“(a) Provide a distribution of funds among different regions of the**  
17 **state;**

18 **“(b) Prioritize investment on areas of highest need as identified in**  
19 **the Oregon Statewide Shelter Study; and**

20 **“(c) Consider the results and recommendations from the**  
21 **department’s Oregon Statewide Shelter Study and the policies and re-**  
22 **quirements for expenditures from the Emergency Housing Account**  
23 **under ORS 458.650.**

24 **“SECTION 8. Section 7 of this 2020 Act is repealed on January 2,**  
25 **2022.**

26 **“SECTION 9. ORS 458.650 is amended to read:**

27 **“458.650. (1) The Emergency Housing Account [*shall be*] is administered**  
28 **by the Housing and Community Services Department to assist homeless per-**  
29 **sons and those persons who are at risk of becoming homeless. An amount**  
30 **equal to 25 percent of moneys deposited in the account pursuant to ORS**

1 294.187 is dedicated for expenditure for assistance to veterans who are  
2 homeless or at risk of becoming homeless. For purposes of this section, ‘ac-  
3 count’ means the Emergency Housing Account.

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

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

10 “(A) Emergency shelters and attendant services;

11 “(B) Transitional housing services designed to assist persons to make the  
12 transition from homelessness to permanent housing and economic independ-  
13 ence;

14 “(C) Supportive housing services to enable persons to continue living in  
15 their own homes or to provide in-home services for such persons for whom  
16 suitable programs do not exist in their geographic area;

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

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

21 “(b) To align with federal strategies and resources that are available to  
22 prevent and end homelessness.

23 “(3)(a) The council shall require as a condition of awarding a grant that  
24 the organization demonstrate to the satisfaction of the council that the or-  
25 ganization has the capacity to deliver any service proposed by the organiza-  
26 tion.

27 “(b) Any funds granted under this section [*shall*] **may** not be used to re-  
28 place existing funds. Funds granted under this section may be used to sup-  
29 plement existing funds. An organization may use funds to support existing  
30 programs or to establish new programs.

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

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

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

7       **“(b) The development of technical assistance and training resources  
8 for organizations developing and operating emergency shelters as de-  
9 fined in section 2 of this 2020 Act and transitional housing accommo-  
10 dations as described under ORS 446.265.**

11       **“SECTION 10. In addition to and not in lieu of any other appropri-  
12 ation, there is appropriated to the Housing and Community Services  
13 Department, for the biennium ending June 31, 2021, out of the General  
14 Fund, the amount of \$40,000,000, to award grants and provide technical  
15 assistance under section 7 of this 2020 Act.”.**

16       In line 8, delete “2” and insert “11”.

17

\_\_\_\_\_