

HB 4001-2
(LC 283)
2/11/20 (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 high rents, high home prices and a lack of available housing
5 are causing housing instability and homelessness to increase rapidly; and

6 “Whereas higher rates of unsheltered homelessness on the west coast of
7 the United States can be attributed to lack of shelter capacity, rising costs
8 of rental housing, stagnant incomes for low-wage workers and a decline in
9 federal support for 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 building that provides shelter on a
2 temporary basis for individuals and families who lack permanent
3 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 as 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, rule of the Land Con-**
14 **servation and Development Commission or local land use regulation,**
15 **zoning ordinance, regional framework plan, functional plan or com-**
16 **prehensive plan, if the emergency shelter:**

17 **“(a) Includes sleeping and restroom facilities for residents;**

18 **“(b) Will comply with applicable building codes;**

19 **“(c) Has adequate transportation access to commercial and medical**
20 **services;**

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

23 **“(A) The local health department, as defined in ORS 431.003; and**

24 **“(B) The State Fire Marshal, a deputy state fire marshal or a person**
25 **acting for a governmental subdivision described in ORS 476.030;**

26 **“(e) Will be operated by:**

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

1 **has at least three years experience operating emergency shelters using**
2 **best practices;**

3 **“(B) A religious corporation, as defined in ORS 65.001, that has at**
4 **least three years experience operating emergency shelters using best**
5 **practices;**

6 **“(C) A local government as defined in ORS 174.116; or**

7 **“(D) A nonprofit corporation partnering with any other entity de-**
8 **scribed in this paragraph.**

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

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

12 **“(A) Showering or bathing;**

13 **“(B) Storage for personal property;**

14 **“(C) Laundry facilities;**

15 **“(D) Service of food prepared on-site or off-site;**

16 **“(E) Recreation areas for children and pets;**

17 **“(F) Case management services for housing, financial, vocational,**
18 **educational or physical or behavioral health care services; or**

19 **“(G) Any other services incidental to shelter.**

20 **“(b) May include youth shelters, winter or warming shelters, day**
21 **shelters and family violence shelter homes as defined in ORS 409.290.**

22 **“(3) The approval of an emergency shelter under this section is not**
23 **a land use decision and is subject to review only under ORS 34.010 to**
24 **34.100.**

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

26 **“SECTION 5. ORS 446.265 is amended to read:**

27 **“446.265. (1) Inside an urban growth boundary, a local government may**
28 **authorize the establishment of transitional housing accommodations used as**
29 **individual living units by one or more individuals. Use of transitional hous-**
30 **ing accommodations is limited to [persons] **individuals** who lack permanent**

1 or safe shelter and who cannot be placed in other low income housing. A
2 local government may limit the maximum amount of time that an individual
3 or a family may use the accommodations.

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

16 “(3) Transitional housing accommodations are not subject to ORS chapter
17 90.

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

22 **“SECTION 6.** ORS 458.650 is amended to read:

23 “458.650. (1) The Emergency Housing Account [*shall be*] **is** administered
24 by the Housing and Community Services Department to assist homeless per-
25 sons and those persons who are at risk of becoming homeless. An amount
26 equal to 25 percent of moneys deposited in the account pursuant to ORS
27 294.187 is dedicated for expenditure for assistance to veterans who are
28 homeless or at risk of becoming homeless. For purposes of this section, ‘ac-
29 count’ means the Emergency Housing Account.

30 “(2) The Oregon Housing Stability Council, with the advice of the Com-

1 munity Action Partnership of Oregon, shall develop policy for awarding
2 grants to organizations that shall use the funds:

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

6 “(A) Emergency shelters and attendant services;

7 “(B) Transitional housing services designed to assist persons to make the
8 transition from homelessness to permanent housing and economic independ-
9 ence;

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

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

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

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

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

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

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

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

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

3 “(b) The development of technical assistance and training resources
4 for organizations developing and operating emergency shelters as de-
5 fined in section 2 of this 2020 Act and transitional housing accommo-
6 dations as described in ORS 446.265.

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

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

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

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

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

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

25 “(d) Short-term rental assistance for individuals or families transi-
26 tioning from homelessness to permanent housing.

27 “(3) In awarding grants and providing technical assistance under
28 this section, the department shall:

29 “(a) Ensure that funds are distributed among different regions of
30 the state through a competitive process that emphasizes collaborative

1 proposals; and

2 “(b) Prioritize investment on areas of highest need as identified in
3 the Oregon Statewide Shelter Study.

4 **“SECTION 9.** Section 8 of this 2020 Act is repealed on January 2,
5 2022.

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

10 **“(2)** In addition to and not in lieu of any other appropriation, there
11 is appropriated to the Oregon Department of Administrative Services,
12 for the biennium ending June 30, 2021, out of the General Fund, for
13 distribution to cities to conduct or contract for predevelopment plan-
14 ning, construction, purchase or lease of property that will be used for
15 navigation centers, the amount of:

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

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

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

19 **“SECTION 11.** In addition to and not in lieu of any other appropri-
20 ation, there is appropriated to the Housing and Community Services
21 Department, for the biennium ending June 30, 2021, out of the General
22 Fund, the amount of:

23 **“(1)** \$20,000,000, to award grants under section 8 (2)(a), (b) or (c) of
24 this 2020 Act;

25 **“(2)** \$8,000,000, to award grants under section 8 (2)(d) of this 2020
26 Act; and

27 **“(3)** \$2,000,000, to develop and provide technical assistance under
28 ORS 458.650 (4)(b) and section 8 of this 2020 Act.”.

29 In line 8, delete “2” and insert “12”.

30