

Relating to Oregon Housing and Community Development Services programs administration; amending ORS 456.005, 456.555, 458.505, and 458.560.

## DEFINITIONS

**SECTION 1.** ORS 456.005 is amended to read:

456.005. As used in ORS chapters 456 and 458:

(1) **“Culturally Responsive Organization”** means an entity that comprehensively addresses power relationships throughout the organization, from the types of services it provides and how it maximizes language accessibility to its human resources practices—who it hires, how they are skilled, prepared and held accountable, to its cultural norms, its governance structures and policies, and its track record in addressing conflicts and dynamics of inclusion and exclusion, to its relationships with racial groups in the region, including its responsiveness to expectations. A Culturally Responsive Organization is one that is dynamic, on a committed path to improvement and one that is hardwired to be responsive to the interests of Communities of Color, service users of color and staff of color. Culturally responsive organizations hire and train culturally and linguistically diverse staff to meet the needs of the diverse communities they serve.

(2) **“Culturally Responsive Services”** means services that have been adapted to maximize the respect of and relevance to the beliefs, practices, culture and linguistic needs of the diverse client populations and communities being served, including clients and communities of color. Cultural responsiveness describes the capacity to respond to the issues of diverse communities. Culturally responsive services assure competent language access and incorporate diverse cultural approaches, strengths, perspectives, experiences, frames of reference, values, norms and performance styles of clients and communities to make services and programs more welcoming, accessible, appropriate and effective for all eligible and intended recipients.

(3) **“Culturally Specific Organization”** means an entity that provides services to a cultural community and the entity meets characteristics determined by the department by rule.

[(1)] (4) **“Federal government”** includes the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

[(2)] (5) **“Housing authority”** or **“authority”** means any public corporation created under ORS 456.055 to 456.235.

[(3)] (6) **“Housing Authorities Law”** means ORS 456.055 to 456.235.

## CAPO STATUTE

**SECTION 2.** ORS 458.505 is amended to read:

458.505 (1) The community action agency network, established initially under the federal Economic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in Oregon[, ]: the Community Services Block Grant, Low Income **Home** Energy Assistance Program, **and** US [State] Department of Energy Weatherization **Assistance** Program. [and such others as may become available].

(2) Funds for such programs shall be distributed to the community action agencies by the Housing and Community Services Department with the advice of the Community Action Partnership of Oregon.

(3) In areas not served by a community action agency, funds other than federal community services funds may be distributed to and administered by organizations that are found by the Housing and Community Services Department to serve the antipoverty purpose of the community action agency network.

(4) In addition to complying with all applicable requirements of federal law, a community action agency shall:

(a) Be an office, division or agency of the designating political subdivision or a not for profit organization in compliance with ORS chapter 65.

(b) Have a community action board of at least nine but no more than 33 members, constituted so that:

(A) One-third of the members of the board are elected public officials currently serving or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;

(B) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and

(C) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.

(c) If the agency is a private not for profit organization, be governed by the Community Action Board. The board shall have all duties, responsibilities and powers normally associated with such boards, including, but not limited to:

(A) Selection, appointment and dismissal of the executive director of the agency;

(B) Approval of all contracts, grant applications and budgets and operational policies of the agency;

(C) Evaluation of programs; and

(D) Securing an annual audit of the agency.

(d) If the organization is an office, division or agency of a political subdivision, be administered by the board that shall provide for the operation of the agency and be directly responsible to the governing board of the political subdivision. The administering board at a minimum, shall:

(A) Review and approve program policy;

(B) Be involved in and consulted on the hiring and firing of the agency director;

(C) Monitor and evaluate program effectiveness;

(D) Ensure the effectiveness of community involvement in the planning process; and

(E) Assume all duties delegated to it by the governing board.

(e) Have a clearly defined, specified service area. Community action service areas may not overlap.

(f) Have an accounting system that meets generally accepted accounting principles and be so certified by an independent certified accountant.

(g) Provide assurances against the use of government funds for political activity by the community action agency.

(h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orientation or national origin be excluded from participation in, be denied the benefits of or be

subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program.

(i) Provide assurances the community action agency shall comply with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act of 1973.

(5) For the purposes of this section, the Oregon Human Development Corporation is eligible to receive federal community service funds and low-income energy assistance funds.

(6) The Housing and Community Services Department shall:

(a) Administer federal *[and state]* antipoverty programs.

*[(b) Apply for all available antipoverty funds on behalf of eligible entities as defined in this section.]*

*[(c) **b**]* In conjunction with the **Oregon Housing Stability Council and service providers [Community Action Partnership of Oregon]**, develop a collaborative role in advocating for, and addressing the needs of, all low income Oregonians.

*[(d) Biennially produce and make available to the public a status report on efforts by it and state agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding the numbers and types of persons living in poverty in Oregon. The report shall also describe the status of efforts by the department and the Department of Human Services to implement the state policy regarding homelessness described in ORS 458.528 (Policy on homelessness).*

*[(e) On a regular basis provide information to the Community Action Partnership of Oregon on the activities and expenditures of the Housing and Community Services Department.]*

*[(f) **c**]* As resources are available, provide resources for technical assistance, training and program assistance to **service providers and other** eligible entities.

*[(g) As resources are available, provide resources pursuant to ORS 409.750 (State goal to eliminate or alleviate poverty) for the training and technical assistance needs of the Community Action Partnership of Oregon.]*

*[(h) **d**]* *[Conduct a planning process to meet the needs of low income people in Oregon. That process]* **The department** shall fully integrate the Oregon Human Development Corporation into the antipoverty delivery system~~].~~ *The planning process shall include development of a plan for], including* minimum level of services and funding for low income migrant and seasonal farmworkers from the antipoverty programs administered by the agency.

*[(i) **e**]* Limit its administrative budget in an effort to maximize the availability of antipoverty federal and state funds for expenditures by local *[eligible entities]* **service providers**.

## EMERGENCY HOUSING ACCOUNT

**SECTION 3.** ORS 458.650 is amended to read:

458.650. (1) The Emergency Housing Account shall be administered by the Housing and Community Services Department to assist homeless persons and those persons who are at risk of becoming homeless **through programs including the Emergency Housing Assistance and the State Homeless Assistance Program**. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 **for Emergency Housing Assistance Program** is

dedicated for expenditure for assistance to veterans who are homeless or at risk of becoming homeless. For purposes of this section, “account” means the Emergency Housing Account.

(2) The Oregon Housing Stability Council, with the advice of **Oregonians with lived experiences, tribes, the Community Action Partnership of Oregon, public housing authorities, continuums of care, local governments, nonprofits, homeless service providers, culturally specific organizations, housing providers, Veteran serving organizations, and other entities identified by rule**, shall develop policy for awarding grants to organizations that shall use **program [the] funds**:

(a) To provide to low and very low income persons, including but not limited to, persons more than 65 years of age, persons with disabilities, **agricultural [farm]workers** and Native Americans:

(A) Emergency shelters and attendant services;

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

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

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

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

(b) To align with federal strategies and resources that are available to prevent and end homelessness, **including the requirement of providing culturally responsive service and using best practices in ending homelessness, including best practices unique to rural communities**.

(3)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization has the capacity to deliver any service proposed by the organization, **engage with culturally specific organizations, and support local homelessness system planning efforts**.

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

(c) The council, by policy, shall **review a funding offering framework for program funds in this section, which shall include ongoing funding for existing grantees as of 2019 that meet stated outcomes**. *[give preference in granting funds to those organizations that receive grants from the Housing Development Grant Program established under ORS 458.625]*

(4) The department may expend funds from the account for administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department **in support of directing statewide policy on homelessness that ensures use of best practices, service equity in funding, and local planning processes**.

(5) **Program funds allocated must include statewide geographical coverage utilizing a needs-based formula and community action agency regions. If more than one entity in a region receives resources, the department shall identify a lead grantee to coordinate regional resources and ensure culturally specific organizations are engaged in local planning efforts**

(6) **The department shall utilize outcome-oriented contracting processes and best practices for program funds in this section, including best practices for serving rural communities**.

**(7) Notwithstanding Subsections (3) (c), up to 20% of current service level funds and any funds allocated above 2021-23 current service level may be used for local initiatives to address homelessness determined by the Housing Stability Council, which may include direct funding to culturally specific organizations, meeting federal match requirements, addressing youth and family homelessness, and approaches to address racial disparities in homelessness.**

**(8) Notwithstanding Subsection (2) (a) the State Homelessness Assistance Program is established to serve all people experiencing homelessness, particularly unsheltered homelessness. Income documentation is not required for clients**

## **OHCS AUTHORIZING STATUTE**

**SECTION 4.** ORS 456.555 is amended to read:

456.555. (1) The Housing and Community Services Department is established.

(2) The department shall be under the supervision and control of a director who is responsible for the performance of the duties imposed upon the department. The Governor shall appoint the Director of the Housing and Community Services Department. The director shall hold office at the pleasure of the Governor. The person appointed as director shall be a person who, by training and experience, is well qualified to perform the duties of the office.

(3) The director shall receive such salary as may be provided by law, or, if not so provided, as may be fixed by the Governor. In addition to the salary of the director, the director shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by the director in the performance of official duties.

(4) The director may establish department divisions including but not limited to divisions for administration, housing programs and community services programs.

(5) The Oregon Housing Stability Council shall:

(a) With the advice of the director, set policy and approve or disapprove rules and standards for housing programs;

(b) Approve or disapprove loans, grants and other funding award proposals under ORS 456.561;

(c) Provide policy direction and oversight to the department regarding the department's financial planning and biennial budget proposal prior to its submittal to the Oregon Department of Administrative Services; and

(d) Carry out the provisions of ORS 456.571.

(6) ***[The] Oregonians with lived experience, tribes, continuums of care, local governments, housing authorities, nonprofits, homeless service providers, culturally specific organizations, housing providers, Community Action Partnership of Oregon, stakeholders, Veteran serving organizations, and other entities identified by rule,*** shall advise the Housing and Community Services Department and the **Housing Stability C[c]ouncil** on community services **and housing** programs *[as determined by the director and as set forth in ORS 458.505].*

(7) The director shall report regularly to the **Housing Stability C[c]ouncil** to keep the council informed on progress made by the department in carrying out the department's responsibilities for housing programs.

**(8) The department shall administer federal programs with advice from the Housing Stability Council, which may include approving frameworks. Funds allocated must include statewide geographical coverage, which may include utilizing a needs-based formula.**

*[(8)]* **(9)** The department may adopt rules to carry out the programs that the department is charged with administering, including, but not limited to, rules regarding:

- (a) Administration and enforcement.
- (b) Criteria for the granting of benefits.
- (c) The establishment of fees and charges.
- (d) The identification of housing programs and community services programs.
- (e) The distinguishing of housing programs from community services programs.

*[(9)]* **(10)** Subject to the approval of the council, the department shall establish by rule one or more threshold property purchase prices above which a housing loan proposed by the department requires council review and approval under ORS 456.561. In establishing or modifying a threshold property purchase price under this subsection, the department shall consider any maximum acquisition cost set forth in the Internal Revenue Code or federal rules and regulations implementing the code.

*[(10)]* **(11)** Subject to the approval of the council, the department shall establish by rule one or more threshold amounts above which a housing grant or other housing funding award proposal requires council review and approval under ORS 456.561.

**SECTION 5. Sections 2 and 3 of this 2021 Act become operative on June 30, 2022.**