

A-Engrossed
House Bill 2100

Ordered by the House April 15
Including House Amendments dated April 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Housing and Community Services Department)

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 findings to interim committee of Legislative Assembly no later than September 15, 2022.]

Amends Housing and Community Services Department's distribution of Emergency Housing Account funds and administration of federal anti-poverty programs.

Establishes Task Force on Homelessness and Racial Disparities to address provision of and access to homeless services. Requires task force to submit report to appropriate committee of Legislative Assembly no later than January 15, 2022. Sunsets task force July 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 409.750, 456.005, 456.555, 456.561,
3 458.505 and 458.650; and declaring an emergency.

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

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

6 456.005. As used in ORS chapters 456 and 458:

7 (1) **"Culturally responsive organization"** means an entity that, as determined by the
8 **Housing and Community Services Department:**

9 (a) **Comprehensively addresses power relationships throughout the organization by**
10 **methods that include addressing conflicts and dynamics of inclusion and exclusion;**

11 (b) **Has relationships with and is responsive to communities that the organization serves,**
12 **including communities of color;**

13 (c) **Hires, promotes, trains and supports staff who are culturally and linguistically diverse**
14 **in ways that reflect the communities that the organization serves, including communities**
15 **of color;**

16 (d) **Provides culturally responsive service; and**

17 (e) **With respect to paragraphs (a) to (d) of this subsection, has adopted governance**
18 **structures, policies and cultural norms to hold its leadership and staff accountable and to**
19 **continue improvements.**

20 (2) **"Culturally responsive service"** means service that:

21 (a) **Is adapted to maximize the respect of and relevance to the beliefs, practices, culture**
22 **and linguistic needs of the diverse client populations and communities being served, including**
23 **clients and communities of color.**

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 **(b) Has the capacity to respond to the issues of diverse communities.**

2 **(c) Assures competent language access and incorporates diverse cultural approaches,**
3 **strengths, perspectives, experiences, frames of reference, values, norms and performance**
4 **styles of clients and communities to make services and programs more welcoming, accessi-**
5 **ble, appropriate and effective for all eligible and intended recipients.**

6 **(3) “Culturally specific organization” means an entity that provides services to a cultural**
7 **community, and may be further defined by rule by the department.**

8 [(1)] (4) “Federal government” includes the United States of America and any agency or
9 instrumentality, corporate or otherwise, of the United States of America.

10 [(2)] (5) “Housing authority” or “authority” means any public corporation created under ORS
11 456.055 to 456.235.

12 [(3)] (6) “Housing Authorities Law” means ORS 456.055 to 456.235.

13 **SECTION 2.** ORS 456.555 is amended to read:

14 456.555. (1) The Housing and Community Services Department is established.

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

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

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

26 (5) The Oregon Housing Stability Council shall:

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

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

30 (c) Provide policy direction and oversight to the department regarding the department’s financial
31 planning and biennial budget proposal prior to its submittal to the Oregon Department of Adminis-
32 trative Services; and

33 (d) Carry out the provisions of ORS 456.571.

34 [(6) *The Community Action Partnership of Oregon shall advise The Housing and Community Ser-*
35 *VICES Department and the council on community services programs as determined by the director and*
36 *as set forth in ORS 458.505.]*

37 **(6) The Housing and Community Services Department and the council shall consider ad-**
38 **vice on housing and community service programs from:**

39 **(a) Persons who have experienced housing instability;**

40 **(b) Tribes;**

41 **(c) The Community Action Partnership of Oregon;**

42 **(d) Continuums of care, as defined in 24 C.F.R. part 578;**

43 **(e) Local governments;**

44 **(f) Nonprofit organizations;**

45 **(g) Homeless services providers;**

- 1 **(h) Culturally specific organizations;**
- 2 **(i) Housing providers;**
- 3 **(j) Veterans' services organizations; and**
- 4 **(k) Other entities identified by the department by rule.**

5 (7) The director shall report regularly to the council to keep the council informed on progress
6 made by the department in carrying out the department's responsibilities for housing programs.

7 **(8) The department shall administer federal programs with advice from the council.**
8 **Federal funds for housing stabilization must, to the extent consistent with federal law, be**
9 **allocated statewide in a manner proportionate to a needs-based and geographically based**
10 **formula.**

11 [(8)] **(9)** The department may adopt rules to carry out the programs that the department is
12 charged with administering, including, but not limited to, rules regarding:

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

18 [(9)] **(10)** Subject to the approval of the council, the department shall establish by rule one or
19 more threshold property purchase prices above which a housing loan proposed by the department
20 requires council review and approval under ORS 456.561. In establishing or modifying a threshold
21 property purchase price under this subsection, the department shall consider any maximum acquisi-
22 tion cost set forth in the Internal Revenue Code or federal rules and regulations implementing the
23 code.

24 [(10)] **(11)** Subject to the approval of the council, the department shall establish by rule one or
25 more threshold amounts above which a housing grant or other housing funding award proposal re-
26 quires council review and approval under ORS 456.561.

27 **SECTION 3.** ORS 458.505 is amended to read:

28 458.505. (1) The community action agency network, established initially under the federal Eco-
29 nomic Opportunity Act of 1964, [*shall be*] **is** the delivery system for federal antipoverty programs in
30 Oregon, including:

- 31 **(a)** The Community Services Block Grant[,];
- 32 **(b)** Low Income **Home** Energy Assistance Program[, *State*]; **and**
- 33 **(c) The United States** Department of Energy Weatherization **Assistance** Program [*and such*
34 *others as may become available*].

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

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

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

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

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

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

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

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

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

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

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

17 (C) Evaluation of programs; and

18 (D) Securing an annual audit of the agency.

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

22 (A) Review and approve program policy;

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

24 (C) Monitor and evaluate program effectiveness;

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

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

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

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

31 (g) Provide assurances against the use of government funds for political activity by the com-
32 munity action agency.

33 (h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orien-
34 tation or national origin be excluded from participation in, be denied the benefits of or be subjected
35 to discrimination under any program or activity funded in whole or in part with funds made avail-
36 able through the community action program.

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

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

43 (6) The Housing and Community Services Department shall:

44 (a) Administer federal [and state] antipoverty programs **listed in subsection (1) of this**
45 **section.**

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

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

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

11 [(e) (c) On a regular basis provide information to [the Community Action Partnership of
12 Oregon] **service providers** on the activities and expenditures of the Housing and Community Ser-
13 vices Department.

14 [(f) (d) As resources are available, provide resources for technical assistance, training and
15 program assistance to **Community Action Partnership of Oregon, service providers and other**
16 eligible entities.

17 [(g) (e) As resources are available, provide resources pursuant to ORS 409.750 for the training
18 and technical assistance needs of [the Community Action Partnership of Oregon] **service providers**.

19 [(h) (f) [Conduct a planning process to meet the needs of low income people in Oregon. That pro-
20 cess shall] Fully integrate the Oregon Human Development Corporation into the antipoverty delivery
21 system[. The planning process shall include development of a plan for], **which must include a** mini-
22 mum level of services and funding for low income migrant and seasonal [farmworkers] **agricultural**
23 **workers** from the antipoverty programs administered by the agency.

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

26 **SECTION 4.** ORS 409.750 is amended to read:

27 409.750. The State of Oregon desires to assist and enable the poor to achieve maximum feasible
28 economic self-sufficiency. It shall be a state goal to eliminate or alleviate the causes and conditions
29 of poverty in Oregon. The state shall assist **service providers, including community-based or-**
30 **ganizations, culturally specific or culturally responsive organizations as defined in ORS**
31 **456.005, nonprofits and** community action agencies to stimulate a better focusing of all available
32 local, state, federal and private resources upon the goal.

33 **SECTION 5.** ORS 458.650 is amended to read:

34 458.650. [(1) The Emergency Housing Account shall be administered by The Housing and Com-
35 munity Services Department to assist homeless persons and those persons who are at risk of becoming
36 homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187
37 is dedicated for expenditure for assistance to veterans who are homeless or at risk of becoming
38 homeless. For purposes of this section, "account" means the Emergency Housing Account.]

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

41 **(1) The Housing and Community Services Department shall administer the Emergency**
42 **Housing Account to assist homeless individuals and individuals who are at risk of becoming**
43 **homeless, through means including the emergency housing assistance program and the state**
44 **homeless assistance program. Notwithstanding subsection (3)(a) of this section, the state**
45 **homeless assistance program shall serve individuals experiencing homelessness, especially**

1 **unsheltered homelessness, without respect to income.**

2 **(2) The Oregon Housing Stability Council shall develop a policy for the use of program**
3 **funds with the advice of:**

- 4 **(a) Persons who have experienced housing instability;**
- 5 **(b) Tribes;**
- 6 **(c) The Community Action Partnership of Oregon;**
- 7 **(d) Continuums of care, as defined in 24 C.F.R. part 578;**
- 8 **(e) Local governments;**
- 9 **(f) Nonprofit organizations;**
- 10 **(g) Homeless services providers;**
- 11 **(h) Culturally specific organizations;**
- 12 **(i) Housing providers;**
- 13 **(j) Veterans' services organizations; and**
- 14 **(k) Other entities identified by the department by rule.**

15 **(3) The policy under subsection (2) of this section shall direct that program funds shall**
16 **be used:**

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

20 (A) Emergency shelters and attendant services;

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

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

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

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

28 (b) To align with federal strategies and resources that are available to prevent and end
29 homelessness, **including the requirement of providing culturally responsive services and using**
30 **evidence-based and emerging practices effective in ending homelessness, including practices**
31 **unique to rural communities.**

32 [(3)(a)] **(4)(a)** The council shall require as a condition of awarding a grant that the organization
33 demonstrate to the satisfaction of the council that the organization:

34 **(A)** Has the capacity to deliver any service proposed by the organization[.];

35 **(B) Is a culturally responsive organization or is engaged in a process to become a cul-**
36 **turally responsive organization;**

37 **(C) Engages with culturally specific organizations; and**

38 **(D) Supports local homelessness system planning efforts.**

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

42 [*c*] *The council, by policy, shall give preference in granting funds to those organizations that re-*
43 *ceive grants from the Housing Development Grant Program established under ORS 458.625.]*

44 [(4)] **(5)** The department may expend funds from the account for administration of the account
45 as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the

1 department in support of directing a statewide policy on homelessness that ensures use of
2 evidence-based and emerging practices, service equity in funding and local planning
3 processes.

4 (6) The department shall utilize outcome-oriented contracting processes and evidence-
5 based and emerging practices for account program funds, including evidence-based and
6 emerging practices for serving rural communities.

7 (7) Twenty-five percent of moneys deposited in the account pursuant to ORS 294.187 are
8 dedicated to the emergency housing assistance program for assistance to veterans who are
9 homeless or at risk of becoming homeless.

10 **SECTION 6.** ORS 456.561 is amended to read:

11 456.561. (1) The Housing and Community Services Department may effect loans, grants and other
12 funding awards to accomplish department housing programs, subject to any requirement under this
13 section for review and approval by the Oregon Housing Stability Council of proposals for loans,
14 grants or other funding awards.

15 (2) The department shall submit a loan, grant or other funding award proposal arising under
16 ORS 456.515 to 456.725 programs to the council for review if the proposal is for:

17 (a) A housing loan on property that has a purchase price in excess of an applicable threshold
18 property purchase price established by rule under ORS 456.555 [(9)] (10); or

19 (b) A housing grant or other housing funding award in excess of an applicable threshold amount
20 established by rule under ORS 456.555 [(10)] (11).

21 (3) The council shall review each loan, grant or other funding award proposal submitted by the
22 department under this section and approve or disapprove the loan, grant or other funding award
23 proposal.

24 (4) Council review of loan, grant or other funding award proposals under this section shall be
25 held at a public hearing of the council. The council meeting notice required by ORS 192.640 shall
26 include notice of the loan, grant or other funding award proposal review, the names of the appli-
27 cants and the subject of the loan, grant or funding award proposal. The council shall provide notice
28 of a loan, grant or other funding award proposal review to the loan, grant or other funding award
29 applicant not less than five days before the review hearing.

30 **SECTION 7. (1) The Task Force on Homelessness and Racial Disparities is established.**

31 **(2) The task force consists of 19 members appointed as follows:**

32 **(a) The President of the Senate shall appoint two members from among members of the**
33 **Senate;**

34 **(b) The Speaker of the House of Representatives shall appoint two members from among**
35 **members of the House of Representatives;**

36 **(c) The Governor shall appoint one member from the Racial Justice Council;**

37 **(d) The Director of the Housing and Community Services Department shall appoint two**
38 **members to represent the Housing and Community Services Department or Oregon Housing**
39 **Stability Council; and**

40 **(e) The President of the Senate and the Speaker of the House of Representatives shall**
41 **jointly appoint 12 members that represent organizations with diverse perspectives and expe-**
42 **riences, including organizations that focus on street outreach and unsheltered homelessness,**
43 **shelter, rapid rehousing, homelessness prevention or domestic and sexual violence, organ-**
44 **izations that address the needs of various people experiencing housing instability, including**
45 **youth, children and families, adults or seniors, and organizations representing different**

1 communities and geographies across Oregon as follows:

2 (A) Two members from local governments or representing the interests of local govern-
3 ments;

4 (B) Two members from community action agencies;

5 (C) Two members from culturally specific organizations as defined in ORS 456.005;

6 (D) Two members from homeless service providers in urban areas;

7 (E) Two members from homeless service providers in rural areas; and

8 (F) Two members who have experienced housing instability.

9 (3) The task force shall:

10 (a) Identify and investigate methods by which the state may decrease rates of racial
11 disparity among people experiencing homelessness and receiving services.

12 (b) Identify and investigate potential changes in this state's funding structure to address
13 racial disparities among people experiencing homelessness and housing insecurity, including
14 consideration of how housing transition of services delivery could be implemented to avoid
15 service disruptions among people experiencing homelessness or housing insecurity.

16 (c) Consider existing methods and recommend additional methods by which the Housing
17 and Community Services Department and Oregon Housing Stability Council may receive ad-
18 vice and information about needed services for individuals experiencing homelessness and
19 housing insecurity.

20 (d) Identify and investigate methods by which the Housing and Community Services De-
21 partment and Oregon Housing Stability Council may modify contracting process and eligibil-
22 ity for providers of services for individuals experiencing homelessness and housing
23 insecurity.

24 (e) Recommend solutions regarding the funding of services for individuals experiencing
25 homelessness or housing insecurity, including legislation or rulemaking and modifications to:

26 (A) The delivery and eligibility requirements for federal and state funds;

27 (B) The receipt and distribution of information about homelessness and homelessness
28 services by the state; and

29 (C) Methods for addressing racial disparities.

30 (4) The task force may consult experts, form subcommittees or advisory committees,
31 conduct field investigations, hearings and other meetings, receive testimony in any form or
32 format, request or require production of documents and other evidence and otherwise take
33 any lawful action to carry out the purposes set forth in subsection (3) of this section.

34 (5) A majority of the members of the task force constitutes a quorum for the transaction
35 of business.

36 (6) Official action by the task force requires the approval of a majority of the members
37 of the task force.

38 (7) The task force shall elect one or more task force members to serve as a chairperson
39 or cochair.

40 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-
41 ment to become immediately effective.

42 (9) The task force shall meet in a regular location no less than monthly until January
43 31, 2022, and at other times and places specified by the call of the chairperson or cochair
44 or by a majority of the members of the task force.

45 (10) The task force may adopt rules necessary for the operation of the task force.

1 (11) The Housing and Community Services Department shall provide staff support to the
2 task force and shall provide a third-party facilitator to assist the chairperson or cochairs
3 with the facilitation of meetings and the operations of the task force. Notwithstanding ORS
4 279A.025, ORS chapter 279B does not apply to the department's procurement of a facilitator
5 under this section.

6 (12) A member of the task force is not entitled to compensation, but in the discretion
7 of the department may be reimbursed for actual and necessary travel and other expenses
8 incurred by the member in the performance of the member's duties or provided a stipend.

9 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
10 the task force in the performance of the task force's duties and, to the extent permitted by
11 laws relating to confidentiality, to furnish information and advice the members of the task
12 force consider necessary to perform their duties.

13 (14) No later than January 15, 2022, the task force shall provide a report to an appropri-
14 ate committee of the Legislative Assembly in the manner provided in ORS 192.245 on the
15 findings and recommendations made under subsection (3) of this section. A copy of the re-
16 port shall be delivered to the Oregon Housing Stability Council.

17 SECTION 8. Section 7 of this 2021 Act is repealed on July 1, 2022.

18 SECTION 9. This 2021 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
20 on its passage.