

Enrolled House Bill 2100

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)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 409.750, 456.005, 456.555, 456.561, 458.505 and 458.650 and sections 11 and 12, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006); and declaring an emergency.

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

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, as determined by the Housing and Community Services Department:

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

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

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

(d) Provides culturally responsive service; and

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

(2) “Culturally responsive service” means service that:

(a) Is 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.

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

(c) Assures competent language access and incorporates 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 may be further defined by rule by the department.

[(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.

SECTION 2. 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 Community Action Partnership of Oregon shall advise The Housing and Community Services Department and the council on community services programs as determined by the director and as set forth in ORS 458.505.*

(6) The Housing and Community Services Department and the council shall consider advice on housing and community service programs from:

(a) Persons who have experienced housing instability;

(b) Tribes;

(c) The Community Action Partnership of Oregon;

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

(e) Local governments;

(f) Nonprofit organizations;

(g) Homeless services providers;

(h) Culturally specific organizations;

(i) Housing providers;

(j) Veterans' services organizations; and

(k) Other entities identified by the department by rule.

(7) The director shall report regularly to the council 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 council. Federal funds for housing stabilization must, to the extent consistent with federal law, be allocated statewide in a manner proportionate to a needs-based and geographically 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 3. 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*] **is** the delivery system for federal antipoverty programs in Oregon, including:

(a) The Community Services Block Grant[.];

(b) Low Income **Home** Energy Assistance Program[, *State*]; **and**

(c) **The United States** 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 **listed in subsection (1) of this section.**

[(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, culturally specific organizations, the Community Action Partnership of Oregon and service providers,** 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.]

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

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

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

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

*[(i) (g) 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.***

SECTION 4. ORS 409.750 is amended to read:

409.750. The State of Oregon desires to assist and enable the poor to achieve maximum feasible economic self-sufficiency. It shall be a state goal to eliminate or alleviate the causes and conditions of poverty in Oregon. The state shall assist **service providers, including community-based organizations, culturally specific or culturally responsive organizations as defined in ORS**

456.005, nonprofits and community action agencies to stimulate a better focusing of all available local, state, federal and private resources upon the goal.

SECTION 5. 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. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 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 the Community Action Partnership of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:]

(1) The Housing and Community Services Department shall administer the Emergency Housing Account to assist homeless individuals and individuals who are at risk of becoming homeless, through means including the emergency housing assistance program and the state homeless assistance program. Notwithstanding subsection (3)(a) of this section, the state homeless assistance program shall serve individuals experiencing homelessness, especially unsheltered homelessness, without respect to income.

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

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

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

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

(A) Emergency shelters and attendant services;

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

(C) Supportive housing services to enable [persons] individuals to continue living in their own homes or to provide in-home services for such [persons] individuals 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 services and using evidence-based and emerging practices effective in ending homelessness, including practices unique to rural communities.

[(3)(a)] (4)(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:

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

(B) Is a culturally responsive organization or is engaged in a process to become a culturally responsive organization;

(C) Engages with culturally specific organizations; and

(D) Supports 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 give preference in granting funds to those organizations that receive grants from the Housing Development Grant Program established under ORS 458.625.]

[(4)] (5) 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 a statewide policy on homelessness that ensures use of evidence-based and emerging practices, service equity in funding and local planning processes.

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

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

SECTION 5a. Section 5 of this 2021 Act (amending ORS 458.650) is repealed and ORS 458.650, as amended by section 7, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006), is amended to read:

458.650. [(1) The Emergency Housing Account is administered by the Housing and Community Services Department to assist homeless individuals and those individuals who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 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 the Community Action Partnership of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:]

(1) The Housing and Community Services Department shall administer the Emergency Housing Account to assist homeless individuals and individuals who are at risk of becoming homeless, through means including the emergency housing assistance program and the state homeless assistance program. Notwithstanding subsection (3)(a) of this section, the state homeless assistance program shall serve individuals experiencing homelessness, especially unsheltered homelessness, without respect to income.

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

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

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

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

- (A) Emergency shelters and attendant services;**

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

(C) Supportive housing services to enable individuals to continue living in their own homes or to provide in-home services for such individuals 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 services and using evidence-based and emerging practices effective in ending homelessness, including practices unique to rural communities.**

[(3)(a)] (4)(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:

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

(B) Is a culturally responsive organization or is engaged in a process to become a culturally responsive organization;

(C) Engages with culturally specific organizations; and

(D) Supports local homelessness system planning efforts.

(b) Any funds granted under this section may 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 give preference in granting funds to those organizations that receive grants from the Housing Development Grant Program established under ORS 458.625.]

[(4)] (5) The department may expend funds from the account for:

(a) The 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 a statewide policy on homelessness that ensures use of evidence-based and emerging practices, service equity in funding and local planning processes.**

(b) The development of technical assistance and training resources for organizations developing and operating emergency shelters as defined in section 2 *[of this 2021 Act]*, **chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006)**, and transitional housing accommodations as described in ORS 446.265.

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

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

SECTION 5b. Section 11, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006), is amended to read:

Sec. 11. Notwithstanding ORS 458.650 *[(2) and] (3) and (4)*, the Housing and Community Services Department may expend funds from the Emergency Housing Account to award grants and provide technical assistance under section 9 *[of this 2021 Act]*, **chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006)**.

SECTION 5c. Section 12, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006), is amended to read:

Sec. 12. (1) Sections 9*[, 10 and 11 of this 2021 Act]* **and 10, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006)**, are repealed on January 2, 2024.

(2) Section 11, chapter 18, Oregon Laws 2021 (Enrolled House Bill 2006), as amended by section 5b of this 2021 Act, is repealed on January 2, 2024.

SECTION 6. ORS 456.561 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(e) The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 12 members that represent organizations with diverse perspectives and experiences, including organizations that focus on street outreach and unsheltered homelessness, shelter, rapid rehousing, homelessness prevention or domestic and sexual violence, organizations that address the needs of various people experiencing housing instability, including youth, children and families, adults or seniors, and organizations representing different communities and geographies across Oregon as follows:

(A) Two members from local governments or representing the interests of local governments;

(B) Two members from community action agencies;

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

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

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

(F) Two members who have experienced housing instability.

(3) The task force shall:

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

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

(c) Consider existing methods and recommend additional methods by which the Housing and Community Services Department and Oregon Housing Stability Council may receive ad-

vice and information about needed services for individuals experiencing homelessness and housing insecurity.

(d) Identify and investigate methods by which the Housing and Community Services Department and Oregon Housing Stability Council may modify contracting process and eligibility for providers of services for individuals experiencing homelessness and housing insecurity.

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

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

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

(C) Methods for addressing racial disparities.

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

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

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

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

(8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

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

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

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

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

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

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

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

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

Passed by House June 15, 2021

Repassed by House June 24, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 23, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State