

HB 2100-1  
(LC 689)  
3/1/21 (RLM/ps)

Requested by HOUSE COMMITTEE ON HOUSING (at the request of Nicole Stingh, Housing and Community Services Department)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2100**

1 In line 2 of the printed bill, after “housing” insert “; creating new pro-  
2 visions; and amending ORS 456.005, 456.555, 456.561, 458.505 and 458.650”.

3 Delete lines 4 through 7 and insert:

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

5 “456.005. As used in ORS chapters 456 and 458:

6 **“(1) ‘Culturally responsive organization’ means an entity that, as**  
7 **determined by the Housing and Community Services Department:**

8 **“(a) Comprehensively addresses power relationships throughout the**  
9 **organization, by methods that include addressing conflicts and dy-**  
10 **namics of inclusion and exclusion;**

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

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

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

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

20 **“(2) ‘Culturally responsive service’ means service that:**

21 **“(a) Is adapted to maximize the respect of and relevance to the be-**

1 **liefs, practices, culture and linguistic needs of the diverse client pop-**  
2 **ulations and communities being served, including clients and**  
3 **communities of color.**

4 **“(b) Has the capacity to respond to the issues of diverse communi-**  
5 **ties.**

6 **“(c) Assures competent language access and incorporates diverse**  
7 **cultural approaches, strengths, perspectives, experiences, frames of**  
8 **reference, values, norms and performance styles of clients and com-**  
9 **munities to make services and programs more welcoming, accessible,**  
10 **appropriate and effective for all eligible and intended recipients.**

11 **“(3) ‘Culturally specific organization’ means an entity that provides**  
12 **services to a cultural community, and may be further defined by rule**  
13 **by the department.**

14 **[(1)] (4) ‘Federal government’ includes the United States of America and**  
15 **any agency or instrumentality, corporate or otherwise, of the United States**  
16 **of America.**

17 **“[(2)] (5) ‘Housing authority’ or ‘authority’ means any public corporation**  
18 **created under ORS 456.055 to 456.235.**

19 **“[(3)] (6) ‘Housing Authorities Law’ means ORS 456.055 to 456.235.**

20 **“SECTION 2. ORS 456.555 is amended to read:**

21 **“456.555. (1) The Housing and Community Services Department is estab-**  
22 **lished.**

23 **“(2) The department shall be under the supervision and control of a di-**  
24 **rector who is responsible for the performance of the duties imposed upon the**  
25 **department. The Governor shall appoint the Director of the Housing and**  
26 **Community Services Department. The director shall hold office at the pleas-**  
27 **ure of the Governor. The person appointed as director shall be a person who,**  
28 **by training and experience, is well qualified to perform the duties of the of-**  
29 **fice.**

30 **“(3) The director shall receive such salary as may be provided by law, or,**

1 if not so provided, as may be fixed by the Governor. In addition to the salary  
2 of the director, the director shall, subject to the limitations otherwise pro-  
3 vided by law, be reimbursed for all expenses actually and necessarily in-  
4 curred by the director in the performance of official duties.

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

8 “(5) The Oregon Housing Stability Council shall:

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

11 “(b) Approve or disapprove loans, grants and other funding award pro-  
12 posals under ORS 456.561;

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

16 “(d) Carry out the provisions of ORS 456.571.

17 “[*(6) The Community Action Partnership of Oregon shall advise The*  
18 *Housing and Community Services Department and the council on community*  
19 *services programs as determined by the director and as set forth in ORS*  
20 *458.505.*]

21 “**(6) The Housing and Community Services Department and the**  
22 **council shall consider advice on housing and community service pro-**  
23 **grams from:**

24 “**(a) Persons with lived experiences, as defined in ORS 458.650;**

25 “**(b) Tribes;**

26 “**(c) The Community Action Partnership of Oregon;**

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

28 “**(e) Local governments;**

29 “**(f) Nonprofit organizations;**

30 “**(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  
6 informed on progress made by the department in carrying out the  
7 department’s responsibilities for housing programs.

8       **“(8) The department shall administer federal programs with advice**  
9 **from the council, which may include approving frameworks for offer-**  
10 **ing funding. Federal funds must, to the extent consistent with federal**  
11 **law, be allocated statewide in a manner proportionate to a needs-based**  
12 **formula.**

13       “[(8)] (9) The department may adopt rules to carry out the programs that  
14 the department is charged with administering, including, but not limited to,  
15 rules regarding:

16       “(a) Administration and enforcement.

17       “(b) Criteria for the granting of benefits.

18       “(c) The establishment of fees and charges.

19       “(d) The identification of housing programs and community services pro-  
20 grams.

21       “(e) The distinguishing of housing programs from community services  
22 programs.

23       “[(9)] (10) Subject to the approval of the council, the department shall  
24 establish by rule one or more threshold property purchase prices above which  
25 a housing loan proposed by the department requires council review and ap-  
26 proval under ORS 456.561. In establishing or modifying a threshold property  
27 purchase price under this subsection, the department shall consider any  
28 maximum acquisition cost set forth in the Internal Revenue Code or federal  
29 rules and regulations implementing the code.

30       “[(10)] (11) Subject to the approval of the council, the department shall

1 establish by rule one or more threshold amounts above which a housing  
2 grant or other housing funding award proposal requires council review and  
3 approval under ORS 456.561.

4 **“SECTION 3.** ORS 458.505 is amended to read:

5 “458.505. (1) The community action agency network, established initially  
6 under the federal Economic Opportunity Act of 1964, [*shall be*] **is** the deliv-  
7 ery system for **three** federal antipoverty programs in Oregon[, *including*]:

8 **“(a)** The Community Services Block Grant[,];

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

10 **“(c) The United States** Department of Energy Weatherization **Assist-**  
11 **ance** Program [*and such others as may become available*].

12 “(2) Funds for such programs shall be distributed to the community action  
13 agencies by the Housing and Community Services Department with the ad-  
14 vice of the Community Action Partnership of Oregon.

15 “(3) In areas not served by a community action agency, funds other than  
16 federal community services funds may be distributed to and administered by  
17 organizations that are found by the Housing and Community Services De-  
18 partment to serve the antipoverty purpose of the community action agency  
19 network.

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

22 “(a) Be an office, division or agency of the designating political subdivi-  
23 sion or a not for profit organization in compliance with ORS chapter 65.

24 “(b) Have a community action board of at least nine but no more than  
25 33 members, constituted so that:

26 “(A) One-third of the members of the board are elected public officials  
27 currently serving or their designees. If the number of elected officials rea-  
28 sonably available and willing to serve is less than one-third of the member-  
29 ship, membership of appointed public officials may be counted as meeting the  
30 one-third requirement;

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

4       “(C) The remainder of the members are officials or members of business,  
5 industry, labor, religious, welfare, education or other major groups and in-  
6 terests in the community.

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

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

13       “(B) Approval of all contracts, grant applications and budgets and opera-  
14 tional policies of the agency;

15       “(C) Evaluation of programs; and

16       “(D) Securing an annual audit of the agency.

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

21       “(A) Review and approve program policy;

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

24       “(C) Monitor and evaluate program effectiveness;

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

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

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

30       “(f) Have an accounting system that meets generally accepted accounting

1 principles and be so certified by an independent certified accountant.

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

4 “(h) Provide assurances that no person shall, on the grounds of race,  
5 color, sex, sexual orientation or national origin be excluded from partic-  
6 ipation in, be denied the benefits of or be subjected to discrimination under  
7 any program or activity funded in whole or in part with funds made available  
8 through the community action program.

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

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

17 “(6) The Housing and Community Services Department shall:

18 “(a) Administer federal [*and state*] antipoverty programs **listed in sub-**  
19 **section (1) of this section.**

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

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

26 “[*d*] *Biennially produce and make available to the public a status report*  
27 *on efforts by it and state agencies to reduce the incidence of poverty in Oregon.*  
28 *This report shall contain figures regarding the numbers and types of persons*  
29 *living in poverty in Oregon. The report shall also describe the status of efforts*  
30 *by the department and the Department of Human Services to implement the*

1 *state policy regarding homelessness described in ORS 458.528.]*

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

5 “[(f)] (c) As resources are available, provide resources for technical as-  
6 sistance, training and program assistance to **service providers and other**  
7 eligible entities.

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

11 “[(h)] (d) [*Conduct a planning process to meet the needs of low income*  
12 *people in Oregon. That process shall*] Fully integrate the Oregon Human De-  
13 velopment Corporation into the antipoverty delivery system[. *The planning*  
14 *process shall include development of a plan for*], **which must include a**  
15 minimum level of services and funding for low income migrant and seasonal  
16 [*farmworkers*] **agricultural workers** from the antipoverty programs admin-  
17 istered by the agency.

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

21 **“SECTION 4.** ORS 458.650 is amended to read:

22 “458.650. [(1) *The Emergency Housing Account shall be administered by*  
23 *The Housing and Community Services Department to assist homeless persons*  
24 *and those persons who are at risk of becoming homeless. An amount equal to*  
25 *25 percent of moneys deposited in the account pursuant to ORS 294.187 is*  
26 *dedicated for expenditure for assistance to veterans who are homeless or at risk*  
27 *of becoming homeless. For purposes of this section, ‘account’ means the Emer-*  
28 *gency Housing Account.]*

29 “[(2) *The Oregon Housing Stability Council, with the advice of the Com-*  
30 *munity Action Partnership of Oregon, shall develop policy for awarding grants*



1 to organizations that shall use the funds:]

2 “(1) The Housing and Community Services Department shall ad-  
3 minister the Emergency Housing Account to assist homeless individ-  
4 uals and individuals who are at risk of becoming homeless, through  
5 means including the emergency housing assistance program and the  
6 state homeless assistance program. Notwithstanding subsection (3)(a)  
7 of this section, the state homeless assistance program shall serve all  
8 individuals experiencing homelessness, especially unsheltered  
9 homelessness, without respect to income.

10 “(2) The Oregon Housing Stability Council shall develop a policy for  
11 awarding grants to organizations to use the program funds with the  
12 advice of:

13 “(a) Persons with lived experiences;

14 “(b) Tribes;

15 “(c) The Community Action Partnership of Oregon;

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

17 “(e) Local governments;

18 “(f) Nonprofit organizations;

19 “(g) Homeless services providers;

20 “(h) Culturally specific organizations;

21 “(i) Housing providers;

22 “(j) Veterans’ services organizations; and

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

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

26 “(a) To provide to low and very low income [*persons*] **individuals**, in-  
27 cluding but not limited to[, *persons*] **individuals** more than 65 years of age,  
28 persons with disabilities, [*farmworkers*] **agricultural workers** and Native  
29 Americans:

30 “(A) Emergency shelters and attendant services;

1 “(B) Transitional housing services designed to assist [*persons*] **individuals**  
2 to make the transition from homelessness to permanent housing and eco-  
3 nomic independence;

4 “(C) Supportive housing services to enable [*persons*] **individuals** to con-  
5 tinue living in their own homes or to provide in-home services for such  
6 [*persons*] **individuals** for whom suitable programs do not exist in their ge-  
7 ographic area;

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

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

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

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

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

21 “**(B)** **Is a culturally responsive organization or is engaged in a pro-**  
22 **cess to become a culturally responsive organization;**

23 “**(C)** **Engages with culturally specific organizations; and**

24 “**(D)** **Supports local homelessness system planning efforts.**

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

29 “(c) The council, by policy, shall [*give preference in granting funds to*  
30 *those organizations that receive grants from the Housing Development Grant*

1 *Program established under ORS 458.625*] review a framework for offering  
2 **funding for program moneys in this section, which shall include**  
3 **funding for grantees of the account in 2019 that meet stated**  
4 **outcomes.**

5 “[~~(4)~~] (5) The department may expend funds from the account for admin-  
6 istration of the account as provided for in the legislatively approved budget,  
7 as that term is defined in ORS 291.002, for the department **in support of**  
8 **directing a statewide policy on homelessness that ensures use of best**  
9 **practices, service equity in funding and local planning processes.**

10 “(6) Program funds must be allocated statewide to community  
11 action agency service regions in a manner proportionate to local  
12 needs. If more than one entity in a region receives resources, the de-  
13 partment shall identify a lead grantee to coordinate regional re-  
14 sources.

15 “(7) The department shall utilize outcome-oriented contracting  
16 processes and best practices for account program funds, including best  
17 practices for serving rural communities.

18 “(8)(a) Twenty-five percent of moneys deposited in the account  
19 pursuant to ORS 294.187 are dedicated to the emergency housing as-  
20 sistance program for assistance to veterans who are homeless or at  
21 risk of becoming homeless.

22 “(b) Twenty percent of the amount equal to the amount appropri-  
23 ated to the account by the Legislative Assembly for the biennium be-  
24 ginning July 1, 2021, plus 100 percent of any additional amount  
25 appropriated to the account above the amount that was appropriated  
26 during the biennium beginning July 1, 2021, may be used for local ini-  
27 tiatives, pilots or programs to address homelessness in a specific, tar-  
28 geted manner as determined by the council. Such programs may  
29 include direct funding to culturally specific organizations, meeting  
30 federal match requirements, focusing on youth or family homelessness

1 **or addressing racial disparities in homelessness.**

2 **“(9) As used in this section, ‘persons with lived experiences’ means**  
3 **individuals who are or who have recently been homeless in this state.**

4 **“SECTION 5.** ORS 456.561 is amended to read:

5 “456.561. (1) The Housing and Community Services Department may effect  
6 loans, grants and other funding awards to accomplish department housing  
7 programs, subject to any requirement under this section for review and ap-  
8 proval by the Oregon Housing Stability Council of proposals for loans,  
9 grants or other funding awards.

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

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

16 “(b) A housing grant or other housing funding award in excess of an ap-  
17 plicable threshold amount established by rule under ORS 456.555 [(10)] (11).

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

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

29 **“SECTION 6. The amendments to ORS 458.505 and 458.650 by**  
30 **sections 3 and 4 of this 2021 Act become operative on July 1, 2022.”.**

