

HB 2100-4
(LC 689)
4/9/21 (RLM/ps)

Requested by HOUSE COMMITTEE ON HOUSING (at the request of Reimagine Oregon Project,
Oregon Housing Alliance)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2100**

1 In line 2 of the printed bill, after “housing” insert “; creating new pro-
2 visions; amending ORS 409.750, 456.005, 456.555, 456.561, 458.505 and 458.650;
3 and declaring an emergency”.

4 Delete lines 4 through 7 and insert:

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**
8 **determined by the Housing and Community Services Department:**

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

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

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

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

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

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

1 “(a) Is adapted to maximize the respect of and relevance to the be-
2 liefs, practices, culture and linguistic needs of the diverse client pop-
3 ulations and communities being served, including clients and
4 communities of color.

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

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

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

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

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

20 “[(3)] (6) ‘Housing Authorities Law’ means ORS 456.055 to 456.235.

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

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

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

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

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

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

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

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

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

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

18 “[*(6) The Community Action Partnership of Oregon shall advise The*
19 *Housing and Community Services Department and the council on community*
20 *services programs as determined by the director and as set forth in ORS*
21 *458.505.*]

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

25 “**(a) Persons who have experienced housing instability;**

26 “**(b) Tribes;**

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

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

29 “**(e) Local governments;**

30 “**(f) Nonprofit organizations;**

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

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

9 **“(8) The department shall administer federal programs with advice**
10 **from the council. Federal funds for housing stabilization must, to the**
11 **extent consistent with federal law, be allocated statewide in a manner**
12 **proportionate to a needs-based and geographically based 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 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 **Oregon Housing Stability Council,**
23 **culturally specific organizations, the** Community Action Partnership of
24 Oregon **and service providers,** develop a collaborative role in advocating
25 for, and addressing the needs of, all low 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)*] (**c**) On a regular basis provide information to [*the Community Action*
3 *Partnership of Oregon*] **service providers** on the activities and expenditures
4 of the Housing and Community Services Department.

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

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

11 “[*(h)*] (**f**) [*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)*] (**g**) 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 409.750 is amended to read:

22 “409.750. The State of Oregon desires to assist and enable the poor to
23 achieve maximum feasible economic self-sufficiency. It shall be a state goal
24 to eliminate or alleviate the causes and conditions of poverty in Oregon. The
25 state shall assist **service providers, including community-based organ-**
26 **izations, culturally specific or culturally responsive organizations as**
27 **defined in ORS 456.005, nonprofits and** community action agencies to
28 stimulate a better focusing of all available local, state, federal and private
29 resources upon the goal.

30 **“SECTION 5.** ORS 458.650 is amended to read:

1 “458.650. [(1) *The Emergency Housing Account shall be administered by*
2 *The Housing and Community Services Department to assist homeless persons*
3 *and those persons who are at risk of becoming homeless. An amount equal to*
4 *25 percent of moneys deposited in the account pursuant to ORS 294.187 is*
5 *dedicated for expenditure for assistance to veterans who are homeless or at risk*
6 *of becoming homeless. For purposes of this section, ‘account’ means the Emer-*
7 *gency Housing Account.*]

8 “[(2) *The Oregon Housing Stability Council, with the advice of the Com-*
9 *munity Action Partnership of Oregon, shall develop policy for awarding grants*
10 *to organizations that shall use the funds:*]

11 “(1) **The Housing and Community Services Department shall ad-**
12 **minister the Emergency Housing Account to assist homeless individ-**
13 **uals and individuals who are at risk of becoming homeless, through**
14 **means including the emergency housing assistance program and the**
15 **state homeless assistance program. Notwithstanding subsection (3)(a)**
16 **of this section, the state homeless assistance program shall serve in-**
17 **dividuals experiencing homelessness, especially unsheltered**
18 **homelessness, without respect to income.**

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

21 “(a) **Persons who have experienced housing instability;**

22 “(b) **Tribes;**

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

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

25 “(e) **Local governments;**

26 “(f) **Nonprofit organizations;**

27 “(g) **Homeless services providers;**

28 “(h) **Culturally specific organizations;**

29 “(i) **Housing providers;**

30 “(j) **Veterans’ services organizations; and**

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

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

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

8 “(A) Emergency shelters and attendant services;

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

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

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

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

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

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

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

30 **“(B) Is a culturally responsive organization or is engaged in a pro-**

1 **cess to become a culturally responsive organization;**

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

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

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

8 “[*(c) The council, by policy, shall give preference in granting funds to those*
9 *organizations that receive grants from the Housing Development Grant Pro-*
10 *gram established under ORS 458.625.]*

11 “[~~(4)~~ **(5)** The department may expend funds from the account for admin-
12 istration of the account as provided for in the legislatively approved budget,
13 as that term is defined in ORS 291.002, for the department **in support of**
14 **directing a statewide policy on homelessness that ensures use of**
15 **evidence-based and emerging practices, service equity in funding and**
16 **local planning processes.**

17 **“(6) The department shall utilize outcome-oriented contracting**
18 **processes and evidence-based and emerging practices for account pro-**
19 **gram funds, including evidence-based and emerging practices for**
20 **servicing rural communities.**

21 **“(7) Twenty-five percent of moneys deposited in the account pur-**
22 **suant to ORS 294.187 are dedicated to the emergency housing assist-**
23 **ance program for assistance to veterans who are homeless or at risk**
24 **of becoming homeless.**

25 **“SECTION 6.** ORS 456.561 is amended to read:

26 “456.561. (1) The Housing and Community Services Department may effect
27 loans, grants and other funding awards to accomplish department housing
28 programs, subject to any requirement under this section for review and ap-
29 proval by the Oregon Housing Stability Council of proposals for loans,
30 grants or other funding awards.

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

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

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

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

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

20 **“SECTION 7. (1) The Task Force on Homelessness and Racial Dis-**
21 **parities is established.**

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

23 **“(a) The President of the Senate shall appoint two members from**
24 **among members of the Senate;**

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

27 **“(c) The Governor shall appoint one member from the Racial Jus-**
28 **tice Council;**

29 **“(d) The Director of the Housing and Community Services Depart-**
30 **ment shall appoint two members to represent the Housing and Com-**

1 **munity Services Department or Oregon Housing Stability Council; and**

2 **“(e) The President of the Senate and the Speaker of the House of**
3 **Representatives shall jointly appoint 12 members that represent or-**
4 **ganizations with diverse perspectives and experiences, including or-**
5 **ganizations that focus on street outreach and unsheltered**
6 **homelessness, shelter, rapid rehousing, homelessness prevention or**
7 **domestic and sexual violence, organizations that address the needs of**
8 **various people experiencing housing instability, including youth, chil-**
9 **dren and families, adults or seniors, and organizations representing**
10 **different communities and geographies across Oregon as follows:**

11 **“(A) Two members from local governments or representing the in-**
12 **terests of local governments;**

13 **“(B) Two members from community action agencies;**

14 **“(C) Two members from culturally specific organizations as defined**
15 **in ORS 456.005;**

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

17 **“(E) Two members from homeless service providers in rural areas;**
18 **and**

19 **“(F) Two members who have experienced housing instability.**

20 **“(3) The task force shall:**

21 **“(a) Identify and investigate methods by which the state may de-**
22 **crease rates of racial disparity among people experiencing**
23 **homelessness and receiving services.**

24 **“(b) Identify and investigate potential changes in this state’s fund-**
25 **ing structure to address racial disparities among people experiencing**
26 **homelessness and housing insecurity, including consideration of how**
27 **housing transition of services delivery could be implemented to avoid**
28 **service disruptions among people experiencing homelessness or hous-**
29 **ing insecurity.**

30 **“(c) Consider existing methods and recommend additional methods**

1 by which the Housing and Community Services Department and
2 Oregon Housing Stability Council may receive advice and information
3 about needed services for individuals experiencing homelessness and
4 housing insecurity.

5 “(d) Identify and investigate methods by which the Housing and
6 Community Services Department and Oregon Housing Stability Coun-
7 cil may modify contracting process and eligibility for providers of
8 services for individuals experiencing homelessness and housing inse-
9 curity.

10 “(e) Recommend solutions regarding the funding of services for in-
11 dividuals experiencing homelessness or housing insecurity, including
12 legislation or rulemaking and modifications to:

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

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

17 “(C) Methods for addressing racial disparities.

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

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

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

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

30 “(8) If there is a vacancy for any cause, the appointing authority

1 shall make an appointment to become immediately effective.

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

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

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

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

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

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

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

29 “SECTION 9. This 2021 Act being necessary for the immediate
30 preservation of the public peace, health and safety, an emergency is

1 **declared to exist, and this 2021 Act takes effect on its passage.”.**

2
