

Enrolled House Bill 3215

Sponsored by Representative MARSH; Representatives ANDERSEN, BOWMAN, DEXTER, FAHEY, GAMBA, GOMBERG, GRAYBER, HUDSON, KROPF, NATHANSON, NELSON, PHAM H, REYNOLDS, SOSA (at the request of Housing and Community Services Department)

CHAPTER

AN ACT

Relating to residential units destroyed by disasters; creating new provisions; amending ORS 456.559; repealing ORS 458.667; and declaring an emergency.

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

SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS chapter 458.

SECTION 2. (1) As used in this section:

(a) “Disaster” means a declared disaster or emergency, as defined in ORS 401.685, that resulted in the loss or damage of residential units.

(b) “Residential units” includes recreational vehicles, manufactured dwellings, prefabricated structures, small homes and dwelling units of any type.

(2) Notwithstanding ORS 456.559, the Housing and Community Services Department may:

(a) Provide loans, grants or other forms of assistance to repair, replace, rebuild or address the infrastructure needs for residential units damaged or destroyed during a disaster.

(b) Support residents of residential units that were damaged or destroyed during a disaster, including by providing rental assistance, down payment assistance, housing navigation assistance, intermediate housing and assistance relating to housing or recovery associated with housing loss.

(c) Support the acquisition of land or property for housing for communities impacted by disaster.

(3) The department may contract with entities to take action under this section, including directly entering into construction contracts with general contractors or others and administering loans or grants to construct or repair damaged or destroyed residential units.

SECTION 3. (1) The Disaster Housing Recovery Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Disaster Housing Recovery Fund shall be credited to the fund.

(2) The fund consists of moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise.

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department to carry out the purposes of section 2 of this 2023 Act.

SECTION 4. ORS 456.559 is amended to read:

456.559. (1) The Housing and Community Services Department shall:

(a) Maintain current housing data and information concerning available programs, status of funding, programs planned or undertaken which might conflict with, overlap, duplicate or supersede other planned or existing programs and call these to the attention of appropriate state agencies, governmental bodies and public or private housing sponsors.

(b) Maintain current data from local, state and federal sources concerning publicly supported housing as that term is defined in ORS 456.250, the status of existing affordability restrictions as that term is defined in ORS 456.250 and rental assistance contracts at publicly supported housing.

(c) Provide to appropriate state agencies, governmental bodies and public or private housing sponsors such advisory and educational services as will assist them in the development of housing plans and projects.

(d) Subject to the approval of the Oregon Housing Stability Council, make noninterest bearing advances, in accordance with ORS 456.710 and the policies of the department, to qualified nonprofit sponsors for development costs of housing projects until mortgage funds are released to repay the advances as provided in ORS 456.710.

(e) Advise and assist appropriate state agencies, governmental bodies and public or private housing sponsors, cities and counties, in all programs and activities which are designed or might tend to fulfill the purposes of ORS 456.548 to 456.725 and ORS chapter 458.

(f) Encourage and assist in the planning, development, construction, rehabilitation and conservation of dwelling units for persons and families of lower income.

(g) Be the central state department to apply for, receive and distribute, on behalf of appropriate state agencies, governmental bodies and public or private housing sponsors in the state, grants, gifts, contributions, loans, credits or assistance from the federal government or any other source for housing programs except when the donor, grantor, or lender of such funds specifically directs some other agency to administer them. Moneys received under this section shall be deposited with the State Treasurer in an account separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

(h) For the purposes of acquiring moneys, credits or other assistance from any agency or instrumentality of the United States or from any public corporation chartered by the United States, comply with any applicable agreements or restrictions for the receipt of such assistance and become a member of any such association or public corporation chartered by the United States.

(i) Assist individuals, appropriate state agencies, governmental bodies and public or private housing sponsors through a program which provides housing information, planning, educational services and technical assistance.

(j) Comply with the requirements of ORS 443.225 in assisting in the development of any housing for residential care, training or treatment for persons with intellectual or developmental disabilities or mental or emotional disturbances.

(2) Except as otherwise provided in ORS 456.255 to 456.265, 456.625 (7) [and], 458.480 to 458.490 **and section 2 (3) of this 2023 Act**, the department may not itself develop, construct, rehabilitate or conserve housing units; and neither the department nor any housing sponsor, including but not limited to any association, corporation, cooperative housing authority or urban renewal agency organized to provide housing and other facilities under ORS 456.548 to 456.725, may own, acquire, construct, purchase, lease, operate or maintain utility facilities, including facilities for the generation of electricity, for the distribution of gas and electricity, and for the conveyance of telephone and telegraph messages.

(3) In accordance with the provisions of this section and with the advice of the council, the department shall establish statewide priorities for housing programs. State agencies shall coordinate their housing programs with the department. All state agencies intending to apply for federal funds for use in planning, developing or managing housing, or rendering assistance to governmental bodies or sponsors or individuals involved therein shall submit a description of the proposed activity to the department for review not less than 30 days prior to the intended date of submission of the application to the federal agency. The department shall determine whether the proposal would result in a program that would overlap, duplicate or conflict with any other housing program in the state. If

the department finds overlapping or duplication or conflict, it shall recommend modifications in the application. The Oregon Department of Administrative Services shall consider these recommendations in making its decision to approve or disapprove the application. The department shall complete its review and forward its recommendations within 15 working days after receipt of the notification. Failure of the department to complete the review within that time shall constitute approval of the application by the department.

(4) The Director of the Housing and Community Services Department may participate in discussions and deliberations of the council. The director may suggest policies and rules to the council, including those necessary to stimulate and increase the supply of housing for persons and families of lower income.

SECTION 5. The Legislative Assembly finds that:

(1) ORS 458.620 (1)(f) (2019 Edition) and 458.667 (2019 Edition) established and regulated the use of the Wildfire Damage Housing Relief Account within the Oregon Housing Fund.

(2) The Wildfire Damage Housing Relief Account was abolished by section 38, chapter 10, Oregon Laws 2020 (second special session), the amendments to ORS 458.620 by section 39, chapter 10, Oregon Laws 2020 (second special session), and the repeal of ORS 458.667 by section 40, chapter 10, Oregon Laws 2020 (second special session).

(3) On September 20, 2020, the Governor purported to veto sections 38 to 40, chapter 10, Oregon Laws 2020 (second special session), citing the single-item veto exception allowed for appropriation bills under Article V, section 15a, of the Oregon Constitution.

(4) Oregon courts have not interpreted the term “appropriation bills” for purposes of Article V, section 15a, of the Oregon Constitution.

(5) There may exist a legal dispute as to whether the Wildfire Damage Housing Relief Account was abolished by sections 38 to 40, chapter 10, Oregon Laws 2020 (second special session), considering the Governor’s purported single-item veto.

(6) The repeal of ORS 458.667 by section 6 of this 2023 Act is intended to confirm that, regardless of the effect of the Governor’s purported single-item veto, the Wildfire Damage Housing Relief Account is abolished and ORS 458.667 is repealed. Any moneys remaining in the account on the effective date of this 2023 Act shall be transferred to the General Fund for general governmental purposes.

SECTION 6. ORS 458.667 is repealed.

SECTION 7. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House June 14, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State