

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 8/4/2020 **Approx. Start Time:** 1:30PM **Approx. Length:** 1hour

Presentation Title: Renewal of Emergency Declaration to Address Housing Crisis

Department: Health, Housing & Human Services

Presenters: Richard Swift, H3S Director, Vahid Brown, Housing Policy Coordinator

Other Invitees: Dan Johnson, Director of DTD
Cheryl Bell, DTD Assistant Director
Jennifer Hughes, DTD Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Consider renewal of Declaration of Emergency related to Housing and Homelessness

EXECUTIVE SUMMARY:

On August 1, 2019, the Board of County Commissioners renewed a declaration of a local state of emergency, declaring emergency measures to address the housing crisis (Resolution 2019-80). In that resolution, the Board recognized that “the increasing numbers of county residents, including families and children that are considered homeless, the need for safe, warm, and habitable shelter for the homeless population, and the recognized lack of adequate temporary or emergency shelters for the county’s homeless population, does indeed constitute an emergency.” This renewed a similar declaration of emergency first made by the Board in November of 2017.

Related to this emergency, the Board’s resolution identified the following measures as potentially necessary or becoming necessary for public safety, or for the efficient conduct of activities to minimize or mitigate the effects of the emergency:

- Commit to mutual aid agreements;
- Suspend standard competitive bidding procedures to obtain necessary goods, services and/or equipment, utilizing the procedures in the Clackamas County Local Contract Review Board rules;
- Redirect funds for emergency use;
- Order such other measures as are found to be immediately necessary for the protection of life and/or property;
- Authorize County staff to explore the acquisition, temporarily or permanently, by purchase, lease, or otherwise, sites suitable for shelter, temporary housing, or installation of temporary housing units for the homeless population, and to enter into arrangements necessary to prepare or equip such sites to support and utilize those housing units; and
- Waive Clackamas County Code regulations, administrative rules, and fees to the extent necessary and possible to respond to the housing emergency

Some of these measures have been utilized in the course of the County’s response to this emergency. Instances of the utilization of the emergency resolution are:

- During the 2017-2018 winter, the emergency declaration gave H3S the flexibility to work with faith community partners to quickly expand warming shelter capacity by 400%.
- For the winter season of 2019-2020, waivers were granted by the Board Chair and County Administrator to churches seeking to be emergency severe weather shelters in lieu of the churches having to go through a modification of their conditional use permits
- In the same winter season, only two shelter sites responded to the County's Notice of Funding Opportunity for warming shelters, leaving the County with far too few warming beds for people experiencing homelessness. H3S staff quickly moved to establish an alternative path for warming shelter sites involving a simply site use agreement and the commitment that H3S would provide the sites with contracted staff. Recognizing the need to contract a homeless services staffing agency on a short timeline, the Board Chair and County Administrator approved the suspension of standard competitive bidding procedures, which allowed H3S to contract directly with a staffing agency (Do Good Multnomah) and immediately expand the County's warming shelter capacity to meet the increased need.
- In February 2019 a parking requirement was waived under the emergency declaration for a multifamily affordable housing project near the Fuller Road light rail station.
- The emergency declaration was relied upon in December 2019 to waive some conditions of approval for new sleeping pods at the Clackamas County Veterans' Village.

The emergency declaration has given H3S the flexibility to respond quickly to emergent needs and to utilize community resources in a timely fashion. The conditions that led to the original emergency declaration still persist. We continue to see increases in housing insecurity and homelessness. There is still no permanent adult emergency shelter for people experiencing homelessness in Clackamas County. Deteriorating economic conditions will likely exacerbate housing insecurity and lead to more people experiencing homelessness, and the extent of these impacts are impossible to predict.

New resources have come to the County to address the housing crisis, but those investments will take time to produce housing units and connect services to people experiencing homelessness. The Housing Authority is well underway on development plans using the Metro Affordable Housing Bond, though the first units from that bond will not be leasing up for approximately two more years.

The Supportive Housing Services measure (Metro measure 26-210) will not begin generating revenue until the beginning of second quarter of 2021. In addition, the Board's Affordable Housing and Services Fund is already committed to existing and ongoing contracts. Despite these resources, demand continues to significantly outpace existing capacity in every part of our homeless services system, from domestic violence and family shelter to permanent supportive housing.

The County has relied on the emergency declaration primarily with respect to emergency warming shelter needs. The COVID-19 Pandemic creates new challenges to providing warming shelter, as it is not possible to utilize congregate shelters as we have in the past. In preliminary outreach for the upcoming winter, partners who have previously provided warming shelter space are expressing concerns about their ability or willingness to partner this winter in light of pandemic-related safety concerns. The Emergency Operations Center (EOC) is applying for FEMA reimbursement funds that would be necessary to provide an adequate number of motel rooms for people experiencing homelessness this winter. If the FEMA funding application fails the County will need to pursue alternative and creative ways to help unsheltered people avoid life threatening outdoor temperatures, potentially in ways not envisioned in land use and zoning ordinances. If the application is successful, it will provide shelter to a limited subset of people experiencing homelessness for whom preventative measures are permitted – people who are aged 65 or older or who have significant underlying health conditions. The emergency declaration has afforded the County flexibility that has proven critical to its ability to respond quickly to unforeseen circumstances related to emergency sheltering.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$0

What is the funding source? N/A

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department’s Strategic Business Plan goals?
Individuals and families in need are healthy and safe
Improved community safety and health
Efficient and effective services
- How does this item align with the County’s Performance Clackamas goals?
Ensure safe, healthy and secure communities

LEGAL/POLICY REQUIREMENTS: As described in the Resolution.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Health, Housing and Human Services
Department of Transportation and Development

OPTIONS:

1. Renew declaration of state of emergency and emergency measures to address the housing crisis for an additional year.
2. Do not renew declaration of state of emergency.

RECOMMENDATION:

Staff recommend option 1, Renew declaration of state of emergency and emergency measures to address the housing crisis for an additional year.

ATTACHMENTS:

Resolution No. 2019-80

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact _____ @ 503-_____

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Declaring a Local
State of Emergency an
Declaring Emergency Measures
To Address Housing Crisis



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WHEREAS, ORS 401.305 provides authority for Clackamas County to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, Clackamas County has enacted a local ordinance (County Code Chapter 6.03) pursuant to the authority granted by ORS Chapter 401, that provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the County Chair, Vice-Chair (if Chair is unavailable), Remaining Board Member (if Vice-Chair is unavailable) and County Administrator or designee (if Remaining Board Member is unavailable); and

WHEREAS, both state law and the County Code define emergency as a man-made or natural event or circumstance causing or threatening loss of life, injury to persons, the environment or property; human suffering or financial loss to the extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, although not specifically articulated as qualifying as an emergency or disaster, the increasing numbers of county residents, including families and children that are considered homeless, the need for safe, warm and habitable shelter for the homeless population, and the recognized lack of adequate temporary or emergency shelters for the county's homeless population, does indeed constitute an emergency; and

WHEREAS, the following conditions have resulted in the need for a state of emergency for unincorporated Clackamas:

National, state, and local economic and demographic factors contributing to an ever increasing population of individuals and families without adequate, safe, secure, suitable, and healthy shelter; shortage of shelters to safely and securely house those individuals and families lacking such facilities.

WHEREAS, the following damage to life and property can be expected from the above conditions:

Individuals and families without adequate, safe, secure, suitable and healthy shelter face exposure to the elements and potential for loss of property and life.

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WHEREAS, the entire County is in a state of emergency and if not the entire County, an emergency is declared for the following area(s):

All unincorporated areas of Clackamas County.

WHEREAS, County Code Chapter 6.03 and ORS 401.309 authorizes certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency; and

WHEREAS, on August 2, 2018, the Board of Commissioners approved a Resolution declaring a housing state of emergency and such declared emergency was for a period of one year and has expired by its terms.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Jim Bernard (Chair/Vice-Chair/Remaining Board Member/County Administrator or designee), formally declares a state of emergency for Clackamas County, effective on this 1st day of AUGUST, 2019 at 10:45, a.m. for the area described above.

2. As practically as possible, the Board of Commissioners will be involved and informed of decisions and actions prior to enactment, and

3. Emergency procurements of goods or services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), ORS 279C.380(4), and Local Contract Review Board Rules C-047-0280 and C-049-0150.

IT IS FURTHER RESOLVED THAT:

4. The following measures are necessary, or may become necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency (indicate selected measures):

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_____ A. Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may be upon the public streets or other public places;

_____ B. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area;

_____ C. Barricade streets and roads, as well as access points onto streets and roads. In addition, prohibit vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.

_____ D. Evacuate persons from the area designated as an emergency area;

_____ E. Close taverns or bars and prohibit the sale of alcoholic beverage throughout Clackamas County or a portion thereof;

X _____ F. Commit to mutual aid agreements;

X _____ G. Suspend standard competitive bidding procedures to obtain necessary goods, services and/or equipment, utilizing the procedures in the Clackamas County Local Contract Review Board rules;

X _____ H. Redirect funds for emergency use;

X _____ I. Order such other measures as are found to be immediately necessary for the protection of life and/or property;

X _____ J. Authorize County staff to explore the acquisition, temporarily or permanently, by purchase, lease, or otherwise, sites suitable for shelter, temporary housing, or installation of temporary housing units for the homeless population, and to enter into arrangements necessary to prepare or equip such sites to support and utilize those housing units; and

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X K. Waive Clackamas County Code regulations, administrative rules, and fees to the extent necessary and possible to respond to the housing emergency;

5. All actions taken pursuant to this declaration must first be approved by the Chair of the Board of County Commissioners and the Clackamas County Administrator.

6. This declaration of emergency shall expire on August 1, 2020.

DATED this 1st day of August, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair/Vice-Chair/Remaining Board Member/County Administrator or designee

Recording Secretary