

## **RESOLUTION NO. 3311**

### **A RESOLUTION OUTLINING THE CITY'S INTENT TO PROVIDE SUPPORT TO PEOPLE WHO ARE UNHOUSED AND SHELTERING ON CITY RIGHTS-OF-WAY AND OTHER CITY PROPERTY**

#### Findings:

- A. The City Council of Bend finds that every person in Bend is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused.
- B. The City is the road authority for the City of Bend and the City Council has adopted a code to clarify when, where, and how camping (sheltering for survival by people with no other shelter or housing options), is allowed on City streets (the "Camping Code"). The City recognizes that people sheltering on City streets are often not doing so by free choice, but as a last resort, and that an enforcement-only approach will not assist people find stability and exit homelessness to more secure housing.
- C. Although recent one-time funds have been made available, the City generally does not receive significant or ongoing funding from the state or federal government to provide housing, mental health, physical health, or other wraparound services to persons experiencing homelessness. Instead, Deschutes County is the conduit for various funds and staffing resources in Oregon to serve these populations. The City therefore believes that a region-wide approach is the starting point to responding to the homelessness crisis and that all regional stakeholders—city, county and federal governments and special districts, nonprofit service providers, volunteers, community members and for-profit sectors—must be involved in the formation of a regional response.
- D. To this end, the City of Bend, along with Deschutes County, the cities of La Pine, Redmond, and Sisters, worked to secure \$1 million in state funding under HB 4123 to create and operationalize a County-Cities Coordinated Houseless Response Office Pilot (CHRO). In Spring of 2021, the City created a City of Bend and Deschutes County Emergency Homelessness Task Force to bring houselessness experts together on collaborative opportunities. The end result of that work was a draft Strategic Plan aimed at eliminating houselessness and a better system through the CHRO.
- E. The draft Strategic Plan to Prevent and End Houselessness in Deschutes County is based on facts and informed by the experiences of dozens of entities serving the houseless. It considers what is working elsewhere and embraces creative problem-solving to address this crisis. It is a working document and will give the CHRO a kickstart to fulfill the HB 4123 requirement to develop a Strategic Plan within one year of award.
- F. In recognition of the impacts the COVID-19 pandemic had on people on the margins, and the increased instability resulting from the disruptions and public health

crisis of COVID-19, the City used American Rescue Plan (ARPA) funds to purchase a building on NE 2nd Street, and contract with a non-profit to open the City's first year-round overnight emergency shelter. With additional state funding, the shelter transitioned to a Navigation Center which is a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing, and public benefits. The City has also purchased two motels. One motel is a Project Turnkey property which is being renovated for use as a permanent emergency shelter. The second motel will be used for emergency shelter for the next three years. In addition, the City provides resources and referrals to service providers helping residents maintain housing and addressing houselessness in the community. The City also provided maps and information about where people could find restrooms, washing stations, and other services to support public health.

G. The City believes that part of its role as a government entity is to provide opportunities for non-profits, religious organizations, and other entities to provide both physical space and operators to house people living on the streets, to facilitate the transition to more permanent housing. Under HB 4212 and HB 2006, the City is required to approve siting of emergency shelters in Bend that comply with state law about emergency shelter siting. Four such shelters have been approved in Bend through this statewide authorization, which currently expires in July of 2023. In April of 2021, the City Council approved a Safe Parking Program that allows property owners to provide limited overnight parking, camping, and access to sanitation facilities as emergency, temporary, or transitional shelter options for people experiencing houselessness.

H. The City also amended its development code, replacing existing use of "Temporary Housing" with three permanent shelter types (Group, Multi-Room and Outdoor), and Temporary Shelters, after an extensive public involvement process to update and clarify development requirements for shelters. Temporary Shelters may now be opened without an advance City permit, and without the need for an emergency declaration, for up to 180 days, by any entity with a facility that meets the requirements of the code. The intent is to make it easier for entities and operators to provide emergency shelter to respond to weather events, like extreme heat or winter cold. The City is preparing a manual to help organizations understand how to comply with the City code in opening a Temporary Shelter. Additionally, the City continues to seek out operators and locations for Outdoor Shelters and Safe Parking.

I. Although the City does not manage housing or shelter facilities or provide social services, the City does support nonprofit services with funding when it is available. City funding, including its Affordable Housing Fee and Community Development Block Grant (CDBG) program, supports operations and other needs for service, shelter, and housing providers. The City has used funds for supporting local shelters and mobile outreach to help those living in unsanctioned camps to help people transition out of houselessness.

J. The City recognizes that shelters and a Camping Code are not solutions to houselessness. The City is working to increase affordable housing supply as an ongoing strategy to address the symptoms of houselessness. The City:

1. Partners with developers of affordable housing and can make code changes and policy that impact the cost of housing.
2. Since 2006, has generated approximately \$7 million from the City's Affordable Housing Fee of 1/3 of 1% of the valuation of building permits, loaning out over \$14 million, leveraging over \$77.6 million in State and Federal funding and \$28.4 million in private equity, to fund 770 units.
3. Since 2004, has leveraged more than \$6,111,257 in Community Development Block Grant (CDBG) funds against private and public funding to secure another \$21,056,064 in funding for housing acquisition, rehabilitation and preservation, and down payments.
4. Approved \$1.3 million in February of 2021 for three affordable housing developments, including two multi-family developments and one temporary shelter for Veterans, creating more than 400 units of affordable housing for low-income families, senior citizens, and veterans.
5. Acquired land in 2020 which will lead to more than 60 affordable housing units, as the latest effort in the City's years-long commitment to making land available for affordable housing.
6. Is reducing barriers for development of "middle housing" and supported House Bill 2001 which would allow duplexes, triplexes, quadplexes, cottage clusters, and townhomes in more areas.
7. Created a new Construction Tax to help fund programs for housing and services for low-income community members.

K. Is working on legislative pilot programs (HB 4079 and HB 3318) which aim to expand the City's growth boundary to accommodate more housing and affordable housing. Even with these efforts, energy and financial commitments, the City of Bend, like many other areas, still has a shortage of affordable housing units and shelter beds to meet all the needs of our population. The City lacks the funds, land, shelter space, housing units, and substance abuse and psychiatric expertise necessary to house or shelter the City's unsheltered population.

L. Given this regional focus on increasing collaboration, services, shelter, and housing units to serve people experiencing houselessness in Bend, the City Council reaffirms its commitment to focus on steps that will increase safety, not criminalize poverty and houselessness.

M. The Mayor of Bend, Gena Goodman-Campbell, participated in a taskforce of the Oregon Mayor's Association (OMA) from May 2022 to October 2022, to develop a response to homelessness that would help all communities statewide, regardless of size or locations, to address the issue. The OMA Homelessness Taskforce's plan to humanely and timely address the homelessness crisis in Oregon is a partnership between the State of Oregon and its 241 cities. This partnership will allow for the

establishment and expansion of local, community-based responses that provide immediate shelter, needed services, and secure safety for unhoused Oregonians. During the 2023 Legislative session, the OMA plans to advance two budget proposals: (1) A budget package which provides direct allocation to cities for homelessness response and prevention services; and (2) A budget package that provides capital improvement funding for cities. OMA's proposal states that every city should receive funding equal to \$40 per resident, with a \$50,000 minimum, and requires that funds be used for homelessness response and prevention services. Under the requested allocation, Bend would receive \$4,036,880 for response and prevention services. The OMA proposal also requests \$12,200,000 in capital funding for Bend to use for construction, acquisition, and remodeling of facilities such as traditional congregate shelters, hotels, navigation centers, and other shelter types.

N. The intent of the City Council is to regulate camping in public right-of-way and on City property only in the context of the work that has been done by the City, and will continue to occur at the City and regional level, and the City remains committed to a comprehensive homelessness policy. It is the intent of the City to focus on public health and safety, including for the people who are taking shelter on the City's rights-of-way. The City Council is fully aware that the Camping Code is only one aspect of an overall strategy for addressing the homelessness crisis; the Camping Code is not intended to resolve homelessness or prevent sleeping or staying warm and dry outdoors on public property when a person has no other option.

Based on these findings,

#### THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The City will continue to identify resources and/or City-owned property that may be available, and either directly open and operate or put out a request for proposals for service provider(s) to run one or more locations for people experiencing homelessness to store personal property.
2. The City's first response to people sheltering for survival on City rights-of-way and property will be to work with CHRO and other service providers to primarily connect people to services and resources, before taking an enforcement approach, except when enforcement officials need to take action on code violations other than violations of the Camping Code or enforce the criminal laws of the state, or in cases of exceptional emergency, such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.
3. The City remains committed to supporting and continuing partnerships to provide additional resources for shelters, permanent supportive housing, and affordable housing. City Council directs City staff to work with Deschutes County and the CHRO to jointly clarify roles and responsibilities to address the immediate and longer-term needs of people in Bend who are experiencing homelessness and engage in collaborative work with regional partners to secure additional funding for services and that those services reach those people in the greatest need.

4. The City Council supports the plan proposed by the OMA Taskforce on Homelessness, and the request for additional funds from the State. The City's existing resources and staffing alone are inadequate to address the crisis and provide the services, shelter, and housing needed to support people moving out of houselessness.

5. The City remains committed to resolving camping and survival sheltering in public places by connecting people to services, shelter, and housing through building and strengthening connections and capacity with service providers – including with the CHRO. These services should be provided by trained service providers, who are not enforcement personnel, connecting people with the Coordinated Entry system, while understanding more shelter beds, housing units, and trauma-informed treatment and supportive service options are needed. The City is committed to building and developing these resources and solutions, through connections and partnerships with other agencies and service providers.

6. The City is committed to identifying additional Safe Parking and Outdoor Shelter locations, where people can shelter safely, with access to sanitation services, food, and case management and other service connections, through partnerships with other agencies and landowners. The City has designated funding for additional Outdoor Shelter locations, and continues to seek funding and operators for more. The City will continue to work to identify publicly or privately owned land and service providers to open and operate Outdoor Shelters and Safe Parking locations.

7. The City will continue to partner with other local agencies to provide maps and information about where people can find restrooms, washing stations, and other services to support public health, and, in coordination with the CHRO and other service providers, will work to identify gaps in these resources. The City Council intends to hold a Work Session during the first quarter of 2023 to summarize gaps in services and a recommended framework for City involvement in addressing those gaps, including a timeline for implementation.

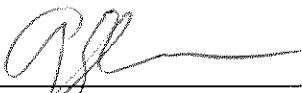
8. The City has received \$400,000 from the State of Oregon for trash and sanitation services, and will use those funds to provide trash pick-up, facilitate voluntary trash collection and mitigation, and sanitation services to serve people experiencing houselessness. The City is committed to partnering with the CHRO to identify additional resources and/or locations in the right-of-way where additional services may be provided for sanitation and public health.

9. The City Manager is directed to repeal the Right-of-Way Administrative Policy ADM 2021-1 when the Camping Code adopted into Title 4 of the Bend Municipal Code goes into effect, and to implement this Resolution and the Camping Code through a comprehensive administrative policy that will be focused on facilitating services to people who are sheltering on City streets, connecting people to services that will help them exit homelessness or find greater stability, and ensuring humane treatment for enforcement of the Camping Code and removal of homeless individuals from camping sites as required by ORS 195.500. The City Manager will share this policy with Council for review and comment prior to the conclusion of the first quarter of 2023.

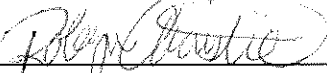
Adopted by the Bend City Council on November 16, 2022.

YES: Mayor Gena Goodman-Campbell  
Councilor Anthony Broadman  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Megan Perkins  
Councilor Stephen Sehgal  
Councilor Mo Mitchell

NO: none

  
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Gena Goodman-Campbell, Mayor

ATTEST:

  
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Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
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Mary A. Winters, City Attorney