

LOW OFFICER BY  
PUBLIC COMMENT  
JUNE 11

United States Senate 2019  
WASHINGTON, DC 20510  
October 29, 2018

The Honorable Ryan Zinke  
Secretary of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Zinke:

We are writing to express our concerns about the pace and process for recruiting and appointing members to the Bureau of Land Management's (BLM) Resource Advisory Committees (RACs). As you are well aware, RACs are comprised of 10 to 15 members with diverse backgrounds and interests who work collaboratively to support and advise the BLM in its public land management responsibilities. These volunteers represent a variety of interests, including ranching, recreation, industry, environmental, local elected officeholders, state natural resource agencies and Native American tribes.

The process of recruiting, nominating and appointing RAC volunteers is critical to ensuring thoughtful, well-rounded and robust public engagement and input. Members devote many hours to studying issues, traveling to meetings and engaging with others in the best interests of our public lands. Recently, it has come to our attention that RAC appointments have slowed to an unprecedented pace, and well-qualified, well-regarded and widely-supported applicants have not been appointed or reappointed to several RACs in Oregon.

Quite recently, the BLM sent out a news release announcing a public call for nominations for three Oregon RACs, as well as the Steens Mountain Advisory Council. According to the agency director, there are six open positions on the RACs, and five open positions on the Steens council. Despite the advertised need for qualified volunteers, we have heard from a number of applicants – several of whom have served in the recent past – that they were not reappointed, and that they were offered no reason for being denied from either the BLM or the Department of Interior.

This failure to reappoint and lack of explanation is a significant concern because it creates gaps in these volunteer groups' ability to properly advise the government. For instance, the John-Day Snake River RAC has two open positions in "Category two" for representatives of environmental, archeological and historical, dispersed recreation or wild horse and burro organizations, but denied without explanation a re-application from a respected and longtime RAC volunteer representing an environmental nonprofit. The Steens Mountain Advisory Council's situation is more dire. The committee, with five open seats, lacks a quorum and cannot meet to fulfill its duties under the Steens Mountain Cooperative Management and Protection Act of 2000. Despite the high number of vacancies, three individuals reported their applications were denied.

Given these current vacancies, the failure to reappoint volunteers and BLM's need to engage the public in management of the public lands, we are requesting information concerning the RAC member nomination and appointment process and the rationale for the failure to re-appoint the RAC members mentioned above. Specifically, we are requesting information on nominations approved at the BLM State Director level for the years 2017-2018 that were denied at the Washington office for the BLM and the rationale for those denials.

We will look forward to a full and considered response to this request within 30 days.

Sincerely,



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Ron Wyden  
United States Senator



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Jeffrey A. Merkley  
United States Senator





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## LOCAL PROCLAMATION OF EMERGENCY

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**WHEREAS**, despite this region's prosperity, homelessness in King County is in a state of crisis. In 2015 alone, nearly 10,000 people are experiencing homelessness on any given day, up from about 8,000 people in 2005. Nearly 40 percent (3,772) of these homeless persons are unsheltered. On average, people are homeless for more than 100 days, and they return to homelessness after being housed about 15 percent of the time; and

**WHEREAS**, racial disparities among the population of homeless persons are stark, with Native Americans seven times more likely, and African Americans five times more likely, to experience homelessness than whites; and

**WHEREAS**, in King County:

- 3,772 were sleeping outside in the elements during our annual January census, the One Night Count;
- 14,042 shelter beds and temporary permanent housing units now put a roof over heads each night;
- 2,919 people per month, including 500 children per month, are now reported by the Washington State Department of Social and Health Services to become newly homeless in King County; and
- 1,440 children are currently homeless, including 940 children under 10 years old; and

**WHEREAS**, as we approach winter, those without homes are challenged even further to survive; and

**WHEREAS**, regional and national issues of housing affordability, income inequality, a diminishing state and federal safety net, and population growth have vastly exacerbated the problem. A recent national study showed that, in urban areas like Seattle, every \$100 a month increase in average rents raises the homeless population by 15 percent, and by 39 percent in suburban and rural areas. With rents skyrocketing locally in recent years, every year in King County about 35,000 people are estimated to become newly homeless; and

**WHEREAS**, King County and cities throughout the county have stepped up to provide shelter and support for people in crisis; and

**WHEREAS**, despite efforts to provide relief for persons who are homeless, and with our public and private partners jointly developing and endorsing a new four-year homelessness strategic plan for the county, called All Home, the problem persists. We have even more people on the streets than 10 years ago; and

**WHEREAS**, the experience of homelessness is traumatic and makes a person's other problems – like mental illness or substance abuse – worse; and

**WHEREAS**, the severity and magnitude of this emergency is beyond the response capability of local resources; and

**WHEREAS**, there is an emergency present that demands immediate preservation of public health, and extraordinary measures are required to protect the public peace, as well as the safety and welfare of individuals.

**NOW THEREFORE**, I, Dow Constantine, Executive of King County, do hereby proclaim:

**SECTION 1**

That it is hereby declared that there is an emergency due to homelessness affecting King County.

**SECTION 2**

King County will continue to work with all of the cities within King County on plans to address homelessness.

*King County* will take actions that support, and are within the framework, of the All Home Strategic Plan and its goals of making homelessness rare, and if it occurs, brief, and one-time only; reducing racial disparities; and engaging the full community in ending homelessness. King County's immediate actions will include:

- Securing at least 50 additional shelter beds in Seattle;
- Providing 20 new housing vouchers for those exiting Drug Court;
- Increasing incentives for landlords to rent to veterans;
- Acquiring mobile medical van for use with the City's multi-disciplinary outreach team;
- Increasing mental health services for youth and young adults;
- Increasing support for the Law Enforcement Assisted Diversion (LEAD) program;
- Adding capacity for evaluation, treatment and detoxification facilities in Seattle and South King County; and
- Evaluating publicly-owned land and buildings for use as alternative housing, such as tiny homes.

The Local Proclamation of Emergency includes these requests of the governments of Washington State and the United States:

*Washington State*

- Undertake those steps and issue those orders that the Governor deems necessary to assist the City of Seattle, King County and cities within, in combating this civil emergency;
- Allocate additional resources for mental health and substance use disorder treatment;
- Set Medicaid rates for inpatient treatment at an amount that is sufficient to provide effective treatment;
- Identify State-owned property to host authorized encampments, vehicle parking, emergency shelter, and housing;
- Allocate intervention and other resources to address the public health and safety crisis associated with unauthorized encampments on State property along I-5, I-90, and SR-99, including implementing physical changes to those areas to minimize ongoing and long-term public health and safety risks;
- Increase the amount and expand allowable support services in the Consolidated Homeless Grant (CHG), including Housing and Essential Needs Program and stabilize funding for CHG;
- Restore the Housing Trust Fund (HTF) to pre-recession levels; and
- Authorize additional financing tools to expand affordable housing and ensure affordability and protections for tenants.



*United States*

- Increase funding for affordable housing, including capital and operating funding for permanent housing for the homeless and our most vulnerable extremely low-income residents, rental assistance and voucher programs;
- Increase funding for the interrelated system of homeless support services for all populations and address the funding gap created by the shift in priorities of McKinney funding toward housing and housing related services, including funding for mental and behavioral health, chemical dependency, employment and family support services in the HHS and DOL budgets;
- Extend the terms of the existing Moving to Work Program, which provides flexibility for the Seattle Housing Authority and the King County Housing Authority to design local services for housing and employment support for low-income families;
- Eliminate the Institutions for Mental Disease regulation limiting Medicaid reimbursement to facilities with more than 16 beds;
- Update 42 CFR Part 2 – Confidentiality of Alcohol and Drug Abuse Records to mirror HIPAA regulations and support care coordination and primary care integration;
- Approve Washington’s Medicaid Transformation Waiver request, which includes creating a supportive housing benefit that would allow the use of Medicaid funds to pay for support services delivered in permanent supportive housing; and
- Reengage with 10 cities, including Seattle, to implement the requests they submitted for waivers and regulatory flexibility under the 2012 “Dedicating Opportunities to End Homelessness” initiative, which was launched by the Dept. of Housing and Urban Development and the U.S. Interagency Council on Homelessness.

**DATED this 2nd day of November, 2015**



**Dow Constantine**  
**King County Executive**

## ORDINANCE No.

Extend state of housing emergency, operationalize efficiencies, and identify Council powers, specify a twenty-four-month duration, and waive portions of the Portland Zoning Code (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

1. The State of Emergency Declarations by Council have allowed for the siting of day storage units and an expedited design review process for affordable housing. These actions have provided significant efficiencies and improvements to accelerate affordable housing development and to provide service locations to people experiencing homelessness.
2. Before the State of Housing and Emergency terminates, these system improvements should be put into operation as the normal course of business of the City.
3. On October 7, 2015, the Council, through Ordinance 187371, declared a housing emergency for a period of one year.
4. On September 7, 2016, the Council, through Ordinance 187973, extended the housing emergency declared in 2015 for one year.
5. On October 4, 2017, the Council, through Ordinance 188627, further extended the housing emergency for an eighteen-month duration.
6. Since the initial declaration, the City continues to take significant measures to alleviate the emergency housing needs of people experiencing homelessness or at risk of homelessness or displacement. Some of the measures are based on directives set forth in the previous ordinances while others are part of larger local/regional/statewide efforts to add to the supply of affordable units and to enhance local tenant protection policies.
7. Ordinance 187371 directed that up to two-day storage units at various locations be set up to address basic humanitarian needs of people experiencing homelessness. Currently, the City operates two such storage units that provide users secure, dry storage facilities for personal belongings during daytime hours. The storage facilities also include portable toilets and sharp containers that allow for safe disposal of biohazardous used needles.



8. During the present state of emergency under PCC 15.040.040, the Council has had the ability to provide temporary housing and temporary permits for shelter and related services for those experiencing homelessness. Continuation of the state of emergency would allow the City to continue this work.
9. To accelerate the production of regulated affordable units during the state of housing emergency, Ordinance 187616 authorized city subsidized housing projects to utilize a Type IIx land use review if in fact the projects were subject to Type III land use review. Two projects, including Riverplace Parcel 3 that will produce 201 regulated units in the city's South Waterfront and Gateway Park in the Gateway District that will add 40 regulated units, are current developments that have utilized this provision. Continuing the state of emergency would allow the City to continue to quickly increase the affordable housing stock that serves low-income households including those who face heightened risk of homelessness.
10. Pursuant to Ordinance 187973, the City's mandatory Inclusionary Housing (IH) program was developed and went into effect February 1, 2017. In the first 18 months Portland's IH has been in effect, the City has permitted, or is in the process to permit over 362 affordable IH units.
11. Portland's total population is nearing 650,000 people, making it the 26<sup>th</sup> most populous city in the nation and the 5<sup>th</sup> largest city on the west coast. During the 2010-2017-time period, the City has grown by 11%, adding just over 64,000 residents. The steady pace of population growth means continuing demand for housing supply that can meet the housing needs of existing and new households without cost burdening them.
12. The City's housing supply, as measured through annual housing production and permitting, are higher than at any point in the last 15 years. According to the City's permits database, Portland added 7,300 units to the housing stock in 2017 even as multifamily permitting set a historic high at over 6,000 permits.
13. Similar to the trends in market rate housing, the production of affordable housing units also reached an all-time high, with more than 800 newly affordable units available for occupancy in 2018 - the largest number ever produced in a single year.
14. According to Oregon state economists, Portland ranks 5<sup>th</sup> out of the top 100 populous cities in the nation for growth in real median household income and growth in educational attainment, since 2007. In spite of this, the prosperity is not shared by all segments of the population.
15. Profound income disparities continue to exist despite recent income gains for all types of households. While the citywide Median Household Income (MHI) is at \$66,187, the MHI for renter households at \$45,130 is 30% less than the citywide measure.

16. In 2015 the overall rent growth in Portland was an average of 8 to 9 percent – one of the highest in the nation. Rent growth slowed in 2016 to an average rate of 7 percent over the previous year. In 2017, after years of citywide rent increases, Portland saw a slight softening in rents with a smaller overall rent growth of 2 percent. This softening has continued into 2018 with average rents at \$1,430 per month.
17. Households are extremely cost-burdened if they pay 50% or more of their income on housing costs and cost-burdened if they pay 30% or more of their income on housing costs. Cost-burdened households are at increased risk of housing instability, with homelessness as the worst manifestation.
18. The population experiencing homelessness are amongst the most vulnerable residents of Portland. The 2017 Point-in-Time (PIT) count recorded that 1,668 individuals were unsheltered on the night of the count while 1,752 people were in area emergency shelters and 757 were in transitional housing. Overall, there was a 9.9 percent increase in the total population counted (4,177) compared to the 2015 PIT count (3,801). While the PIT count does not assess causes for homelessness, there is recognition that a lack of affordable housing is a leading factor.
19. The housing affordability crisis also adversely impacts many low-income renters. Just under one-third (27%) of Portland renters are extremely cost-burdened and face heightened risk of displacement and/or homelessness.
20. The persistence of people experiencing unsheltered homelessness, the reliance of well over 1,500 people in our emergency shelters and the severe shortage of affordable housing are circumstances that create an immediate need to provide adequate, safe, and habitable shelter to persons experiencing homelessness.
21. Experiencing homelessness causes tremendous human suffering and demands a spectrum of emergency response that includes adequate, safe, and habitable shelters, affordable housing units, and appropriate supportive services. Since 2015, the Council has recognized and responded to the ongoing affordable housing crisis in an emergency mode.
22. During this period of emergency, the Council has funded a wide range of other programs like the Homelessness and Urban Camping Impact Reduction, the Park Ranger Program, Neighborhood Response Teams, etc., to mitigate impacts of homelessness, improve community livability, and to address issues of public health and safety.
23. Alongside directives from emergency ordinances, several other noteworthy efforts are underway to address Portland's affordable housing crisis and to strengthen protections for renters most vulnerable to displacement and/or homelessness.



24. Responding to an urgent community need, in October 2017, the Council and the Multnomah County Board of Commissioners adopted parallel resolutions stating a goal to create 2,000 new supportive housing units by the year 2028.
25. In November 2016, Portland voters approved measure No. 26-179, authorizing \$258.4 million in general obligation bonds to fund at least 1,300 units of newly affordable housing over five to seven years. To date, the bond measure has helped add 634 affordable units that includes 281 units targeted towards extremely low-income households.
26. The N/NE Neighborhood Housing Strategy is a City initiative to address the legacy of displacement in North and Northeast Portland through investments to create new affordable housing opportunities for first-time homebuyers, and home retention programs for longtime residents of the area. A noteworthy example of this strategy is the Beatrice Morrow development with 80 regulated units that opened late 2018.
27. The Council passed significant tenant protection policies during this housing emergency period. Notably, in February 2017, the Council passed an amendment to the Affordable Housing Preservation and Portlander Renter Protections code via Ordinance 188219 that added mandatory relocation assistance for involuntary displacement of tenants.

NOW, THEREFORE, the Council directs:

- a. There continues to be a state of emergency presented for people experiencing homelessness or housing instability throughout Portland, requiring a further extension of the housing emergency initially declared by Ordinance 187371 and subsequently extended twice through Ordinance 187973 and Ordinance 188123 under Portland City Code (PCC) Title 15 for the entire city. The provisions of PCC 15.04.040.B limiting the duration of the extension of a housing emergency are waived, and the housing emergency declared by Ordinance 187371 is hereby further extended for an additional twenty-four-month period, through April 4, 2021.
- b. The duration of the housing emergency shall be for a period of twenty-four months from the effective date of this ordinance, unless extended by the Council as provided in PCC 15.04.030.B, or terminated sooner by the Council as provided in PCC 15.04.030.G.
- c. For the duration of the housing emergency, the City may otherwise exercise such authority as is provided in PCC 15.08.025.

- d. The provisions of Ordinance 187616 authorizing a Type IIx rather than Type III design review and historic design review of certain defined affordable housing projects will continue for the duration of the housing emergency.
- e. The applicable provisions of Title 33, other than the temporary general regulations under PCC 33.296.040, shall be waived to allow the City to site up to two storage units at optimal locations for the duration of the housing emergency.
- f. The Bureau of Planning and Sustainability (BPS) in coordination with the Office of Management and Finance (OMF), Portland Bureau of Transportation (PBOT), Bureau of Development Services (BDS), and Multnomah County is directed to develop a legislative proposal to amend City Code to allow for the permanent siting of day storage units.
- g. BPS in coordination with the Joint Office of Homelessness Services (JOHS) is directed to develop a legislative proposal to amend City Code to allow for temporary housing, shelters, and alternative shelter siting; and
- h. BPS in coordination with BDS and the Portland Housing Bureau (PHB) is directed to amend Title 33 to codify the Type IIx process option for certain defined affordable housing projects.
- i. PHB and JOHS will routinely track relevant measures that capture the following set of criteria with direct but distinct association to the state of housing emergency:
  - 1) Homeless Services System Performance Measures: a set of measures that are tracked quarterly for HUD by area homeless service providers that directly indicate the impact of housing emergency:
    - a. Average length of time a person remains homeless
    - b. Percent returning to homelessness within two years of exiting to permanent housing destinations
    - c. Number of people unsheltered (Point-in Time Count)
    - d. Number of people in emergency shelters
    - e. Number & percent experiencing homelessness for the first time (in a two-year window) from people who received homeless services



## IMPACT STATEMENT

**Legislation title:** Extend state of housing emergency, operationalize efficiencies and identify Council powers, specify a twenty-four-month duration, and waive portions of the Portland Zoning Code (Ordinance)

**Contact name:** Uma Krishnan

**Contact phone:** 503-823-5129

**Presenter name:** Shannon Callahan, Marc Jolin

### **Purpose of proposed legislation and background information:**

The purpose of this legislation is to extend the housing emergency initially declared by Ordinance 187371 and subsequently extended twice through Ordinance 187973 and Ordinance 188627 in the City of Portland and waive the necessary provisions in Title 15 to increase the duration of the emergency for an additional twenty-four-month period, through April 4, 2021. Further, the extension is also intended to begin work on legislative proposals by relevant City Bureaus that will start looking at amendments to Title 33 in ways that can offer sustainable solutions to allow for (1) the permanent siting of day storage units, (2) expeditiously allow for temporary housing and issuance of permits related to shelter and alternative shelter siting and, (3) create an expeditious process for design review of affordable housing projects.

Notably, the existing state of housing emergency has allowed these three system improvements to provide basic humanitarian services to people experiencing homelessness and to expedite affordable housing development. The extension will allow for efforts that can operationalize these improvements in the normal course of business of the City in ways that are not dependent upon an emergency declaration.

Since the initial declaration, the City continues to take significant measures to alleviate the emergency housing needs of people experiencing homelessness or at risk of homelessness or displacement. Some of the measures are based on directives set forth in the previous ordinances while others are part of larger local/regional/statewide efforts to add to the supply of affordable units and to enhance local tenant protection policies.

Conditions like steep rent increases, very low vacancy rates and housing demand that far outpaced the housing supply precipitated an affordable housing crisis and ensuing declaration of housing emergency back in 2015. More recently, the rent growth has softened to 2%, citywide vacancy rates are stabilizing at 5% to 6% and production of housing units, both market and affordable, is at a historic high. In 2017, Portland added 7,300 market rate units while more than 800 newly affordable units became available for occupancy in 2018. At the same time, manifestations of unmet housing needs continue to persist.

The 2017 Point-in-Time (PIT) count recorded that 1,668 individuals were unsheltered on the night of the count while 1,752 people were in area emergency shelters and 757 were in

transitional housing. Overall, there was a 9.9 percent increase in the total population counted (4,177) compared to the 2015 PIT count (3,801).

The housing affordability crisis also adversely impacts many low-income renters. Just under one-third (27%) of Portland renters are extremely cost-burdened and face heightened risk of displacement and/or homelessness.

Under these circumstances, services and shelters that have catered to basic human needs, should be continued while appropriate legislative solutions can be worked out. Given the dependency of these actions on a state of emergency, the current state of housing emergency should be extended for another two years.

**Financial and budgetary impacts:**

The Bureau of Planning and Sustainability will need resources for staff to manage the work associated with the ordinance directives.

**Community impacts and community involvement:**

Through this extension, the city will continue to utilize tools and methods not available outside of the housing emergency to provide adequate, safe and habitable shelters and basic humanitarian services for persons experiencing homelessness, many of whom are our community's most vulnerable people. Further, this extension is critical to avoid serious and/or abrupt disruptions to necessary services for households as this will likely cause enhanced sufferings while legislative solutions are in the works.

**100% Renewable Goal:**

This ordinance does not impact the City's 100% renewal goal.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES: Please complete the information below.
- NO: Skip this section



2) Proxy Measures of Housing Affordability: a set of measures that collectively helps gauge housing affordability:

- a. Citywide rental vacancy
- b. Average gross rent
- c. Average gross rent increase compared to previous year
- d. Units permitted
- e. Units produced
- f. Affordable housing produced
- g. Affordable housing in pipeline
- h. Share of cost burdened renters (spending 30% or more on rent)
- i. Median Household Income by race/ethnicity

Passed by the Council:

Mayor Ted Wheeler  
Prepared by: Uma Krishnan  
Date Prepared: 1/29/2019

**Mary Hull Caballero**  
Auditor of the City of Portland  
By  
Deputy