



March 17, 2021

Dear Mayor Wheeler and Portland City Council,

[PDX Shelter Forum](#) began in May 2020 to help develop ways to rapidly ensure safe, decent dwelling for all Portlanders. We have since hosted four public online forums, and multiple community work sessions to develop testimony; created open online guides to discuss and advocate on related legislation; grown our active web/email forum to over 330 members, and presented written and spoken testimony at numerous events.

The **Shelter to Housing Continuum project** (S2HC) has been a major focus of our group's work since we began, and our June forum included the first public presentation about S2HC by Bureau of Planning and Sustainability (BPS) staff. We are pleased to **strongly endorse** the proposal, with a set of recommendations detailed below.

We are aligned with the revisions/recommendations made by

1. Planning and Sustainability Commission, in its transmittal letter to Council; and
2. Social Justice Coalition as represented by letter from Portland: Neighbors Welcome

though we also have made additional recommendations.

Our recommendations:

1) We support BPS' recommendation to **not remove the city's ability to declare or extend a Housing State of Emergency**. We are in an emergency now, and it could very well worsen with eviction moratoriums ending and high unemployment continuing.

2) If the new Outdoor Shelters are an ongoing need, they should not require a complex, costly, and high-risk Conditional Use process in order to stay past 180 days. It's not a viable way to start and continue an Outdoor Shelter, to begin with a clock ticking that you'll be forced out in 180 days, unless you succeed with a CU application that takes *at least* 120 days. We recommend City Council **create an initial Allowed Use period of 1 year**, to give a new shelter site a reasonable pathway to set up and develop community relationships to support the pursuit of longer-term siting.

Also, please **waive permitting and Conditional Use fees for new shelters** – this is an emergency. Like Anatole France said, sort of, *"The law, in its majestic equality, charges equal fees to skyscrapers and shelters, forbids rich and poor alike to sleep under bridges..."*

3) **Don't prohibit use of all right-of-way land** for Outdoor Shelter use. This is a huge amount of the public land that is not Open Space, park, or occupied; it's where many of the city's houseless live now, and it includes all kinds of potentially usable spaces such as the current site of *Right 2 Dream Too* village. As one relatively simple, scalable mode of use, we suggest

that certain areas of existing, underutilized parking spaces on public right of way might **allow permitted vehicle dwelling in certain locations**, for example on the model used in some areas of Eugene. We believe that, in a crisis, this large stock of public land should be considered for helping to house people, not just to store and convey vehicles.

4) **Open Space (OS)**: possible use of OS for Outdoor Shelters emerged as a contentious issue on this proposal, with concerns raised especially by code sections 33.296.030.G (existing) and 33.296.030.H (proposed)

33.296.030.H: This new provision accommodates the temporary operation of a mass shelter or an outdoor shelter on a site in all zones of the city for up to 180 days within a calendar year. ...without the need for an emergency that is generally declared by City Council in Title 15. and is usually the mechanism to invoke G. above.

This seems to unconditionally allow Outdoor Shelters, of same 6-month tenure as discussed in proposal generally, anywhere in the city; but we don't think that is really the intent of BPS, or shouldn't be, nor is necessary.

Public hearings and testimony show there is significant complexity, and often misunderstanding, about what Open Space comprises. It includes city parks and sensitive natural areas including on waterways and in flood plains, which generally have protections from other use, and which few people seem to support the use of for shelter. However, Open Space may also include areas such as leftover space around state or Federal highways, or surplus from other transportation and development projects, which might at times be plausible shelter sites.

Observing the unclear definition and understanding of Open Space, we suggest that the best path is **neither allow all, nor prohibit all potential use of OS for shelters**. Rather, exclude from shelter consideration the subsets of OS that people are truly concerned about, and **allow specific other sites to be considered by City Council action**.

5) S2HC so far has concerned rules for hypothetical locating of shelters, but we urge you to **direct BPS and other departments' resources to helping locate actual plausible shelter sites**. We believe an open community effort is needed to propose, assess and launch implementation projects to ASAP create shelter or village sites on the scale of need, which might plausibly require 50+ sites. To ensure equitable placement of shelters, and achieve city-wide community acceptance, **establish a process (e.g. by use of public land, funding, etc.) to balance concentration of shelters across city areas**. Every neighborhood should be asked to propose preferred village/shelter sites.

City, County, & Metro departments have unparalleled resources to support this – such as GIS and mapping tools, Metro Supportive Housing Services measure funding, the alternative shelter RFPQ program, and existing inventories of public lands. We ask that the City seek to facilitate and accelerate efforts on this, for example by publishing city-wide, lot-level mapping of sites' eligibility for shelters under the S2HC guidelines once approved, and a publicly usable spreadsheet listing of potential sites. This list should also include public land and facilities the City and County have that could be used for shelters.

6) **Allow temporary housing in Outdoor Shelters.** BPS was directed by Council resolution in 2019 to enable “temporary housing,” and interpreted that to a new concept of “Outdoor Shelter,” using State-defined “transitional accommodation” structure types, excluding legal housing. There is no reason or norm that temporary housing not be, housing; this is generally less preferable to residents; and it works strongly against sites or dwellings transitioning to permanent housing, one of the simplest ways to achieve the permanent housing which everyone says is the real goal.

This major restriction was not in the [City Council ordinance authorizing S2HC project](#) and we repeatedly advocated to remove it. It doesn't align with common village models, and is at odds with the [2021 Oregon housing emergency legislation HB 2006](#), which defines emergency-usable housing to include all types of structures. This is also consistent with California emergency shelter law, and general practice. These restrictions should be removed.

7) **Don't require water/sewer connections for shelters, or mobile dwellings.** Contrary to overwhelming public and expert testimony, and the recommendation of the PSC, the draft requires a sewer-water connection for vehicles with plumbing, and state titling. The sewer connection in particular is prohibitive for a huge portion of possible cases of vehicle residence on private property. It's also backward looking, hooking users into a costly and disaster-fragile mass sewage system, rather than ecological, adaptable, and autonomous composting, greywater, and solar energy systems. We urge that accommodations and mobile dwellings permitted by S2HC be allowed to innovate and use non-grid water, waste, and electric systems; and as PSC recommends, not be required to meet state titling.

8) For Outdoor Shelters, **don't require 25' setback from adjoining residential property.** This is unreasonable, prohibitive for small lots, and inconsistent with other residential setback rules.

9) **Don't require shelters to be 'compatible' with adjacent residential.**

33.815.107 requires that Outdoor Shelters “ will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style.” This is nonsensical: if outdoor shelters are not and can not include housing structures, they can't reasonably be required to be compatible in building scale and style with area residences.

We respectfully request incorporation of these recommendations into the S2HC ordinance and implementation, and look forward to working together to support our unhoused neighbors.

Sincerely,

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