

IMPACT STATEMENT

Legislation title: *Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need (Ordinance; amend Code Titles 8, 15, 17, 21, 29, and 30)

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Purpose of proposed legislation and background information: This project was initiated as part of City Council's Housing Emergency declaration (Ordinance No. 189387) and intends to remove code barriers that slow down the City-County effort to open more homeless shelters. It also includes regulatory changes that expand housing choice and facilitates the production of affordable housing projects.

The project has four primary elements:

1. Code changes to make it easier to site homeless shelters and associated services in various zones.
2. A new community service use in the Zoning Code called Outdoor Shelters. This new use will allow public agencies and community-based nonprofits to open more shelters like the Kenton Woman's Village and the St Johns Village. Until now, these kinds of shelters required individual code exemptions from City Council. The recommended code language provides a more routine path to permit these facilities, based on emerging alternative shelter models around the city.
3. More housing flexibility by allowing Group Living configurations more broadly. This means alternative types of housing like dormitories, senior care facilities, co-housing, and single-room occupancy apartments will be easier to build.
4. Allowing occupancy of a recreational vehicle or a tiny house on wheels on a site that contains a house.

There is a primary ordinance adopting the recommended Shelter to Housing Continuum changes to Title 33 – Planning and Zoning. This companion secondary ordinance adopts the supporting changes to Portland City Code Titles 8, 15, 17, 21, 29, and 30. Most of the changes made with this second ordinance are technical in nature – primarily to align terminology definitions across various City titles. The largest substantive changes in this second ordinance are the authorizing language in Title 29 related to the occupancy of RVs and tiny houses on wheels, and changes to several City titles to clarify that the City's System Development Charge (SDC) exemption for shelters will also apply to the new

Outdoor Shelter category. The ordinance also clarifies that the bureaus will not charge SDCs for the utility hookups serving individual occupied RVs or tiny houses on wheels. This exemption does not apply to RV parks or commercial lodging like hotels or motels.

Financial and budgetary impacts:

This project does not amend the budget, change staffing levels, reclassify staff, or authorize new spending or other financial obligations (IGAs, contracts, etc.).

In the long term, the Zoning Code changes being recommended by this project could have indirect impacts on City revenue and expenses. Those potential long-term impacts are explained in the impact statement for the related primary Title 33 ordinance. Most of the changes made with this secondary ordinance are technical in nature – primarily to align terminology and definitions across various City titles. There are no significant financial or budgetary impacts expected from aligning these definitions, other than increased regulatory clarity.

The project will require BDS to make a small one-time investment in staff time in 2021 to update informational handouts and other public information describing the Title 29 regulations about RVs and tiny house on wheels. By changing these regulations, the ordinance will also have minor impacts on BDS's code enforcement staff priorities because it will make permanent the bureau's current practice of de-emphasizing enforcement of rules against occupying an RV or tiny house on wheels. The Title 29 changes may also create some additional plumbing and electrical permit applications for the required utility connections.

By clarifying that the City's SDC exemption for shelters will also apply to the new Outdoor Shelter category, this ordinance could hypothetically have very minor impacts on SDC revenue. This impact is expected to be close to zero because this is a new land use category that had not previously been routinely permitted before. The ordinance also clarifies that the bureaus will not charge SDCs for the utility hookups serving individual occupied RVs or Tiny Houses on Wheels.

Community impacts and community involvement: The project is making citywide changes to regulations that impact homeless shelters and the types of housing that is allowed. The people most impacted by the project will be houseless people, and people seeking alternative forms of shelter or housing. American Indian, Alaska Native, Native Hawaiian, Pacific Islander, and Black and African American populations are over-represented in the homeless populations. The Non-Hispanic White population is under-represented.

Community engagement activities for this project are summarized in Volume 1 of the Recommend Draft Report. A standing inter-agency Housing Continuum Committee and Technical Advisory provided valuable context for further shaping the scope of the S2HC project, helped develop code concepts, and commented on rough drafts of code. Members of this committee attended and provided valuable assistance during community meetings.

The S2HC Project, including outlines of the proposed code amendments, were presented through video conferencing at six different community meetings from May through September of 2020. A Discussion Draft was published in October 2020, and staff hosted several online informational sessions in the following weeks. Thirty-one people commented on the draft. A Proposed Draft was published in November 2020. The Planning and Sustainability Commission (PSC) held two public hearings in December 2020. Neighborhood Associations and other stakeholders were notified of the hearing opportunity.

A total of 28 people spoke in person at the two hearings and 178 pieces of individual written testimony were submitted. This testimony helped inform PSC’s discussion in work sessions held in January 2021. The PSC also hosted two panel discussions: one with people with lived experience being homeless and the other with shelter operators. The PSC made recommendations on the Zoning Code (Title 33) elements of the project in late January 2021. The inter-agency Housing Continuum Committee made revisions to the other elements of the proposal. Both the PSC’s Title 33 recommendation and the Housing Continuum Committee were incorporated into a Recommended Draft published in February 2021. A notice of the Council’s hearing was mailed to Neighborhood Associations and people who testified at the PSC hearing the week of February 22, 2021.

Several changes have been made to the proposal in response to public comments through the course of the project, including changes to the way occupied RVs and tiny houses on wheels are regulated, changes to the Conditional Use thresholds for shelters, and changes to the definitions of Household and Group Living.

100% Renewable Goal: This action has no direct impact on the City’s renewable energy goals.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount