

SHELTER CODE AMENDMENTS

QUICK REFERENCE

The City creates codes, policies and programs to provide different types of shelters and services for those experiencing houselessness.

There are more than 1,000 people who are experiencing houselessness in Central Oregon on any given night. This number includes families with children and youth who do not live with an adult.

[City Council's 2021-2023 goals](#) includes a Housing goal, “Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend,” with an implementation strategy “to modify City codes to allow for managed camps, shelters and other facilities to address homelessness and create housing or facilities to house 500 homeless individuals on a temporary or permanent basis.” The City is working with community partners on developing a [comprehensive set of strategies](#), which include finding ways to keep people in their homes, providing temporary transitional housing, and increasing the availability of affordable housing in Bend, including shelter beds.

As a part of these strategies, the City Manager appointed the [Sounding Board to House Our Neighbors](#) in early 2021 to develop a package of [code amendments](#), which clarify standards for development of different types of shelters and transitional options citywide. These are standards for any property owner or developer who might want to open a shelter.

BACKGROUND

The Sounding Board was comprised of City Councilors, representatives from the City’s [Planning Commission](#), [Affordable Housing Advisory Committee](#), [Bend Economic Development Advisory Board](#), and [Neighborhood Leadership Alliance](#), as well as representatives from the Homeless Leadership Coalition and service providers.

Between April and December 2021, the Sounding Board held nine meetings, all open to the public and with opportunities for public comment at every meeting. The meetings focused on evaluating best practices used in other cities, examining the [Bend Development Code](#) to determine which zoning districts were most appropriate to allow shelters, and what size shelters to allow in different areas of the city. The Sounding Board developed recommendations for three types of permanent shelters, as well as two types of temporary shelters.

UPDATED: Between January and March 2022, the [Bend Planning Commission](#) reviewed the Sounding Board’s recommendations. Then, using community input as a guide, the Commission reviewed six sections of the proposed code in-depth and discussed changes. The Commission recommended several changes, as defined later in this document under Frequently Asked Questions.



FREQUENTLY ASKED QUESTIONS

Why did the Sounding Board need to develop these code amendment recommendations?

The current standards don't provide certainty for neighbors, or any guarantees on the maximum size or duration of a shelter. The Bend Development Code regulations treat shelters as "Temporary Housing," which are permitted or conditionally permitted in a number of zoning districts. The current code standards needed updating, including parking, screening, and management of a facility. Additionally, there are currently no maximums for the number of rooms or units that can be provided through the temporary housing regulations.

The Oregon Legislature passed several bills to allow homeless shelters to be easily sited in cities. These laws have expiration dates, however, and in order to provide longer-term solutions, the Bend City Council directed staff to review the City's own Development Code standards for shelters. In addition to "Temporary Housing", the City has always authorized temporary shelters, such as for winter weather, heat, or smoke, through an emergency declaration by the City Manager. This method is not a sustainable way to provide more shelter beds, and does not adequately help those experiencing homelessness. Additionally, there is no land use review, development standards, or management requirements incorporated with the emergency order process. The current code also allows placement of a manufactured home on a residential property for "Medical Hardship" housing. This type of housing has not been widely used.

What is included in the package of Shelter Code amendments?

The Shelter Code amendments propose three permanent shelter types- Outdoor, Multi-Room, and Group Shelters, and two temporary shelter types- a Temporary Shelter, and a provision for Hardship Housing, which replaces the existing Medical Hardship Housing mentioned above.

The standards vary by each of the City's zoning districts, and also provide regulations for the number of units permitted, parking, management, and other site standards. [View the proposed Shelter Code here.](#)

How were the final Shelter Code recommendations determined by the Sounding Board?

The Sounding Board examined best practices in other cities across the Northwest, and consulted local service providers to develop the draft code language, which was finalized on Dec. 15, 2021. As part of public review process for the amendments, staff used an interactive "StoryMap" survey that explained each of the proposed shelter types and asked for specific feedback on the Shelter Code provisions. Over the three-week period the survey was open, over 2,500 people viewed the StoryMap pages, and 868 people completed the entire survey and questions.

This [Sounding Board memo](#) summarizes the results of the survey.



Following the survey, what input from the public was incorporated in the final Sounding Board recommendations? How did that change from what had originally been proposed?

The Sounding Board considered input from the survey and public comment at their Nov. 10 meeting, and adjusted their recommendations for the two temporary shelter types to:

1. **Temporary Shelter:** Provide neighbors with greater assurance that Temporary Shelters will be managed by requiring that a Temporary Shelter (one allowed for a maximum of 180 days) be associated with a public or institutional use when in any residential zoning district. Temporary shelters are also required to comply with the management requirements required of permanent shelters.
2. **Hardship Housing:** Limit the permitted duration of Hardship Housing (allows a property owner to have a manufactured home or RV on their property for a person who is otherwise homeless) to 180 days, with the ability to renew three times, for a total maximum duration of two years. Initially, the Sounding Board recommended that Hardship Housing be permitted for one year, and an ability to renew meant a total time period of three years (note that this recommendation was subsequently reviewed and changed by the Planning Commission. See the next question for more information.).

UPDATED: What changes did the Planning Commission make to the proposed code amendments, following the public hearings process?

The Commission's deliberations centered around the public input received on six sections of the code that were of community interest. The Commission recommended changes in four sections of the code. In addition to small clarifications to the proposed code, the notable changes are:

1. **Limitations on Hardship Housing.** Hardship Housing is a proposed temporary shelter option that would allow property owners to place an RV, mobile or other manufactured home on residential property for people who lack housing, including during situations such as a medical emergency or disaster that resulted in the loss of their home. Tents, yurts, or similar structures would not be allowed on individual residential lots for this use (this is unchanged from the Sounding Board recommendation).
 - The Commission recommended that the temporary use permit not exceed 18 months and then the property would not be eligible for another hardship housing permit again for one year. The proposed code from the Sounding Board had limited the permit to six months with opportunity to renew up to three times for a total of two years.
 - The Commission recommended that the code clarify that payment of any fee, rent or other monetary charge is prohibited with the exception of payment for increased utilities or costs incurred to the property owner. The code as proposed by the Sounding Board had limited Hardship Housing from being used as a Short-Term Rental but did not prohibit payment to the property owner for long-term stays.
 - The Commission recommended that applications include the signature of the property owner, the responsible party utilizing the Hardship Housing, and the nature of the



hardship. The code as proposed by the Sounding Board did not include requirements for collection of this information in the permit application for Hardship Housing.

2. **Clarifying Good Neighbor Guidelines.** Good Neighbor Guidelines are agreements between shelter operators and their shelter clients about how the shelter will be managed.
 - The Commission recommended that Good Neighbor Guidelines must include items addressing rules for shelter use, facility operations and maintenance, and safety and security for both temporary and permanent shelters. The code proposed by the Sounding Board did not outline required items to be included in these agreements.
3. **Special considerations for outdoor shelter locations.**
 - The Commission added guidelines for outdoor shelters, recommending that they will not be allowed in residential zones unless they are located on a site with a permitted public or institutional use (as defined in the Bend Development Code: places of worship, clubs, government offices, libraries, parks, schools, and cemetery, childcare facility, hospital).
 - The Commission added a requirement that the application for outdoor shelters include written documentation from Bend Park and Recreation and Bend-La Pine School Districts indicating the applicant had met with the Districts to discuss the proposed shelter, providing them with an opportunity to review the proposal.
4. **Requiring storage for shelters.** The Commission recommended that secure storage areas be provided for shelters. The proposed code did not require storage for shelters.

What other shelters are currently operating? How many new shelters can we expect from the Shelter Code amendments?

The only new shelters to open or begin construction in the past several years have been with one-time infusions of funds and code amendments, including:

- Central Oregon Villages (10 beds) and St. Vincent DePaul (12 beds) - developed under [House Bill 4212](#) (now expired);
- Warming Shelter/Navigation Center (80 beds) - developed under [House Bill 2006](#). The City purchased the building with federal American Rescue Plan Act (ARPA) funds, shelter operations were funded with a one-time Coronavirus Aid, Relief, and Economic Security Act (CARES) expansion of the existing Community Development Block Grant (CDBG) funds, and one-time state navigation center funds, among other potentially recurring sources;
- Project Turnkey on Division Street (28 rooms) - developed under [House Bill 3261](#). The City purchased with [Project Turnkey](#) funds awarded by the State.

The CARES-CDBG and Turnkey funds are now exhausted, House Bill 4212 expired, and House Bill 2006 expires in June 2023 (**UPDATED:** extended from a 2022 expiration date by the Oregon legislature). As part of its 2021-2023 Council goals and implementation strategies, the City Council requested local code amendments to fill the gap left by these expiring statewide bills.



UPDATED: *How can I provide input on the Shelter Code amendments?*

The [Bend City Council](#) will hold a work session on April 6, 2022, at 5 p.m. This work session is an opportunity for Council and the community to review the proposed code and hear the recommendations from the Bend Planning Commission. Work sessions do not include a public comment opportunity.

Following the work session, City Council will hold a public hearing at 7 p.m. on May 4. The public hearing will provide community members an opportunity to provide public comments on the proposed code.

The Council meeting agendas will explain how to view, listen to, provide comment, and/or participate in the meetings. Once the meeting has started, it can also be live-streamed by clicking the hyperlink for video in progress. Additional information may be found at: bendoregon.gov/citycouncil.

Those who would like to provide written public comment for the record should send one email to the following email addresses: councilall@bendoregon.gov; phardie@bendoregon.gov.

