



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8 BY ADDING A NEW CHAPTER 8.06 TITLED TEMPORARY EMERGENCY SHELTERS

WHEREAS, the City of Albany is adding AMC Chapter 8.06, Temporary Emergency Shelters, to adhere to Oregon State House Bill 2006; and

WHEREAS, the City of Albany needs to be responsive to ever changing community needs and state laws; and

WHEREAS, Oregon Revised Statutes 197.010(1)(a) requires the governing body at both the local and state level to adopt such provisions.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 8 Community Livability. AMC Title 8 is hereby amended to add Chapter 8.06 titled Temporary Emergency Shelters as follows:

8.06 Temporary Emergency Shelters

Article I. Administration

- 8.06.005 Title.
- 8.06.010 Definitions.
- 8.06.015 Scope.
- 8.06.020 Limitations.

Article II. Requirements

- 8.06.025 Approval.
- 8.06.030 Operation.
- 8.06.035 Scope.
- 8.06.040 Process.

Article I. Administration

8.06.005 Title. These provisions shall be known as the Temporary Emergency Shelter standards and shall be cited as such herein.

8.06.010 Definitions. As used in this chapter, “Temporary Emergency Shelter” means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

8.06.015 Scope. A building or cluster of buildings used as a Temporary Emergency Shelter under an approval granted under Article II of this chapter per ORS 197.783 or Section 11, Chapter 12, Oregon Laws 2020 (first special session) may:

- 1) Resume its use as a Temporary Emergency Shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).
- 2) Not be used for any purpose other than as a Temporary Emergency Shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

8.06.020 Limitations. An approval of a Temporary Emergency Shelter under Article II of this chapter per ORS 197.783 or Section 11, Chapter 12, Oregon Laws 2020 (first special session), is void unless the shelter is operating within two years following the approval.

Article II. Requirements

8.06.025 Approval. The city shall approve an application for the development or use of land for Temporary Emergency Shelter, as defined in Article I and as per ORS 197.782, on any property, notwithstanding this chapter or ORS Chapter 195, 197A, 215 or 227 or any statewide land use planning goal, rule of the Land Conservation and Development Commission or the City's comprehensive plan and Albany Development Code, if the Temporary Emergency Shelter:

- 1) Includes sleeping and restroom facilities for clients;
- 2) Will comply with applicable building codes;
- 3) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;
- 4) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;
- 5) Has adequate transportation access to commercial and medical services; and
- 6) Will not pose any unreasonable risk to public health or safety.

8.06.030 Operation. A Temporary Emergency Shelter allowed under this chapter must be operated by:

- 1) A local government as defined in ORS 174.116;
- 2) An organization with at least two years' experience operating a Temporary Emergency Shelter using best practices that is:
 - a. A local housing authority as defined in ORS 456.375;
 - b. A religious corporation as defined in ORS 65.001; or
 - c. A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under Section 501(a) of the Internal Revenue Code for at least three years before the date of the application for a shelter; or
- 3) A nonprofit corporation partnering with any other entity described in this chapter.

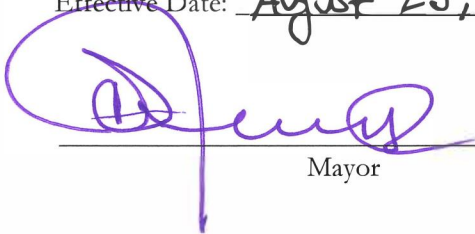
8.06.035 Scope. A Temporary Emergency Shelter approved under this chapter:

- 1) May provide on-site for its clients and at no cost to the clients:
 - a. Showering or bathing;
 - b. Storage for personal property;
 - c. Laundry facilities;
 - d. Service of food prepared on-site or off-site;
 - e. Recreation areas for children and pets;
 - f. Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
 - g. Any other services incidental to shelter.
- 2) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.
- 3) A Temporary Emergency Shelter approved under this chapter may also provide additional services not described in 8.06.035(1) of this chapter to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

8.06.040 Process. Pursuant to this chapter, Temporary Emergency Shelter approvals shall be deemed granted upon issuance of a final Certificate of Occupancy following final inspection of all required building permits for the use issued by the City.

- 1) The approval or denial of a Temporary Emergency Shelter under this chapter is made without a hearing and per ORS 197.783 is not a land use decision. Approval or denial is subject to review only under ORS 34.010 to 34.100.
- 2) A reviewing court shall award attorney fees to:
 - a. A local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and
 - b. An applicant that prevails on an appeal of a local government's denial.
- 3) An application for a Temporary Emergency Shelter is not subject to approval under this article if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

Passed by the Council: July 24, 2024
Approved by the Mayor: July 24, 2024
Effective Date: August 23, 2024



Mayor

ATTEST:




City Clerk