

HOUSING and SUPPORTIVE SERVICES NETWORK Strategic Planning and Discharge Workgroup (The CoC Board)

Friday, April 12, 2019

8:30 to 10:30 am

Washington County Juvenile Services Building - Room 258
111 NE Lincoln Street, Hillsboro, OR 97123

AGENDA

Chair: Annette M. Evans, Washington County Department of Housing Services
Co-Chair: Katherine Galian, Community Action Organization

I. Introductions (8:30 a.m.)

II. Public Comment (8:35 a.m.)

III. Approve Minutes (8:40 a.m.)

A) Approve February 8, 2019 HSSN Workgroup Minutes.....[Action]

IV. Business Items (8:45 a.m.)

A) 2019 Point-In-Time (PIT) Homeless Census, report on methodology and activities of the PIT – Pat Rogers

B) 2019 Housing Inventory and Bed Utilization – Annette Evans and Kristy Eckhardt

Board: Approve submittal of PIT and HIC data to HUD.....[Action]

C) System Performance Measurement (SPM) , report on local performance against Federal benchmarks – Annette Evans

Board: Approve submittal of FY2018 SPM data to HUD.[Action]

D) Tri-County Equitable Housing Strategy to Expand Supportive Housing for People Experiencing Chronic Homelessness – Annette Evans

E) Homeless Plan Advisory Committee (HPAC), report on April 18 meeting agenda – Komi Kalevor, HPAC Member

F) FY2019 CoC Program Grant Application, report on pre-application planning and policy work for next competition – Annette Evans

G) Update: Martin v. Boise 9th Circuit Court Ruling – Attorney Ellen Johnson

V. Agency Announcements and Open Discussion (10:15 a.m.)

VI. 2019 HSSN Workgroup Meeting Schedule, 8:30 to 10:30 a.m. (10:25 a.m.)

- Friday, June 14, 2019
- Friday, August 9, 2019
- Friday, October 11, 2019
- Friday, December 13, 2019

VII. Adjournment (10:30 a.m.)

The HSSN Workgroup is open to the public. Comments and questions can be directed to Annette Evans at 503-846-4760
Annette_Evans@co.washington.or.us

HSSN STRATEGIC PLANNING AND DISCHARGE WORKGROUP

Administrative Board of the Continuum of Care in Washington County

Washington County Facilities Building, Conference Room 258

February 8, 2019

Role: The HSSN Workgroup (the CoC Board) is comprised of public and private representatives of the homeless subpopulations that exist within the CoC geographic region, a formerly homeless consumer representative, and the Emergency Solutions Grant recipient agency. The Workgroup is the jurisdictional CoC Administrative Board, as established by the HSSN Mission and Governance Policy.

Responsibilities: Perform CoC strategic planning, coordinate with and/or assist in State and local discharge planning, review performance outcomes of HMIS and HUD-funded programs, develop housing and service systems alignment, seek out and prioritize funding, and approve the McKinney-Vento Homeless Assistance grant application to HUD.

COC BOARD MEMBER PRESENT

- Brouse, Renee – Good Neighbor Center
- Evans, Annette – HSSN Chair
- Galian, Katherine – HSSN Co-Chair
- Hille, Marcia – Sequoia Mental Health Services
- Johnson, Ellen – Oregon Law Center
- Kalevor, Komi – Housing Authority of WashCo
- Loch, Toni – Family Justice Center
- Logan-Sanders, Andrea – Boys & Girls Aid
- Koch, Chief Deputy John – WC Sheriff Office and Jail
- Pero, David – Homeless Education Network/
McKinney-Vento Homeless Student Liaison
- Schimmel, Brian – Old Town Church FG
- Teifel, Gordon – Families for Independent Living
- Turner, Denise – Denise's Spa Petite

COC BOARD MEMBER NOT PRESENT

- Calvin, Mellani – ASSIST Program
- Downen, Lindsay – Luke-Dorf, Inc.
- Gustafson, Hanna – Cascade AIDS Project
- Lesmeister, Kelly – CODA Inc.
- Rogers, Patrick – Community Action Org
- Schnitzer, Cole – U.S. Dept of Veteran Affairs

OTHER ATTENDEES

- Fellger, Vara – WC Housing Services
- Proctor, Jennie – WC Office of Community Dev
- Sparr, Nina* – Veteran Affairs HUD/VASH
- Smith, Gary* – Veteran Affairs

*Indicates representative attending on behalf of elected Board Member not able to attend in person.

Chair: Annette Evans, Public Agency Representative Annette_Evans@co.washington.or.us

Co-Chair: Katherine Galian, Nonprofit Agency Representative kgalian@caowash.org

Meeting called to order at 8:31 a.m.

I. INTRODUCTIONS

II. PUBLIC COMMENT

No public comment.

III. APPROVAL OF MEETING MINUTES

Motion: Approve HSSN Workgroup October 5, 2018 meeting minutes.

Action: Katherine Galian

Second: Renee Brouse

Vote: Approved, unanimous.

IV. BUSINESS ITEMS

A. Emergency Solutions Grant (ESG) Program Consultation Process with CoC scheduled for March 6, 2019 – Jennie Proctor

Jennie Proctor consulted with the CoC Board regarding the estimated \$169,000 of Emergency Solutions Grant (ESG) funding for FY2019 (7/1/19 - 6/30/20). She noted the consultation only

applied to ESG funds administered through Washington County Office of Community Development (OCD), not ESG funds administered through the State of Oregon. To reduce the administrative burden associated with these funds, OCD was again proposing to allocate all ESG funds to support rapid rehousing rental assistance in FY 2019 (\$156,925), less 7.5% allocated for administration (\$12,075). Community Action Organization (CAO) would provide funding to the remaining activities (Street Outreach, Emergency Shelter Operations, and Homeless Prevention) through ESG funds they receive from the State of Oregon. The estimated number of households assisted for Rapid Re-Housing would remain at 60. She noted a change to performance standards for Rapid Re-Housing on Attachment A to remove "Number of persons who become homeless for the first time" indicating the measure was redundant as individuals were already homeless when receiving rapid rehousing assistance. The change corresponded to the Performance Objectives and Standards listed for Rapid Re-Housing on Attachment B. All other performance standards remain the same. Katherine Galian confirmed they would again be shifting funds from Emergency Housing Assistance (EHA) to cover the \$50,000 base level, so the State of Oregon's Homeless Assistance Program (SHAP) allocation would still be based on percentage of total bed nights.

A final ESG consultation and formal approval will be scheduled on March 6 with the Housing and Supportive Services Network (HSSN).

Motion: Recommend to HSSN for final approval the allocation of ESG funds and activities as presented.

Action: Ellen Johnson

Second: Gordon Teifel

Vote: Approved. Katherine Galian abstained.

B. Martin v. Boise 9th Circuit Court Ruling – Attorney Ellen Johnson

Ellen Johnson provided an update to the 9th Circuit Court of Appeals decision making it illegal and unconstitutional for communities to require homeless to move who are sitting, lying down, or sleeping outside when there was no option available to do so inside. There was thought the decision would be appealed, but to date no evidence to support that. If appealed, it was uncertain whether the Supreme Court would hear the case. The split in the US Circuit Courts; however, may be enough for the Supreme Court to decide to hear the case. City Attorneys and County Counsels are advising their clients to remove ordinances that criminalize homelessness (threat of incarceration) and move the charge to a violation (assessment of fines and fees) for which there is no threat of incarceration. Legal advocates are; however, looking at the threat of incarceration as an inevitable outcome when a homeless person refuses to move when asked to move.

She has noticed police departments in her service areas (Washington, Tillamook, Columbia, Clatsop and Yamhill Counties) that appear to be more serious about conducting sweeps of homeless camps. Legal advocates are looking at how those sweeps are conducted. She cited a recent sweep of a homeless camp in Astoria where campers requested a one week extension to move their camp which was granted by the Astoria Police. She noted the unreasonableness of expecting campers (especially those with disabilities) to move the camp and find storage facilities within 48 hours. The seizure of property during a sweep is considered an unlawful seizure of property under the Fourth Amendment. Property is required to be stored appropriately to allow campers the ability to identify and retrieve their property. The Astoria Chief of Police stated they were going to geo-locate everything; however, that never happened. All of the property was seized and placed into a dumpster so the campers lost all of their possessions (sleeping bags, tents, cooking equipment). In this instance, the homeless camp had existed for 20-25 years and people just found new ways to obtain tents and sleeping bags and went farther into the woods, or they just gave up and left.

Some violations are being cited into Municipal Court which is appropriate (less costly and more informal); however, raises questions of the lawfulness of fines and fees imposed. A series of cases from 30 years ago held that to assess a person for a fine or fee that they did not have the capacity to pay is a Fourth Amendment violation. There are no paper records or audio transcripts in Municipal Court so it is unknown what happens when a homeless person makes an appearance, does not have an income, found guilty of a violation and assessed a fee. Are they given an opportunity of Community Service? Records of violations in the City of Astoria do not show any offer of Community Services or an assessment of a person's capacity to pay. In order to avoid a violation of the Constitution (Unlawful Fines and Fees) there has to be a record of a determination that the person can or cannot pay a fee, offered a reduced fee or provided a Community Service option.

How do we go about removing the convictions of those convicted of sit/lie ordinances that were considered crimes? Local courts/police department advocates may seek to address these convictions and move to overturn them. Currently there is nothing in place to address the overturning of sit/lie ordinance convictions as they were lawful at the time.

Questions and Answers:

Are there communities or courts in Oregon who are looking at expunging those convictions?

There are only a small handful of legal advocates that work in homelessness and it hasn't happened yet. There is no legal argument for overturning prior convictions and would need the community to move the action forward.

What is the status of the potential lawsuit that was to be filed by Oregon Law Center against Lane County for violating the sit/lie ordinance?

A lawsuit is in the midst of litigation with the City of Eugene.

Are there similar actions in other Oregon cities or counties?

There is a suit filed against the Oregon Department of Motor Vehicles (DMV) regarding the seizure of a person's driver's license for failure to pay fines and fees. The argument is that the underlying fine or fee is not lawful and therefore, the suspension of the driver's license is not lawful as well. That could be addressed by the local jurisdiction as well by simply withdrawing the request to suspend due to failure to assess a person's ability to pay.

Can the same argument be applied to the \$250,000 that was turned over to the State of Oregon because Community Correction fines and fees were not paid?

The same legal analysis could be applied to any fine or fee imposed. If an assessment determined the person was unable to pay at the time of imposition, a payment plan or community service should be offered, otherwise, the fine or fee would be considered illegal.

Is there work that needs to be done with Community Corrections, Sheriff's Office/Jail to address this issue?

Ellen agreed to meet with Annette Evans, Chief Deputy John Koch & Steve Berger to re-visit the unpaid fines and fees and to make sure the County is not creating a similar issue.

What is the City of Boise doing to increase their shelter or affordable housing capacity in light of the ruling?

She is not aware of what Boise is doing; however, noted the assessment of a person's capacity to access shelter was functional. Examples of barriers to access include communities where only family shelters are available and the homeless person at issue was an individual, or if there is a religious requirement to accessing the shelter, or if access to the available shelter bed includes an unreasonable distance with no transportation available.

What about those homeless who choose not to go to a shelter?

Denise Turner shared it appears as though the 9th Circuit ruling took away the community's ability to uphold the standard of conduct for its citizens. Businesses in downtown Hillsboro are suffering economic impact because of homeless setting up camp in front of their stores and they are now unable to have them moved. Ellen responded it requires police departments to

morph into a role that is something other than what they were originally intended to do, which has a cost associated with it to our criminal justice system. People who go into policing don't expect to work in the capacity of a social worker. One solution is the creation of a stable shelter system to provide options to people. The shelter system should be functional and include a robust social service component that is implemented once an individual is in the shelter to build the bridges needed to move them through the social service programs. Denise reported by removing law enforcement's ability to do anything that business owners and community members are finding they have manage the situation directly which has resulted in altercations with homeless. Police are better trained and equipped to deal with these situations, but now it appears their hands are tied. Some homeless are not interested in participating in the systems we put in place as a community.

Tami Cockeram reported the Hillsboro Chamber of Commerce has convened a taskforce to address the downtown homeless and business issue. The taskforce's purpose was to initially educate business owners of the complexity of homelessness and is developing a toolkit for business owners. Law enforcement is engaging with the homeless to negotiate the rules of living within the City of Hillsboro. Washington County's philosophy seems to be that shelters are an extremely expensive solution and funding is better spent on affordable housing. The reality is both are needed and requires the political will to support shelters of all type and housing.

Annette responded on the need as a community to develop a system with options (e.g. shelter, temporary housing facilities) for homeless to go when engaged with outreach workers, community members and law enforcement while developing a permanent housing plan. The Washington County HOPE Deputy has been engaging with the homeless on our streets that includes individuals who have discharged from the Jail, and referring them to Community Connect and other community resources with estimated 28% accessing the homeless system following engagement on the streets.

Ellen added the impact of homelessness falls on a continuum. No amount of policing will resolve the triggers and drivers of homelessness.

Gary Smith noted there is a growing number of homeless who are seniors, who lose their housing for any number of reasons and appear not to be connecting with resources. There needs to be outreach not just to these individuals, but to their landlords as well.

Lindsay Downen noted there is an opportunity for discussion in this area as the population is aging and Washington County is driving an Older Adult Behavioral Health Initiative to address the growing needs. The outreach needs for the aging population is more specialized and requires cross system navigation.

Gordon Teifel noted homeless seniors qualify for adult foster homes, but primarily for end of life reasons, not aging in place.

Does the ruling affect parking ordinances for RV's or campers?

It may. The end of the legal process for the ordinance is the seizure of the vehicle (their home) which may constitute an illegal search and seizure.

Group consensus to keep this item on the agenda to continue to track developments with regard to the City of Eugene lawsuit and other work that is happening.

2019 Point-In-Time (PIT) Homeless Census Report on Activities – Katherine Galian

Katherine thanked all who participated in the PIT Count and specifically the groups that came together from the various cities. Counts in Washington County were scheduled for January 23 with Hillsboro, Forest Grove, Beaverton and Tigard, and the balance of the County on January

28 and 29. They are in the process of entering the data with most of the sheets submitted except for a few from school districts. Severe weather shelter counts were considered “sheltered” this year and a change of the unsheltered count from previous years is expected as a result. HUD will be opening the HDX system to start entering data March 1.

Questions and Answers:

Is the purpose of counting shelter guests as “sheltered” to demonstrate the success of the severe weather shelters?

For the PIT count, HUD categorizes homeless as either sheltered (shelter bed, transitional bed or Safe Haven) or unsheltered (living on the street). This year more people will be counted as sheltered to reflect the community work to address homelessness, and will also include those unsheltered, who did not come into shelters.

Where do people who are “doubled up” fall?

They do not fall into the HUD definition of homelessness and so are not counted in the PIT. Tami Cockeram noted in conversations with the Latino community their perception that a young adult staying with family is still homeless. Katherine responded those individuals who are doubled-up but can’t stay there indefinitely or put the person they are staying with at imminent risk of homelessness, would qualify as “at imminent risk of being homeless” for services even though they don’t meet HUD’s definition of homeless, but are not included in the PIT count. If they are staying in a shed behind the house, they would qualify as homeless.

Do we track that data?

If the person is a student, that data is tracked by the McKinney Vento School District Liaisons. If the person is a student living in the garage (place not meant for habitation), that person would be counted as homeless.

C. 2019 Oregon Legislative Agenda priorities serving people in poverty and homelessness – Katherine Galian

Katherine provided a report of bills currently being tracked by Community Action Partnership of Oregon (CAPO), which is a collection of Community Action Organizations (CAO) throughout Oregon, whose lobbyists work on state level initiatives. CAPO prioritizes bills that address energy policy, housing policy, poverty issues and to some extent, early childhood education issues. Their priority this legislative session is to increase investments in health and safety particularly to address the senior population to help low income people to remain in their homes by helping with repairs that will prevent them from losing their housing. Housing was one of the focus categories (petals) of the system plan and was the first time it was ever on the legislative agenda for a completely different domain and reflected people’s growing understanding of the interconnectedness of all of these issues.

Questions and Answers:

Are bills related to domestic violence being tracked?

If the bill was specific to domestic violence laws but impacted housing or poverty then CAPO would track it. Katherine provided an example of a bill that had tenant protections for victims of domestic violence where CAPO was involved in lobbying to make sure an eviction of a person receiving services from a CAO doesn’t negatively impact either party and both parties can continue to receive services.

Does SB5512 refer to the funding of the severe weather shelters?

The funding of severe weather shelters was under an FY2018 EHA Expansion appropriation.

What is the EHA/SHAP funding level that SB5512 refers to?

The bill asks that the EHA/SHAP funding remain the same as last year.

Are all these bills being endorsed by Community Action Organization?

These are bills that CAPO is tracking as follows: 1-Endorsed and actively pushed; 2-Endorsed and supported (someone else is pushing); 3-Just watching.

Why is HB2001 so controversial?

Renee Brouse explained in certain cities that don't want rapid growth, it has the potential to allow multi-family units to be built in single-family dwelling land zones. Ellen added, the alternative is that the state has an obligation to affirm further for housing; e.g. Cities that do not have any multi-family housing, or the housing is so expensive, it excludes low income populations. Katherine noted one of several bills are trying to make it easier to build as much affordable housing as quickly as possible. She acknowledged strong arguments on both sides.

Is there any advocacy to ensure the continued funding of severe weather shelters?

Continued funding of severe weather shelters is desired but for now it is difficult to know quite how to do it. There is no reason why shelters couldn't have dedicated funding through EHA/SHAP funds; however, it would reduce the funding currently serving other programs. The focus for now is to keep EHA/SHAP funding level. Annette added two of the eight shelters are utilizing their funds well, while the rest are severely underspending. For many of the shelters, they find meeting the documentation requirements for spending public dollars challenging.

Is that a training issue?

The churches that run shelters are not equipped to deal with government regulations for spending especially when they are only open one night per week over a ten week period. Brian Schimmel added they specifically hired an accountant-type with the knowledge and background to understand how to spend the money and so have been able to take advantage of the funding available to grow their services.

If some shelters are underspending, can the funds be made available to others?

There is a meeting scheduled with the severe weather shelters on February 21 to address this issue. Brian added, ideally, it would be beneficial for severe weather shelter capacity to be spread over a number of shelters, rather than just a few.

With regard to legislative initiatives, Lindsay Downen noted for mental health providers, workforce is an extremely important issue. Specifically, the availability of skill employees given the low unemployment rate, the \$15 minimum wage, and the oversight and training investment required for new employees. There is concern among providers about how they are impacted by all of those items.

D. Review Federal FY2018 System Performance Measurement (SPM) Outcomes – Annette Evans

HUD announced they will begin accepting data submissions beginning March 1 to include data from the recent PIT Count and Housing Inventory Chart (HIC) as well as SPM for the period October 1, 2017 through September 30, 2018. This data is scored as a component of the competitive CoC Program grant application that funds \$3.8 million annually in Washington County. Annette provided a draft of the SPM outcomes for review and noted the data reflected in the report were not final as she noticed data errors in the areas of reporting income at entry, annual assessment and exit was missing, as well noted the return (recidivism) data appears to have issues. With regard to income data, Annette noted the data for non-employment cash should be much higher. In going through her reports and unbeknownst to her, she learned Housing Services had stopped providing food stamp recipient data for participants in Shelter Plus Care Programs, which the agency staff need for updating HMIS.

Lindsay Downen noted mental health providers are currently funded by Medicare or Medicaid which limits their ability to provide the much needed case management, housing navigation and critical time intervention after receiving housing. They know of successful programs that use alternative funding, but haven't come up with a way to tap into that alternative funding themselves. Marcia Hille noted it also reflected a problem with state laws that allowed individuals to be discharged prematurely from state hospitals to a hotel.

What will happen with discharge rates when the Oregon's Performance Plan for Mental Health Services for Adults with Serious and Persistent Mental Illness ends June 2019?

Marcia stated there are leadership changes in behavioral health, and it does not appear legislation is being introduced to address this issue. There is a bill being proposed for further

definition of the components of the current commitment law (interpreted in a variety of ways depending upon which court is involved).

Will the Department of Justice (DOJ) be doing another audit?

It is difficult to know whether the DOJ will determine the State of Oregon has failed to meet the benchmarks of the plan and continue the agreement or just end it

Will Family Promise of Tualatin Valley be part of the Community Connect system?

They are not part of the Housing and Supportive Services Network (HSSN), but Community Connect will let people in the area know they are available.

Annette will work with Housing Services staff to obtain Food Stamp benefit data to update program participant data in HMIS. She will also look at data for annual assessments that are not being entered that should include Social Security cost of living increases in 2017 and 2018. A final version of the SPM will be available for this group to review and approve at the April 12.

E. Federal FY2018 McKinney-Vento CoC Program grant application – Annette Evans

On February 7, HUD announced the FY2018 McKinney-Vento CoC Program awards. Washington County was granted \$3,853,943, which includes the renewal award and the New Sojourner’s Project and the CoC Planning Grant. The CoC did not score high enough to receive funding for the Shelter Plus Care Chronic Expansion project that would have provided rent assistance to subsidize permanent supportive housing. Barring another government shutdown, Annette expects to begin receiving contracts shortly. HUD’s announcement also included the registration deadline for the upcoming FY2019 CoC Program grant application.

V. AGENCY ANNOUNCEMENTS AND OPEN DISCUSSION

- Komi Kalevor announced a Landlord Forum, “Inspections: The Good, The Bad, and The Ugly” on March 21 6:00pm-8pm at the Washington Street Conference Center.
- Renee Brouse announced Good Neighbor Center’s annual fundraiser, “In Other Words!” on March 8 at Celebrate Catering in Lake Oswego. <https://goodneighborcenter.org/fundraisers/>
- Gordon Teifel announced he is assisting a director of Families Supporting Independence (FSI) in his negotiation of a partnership with the developer of Eagle Landing, a development with a mix of housing and commercial units located on the north side of Sunnyside Road. He is sharing his knowledge from being part of the HSSN.

VI. WORKGROUP MEETING SCHEDULE – SAVE THE DATE

- Friday, April 12, 2019
- Friday, June 14, 2019
- Friday, August 9, 2019
- Friday, October 11, 2019 (Note: Columbus Day holiday is October 14)
- Friday, December 13, 2019

VII. ADJOURNMENT

The meeting adjourned at 10:25 a.m.

Minutes prepared by Vara Fellger, Washington County Housing Services

HANDOUTS

- *Community Connect Consumer Survey*
- *Community Connect Agency Survey*
- *Washington County Office of Community Development ESG Consultation Memo and Attachments A & B*
- *Bill Tracker Custom Report dated February 1, 2019*
- *Raise Up Oregon: A Statewide Early Learning System Plan 2019-2023*
- *Washington County CoC System Performance Outcomes dated 12.1.2018*

To be added to HSSN Workgroup email list, or the HSSN Coordinated and Centralized Assessment System, contact Annette Evans at Annette_Evans@co.washington.or.us.

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