

ORDINANCE NO. 466-0

AN ORDINANCE AMENDING CHAPTER 7.020-7.040 TITLE 7 OF THE CODE OF THE CITY OF TROUTDALE ADOPTING BY REFERENCE THE PROVISIONS OF THE MULTNOMAH COUNTY ADULT CARE HOME LICENSURE ORDINANCE WHICH AUTHORIZES AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN MULTNOMAH COUNTY AND THE CITY OF TROUTDALE FOR COUNTY ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

WHEREAS, On October 11, 1983, the City Council amended Title 7 (Ordinance No. 410-0) of the code of the City of Troutdale, Oregon, by adding a new Chapter 7.020-7.040 which adopted by reference the provisions of the Multnomah County Adult Care Home Registration Ordinance (No. 392) to apply within the City of Troutdale; and

WHEREAS, Ordinance No. 410-0 also authorized the Mayor and City Administrator to execute an intergovernmental agreement with Multnomah County to provide for the administration and enforcement of the Adult Care Home Registration Ordinance in the City of Troutdale, which is currently in force; and

WHEREAS, the Multnomah County Adult Housing Program has successfully registered and inspected homes and investigated complaints since it was established in 1983. However, the effectiveness of this program can be further improved by requiring inspection and approval of all adult care homes prior to operation; and

WHEREAS, the Legislative Assembly of the State of Oregon has passed Enrolled Senate Bill 519, (Oregon Laws 1985, Chapter 629) which the Governor duly signed, requiring the licensure of all adult foster homes throughout the State by March 31, 1986; and

WHEREAS, on February 27, 1986, the Board of County Commissioners, adopted Ordinance No. 503, amending Ordinance No. 392, and establishing the Adult Care Home Licensure Ordinance, to license and inspect all adult care homes, including adult foster homes, prior to operation, and to require currently registered homes to apply for a license by March 31, 1986; and

WHEREAS, "Adult Care Homes," as defined by County Ordinance No. 503, means any home or other facility which provides room and board or room and care for compensation to one or more elderly, handicapped or dependent person(s) over the age of 18 not related to the owner or operator by blood or marriage; and not including any facility (housing 6 or more persons unrelated to the owner or operator) that is already licensed by a public agency as a Residential Care Facility or a Long Term Care Facility; and

WHEREAS, the State Department of Human Resources is entering into an intergovernmental agreement with Multnomah County for adult foster

homes in Multnomah County to be exempt from State license, inspection and fee provisions of SB 519 on the basis of the County's administration of an equal or superior licensure program for all adult care homes in the County; and

WHEREAS, the County has requested authority to administer and enforce the provisions of the Multnomah County Adult Care Licensure Ordinance within the City; and

WHEREAS, the City wishes to grant the County's request, relying on the County's allocation of resources, to protect the interests of the elderly, handicapped and dependent adults in the City in need of care, to the benefit of all City residents; and

WHEREAS, it is in the public interest to provide for uniform administration of the Multnomah County Adult Care Home Licensure Ordinance in the City and County.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

1. The provisions of Multnomah County Adult Care Home Licensure Ordinance contained in Chapter 8.90 of Title 8 of the Multnomah County Code shall apply and be enforceable within the incorporated boundaries of the City of Troutdale as amended Chapter 7.020-7.040 of Title 7 of the City of Troutdale Code.
2. The Mayor and City Administrator are authorized to execute an amendment to the intergovernmental agreement with Multnomah County approved by Ordinance No. 410-0, October 11, 1983; this amendment to be substantially similar to the amendment attached as Exhibit A, to provide for continuing administration and enforcement of Multnomah County's Adult Care Home regulations in accordance with Multnomah County Ordinance No. 503 and substantive amendments thereto.
3. The Council declares that an emergency exists because Multnomah County Adult Care Home License Ordinance No. 503 became effective on March 31, 1986, and enforcement of this ordinance within the City and the County should be uniform in so far as possible; therefore this ordinance shall take effect immediately upon its final passage.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS THIRTEENTH DAY OF MAY, 1986.

YEAS: 4
NAYS: 0
ABSTAINED: 0

Sam K Cox

Sam K. Cox, Mayor

Dated:

5/14/86

ATTEST:

Valerie J. Raglione
Valerie J. Raglione
City Recorder

18:34



H I B I T A

AMENDMENT
AGREEMENT FOR INTERGOVERNMENTAL RELATIONS
ADULT CARE HOME [REGISTRATION] LICENSURE

Pursuant to the provisions of Section VIII TERM OF AGREEMENT of the City/County Agreement for Intergovernmental Relations dated October 11, 1983, the City and County mutually agree to amend this agreement as specified below.

Section II. DEFINITIONS is amended to read:

1. "Adult Care Home", as defined by County Ordinance No. [392] 503 (amending Ordinances No. 387 and No. 392) and substantive amendments thereto, means any home or other facility which provides room and board or room and care for compensation to one or more elderly, handicapped or dependent persons over the age of eighteen (18) not related to the owner or operator by blood or marriage, and not including any facility (housing six (6) or more persons unrelated to the owner or operator) that is already licensed by a public agency as a Residential Care Facility or Long Term Care Facility.
2. "Adult foster home", as defined by Enrolled Senate Bill [22] 519 (Oregon Laws [1983] 1985 Chapter 629), means any family home or facility in which 24-hour care is provided for five (5) or fewer adults who are not related to the provider by blood or marriage.

Section III. RECITALS, Subsections 1 and 5-13, are amended to read as follows:

1. WHEREAS, [Unknown numbers of] Approximately 2,000 dependent adults who have specialized housing needs, including the elderly, the mentally and physically handicapped, alcoholics and drug dependent persons, live in [unregulated] unlicensed Adult Care Homes in the City and County; and
4. WHEREAS, The City Council in Ordinance No. 410-0 (October 11, 1983) amended Title 7 of the Municipal Code of the City of Troutdale by adding Chapter 7.020-7.040 which adopted by reference the provisions of the Multnomah County Adult Care Home Registration Ordinance to apply within the City, and authorized the Mayor and City Administrator to execute an intergovernmental agreement with Multnomah County to provide for the administration and enforcement of an Adult Care Registration Ordinance in the City of Troutdale (dated October 11, 1983); and
5. WHEREAS, The Multnomah County Adult Housing Program has successfully registered and inspected homes and investigated complaints since it was established in 1983. However, the effectiveness of the program can be further improved by requiring inspection and approval of all adult care homes prior to operation; and

- [4] 6. WHEREAS, There is a need for [registration] licensure and [access for] inspection of Adult Care Homes (including adult foster homes) prior to operation and Multnomah County has passed Ordinance No. 387, adopted on July 7, 1983, amended by Ordinance No. 392, adopted on September 8, 1983, and further amended by Ordinance No. 503, adopted on February 27, 1986, to address the problems set forth above, establishing Chapter 8.90 of Title 8 of the Multnomah County Code and requiring currently registered homes to apply for a license by March 31, 1986; and
- [5] 7. WHEREAS, "Adult Care Home", as defined by County Ordinance No. [392] 503 (amending Ordinances No. 387 and No. 392) and substantive amendments thereto, means any home or other facility which provides room and board or room and care for compensation to one or more elderly, handicapped or dependent persons over the age of eighteen (18) not related to the owner or operator by blood or marriage, and not including any facility (housing six (6) or more persons unrelated to the owner or operator) that is already licensed by a public agency as a Residential Care Facility or Long Term Care Facility.
- [6] 8. WHEREAS, It is the stated intent of the County Ordinances No. 387 and No. 392 and No. 503 that information gained from [registration] licensure and inspection of Adult Care Homes shall be made available to the public to assist in its selection of an Adult Care Home, providing a basis for a data referral bank for special needs people; and
- [7] 9. WHEREAS, The Legislative Assembly of the State of Oregon with similar intent has passed Enrolled Senate Bill [22] 519 ([1983] 1985 Regular Session), which the Governor has duly signed, requiring the [registration] licensure of all "adult foster homes" throughout the State by [January 1, 1984] March 31, 1986; and
- [8] 10. WHEREAS, "Adult Foster Home", as defined by Enrolled Senate Bill [22] 519 (Oregon Laws [1983] 1985 Chapter 629), means any family home or facility in which 24-hour care is provided for five (5) or fewer adults who are not related to the provider by blood or marriage.
- [9] 11. WHEREAS, The State Department of Human Resources is entering into an intergovernmental agreement with the County [for the County, within its boundaries, to administer these statutes on behalf of the State Department of Human Resources concurrently with its administration of Chapter 8.90 of Title 8 of the Multnomah County Code] to allow adult foster homes in Multnomah County to be exempt from State licensure, inspection, and fee provisions of SB 519 on the basis of the County's administration of an equal or superior licensure program for all adult care homes in the County; and

- [10]12. WHEREAS, The relationship between the need for safe and sound structures and providing quality care in Adult Care Homes is closely linked and it is desirable to coordinate the administration and responsibility for [registering] licensing such facilities to insure uniformity of treatment throughout the County; and
- [11]13. WHEREAS, The County is already authorized to [administer and] enforce [the provisions of the Multnomah County Adult Care Home Registration Ordinance No. 392] regulation of Public Health and Sanitation Codes within the City; and
- [12]14. WHEREAS, the County has requested authority to administer and enforce the provisions of the Multnomah County Adult Care Home [Registration] Licensure Ordinance No. [392] 503 and substantive amendments thereto within the City; and
- [13]15. WHEREAS, The City wishes to grant the County's request, relying on the County's allocation of resources, to protect the interests of elderly, handicapped, and dependent adults in the City in need of care, to the benefit of all City residents; and
16. WHEREAS, The City Council in Ordinance No. 466 (May 13 1986) amended Chapter 7.020-7.040 to adopt by reference the provisions of the Multnomah County Adult Care Licensure Ordinance No. 503 and any substantive amendments thereto, and authorized the Mayor and City Administrator to execute an amendment to the City/County Agreement dated October 11, 1983 to provide for continuing administration and enforcement of Multnomah County's Adult Care Home regulations in accordance with County Ordinance No. 503;
- [14]17. THEREFORE, The City and County agree as follows:

Section IV. AGREED/COUNTY Subsections 1, 3, 4, 5, and 6, are amended to read as follows:

1. Pursuant to ORS 190.030(1), the County shall undertake to administer and enforce within the boundaries of the City all provisions of County Ordinance No. [392] 503 establishing Chapter 8.90 of Title 8 of the Multnomah County Code as adopted in Ordinances No. 410-0 and No. 466 by the City, providing for the [registration] licensure and [access for] inspection of Adult Care Homes.
3. The County shall undertake a campaign in cooperation with the City to provide information to the public about the requirements for [registration] licensure of Adult Care Homes within the City, as well as about the procedures for filing complaints.
4. The County will designate an individual in the Department of Human Services who is responsible for the administration of Ordinance No. [392] 503 and who shall be the liaison to the City.

5. The County will provide the following reports and documents to the City:
- A listing of [registered] licensed Adult Care Homes in the City, updated [monthly] periodically.
 - A listing of Adult Care Homes in the City which have had their [Certificates of Registration] License suspended or revoked, updated [monthly] periodically.
 - Reports on any inspection of an Adult Care Home specifically requested by the City.
 - Copies for review of any proposed amendments to Chapter 8.90 Title 8 of the Multnomah County Code or to the Administrative Rules adopted for this Chapter, prior to submission to the Board of County Commissioners or filing, respectively.
 - Such information as may be reasonably requested by the City to evaluate the impact of licensure on the availability of housing for special needs populations.
 - Such other pertinent information as may be requested by the City.
6. Unless required by applicable State statutes or Administrative Rules, in administering the provisions of County Ordinance No. [392] 503 in the City the County shall not adopt or enforce requirements for Adult Care Homes within the City through administrative rule-making which exceed the requirements of City Housing or Fire Codes. The County may not vary the requirements of adopted City Housing or Fire Codes in administering the provisions of County Ordinance No. [392] 503 in the City.

Section V. AGREED/CITY Subsections 1, and 3, are amended to read as follows:

1. Pursuant to ORS 190.030 (1) the City hereby delegates to the County the responsibility and authority to undertake for the City administration and enforcement responsibilities for the [registration] licensure and inspection of Adult Care Homes which are located in the boundaries of the City in accordance with provisions of County Ordinance No. [392] 503 as adopted by the City in City Ordinances No. 410-0 and No. 466.
3. The City shall cooperate with the County in providing information to the public about the requirements for [registration] licensure of Adult Care Homes within the City, as well as about the procedures for filing complaints.

All other provisions of the City/County Agreement for Intergovernmental Relations dated October 11, 1983, remain in effect and shall continue perpetually unless modified, amended or terminated as set forth in Section VIII of the original agreement.

Dated this _____ day of _____ May _____, 19 86.

COUNTY OF MULTNOMAH

CITY OF TROUTDALE

By _____
County Executive

By Sam K. Cop
Mayor

By Phillip H. [Signature]
City Administrator

Approved As To Form

Approved As To Form

By _____
Assistant County Counsel

By _____
City Attorney

[2449V]