

Statewide Shelter Program Rules Advisory Committee

Feedback – Debrief Summary

Statewide Shelter Program (SSP) contact:

HSD.HomelessServices@hcs.oregon.gov

Rules Advisory Committee (RAC) facilitator contact:

Rachel.Bennett@hcs.oregon.gov

Rules Advisory Committee Feedback Received on Draft Rules

Eligible Shelter Types & Services

Question: Does the manual have any exclusions as it relates to STEPS?

- **Response:** Yes, the manual outlines specific requirements for STEPS.

Suggestion: Prefer language “working towards permanent housing solutions.”

- **Response:** See page 4-5 for case management responses.

RAC Feedback: I appreciate the conversation around the case management. There is that difference that case management can be optional and progressing towards someone's identified housing goals. There's a difference, and it goes back to what a low-barrier shelter looks like and that folks should be progressing in whatever way they've identified for themselves. For some people, it could be enormous steps forward; for others, it could just be baby steps.

- **Response:** See page 4-5 for case management responses.

RAC Feedback: I heard mixed feedback about optional case management being in direct contrast to housing-focused shelter services. There was a lot of conversation about case management, specifically the requirement to participate in it and how other shelters felt the need to. Or regional coordinators of we need some like that is in direct contrast to the housing focused shelter that you all have defined in the shelter definitions. Folks need to continue moving towards a housing resolution to stay in our shelters and that may look different for every single person. But you can't just stay in shelter indefinitely and continue receiving services. We need to have folks engaged in case planning with us.

- **Response:** See page 4-5 for case management responses.

Clarification needed: Clarify the difference between basic overnight shelter and hotel/motel voucher use, as some agencies operate shelters out of hotel/motel sites.

- **Response:** OHCS recognizes hotel/motel voucher programs can fall into either basic overnight shelter or housing focused shelter. To avoid confusion, OHCS will remove the example of hotel/motel voucher under basic overnight shelter.

Suggestion: Clarify what constitutes “secure” for STEPS.

- **Response:** Secure refers to the site management plan which outlines how the program will monitor the safety and security of the site and its participants, staff, and volunteers. STEPS must meet the minimum requirements of standards of habitability, amenities, and services outlined in the manual. Note: STEPS do not require onsite security.

Suggestion: Is it possible to change language from having shower facilities on site to “access to shower facilities”? We have programs that could qualify that have shower facilities next door, technically on a separate site, but nearby.

- **Response:** OHCS will incorporate this feedback into the program manual.

Suggestion: We have the same question about onsite versus nearby when it comes to food preparation. We had to dismantle our commercial kitchen, but we do have access to prepare meals while our kitchen is under construction.

- **Response:** This would meet the proposed requirements. Shelter operators would need to have food preparation facilities onsite, or meals provided to participants, which could be prepared off-site.

Suggestion: The draft rule largely covers what we talked about in the workgroup regarding STEPs. There was additional language in the shelter workgroup regarding the availability of potable water on site, possibly including arrangements for water delivery. Access to onsite electricity would also include alternative strategies for ensuring that residents can recharge devices on site, not necessarily electricity in each individual space. I want to make sure the rule interpretation will be the way it was in the final report.

- **Response:** OHCS will update the program manual to clarify that electricity does not need to be provided directly to each basic free-standing structure or vehicular camping space for STEPS.

Minimum Habitability and Service Requirements:

Habitability standards at vehicular STEP sites: The workgroup recommendations specified that vehicles supplied by the participants can be used. Alterations to

vehicles to provide walls/roofs, heating/cooling, etc., may be a barrier or prevent some households from accessing services.

- **Response:** Under STEPS, the requirements of hard-surface floors, weatherproofing, and the ability to close and lock a door apply to basic free-standing structures and do not apply to vehicles supplied by the participants. However, all STEPS programs must meet the other minimum requirements outlined in the program manual.

Remaining Questions: Would Conestoga Huts qualify under STEPS?

- **Response:** Huts, such as Conestoga Huts, may qualify as a basic-free standing structure, which means an alternative to traditional shelter that meets either shelter criteria or STEPS criteria, depending on features, standards, and amenities. These structures typically do not include a foundation and are assembled with pre-fabricated parts and materials. Examples include pallet shelters, Conestoga Huts, yurts, and other tiny home models.

Question: Does the requirement of a door that locks apply to the shelter as a whole or to individual rooms?

- **Response:** The lock requirement applies to basic free-standing structures. There is a CFR standard for shelters that require adequate space and security for shelter participants and their belongings. OHCS wanted to specify the requirement of a locking door for a basic-freestanding structure because these structures are not set inside an existing building. The expectation is that any shelter meeting the criteria would have secure doors, but this is called out specifically for basic-freestanding structures like a cluster of pallet shelters or tiny homes.

Question: Are heating and cooling included in the CFR?

- **Response:** Yes.

Suggestion: Clarification of what level of electricity is required would be helpful. Some sites—specifically, those using only cars—may not need electricity, as cars are not designed for hookups; however, alternative strategies for charging devices, etc., may be necessary.

- **Response:** STEPS programs are required to provide access to electricity onsite and adequate lighting. There must be sufficient electrical sources to permit the safe use of electrical appliances. However, electricity does not need to be available to each individual space.

Policies Regarding Low-Barrier

RAC Feedback: Is accommodating pets optional or required? If shelters are given the option to not allow pets, many will choose not to even if they can. I have had this conversation with ES operators across the Balance of State, and many don't want to take pets even if they have the capacity to do so. Maybe require shelters to apply for an exception to the pet requirement, rather than just making it optional from the beginning.

- **Response:** This was based on feedback OHCS received in engagement that many shelters can't accommodate pets due to insurance requirements, space issues, or other challenges. OHCS is revising the program manual to reflect that shelters are required to accommodate pets with exceptions needing approval through the regional coordinator. Note: All shelters must accept service animals.

Suggestion: Clarification on whether a shelter can limit access for pets would be helpful. The workgroup recommendations specified that access for pets is required.

- **Response:** See response above regarding animal policy.

Suggestion: There needs to be some definition of when the denial of accepting pets is okay and when it is not.

- **Response:** See response above regarding animal policy.

Suggestion: If engagement can be required, it could be framed similarly to the pet discussion (when and how can shelters require that).

- **Response:** See pages 4-5 for response on case management.

Suggestion: Require shelters to apply for an exception instead of making it optional by default.

- **Response:** See response above regarding animal policy.

Question: Are low-barrier shelters allowed to have maximum stay limits or requirements for engagement in housing plans in order to extend stays?

- **Response:** Low-barrier shelters and sites are not allowed to have maximum stay limits. Additionally, low-barrier and non-exclusionary sites may not require sobriety, treatment, and participation in case management services, including engagement in housing plans in order to extend stays.

Suggestion: The language around any potential trespass of timebound service restrictions helps shelter service operators. For health and safety reasons, we do have to have that immediate exit for other community members that are on

staff. This language is very clear regarding what steps to take. Regarding the appeals process, for our organization, if it's a threat to other community members, we do have to immediately remove that person from the property and hand them information about the appeals process, but we don't keep them in the shelter when they pose a risk to other community members. I do think this language is clear in that regard. Involuntary exit should be for violence and things that are related to health and safety.

- **Response:** OHCS agrees that violence or threats to health and safety may be a reason for an involuntary exit. OHCS will review the program manual and determine if further clarification is needed to acknowledge that shelters may exit someone from the program and ask the participant to leave the premises if they pose a health and safety risk, even if the participant has not yet submitted an appeal of the exit decision.

Question: What about self-identification of who family members are?

- **Response:** Self-identification of family members is addressed in the definition of "households" which includes an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit.

Suggestion: Policies should remain as black-and-white as possible to avoid varied interpretations.

- **Response:** OHCS appreciates this feedback and is striving to strike a balance of being clear without being overly prescriptive.

Comment: Lack of participation in case management services feels in contrast with the definition of housing-focused shelter.

- **Response:** Housing focused shelters provide case management and supportive services, including the development of an individualized housing service plan (IHSP) or similar plan with the participant. Additionally, low-barrier shelters may not require shelter guests to participate in case management services. The distinction is that housing focused shelters must offer case management services to its participants, but participation in case management is voluntary for shelter guests.

RAC Feedback: I agree with the suggestion to remove the requirement that case management participation be optional. Instances where involuntary exit can be applied are addressed in other sections, and this was not a recommendation of the workgroup. I recommend considering language that

states “lack of participation in case management cannot be grounds for involuntary exit”

- **Response:** Please see the response above regarding case management.

Suggestion: Address case management in exit policy instead of low-barrier criteria.

- **Response:** Please see the response above regarding case management.

Suggestion: Clarify if low-barrier shelters can require engagement in housing plans for extended stays.

- **Response:** Low-barrier shelters and sites are not allowed to have maximum stay limits. Additionally, low-barrier and non-exclusionary sites may not require sobriety, treatment, and participation in case management services, including engagement in housing plans in order to extend stays

Clarification needed: Does prohibition on abstinence-based requirements mean they're *not best practice* or that grantees *cannot* impose them?

- **Response:** Low-barrier means programs cannot require sobriety or treatment. However, a shelter or STEPs site that requires sobriety or drug and/or alcohol treatment may be considered recovery-based.

RAC Feedback: We currently do not ask people to “abstain completely” (draft manual language); however, we ask that they not have drugs or alcohol on the premises. Also, how does this requirement intersect with federal law/HUD requirements re: drugs?

- **Response:** The requirement to not allow drugs or alcohol on the premises is allowable under the low-barrier policy. OHCS will clarify in the program manual that the limit of drugs and alcohol may apply to the entire premises and not just common or shared areas. Additionally, shelters must follow local, state, and federal laws. OHCS will continue to monitor changes at the federal level that may impact these requirements.

Question: Is it okay to limit possession/use on site? How does this align with federal law/HUD requirements?

- **Response:** See the response above.

RAC Feedback: Roseburg operates a 20-family shelter. For my team, the language is fairly good, but we have a goal that our shelter is safe for all families. Some families have child welfare services as part of their life, so the potential allowance of alcohol and drug use creates complexity with those families that are also navigating child welfare concurrently. The language around may

establish behavioral expectations that limit it, but maybe there could be further carve outs for DV/SA shelters around alcohol and drug use.

- **Response:** The intention of low-barrier policy is to meet people where they are and remove as many barriers to access shelter as possible, including sobriety requirements. Based on other feedback, we will update the low-barrier policy to clarify that shelters may limit the use of drugs and alcohol anywhere on the premises. Ensuring the safety of everyone is paramount to shelter policies. Shelters must ensure their admissions, occupancy, and operating policies and procedures protect privacy, health, safety, and security. At this time, OHCS will not have sobriety requirements carveouts for DV/SA shelters, but our intention is that the changes in the program manual will help address some of the safety concerns raised. Additionally, DV/SA shelters with sobriety requirements may still qualify as a recovery-based shelter.

Question: Clarify applicability for DV/SA shelters.

- **Response:** See the response above.

RAC Feedback: Please reflect the tension between low-barrier access and housing focused shelter.

- **Response:** Housing-focused shelters provide case management and supportive services, including the development of an individualized housing service plan (IHSP) or similar plan with the participant. OHCS is reviewing the low-barrier policy and exit and separation policy to determine appropriateness of changes to voluntary participation in case management and involuntary exits based on lack of engagement on IHSP.

Grievance System Between Regional Coordinators and Shelter Operators:

- **RAC Feedback:** This is to establish a statewide emergency shelter (ES) system; therefore, there should be clear direction about the baseline for how the state would like it to be managed.
- **Response:** OHCS is considering feedback on the grievance system between Regional Coordinators and shelter operators to clarify the scope and the basis for decision making on the written summary. This policy is currently under review.

RAC Feedback: It is important that the scope of what can be grieved is clearly defined within the operations manual. For example, you can't grieve because the theme color was purple; it doesn't have anything to do with the operations.

- **Response:** See response above.

RAC Feedback: I participated in the initial work group, and I recall that the city of Eugene provided a comment on the topic of grievances. It was really about how we're shifting into a regional approach. What's that role? How does OHCS navigate grievances that may arise between shelter holders, shelter providers, the defined cities, and regional entities? Initially, it wasn't just operational issues that were coming up in a potential contract, but also how that regional plan is formed, what's included in the regional plan, and making sure that there's an inclusive aspect for the regions of the community's needs. And so that was kind of where the city had put our interest in having like, what's a grievance process if a region is having challenges trying to come to an agreement of con plan or plan that's being adopted doesn't incorporate all of those elements, how? Does one navigate that? I would ask that it doesn't get lost within moving from the work group to the statute.

- **Response:** See response above.

Policy Regarding Exit and Separation from Shelter Services:

RAC Feedback: These policies could potentially create more equitable shelter exits. The program manual says to refer to the grievance appeals section on page 7. If a shelter operator must involuntarily exit someone, is the notice of a 30-day appeal given and the person remains in shelter for the 30 days, or are they provided documentation about their right to appeal within 30 calendar days? I'm confused about the logistics of this appeal process. There's confusion about establishing residency rights and what avenue to proceed down when you need someone to exit due to health and safety risks. The appeals language could add to confusion around the rights of shelter operators when needing to exit someone in a dangerous or unsafe situation.

- **Response:** In case of an involuntary exit, programs must inform participants of the appeals process. The expectation is not that the participant will stay in the shelter for the 30 days while awaiting an opportunity to appeal. Programs may exit someone from the program and ask the participant to leave the premises if they pose a health and safety risk.

Grievance Process Between Regional Coordinators and Shelter Operators

Question: What is the written summary based on? What's the basis of the decision-making standard?

- **Response:** See response regarding review of the grievance system between Regional Coordinators and shelter operators.

Suggestion: The scope of grievances should be clearly named and listed.

- **Response:** See response regarding review of the grievance system between Regional Coordinators and shelter operators.

Suggestion: Keep language black-and-white to avoid excessive grievances.

- **Response:** See response regarding review of the grievance system between Regional Coordinators and shelter operators.

Funding Formula

Question: Can you explain how this process accounts for the HB 3644 requirement that contracts with Regional Coordinators are five- to six-year periods? It looks like the first period of funding is for one fiscal year.

- **Response:** Regional Coordinators will be selected for a five to six-year period. The funding formula specifically calls out July 1, 2026, to June 30, 2027, which is the first year in which the regional coordinator model is operational. HB 3644 requires OHCS to include need and performance as factors in the funding formula, and OHCS is proposing that performance is not included in the first year of the regional coordinator model in order to establish a baseline. However, OHCS may remove the mention of July 1, 2026, to June 30, 2027, to avoid confusion.

Comment: I have concerns about the PIT Count, since not all CoCs do unsheltered counts every year or put the same level of energy into the PIT.

- **Response:** If we use PIT data, it would only be in odd-numbered years when a full count is done.

A concern for rural providers: PIT is harder in rural areas and does not accurately reflect the real need for shelter services, resulting in rural providers being underfunded. Additionally, rural providers offer more comprehensive services, as they are often the sole resource in their area, which is more resource-intensive.

- **Response:** We have heard this concern frequently, which is why there are several other potential factors. If used, the PIT would likely be a small part of the formula.

Comment: There needs to be further clarity about shelter utilization and about shelter beds vs. shelter units. Family beds may have beds open because another family isn't able to move in, but they appear open.

- **Response:** OHCS intends to measure beds and units separately to determine shelter utilization rate. OHCS intends to have more engagement around the funding formula, including shelter utilization.

Comment: If we are looking at bed utilization, there needs to be a standardized way that we count beds.

- **Response:** Yes, we agree.

Question: Will subgrantees receive goals for bed utilization, exit to housing, etc.?

- **Response:** Regional Coordinators will have goals for permanent housing placements. OHCS is still exploring whether regional coordinators will need goals for shelter utilization.

Comment: OHCS should not carve out their ability to directly fund shelters. If the direction is to go with Regional Coordinators, they should commit to that model and work with Regional Coordinators.

- **Response:** OHCS intends to use the Regional Coordinator model to distribute Statewide Shelter Program funds. However, OHCS reserves the ability to direct award funds at our discretion.

Suggestion: Regional Coordinators should have more direct access to shelters to better understand program budget needs and how services fit into the local emergency response system.

- **Response:** OHCS agrees and intends to use the Regional Coordinator model to distribute SSP funds. See the response above.

Suggestion: Locally, we utilize the percentage of exits that exit to permanent housing, rather than percentage of total served that exit to permanent housing. It is a small wording difference, but it changes the calculation. I would suggest using the percentage of exits that exit to permanent housing.

- **Response:** OHCS will make the change to the funding formula to reflect the percentage of exits that exit to permanent housing.

Question: Will OHCS provide the funding formula? Having the ability to review the factors considered and how they were weighted in the funding process is a transparent way for providers and regions to better understand priorities.

- **Response:** Yes, absolutely. We will have continued engagement on it, particularly around the past performance piece. We will have a Request for Applications to identify Regional Coordinators. Once the Regional Coordinators are selected, which will help determine the regions, we can develop the funding formula, continuing to seek feedback.

Feedback on Draft Impact Statements

Fiscal Impact

Comment: Highly support the greater percentage for administrative costs (15%), but 20% would be ideal.

- **Response:** OHCS is unable to increase to 20% at this time.

Question: Does this impact the admin rate for 2025-26?

- **Response:** No.

Small Business Impact

Comment: The estimated number of small businesses impacted (100-150) seems low because emergency shelter will impact CAAs, CCOs, DV and youth providers, housing authorities, and all smaller direct service housing providers and drop-in centers.

- **Response:** OHCS will do further analysis on the number of small businesses impacted.

Comment: As funding has decreased, the number of small businesses impacted may also decrease.

- **Response:** OHCS will take this into consideration.

Cost of Compliance

Question: Could administrative funds be used to hire a consultant or employee to develop the regional plan? It states here that no third-party professional services were anticipated; however, programs may need to utilize those services for this plan development if capacity is strained.

- **Response:** These costs are also eligible under capacity building as technical assistance.

Comment: Insurance is a third-party professional service.

- **Response:** OHCS will update the impact statement to say that some third-party professional services are anticipated.

Comment: Administrative costs could include legal, communications, governmental relations, and public health, in addition to the programmatic compliance work.

- **Response:** OHCS will update the impact statement to reflect these costs.

Comment: Data collection should be an included cost.

- **Response:** OHCS will update the impact statement to reflect this cost.

Racial Equity

Rules Advisory Committee agree with drafted statement: This statement looks thorough and great; however, I am not from an impacted community.