

HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS

April 06, 1999 Hearing Room E

8:30 a.m. Tapes 47 - 48

MEMBERS PRESENT: Rep. Jane Lokan, Chair

Rep. Kathy Lowe, Vice-Chair

Rep. Betsy Close

Rep. Dan Gardner

Rep. Tim Knopp

Rep. Jeff Kruse

Rep. Kitty Piercy

MEMBER EXCUSED: Rep. Montgomery

STAFF PRESENT: Pat Zwick, Administrator

Susan M. Pettey, Administrative Support

MEASURES HEARD: HB 3082 PUBLIC HEARING

SB 405-A PUBLIC HEARING

HB 2662 WORK SESSION

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 47, A		
004	Chair Lokan	Opens the meeting at 8:35 a.m., and opens public hearing on HB 3082.
<u>HB 3082 PUBLIC HEARING</u>		

011	Rep. Al King	House District 44. Speaks in support of HB 3082. Submits and summarizes written testimony (EXHIBIT A). Indicates that amendments will be presented for consideration.
050	Rep. Lowe	Refers to HB 3082, page 1, line 7(2). Suggests including the word "municipality."
054	Rep. King	Agrees with this. Offers to prepare an amendment.
060	Chair Lokan	Acknowledges receipt of a letter from Eugene City Council, stating that the mayor and the council have not reviewed HB 3082, and take no official position at this time.
069	Phillip Fell	League of Oregon Cities. Testifies in support of the concept of HB 3082, but takes a neutral position. Discusses the cost of providing services to municipalities. Expresses concern about potential litigation. Comments that supporting this type of operation will be very expensive.
089	Rep. Gardner	Asks if litigation exposure is a risk in any type of housing. Asks what is exceptional about this type of housing.
092	Fell	Comments that he has not spoken to the building codes people. Agrees the building code is in place to protect people. Indicates that some exceptions may be necessary.
098	Rep. Gardner	Asks if his concern is with yurts having some sort of exemption to the building codes.
105	Fell	Replies yes. Adds that he is concerned about potential litigation relative to personal injury. Suggests if the threat of litigation can be removed, the concept becomes more interesting.
109	Gardner	Asks if the building codes are met, is there any additional threat with this concept than with other types of housing.
115	Fell	Assumes any building code exemptions will focus on safety and reducing costs. Comments that transitional housing may be difficult to operate safely.
119	Rep. Lowe	Asks for clarification in terms of liability in housing the homeless.
125	Fell	Clarifies that if yurts are built, security, services, and staff must be provided.
138	Rep. Piercy	Comments that a municipality must provide safety and security regardless of housing type.

151	Fell	Indicates an interest in trying the project.
159	Chair Lokan	Asks about his experience with this type of housing.
162	Fell	Indicates that he is unaware of a municipality with this type of transitional housing.
165	Rep. Close	Asks why homeless camps in Seattle and Beacon Hill were demolished and/or burned.
168	Fell	Expresses no personal knowledge. Remarks that the shanty-town designation indicates it just grew there without authorization. Addresses security and safety issues.
171	Rep. Close	Asks about crime among the homeless population, and crime in encampments.
175	Fell	Replies that he does not know the answer.
185	Jerry Bieberle	Oregon Coalition on Housing and Homelessness. Speaks in support of HB 3082. Suggests yurts be considered as a viable option for transitional housing. Urges members to fix the building code issue so that municipalities can consider placing yurts for transitional housing.
210	Dana Roberts	Acting Deputy Administrator, Building Codes Division, Department of Consumer and Business Services. Speaks in support of HB 3082. Submits and summarizes written testimony (EXHIBIT B). Explains proposed amendments to HB 3082.
255	Rep. Lowe	Asks if the amendment or bill prohibits placing a yurt on private property for personal use.
262	Roberts	Answers no
265	Rep. Lowe	Asks if a municipality considering yurts for transitional housing must designate the zone as a recreation park.
272	Roberts	Answers no. Explains that it would expand the use of a yurt by placing it in a designated park. Explains use of the term "temporary".
278	Rep. Lowe	Asks if yurts are suitable for transitional housing.
285	Roberts	Sees it as an option, yes.

290	Pat Lewis	Discusses the strength and fire resistance of a yurt structure. Expresses no safety concerns for this type of use.
299	Chair Lokan	Asks if Mr. Lewis has seen yurts built and used.
303	Lewis	Comments on yurts currently in use by the military, in the state park system, and as warming huts on Mt. Hood.
313	Chair Lokan	Asks how many yurt manufacturers are in Oregon.
315	Lewis	Knows only of a Cottage Grove manufacturer.
326	Rep. Piercy	Asks if yurts could be permanent housing.
328	Roberts	Responds that transitional housing is specifically defined in the amendment (EXHIBIT B, pg. 2) .
333	Rep. Piercy	Asks for clarification about the change in definition of the use of recreational vehicles (EXHIBIT B, pg. 2) .
338	Lewis	Answers that it does not change the use at all, but just adds to the statute.
343	Rep. Kruse	Refers to the proposed amendment (EXHIBIT B, pg. 2) regarding the definition of transitional housing accommodation. Asks if independent cooking arrangements qualify.
353	Lewis	Replies that municipalities have the option of providing plumbing. Discusses the original intent of HB 3082.
372	Rep. Kruse	Indicates that, by definition, independent facilities must be shared.
385	Lewis	Comments that the definition can be left in HB 3082.
391	Chair Lokan	Asks how it can be amended to solve the problem.
395	Lewis	Answers that the problem can be solved by taking out the underlying portion, and leaving the original bill language.
398	Rep. Kruse	Stresses the importance of language in the definition to ensure intent.
418	Roberts	Explains that if the intent of the committee is to have both shared and non-shared facilities, the definition needs to be revised. Indicates a willingness to do this.

430	Rep. Kruse	Comments on necessity for conforming language.
443	Alan Bair	Owner, Pacific Yurts, Inc. Describes meeting with building codes officials. Supports HB 3082 and the proposed amendments. Discusses the use of yurts on private property for personal use.
478	Bair	Supports Rep. Kruse's suggestion regarding the language in the definition. Adds that HB 3082 does not mandate anything, but leaves the option open to consider yurts as transitional housing.
TAPE 48, A		
057	Chair Lokan	Asks how durable is a yurt.
059	Bair	Indicates that the wood frame can last a lifetime with proper care. Describes products used in the production of yurts at his factory. Discusses fabric warranties.
078	Chair Lokan	Asks how many manufacturers of yurts are there.
082	Bair	Claims that he has been alone in the market for 10-15 years as the original manufacturer of modern yurts. Questions whether competitors make a quality product. Indicates others have tried to copy his design.
090	Rep. Piercy	Asks about replacement of parts because of wear or abuse.
101	Bair	Addresses security and vandalism issues. Comments on component construction of yurts.
123	Rep. Kruse	Asks if there are any other yurt manufacturers in the State of Oregon.
128	Bair	Replies that he does not know of any yurt manufacturers that make a similar quality product. Describes various yurt styles manufactured in Oregon.
140	Peter Grundfossen	Association of Housing Authorities (AOHA). Speaks in support of HB 3082. Indicates that AOHA has no direct interest in yurts. Explains that housing authorities are interested in permanent, long-term living arrangements.
161	Chair Lokan	Asks about transitional housing
163	Grundfossen	Answers that transitional housing is done in the context of existing facilities. Explains that homeless persons apply to housing authorities frequently. Stresses the importance of temporary, transitional housing. Sees yurts as a viable option. Indicates the need for a nonprofit to manage this type of transitional housing,

		under agreement with municipalities. Claims that litigation exposure would be limited with a competent nonprofit managing the facility.
206	Grundfossen	Discusses economic benefits of general housing developments.
240	Chair Lokan	Closes public hearing on HB 3082, and opens public hearing on SB 405-A.
<u>SB 405-A PUBLIC HEARING</u>		
265	Pat Zwick	Committee Administrator. Summarizes provisions of SB 405A. Discusses fiscal impact.
321	Barry Kast	Administrator, Mental Health & Developmental Disability Services Division. Speaks in support of SB 405A. Submits and summarizes written testimony (EXHIBIT C). Explains that SB 405A permits the Division to acquire and dispose of community housing for people with disabilities. Establishes a fund in the State Treasury to pay expenses of acquiring and financially assisting in the development of community housing.
371	Kast	Continues testimony in support of SB 405A. Describes the opportunities that would be provided to persons with disabilities under the Community Housing Fund.
435	Kast	Continues testimony in support of SB 405A. Indicates that 90% of the budget for disability services is dedicated to residential services. Serves more than 4,000 clients currently in group homes, foster homes, or in the home of family or relatives.
487	Kast	Addresses in-home client care provided by family with appropriate accommodations. Talks about a grant program to assist with those accommodations.
TAPE 47, B		
061	Chair Lokan	Comments that she is referring to capital expenditures in a private home.
072	Kast	Indicates the concept is that community housing use the proceeds from the sale of property such as Fairview. Comments that the use of one-time only money to support services creates a future obligation on the legislature that should be considered in the budget process. Adds that the subject here is a capital program, which should be managed separately for services. Discusses the disposition of state-owned property.
080	Rep. Lowe	References page 2, line 18(4), "The division may transfer ownership of equipment to care providers." Asks for definition of care providers. Inquires if there is recompense for equipment.

098	Kast	Explains that current law prohibits the transfer of state-owned assets upon discharge, such as a lift or a wheelchair. SB 405-A would permit that. Provides clarification of care providers.
101	Rep. Lowe	Inquires about accountability to the public for state-owned equipment.
105	James Tate	Assistant Administrator, Mental Health & Developmental Disabilities Services Division. Discusses security of state interest in the form of liens or creditor security.
125	Rep. Lowe	Asks if a safeguard is in place to prevent an individual from selling equipment.
139	Tate	Comments that disbursements will be established by administrative rule, which does not yet exist.
142	Rep. Lowe	Asks if administrative rule is sufficient for accountability.
144	Tate	Responds affirmatively.
147	Rep. Close	Comments on the term "developmental disability." Expresses concern that there is no definition. Refers to ORS 426, where mental retardation is defined, but not developmental disability.
157	Tate	Indicates that in all administrative rules that designate the population served, the developmental disability definition includes mental retardation, cerebral palsy, autism, et cetera. Addresses the federal definition of developmental disability.
169	Rep. Kruse	Asks why proceeds from this fund cannot be used for staffing.
176	Kast	Explains the agency biennial budget.
195	Rep. Kruse	Asks if there should be expectation of some level of return to the account.
198	Kast	Indicates he misunderstood Rep. Kruse's point. Discusses the potential Fairview sale proceeds and use of funds. Proposes a dedicated reserve.
225	Rep. Kruse	Asks if Mr. Kast agrees with Kathryn Weitis amendment.
233	Kast	Indicates he has not seen the amendment.
252	Kathryn Weit	Oregon Developmental Disabilities Council. Speaks in support of HB 3082. Submits and summarizes written testimony (EXHIBIT D). Proposes amendment to HB 3082 (EXHIBIT E). Stresses that the proceeds from the sale of Fairview

		should be maximized.
298	Weit	Addresses the proposed amendment to HB 3082. Urges members to adopt the proposed amendment.
339	Kast	Indicates the importance of receiving fair market value for state properties. Discusses use of properties upon sale. Comments on the planning process for the highest and best use of the Fairview property.
370	Chair Lokan	Asks if the Department of Administrative Services (DAS) handles the sale of state properties.
381	Kast	Responds that his Division owns the property, but DAS handles the transactions on surplus property.
410	Rep. Piercy	Asks if Kast supports the amendment.
	Kast	Indicates no objection to the amendment.
418	Chair	Closes public hearing on SB 405-A, and opens work session on HB 2662.
<u>HB 2662 WORK SESSION</u>		
466	Zwick	Summarizes effects of HB 2662-2 amendment.
TAPE 48, B		
040	Chair Lokan	Asks if the fiscal impact of HB 2662 is less than \$50,000.
043	Zwick	Responds affirmatively.
050	Rep. Lowe	Addresses the original form of HB 2662 and proposed amendments. Asks if Peter Grundfossen supports the amendments.
055	Peter Grundfossen	Responds affirmatively.
066	Shawn Miller	Oregon Rental Housing Association. Speaks in support of HB 2662-2 amendment. Comments that the original form of HB 2662 was expensive. Explains effects of proposed amendment.
099	Rep. Close	Asks if HB 2662 were in place, would the problems in LaGrande have been avoided.

103	Miller	Addresses circumstances in LaGrande. Acknowledges the intent of HB 2662-2 is to prevent the problems that occurred.
112	Rep. Close	References the LaGrande situation, and asks if there was prior notice of actions.
115	Miller	Replies that the notices were late.
117	Chair Lokan	Acknowledges a lack of communication in the LaGrande situation
125	Rep. Kruse	MOTION: Moves to ADOPT HB 2662-2 amendment dated 4/2/99.
		VOTE: 7-0 EXCUSED: 1 - Montgomery
	Chair Lokan	Hearing no objection, declares the motion CARRIED.
135	Rep. Kruse	MOTION: Moves HB 2662 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Montgomery
	Chair Lokan	The motion CARRIES. REP. CLOSE will lead discussion on the floor.
140	Chair Lokan	Closes work session on HB 2662. Adjourns meeting at 10:10 a.m.

Submitted By, Reviewed By,

Susan M. Pettey, Pat Zwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3082, written testimony, Rep. Al King, 1 p.

B ñ HB 3082, written testimony, Dana Roberts, 2 pp.

C ñ SB 405A, written testimony, Barry Kast, 2 pp.

D ñ SB 405A, written testimony, Kathryn Weit, 2 pp.

E ñ SB 405A, proposed amendment, Kathryn Weit, 1 p.