

The Honorable Rita Schenkelberg
Councilor, City of Bend
710 NW Wall Street
Bend, OR 97701

February 8, 2022

Re: Proposed homeless shelter code, PLTEXT20210835

Dear Councilor Schenkelberg,

Before proceeding further with the proposed shelter code, councilors should read the 3,000+ comments submitted by citizens to the Sounding Board Survey. Some of these observations are based on professional experiences in managing homeless shelters; others are based on the personal experiences of people living near them. Among their most critical concerns:

- This code fails to offer long-term solutions to homelessness because it gives free shelter to individuals without any obligations – without requiring them to engage in programs to address the reasons they are homeless in the first place.
- Residential areas are not suitable for such facilities. In addition to concerns for neighborhood safety and livability, residential areas don't have ready access to transportation, food and laundry facilities, employment and social services.
- All these shelter types would be "Low Barrier," meaning they have no standards for admission. The city will not require identification, background checks and or sobriety checks.
- The public will never receive notice when a hardship or a temporary shelter permit is applied for or approved.
- The shelter siting standards fail to set minimum distances from homes, schools and playgrounds.
- Temporary shelters have no limit to the size of the area or the density of the tents allowed within the perimeter.
- The code lacks specific standards for management, for residents' conduct or for consequences if an occupant violates the rules.
- The code fails to anticipate what occupants will do when the shelters are closed: whether rules of conduct are required outside the shelter or where occupants will congregate in the daytime, when the shelter is closed.

- The code does not provide neighbors with immediate remedies when they observe illegal activities or other conduct which degrades the safety or livability of their neighborhoods.

Some of these code sections are particularly problematic.

“Hardship” shelters – BDC 3.6.400(H)

Public notice is not required for hardship shelter permits.¹ A residential lot owner could host any person who “lacks housing” for any reason—not just for fire, flood, etc. for up to two years (six months + three extensions). The “housing unit” may be an RV parked in the host’s driveway. This is a “low barrier” shelter: the city is not required to run a record check on the proposed occupants; past criminal conduct, mental health, violent behavior or addiction problems will not disqualify an occupant.

As written: This code would allow a sex offender to live in an RV in the host’s driveway for up to two years, without the city’s knowledge. Neighbors would have no notice or opportunity to object.

Temporary Shelters – BDC 3.6.400(I)

Public notice is not required for temporary shelters, which are also low barrier.²

This code allows any kind of housing unit, including tents. There is no limit on the physical size of the shelters or density of the tents.³ They are allowed on all commercial, mixed-use and light industrial zones, and have no distance restrictions to neighborhoods, schools and playgrounds.

As written: A temporary shelter consisting entirely of tents could be permitted on the commercial lot at the corner of Murphy and Brosterhous, adjacent to hundreds of residences and about 1,000 feet from Jewell Elementary School, without notice of any kind to the surrounding neighborhoods. There would be no limits to the size of the facility or the number of occupants. There would be no screening process to identify people with prior criminal records, prior histories of violence, mental illness or substance abuse.

¹ Permit applications are processed as Type I.

² BDC 3.6.400(I) makes no provision for public notice. It specifically exempts temporary shelters from the Type II and Type III notice procedures in Chapter 4 because “A development application is not required.”

³ BDC 3.6.600(E) sets the maximum number of mobile and permanent units in a permanent shelter as one per each 1000 sf of gross acreage. BDC 3.6.400(I) provides that the standards of permanent shelters in BDC 3.6.600(C) apply to temporary shelters unless they are superseded by the temporary shelter standards listed in 3.6.400(I)(1) – (12). But the density standards are in 3.6.600(E), not 3.6.600(C), so there is no density maximum for temporary shelters.

Permanent Shelters – BDC 3.6.600

Permanent shelters are allowed in every residential zone. They are also low-barrier. The permitted structures include tents, yurts, huts, RVs, and travel trailers. Owners must submit development applications, subject to Type II review. Problems:

- Management is not required to be on-site when the facility is open.⁴
- There is no required minimum distance from schools, playgrounds, parks or other homes.
- “Management” is not defined: who is responsible for creating and enforcing conduct standards, what criteria must apply, what guidelines must be followed in dealing with neighbors, and whether there are standards of conduct for occupants when the facility is closed. I.e., where will they go?
- Good neighbor guidelines are not defined.
- What are the consequences for occupants who violate the shelter rules?
- The shelters can be sited anywhere. Proximity to schools and playgrounds is unlimited.
- Residents are not required to participate in counseling programs.

As written: A tent city could be sited between Bear Creek Elementary School and the Bend High School. Criminals, mentally ill or substance abusers would not be excluded. They could congregate outside the shelter perimeter during the day. There is no on-site management at night, and neighbors have no effective recourse to prevent conduct impacting the safety and livability of their neighborhoods.

This code ignores the valid concerns of hundreds of citizens and should be withdrawn. The city should review the programs adopted by other cities which have had success in dealing with chronic homelessness.

Sincerely,
Karon V Johnson
Bend

⁴ “Management. On-site or On-call management must be provided when the shelter is open for services.”