



EXECUTIVE ORDER NO. 23-02

DECLARING STATE OF EMERGENCY DUE TO HOMELESSNESS

Over the past six years, the number of people experiencing homelessness in Oregon has increased by 63%. The 2022 Point in Time count, an estimate of the number of people experiencing homelessness that is conducted every other year as required by the US Department of Housing and Urban Development, found at least 18,000 individuals experiencing homelessness across the state. From 2017 to 2022, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness. For purposes of this order, “unsheltered homelessness” describes a person who resides in a place not meant for human habitation, including but not limited to cars, parks, sidewalks, abandoned buildings, and streets. Currently, across the state, about 62% of those who are experiencing homelessness are unsheltered. Oregon has the fourth-highest rate of unsheltered homelessness in the country and the highest rate of unsheltered homelessness for families with children.

The federal government created the Continuum of Care program to promote a community-wide commitment to end homelessness. The program provides funding to state and local governments and nonprofits to rehouse and provide services to people experiencing homelessness. The federal government has recognized eight continuums of care across the State of Oregon, covering the entire geography of the state. These continuum of care regions directly receive federal resources to address homelessness. Continuums of care play a key role in coordinating funding and services across their service areas to advance the goal of ending homelessness in each region. Oregon’s eight continuum of care regions are: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; Clackamas County; and the Balance of State. Three continuum of care regions are located within the Portland Metro region: Portland, Gresham/Multnomah County; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, the “Metro region”). For the purposes of evaluating changes in unsheltered homelessness over time, the data for the Metro region has been combined for reporting in this Executive Order.

Four continuum of care regions and the Metro region have experienced an increase in unsheltered homelessness of 50% or more from 2017 to 2022:

- Metro region Continuums of Care¹ (50.4%);
- Central Oregon (86%);

¹ Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.



EXECUTIVE ORDER NO. 23-02 PAGE TWO

- Eugene, Springfield/Lane County (110%);
- Medford, Ashland/Jackson County (132%); and
- Salem/Marion, Polk Counties (150%).

Homelessness in Oregon has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss.

In terms of widespread injury to property, local jurisdictions and businesses have spent and continue to spend significant resources to address the impact of people experiencing unsheltered homelessness. Examples include, but are not limited to, picking up and disposing of debris, garbage, waste, and biohazards to restore land to its intended public use.

Above all, unsheltered homelessness leads to widespread human suffering. According to the United Nations Human Rights Office of the High Commissioner: “Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”² Undoubtedly, people experiencing unsheltered homelessness are suffering most acutely, but Oregonians with housing also suffer significant moral injury as a result of the crisis of homelessness in our state. As defined by Syracuse University, moral injury means “the damage done to one’s conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one’s own moral beliefs, values, or ethical codes of conduct.”³

Oregonians are gravely concerned about homelessness across our state. According to a survey conducted by the Oregon-based, nonpartisan Oregon Values and Beliefs Center in September 2022, respondents identified homelessness as a top priority. Homelessness was also the top issue in local and statewide elections

² United Nations Office of the High Commissioner, *Homelessness and Human Rights Special Rapporteur on the Right to Adequate Housing*, December 26, 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement> (accessed January 7, 2023).

³ *What is Moral Injury*, <https://moralinjuryproject.syr.edu/about-moral-injury/> (accessed January 7, 2023).



EXECUTIVE ORDER NO. 23-02
PAGE THREE

in 2022, reflecting the widespread concern Oregonians have about homelessness in the State.

ORS 401.165 *et seq.* empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in the continuum of care regions for Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, “emergency areas”), has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

To reduce homelessness and its impacts, this declaration of emergency is necessary to rapidly expand the state’s low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and an initial infusion of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

There is a state of emergency in the emergency areas due to unsheltered homelessness. I declare this emergency for these areas because they have experienced an increase in unsheltered homelessness of 50% or greater since 2017.

1. Oregon Department of Emergency Management (OEM). OEM shall activate the State’s Emergency Operations Plan and coordinate access to and use of personnel and equipment of all state agencies necessary to assess, alleviate, respond to, mitigate, or recover from this emergency.
 - a. OEM coordination efforts shall include, but not be limited to:
 - i. Activating the Comprehensive Emergency Management Plan in the emergency areas.



EXECUTIVE ORDER NO. 23-02
PAGE FOUR

- ii. Establishing a multiagency coordination (MAC) team in the tri-county Metro region to be led by the Governor or her designee.
 - iii. Coordinating with local jurisdictions in emergency areas to determine unmet needs.
 - iv. Providing technical assistance support to establish MAC teams in the emergency areas.
 - v. Providing additional support and capacity to local jurisdictions to address emergency management gaps to the greatest extent possible.
 - vi. Coordinating an inventory of vacant and surplus lands owed by state agencies and agency recommendations regarding suitability of inventoried land for use in responding to the emergency.
 - b. In conformance with the Comprehensive Emergency Management Plan and ORS chapter 401, state agencies are directed to provide any assistance and supports requested by OEM as needed to assist in the response to this emergency.
 - c. Any local government requests for state resources to respond to or recover from this emergency must be submitted through county or city governing bodies to OEM, in compliance with ORS 401.165(2).
2. Oregon Housing and Community Services (OHCS). OHCS, in coordination with any executive state agencies necessary, shall repurpose up to \$40 million in funds appropriated to OHCS for the 2021-2023 biennium to respond to the emergency, as further directed by me or my delegate.
3. Executive State Agencies.
 - a. As necessary to respond to the emergency, all executive state agencies are authorized, upon further direction from me and my office, to take any actions authorized under the provisions set forth in ORS 401.168 through ORS 401.192.



EXECUTIVE ORDER NO. 23-02
PAGE FIVE

- b. For purposes of an emergency exemption from competitive procurement requirements, an emergency exists as that term is defined in ORS 279A.010(1)(f), Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
 - c. For purposes of an emergency exemption from legal sufficiency review requirement under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
4. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
 5. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
 6. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
 7. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.

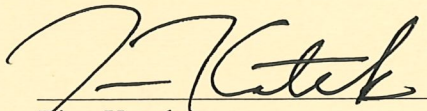


EXECUTIVE ORDER NO. 23-02
PAGE SIX


8. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 10th day of January, 2023.




Tina Kotek
GOVERNOR

ATTEST:


Shemia Fagan
SECRETARY OF STATE