



## **EXECUTIVE ORDER NO. 23-09**

### **EXPANDING HOMELESSNESS STATE OF EMERGENCY DECLARED IN EXECUTIVE ORDER 23-02 TO INCLUDE CLATSOP, LINN AND MALHEUR COUNTIES.**

Governor Tina Kotek signed Executive Order 23-02 on January 10, 2023, declaring a homelessness state of emergency in Continuums of Care that experienced an increase in unsheltered homelessness of 50% or more between 2017 to 2022. Although the Governor recognized that homelessness was a crisis in communities across Oregon, the Governor set this threshold to allow the State's limited emergency response infrastructure to focus on delivering targeted results in areas with the highest increases in unsheltered homelessness. Four continuum of care regions and the Metro region met criteria for inclusion in the emergency declared in Executive Order 23-02: (1) Metro region Continuums of Care; (2) Central Oregon; (3) Eugene Springfield/Lane County; (4) Medford, Ashland/Jackson County; and (5) Salem/Marion Polk Counties. The circumstances and bases for the homelessness state of emergency declaration in those initial emergency areas are set forth in Executive Order 23-02, and are incorporated herein. Those circumstances and bases continue to exist.

Executive Order 23-02 stated that the Governor would reassess the necessity of the Executive Order every two months, and would retain, modify, or supplement it as circumstances warranted. Separately, county governing bodies in areas of the state not included in Executive Order 23-02 were notified that they could request to be included in the state's emergency declaration by submitting a request through the Oregon Department of Emergency Management. Counties in the Balance of State Continuum of Care requesting to be included in the emergency order would need to meet the following criteria:

1. The unsheltered population in 2022 must be greater than 30 households, and
2. The community has declared a local state of emergency related to homelessness, and
3. At least one of the following is true:
  - a. Unsheltered homelessness increased by 50% or more between 2017-2022;
  - b. The rate of unsheltered homelessness in 2022 was 80% or greater.



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Clatsop, Linn, and Malheur counties are counties in an area of the State not included in Executive Order 23-02. They have each submitted a request to be included in the emergency order, and each meets the inclusion criteria. In particular:

### **With respect to Clatsop County:**

1. On February 23, 2023, the Clatsop County Board of Commissioners declared a local state of emergency related to homelessness;
2. The number of unsheltered people in Clatsop County was 529 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and
3. The share of people experiencing unsheltered homelessness in Clatsop County in 2022 was 99%, which exceeds the minimum threshold of a rate of unsheltered homelessness of 80% or greater.

### **With respect to Linn County:**

1. On March 14, 2023, the Linn County Board of Commissioners declared a local state of emergency related to homelessness.
2. The number of unsheltered people in Linn County was 137 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and
3. Unsheltered homelessness increased by 104% between 2017 and 2022, which exceeds the minimum threshold of 50%.

### **With Respect to Malheur County:**

1. On March 8, 2023, the Malheur County declared a local state of emergency related to homelessness.
2. The number of unsheltered people in Malheur County was 141 in 2022, which exceeds the minimum threshold of 30 households experiencing unsheltered homelessness; and



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3. The share of people experiencing unsheltered homelessness in Malheur County in 2022 was 83%, which exceeds the minimum threshold rate of unsheltered homelessness of 80% or greater.

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 Clatsop County, Linn County and Malheur County 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 expansion of the 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 adds Clatsop County, Linn County and Malheur County to the emergency area covered by the directives in Executive Order 23-02, which in turn 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 Clatsop County, Linn County and Malheur County due to unsheltered homelessness. I declare this emergency for Clatsop County, Linn County and Malheur County for the reasons stated above, and add these counties to the emergency areas designated in Executive Order 23-02.

1. Directive in Executive Order 23-02 to Include Clatsop County, Linn County, and Malheur County: From the effective date of this Executive Order forward, the directives in Executive Order 23-02 apply to Clatsop County, Linn County and Malheur County, and activities therein.
2. 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

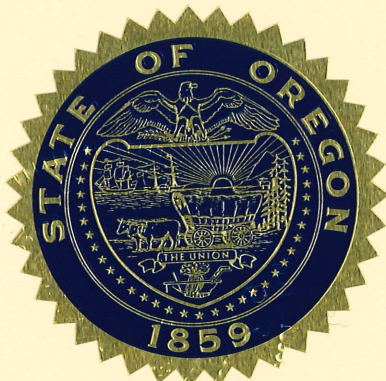


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individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.

3. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
4. 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.
5. 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.
6. 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 together with Executive Order 23-02 every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 31<sup>st</sup> day of March, 2023.



Handwritten signature of Tina Kotek in black ink.

Tina Kotek  
GOVERNOR

ATTEST:

Handwritten signature of Shemia Fagan in blue ink.

Shemia Fagan  
SECRETARY OF STATE