



Building Confidence, Building Community.

# Homelessness in the United States, How are Major Jurisdictions Dealing with This Issue?

**ICC Major Jurisdiction Steering Committee**

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## EXECUTIVE SUMMARY:

The homeless population throughout most major jurisdictions has continued to increase over the past several years. As cities deal with the complexity of homelessness and the multifaceted policies needed to address it, building code officials continue to play a critical role in establishing the safe occupancy of different types of housing. Additionally, with new concepts to address homelessness, such as, tiny home villages, wooden tents, transitional housing, day beds, and emergency sleeping areas, to mention a few, building code officials are tasked with applying traditional building standards to a broader range of housing types. The intent of this paper is to share background information from various cities as well as some innovations on how to provide shelter to those in need. Hopefully, this paper will provide guidance for jurisdictions experiencing similar homelessness issues and demonstrate possible alternate means to support safe, non-traditional housing.

## PROBLEM STATEMENT:

The following information comes from National Alliance to End Homelessness:

<https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-report/>

A total of 552,830 people experienced homelessness on a single night in 2018. This number represents 17 out of every 10,000 people in the United States. [HUD's Annual Point-in-Time Count](#), the only nation-wide survey of homeless people, provides this data and other useful statistics. In 2019 this number rose to 567,715 people (See appendix A1).

Most people experiencing homelessness are individuals (67 percent). The remainder (33 percent) are people in families with children.

Between 2017 and 2018, homelessness increased slightly by 0.3 percent or 1,834 people.

In terms of the number of homeless people, overall, the states with the greatest number tend to be the most populous. However, there are a few, Oregon and Colorado, that top the homeless count list while having relatively smaller populations. Sixty-seven percent of people experiencing homelessness can be found in the following ten states with the largest number of homeless people.

### 10 States with the Highest Homeless Population Count (2018)

1. California..... 129,972	5. Washington..... 22,304	8. Pennsylvania..... 13,512
Los Angeles..... 49,955	Seattle/King County.. 12,112	Philadelphia..... 5,788
2. New York..... 91,897	6. Massachusetts..... 20,068	9. Colorado..... 10,857
New York City..... 78,676	Boston..... 6,188	Metro Denver..... 5,317
3. Florida..... 31,030	7. Oregon..... 14,476	10. Illinois..... 10,643
4. Texas..... 25,310		Chicago..... 5,450

Homeless services providers are equipped to offer temporary beds to the majority (70 percent) of people experiencing homelessness on a given night. These beds are available year-round and include Emergency Shelter, Transitional Housing, and Safe Haven.

This leaves 30 percent of people without access to a year-round bed. During the winter months, some communities temporarily supplement their year-round beds with seasonal ones. However, many people are unsheltered, living on the streets, in abandoned buildings, or in other locations not suitable for human habitation. Being unsheltered is largely a challenge for individual adults but some families with children are also in these living situations.

Moving more people into permanent housing options, as opposed to temporary beds, has become a recognized best practice. In 2007, 31 percent of homeless assistance beds were dedicated to permanent housing options. By 2018, that number was 57 percent.

## OVERVIEW:

The Shelters for the homeless population come in many shapes and sizes; for the sake of simplicity we (ICC – MJC) are breaking this list down to four categories:

1. **Basic Shelter:** Essentially, a facility used for sleeping with a limited stay, usually less than 12 hours. There would need to be enough water closets, lavatories and showers for the required population. Depending on the size and construction classification sprinklers and fire/smoke alarm systems would be required. This is a very transient population.
2. **Enhanced Shelters:** These would include all aspects a *Basic Shelter* would have, plus they may provide meals, medical assistance, and counseling, and other support services as needed or available. This is a very transient population.
3. **Bridge or Transitional Housing:** These would include all aspects of a *Basic Shelter* and would have some of the Bridge Housing components. The residents of these facilities would be for a more extended duration.
4. **Sanctioned Encampments:** These are the tiny home villages, some are considered dwelling units (include sleeping, living, cooking and bathroom facilities), some of these are just sleeping units with shared common areas. The common areas could have living, cooking and bathroom facilities.
5. **Unsanctioned Encampments:** These are places where the homeless population gather and claim an area on private property, public property, such as within the ROW or in a public park.

There are many conversations happening across America regarding this topic and there is a blending of terms and ideas. Often there is mention of affordability and lack thereof that is the cause of homelessness. We are primarily focused on the homeless population and shelters. As seen by many real-world situations, much of this population has an addiction (drug or alcohol), mental illness or Post Traumatic Stress Disorder. There are also some very informative articles and videos that outline the situation, the cause and possible solutions. Here is a link to a video “Seattle is Dying” <https://www.youtube.com/watch?v=bpAi70WWBlw>. For the most part, we will be focusing on the shelters and some solutions that have been established in various cities across the United States. There are a few aspects where small scale code modifications can impact affordability and have a positive impact on the homelessness issue. We will briefly highlight some of those solutions.

In addition, there are many cities that have allowed Basic Shelter to occur in church facilities, gymnasiums, warehouses and a myriad of other buildings. While it is challenging to create a temporary use in a building designed for another reason, we have outlined the various policies with regards to these options. These creative solutions will help guide some of the decisions that will be needed in your jurisdiction.

## BACKGROUND:

The following are examples of code amendments, policies and ordinances found in various cities as well as new initiatives that in the process of being approved. They do not outline every aspect of that these cities are working on but highlight the code specific aspects of some of their major initiatives to address the homelessness situation.

### A. Austin, TX

According to Ending Community Homelessness Coalition (ECHO), Austin currently has 2,255 homeless people on average each day. Austin is actively approaching this issue from numerous different directions. City leaders made changes to the ordinances of camping, sitting and laying to relax the regulations and allow camping in public spaces, including sidewalks, etc. This issue has divided the community, as the homeless situation didn't get worse, but it became very visible to the community. These are some of the recent links outlining this change:

"Homeless Housing planned for proposed Riverside development"

<https://www.newsradioklbj.com/news/austin-local-news/homeless-housing-planned-proposed-riverside-development>

"Austin's new homelessness ordinances ban camping on sidewalks but allow sitting down and lying down"

<https://communityimpact.com/austin/central-austin/city-county/2019/10/17/austins-new-homelessness-ordinances-ban-camping-on-sidewalks-but-allow-sitting-and-lying-down/>

"Austin reinstates limited bans on camping and resting in public"

<https://www.austinmonitor.com/stories/2019/10/austin-reinstates-limited-bans-on-camping-and-resting-in-public/>

"The City of Austin now has a hotline for issues related to homelessness" <https://www.newsradioklbj.com/news/austin-local-news/city-austin-now-has-hotline-issues-related-homelessness>

"Austin launched new program to reduce homeless camping outside the ARCH" <https://www.kxan.com/news/local/austin/austin-announces-new-encampment-strategy-to-connect-homeless-with-housing-services/>

"Pilot program shifts ARCH homeless shelter focus to thinking longer-term"

<https://cbsaustin.com/news/local/pilot-program-shifts-arch-homeless-shelter-focus-to-thinking-long-term>

### B. Denver, CO

Currently, Denver has a homeless population of over 5,800 on any given night. One of the more impactful solutions on a small scale is allowing Tiny Home Villages in Denver; these projects are based on recent zoning and building code modifications. This new code amendment creates a new use group called RX Use. This allows small sleeping units 70 square feet up to 400 square feet. The sleeping units are kept 10 feet apart from each other or else they need to have a one-hour exterior wall fire rating. Appendix B1 is the actual building code proposals for the 2019 code amendments have recently passed council and are in effect today. Denver already has similar codes in place under the 2016 Denver Building Code Amendments. Appendix B2 outlines the recent zoning codes that have been adopted in Denver allowing these Tiny Home Villages.

Additionally, Denver recently approved new building code amendments and are in the process of proposing a zoning code amendment to allow more unrelated adults to occupy single family homes. This will create a significant amount of affordable housing stock within Denver, essentially allowing congregate living to occur in a single-family residence, without the requirement of a fire suppression system. The intent is to create more affordability in Denver, and this will help alleviate some of the homelessness issue as well. This building code amendment also takes care of the short-term rental (Airbnb) situations. Appendix B3 outlines the recent 2019 Denver Building Code Amendment and Appendix B4 outlines a proposed Denver Zoning Code Amendment.

As with most other major jurisdictions Denver provides city shelter or shelters that partner with the City and County of Denver. These shelters are providing overnight stays and give transportation to much needed services. Denver has reduced the number of required toilet fixtures for these shelters to allow a more appropriate count for the hours of use and create a more affordable approach. Normally the length of stay is less than 12 hours a day. In addition, Denver recently adopted a policy to allow nonprofit and private facilities to provide shelters in weather emergency situations. This can occur 180 days a year in a building and will require a temporary certificate of occupancy. Denver has lessened the parameters in the International Existing Building Code (IEBC) and International Fire Code (IFC) due to the emergency situation and the temporary nature of the use. Appendix B5 outlines the most recent policy addressing this issue.



Additionally, Denver is working on changing the zoning codes to allow more accessory dwelling units (ADU). There are just a handful of neighborhoods that can build ADU's, however, the zoning department is in the process of expanding these opportunities into more areas within the county to create more affordable housing options. ADU's can allow a current resident to stay in their neighbor who may be struggling to make ends meet. It also gives an opportunity for people to get more affordable housing options within residential zone districts. The building permit process is working with Habitat for Humanity to create a more expedited permitting process. Denver also created a pilot program for five projects in 2020 that have a minimum percentage of affordable units in the project. These projects benefit by getting a permit fee reduction up to \$50,000 and have an expedited plan review process from concept site development plan submission to issuance of the building permit. The goal is to reduce the overall process somewhere between 4-6 months depending on the size and complexity of the project. This reduces carrying costs and overhead and allows more affordable projects to come online in a much faster manner.

### C. Portland, OR

According to the Department of Housing and Urban Development, there are approximately 14,000 chronically homeless in Portland. On a statewide level, Oregon passed House Bill 2916 that allow municipalities the right to create transitional housing via campgrounds in urban centers. Refer to appendix D1, or follow this link for more detailed information <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2916/B-Engrossed>. Portland has taken advantage of this Bill and has several success stories like Dignity Village (<https://dignityvillage.org/>), Right 2 Dream too ([https://en.wikipedia.org/wiki/Right\\_2\\_Dream\\_Too](https://en.wikipedia.org/wiki/Right_2_Dream_Too)), Hazelnut Grove (<https://www.facebook.com/HazelnutGrovePDX/>), and Kenton Women's Village (<https://www.catholiccharitiesoregon.org/services/housing-services/kenton-womens-village/>). Portland has also implemented an easier way to contact authorities with nuisance encampments, with a new website resource "One Point Contact Campsite Reporting System" (<https://www.portlandoregon.gov/toolkit/article/562214>). They also have worked on some of the more basic requirements of living in encampments by providing some of the most basic needs like portable toilets and showers (<https://www.oregonlive.com/portland/2019/06/portland-has-a-plan-for-its-human-poop-problem.html>). Refer to Appendix D7).

The Portland Planning Department has also prepared a Comprehensive Planning document to identify housing needs – and ensure plans enable a supply of housing that needs identified needs. This includes not only the number of housing units, but also by tenure and income (refer to appendix D2). Additionally, Portland has developed some very creative solutions including the repurposing of storage container/trailers. They have implemented a code guide: Special Construction – IBC/3/#1 & IRC/1/#2 (refer to Appendix D3). Another successful temporary measure has been put into effect allowing certain facilities to be used for temporary shelters without meeting the entire letter of the current International Building Code (IBC) or International Residential Code (IRC). This required a code change (refer to Appendix D4). Most recently, Portland is contemplating City Code changes to facilitate short term housing and mass shelter projects (please refer to Appendix D5). Other Zoning Code amendments are under way regarding the allowance for Homeless Facilities (refer to Appendix D6).

### D. Los Angeles, CA:

Currently, LA County (which includes all cities within the county) has 59,000 homeless as of June 2019 and has increased 12% from the year before.\*\* They have an estimated 150 people becoming homeless in LA County every day vs. 130 homeless people get into housing daily.\*\*\* Housing experts attribute these rising numbers to skyrocketing housing costs. In LA County, the median home price in August 2019 was over \$600,000. The average rent of a one-bedroom apartment now stands at more than \$1,700 a month, and a two-bedroom apartment is priced at over \$2,200 a month.  
\*\*\*\*\*

The focus from state, county, and cities in LA County has been housing. Laws have been passed to provide more emergency, low-income and affordable housing with a focus especially on accessory dwelling units (ADUs). The first ADU law required that all local jurisdictions allow ADUs. However, local jurisdictions took advantage of some loopholes to prevent some ADUs from being constructed. The state responded by passing five additional state laws to take effect in 2020, that reduce local ordinance-imposed barriers. One law requires they be approved within 30 days. It is also state law that now two ADUs can be built on a single property.

Building and Safety developed an ADU Submittal Form that the applicant fills out to aid the reviewer and helps ensure the project has required items. In 2019, the unincorporated LA County issued 514 ADU permits. We do not have tallies for previous years.



In addition to ADUs, there are number of projects in the works or planned. They had 23 affordable housing permits issued. These consist of affordable housing or supportive housing. They have not issued any temporary emergency shelters but are in the process of approving our first homeless shelter called Safe Landing (<http://kfalosangeles.com/projectpost/safe-landing/>) consisting of five prefabricated metal buildings providing 178 beds and other supportive facilities. It is built on a landfill. There are also a couple of future projects. One is the West Los Angeles VA Campus. They will be repurposing existing structures and building new ones to create 1,691 new apartments for veterans by 2021 (<https://la.curbed.com/2015/10/22/9908450/west-la-va-master-plan>). Finally, LA Unified School District and LA County are exploring repurposing thousands of bungalows previously used as classrooms. Offering an affordable structure.\*\*\*

\*\* LA TIMES article Homelessness jumps 12% in L.A. County and 16% in the city; officials 'stunned' June 4, 2019 by Benjiman Oreskes, Doug Smith

\*\*\* In 2019, homelessness truly felt like a crisis in every corner of L.A. by LA Times Dec 20, 2019 by Erika D. Smith, assistant metor editor

\*\*\*\* LA County and LAUSD to Explore Launching an Accessory Dwelling Units Partnership Program

Contact: Rosa Maria Santana, Deputy Communications Director, [rsantana@bos.lacounty.gov](mailto:rsantana@bos.lacounty.gov), or 213-359-0795, December 10th, 2019|Community, Immigration, In the news, Press Release, women children and families. [https://hildalsolis.org/la-county-and-laUSD-to-explore-launching-an-accessory-dwelling-units-partnership-program/?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://hildalsolis.org/la-county-and-laUSD-to-explore-launching-an-accessory-dwelling-units-partnership-program/?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

Zoning Codes

Executive Orders

Other Ordinances

Trends in Building, Fire & Zoning Codes related to eliminating/minimizing homelessness

Highlights of some of the more creative and impactful solutions

Feedback – Are these initiatives working? What changes are needed?

#### D. New York City, NY:

"Today, we face a new kind of homelessness that is driven by years of wages not keeping up with the cost of housing in our city. It's caused pain for millions and deep pain for thousands of people who have become homeless. You may see them in the line at the grocery store, or in the bank, or at work. And you may never know that at night they return to a shelter instead of a home. Today, 70 percent of shelter residents are families. They are the invisible majority of our homeless crisis. For decades, the City has not done enough both these New Yorkers and the communities where they are sheltered." from *Turning the Tide on Homelessness in New York City* (<https://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf>)

In New York City, one of the main issues in addressing homelessness is creating and maintaining affordable housing. The city has pursued and continues to explore new ways to foster the development and preservation of affordable housing as well as provide assistance to those in need. Under the *Housing New York: A Five-Borough, Ten-Year Plan* (<https://www1.nyc.gov/site/housing/about/our-plan.page>) published in May 2014, the city proposed to create and preserve 200,000 high-quality, affordable homes over ten years. Building on the foundation laid through Housing New York, in November 2017 the Administration committed to completing the initial goal of 200,000 affordable homes two years ahead of schedule, by 2022, and generating an additional 100,000 homes over the following four years. To accomplish this accelerated and expanded plan, the administration launched Housing New York (HNY) 2.0, a roadmap for how the city will help reach a new goal of 300,000 homes by 2026. HNY 2.0 introduces a suite of new initiatives to help thousands more families and seniors afford their rent, buy a first home, and stay in the neighborhoods they love (<https://www1.nyc.gov/site/housing/index.page>).

Collaborating with other public agencies and nonprofit partners, Department of Homeless Services (DHS) works to prevent homelessness before it occurs, reduce street homelessness, and assist New Yorkers in transitioning from shelter into permanent housing. Furthermore, DHS remains committed to meeting its legal mandate to provide

temporary emergency shelter to those experiencing homelessness in a safe and respectful environment (<https://www1.nyc.gov/site/dhs/index.page>). In addition, the New York City Human Resources Administration/Department of Social Services (HRA/DSS) is dedicated to fighting poverty and income inequality by providing New Yorkers in need with essential benefits such as Food Assistance and Emergency Rental Assistance (<https://www1.nyc.gov/site/hra/index.page>).

Established in 1978, the New York City Department of Housing Preservation and Development (HPD) promotes the quality and affordability of the city's housing and the strength and diversity of its many neighborhoods. HPD works to preserve affordable housing and protect tenants, develops new affordable housing, enforces the Housing Maintenance Code, and engages neighborhoods in planning (<https://www1.nyc.gov/site/hpd/about/about-hpd.page>). Following the release of Housing New York, the Department of City Planning (DCP), working with HPD, communities, nonprofit housing groups, architects, developers, and other practitioners, identified a set of zoning barriers that constrain new housing creation and add unnecessary costs, and strategies to address them (<https://www1.nyc.gov/site/planning/plans/zqa/zoning-for-quality-and-affordability.page>).

As part of its efforts to ensure code compliant development, the Department of Buildings (DOB) launched a dedicated Affordable Housing Unit and in cooperation with the Mayor's Office, the Department has developed a standardized procedure in our Affordable Housing Unit at the Development Hub that handles review of construction applications concerning officially designated Affordable Housing Projects (<https://www1.nyc.gov/site/buildings/business/affordable-housing-projects.page>). DOB also has several resources available to assist tenants in renting, maintaining, and greening their homes, including the Office of the Tenant Advocate (OTA) which serves as a resource to tenants who are affected by construction work in occupied multiple dwellings (<https://www1.nyc.gov/site/buildings/renter/tenant-resources.page>).

### **Below are some notable examples of the City's progress in affordable housing.**

The Mandatory Inclusionary Housing (MIH) program requires a share of new housing in specified areas to be provided as permanently affordable to low- and moderate-income households. It establishes no geographic applicability for this program; rather, these provisions, in conjunction with subsequent land use actions, encourage the creation of new housing in medium- and high-density Residence Districts.

- <https://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>

The Zoning for Quality and Affordability (ZQA) text amendment advances numerous goals including making the city more affordable to a wide range of New Yorkers, and fostering diverse, livable communities with buildings that contribute to the character and quality of neighborhoods; recent zoning amendments establishes limits on the use, size, and shape of buildings, with numerous zoning districts to reflect their varying density and character.

- <https://www1.nyc.gov/site/planning/plans/zqa/zoning-for-quality-and-affordability.page>

Micro-units – In 2013, New York City's first Micro-Unit Apartment Building used Innovative Design and Modular construction to create 55 new micro-units designed to optimize space and maximize the sense of openness, 40 percent of the units are intended as affordable housing.

- <https://www1.nyc.gov/office-of-the-mayor/news/032-13/mayor-bloomberg-winner-em-adapt-nyc-em-competition-develop-innovative-micro-unit#/0>
- <http://narchitects.com/work/carmel-place/>

Adaptive Reuse - Famed Italian Renaissance-styled former school building was developed as affordable for working families. The building also boasts state-of-the art youth facility serving residents and 1,000 local children a year.

- <https://www1.nyc.gov/office-of-the-mayor/news/832-16/mayor-de-blasio-city-officials-boys-girls-club-harlem-monadnock-development-and>
- <https://www.dattner.com/portfolio/the-residences-at-ps186/>

New Construction – Via Verde was the winning entry in the New Housing New York Legacy Competition sponsored by the City Council, AIANY, CUNY in partnership with HPD/DCP/DOB. The design project is an affordable, sustainable residential development with 222 apartments providing healthy, urban living in the South Bronx.

- <https://network.aia.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=b3b0bd1c-0d8d-450d-ab11-dc504998f5ee>
- <https://www.dattner.com/portfolio/via-verde/>

HPD Modular program – Chosen through HPD’s Request for Proposal (RFP), the project, which will be located on a city-owned lot at 581 Grant Avenue, will have 167 apartments available to low-income and formerly homeless New Yorkers. These affordable apartments will also use modular construction.

- <https://ny.curbed.com/2019/3/5/18251679/new-york-affordable-housing-modular-prefab-construction>

In 2019, HPD finance a record breaking 25,889 units, making significant progress toward the City’s goal of 300,000 affordable units by 2026 through the Housing New York Plan. This also includes new records for homeless and supportive housing, securing 3,030 affordable homes for people experiencing homelessness, and 1,482 affordable homes paired with supportive services.

- <https://www1.nyc.gov/site/hpd/news/007-20/city-creates-more-25-000-affordable-homes-2019#/0>
- <https://www1.nyc.gov/site/hpd/news/008-20/city-record-numbers-affordable-housing-units-financed-2019#/0>

Affordable Housing throughout New York City – In Far Rockaway, newly financed affordable housing units will be spread across three projects – RadRoc, Beach 21, and Rockaway Village Phase II. Upon completion, the units will be affordable to households earning a wide range of incomes, including the formerly homeless, extremely low- to moderate-income New Yorkers.

- <https://www1.nyc.gov/site/hpd/news/004-20/significant-investments-downtown-far-rockway-will-add-nearly-800-affordable-homes#/0>

Tenant Protection Legislation – The City Council voted on 17 bills aimed at protecting tenants and preventing landlords from forcing people out of their homes. The package of bills was approved in May 2019.

- <https://www1.nyc.gov/office-of-the-mayor/news/497-19/de-blasio-administration-launches-tenant-protection-ad-campaign-website>

From the 2020 State of the City address, new policy proposals aimed at affordable housing include ending long-term street homelessness, repairing and rebuilding public housing, and prioritizing the building of new homes with City financing for the lowest-income New Yorkers. In particular, one policy proposal to note from the 2020 State of the City address is the legalization of basement apartments and accessory units such as apartments over garages, which unlocks an underused affordable housing resource in existing buildings. This proposal builds on the 2019 Basement Apartment Conversion Pilot Program (BACPP) limited to East New York and Cypress Hills, Brooklyn.

- <https://www1.nyc.gov/office-of-the-mayor/sotc-homes.page>
- <https://www1.nyc.gov/assets/home/downloads/pdf/office-of-the-mayor/2020/Legalize-Basement-Apartments.pdf>
- <https://www1.nyc.gov/site/hpd/services-and-information/basement-apartment-conversion-pilot-program.page>



## CONCLUSION/RECOMMENDATIONS:

As outlined in this document, there are many jurisdictions providing many viable options that are very different and address different approaches in a unique way. There is much work to do on this very important and ever-growing problem. The Appendix and specific code changes/amendments, ordinances and policies should be a helpful tool in guiding decisions on how your community may address this issue. There are no right or wrong answers as we all scurry to find solutions, however, there is one common thread through all the data and information reviewed. People placed in this unfortunate position need assistance on so many levels, whether it be counseling, help with addiction, access to healthcare and medication or other services; providing the necessary shelter and housing will not solve the problem. It is not the answer to homelessness! It is only the band aid to a very serious national crisis. The most effective solutions include services on many levels that provide mental, emotional, medical support coupled with a shelter or housing option. A very important aspect to the successful opportunities across the United States, is when the shelter takes on a sense of place or a sense of home for the resident. This creates a sense of worth, self-dignity and confidence which are essential components on the road to recovery for many that are recovering from addiction or mental illness. In 1974 Clare Cooper (Marcus), a prominent educator wrote a paper "The House as Symbol of the Self." In this document, one begins to understand the conscious and unconscious role the "house" becomes in a person's life and thus giving each person a fixed point of reference to the world around them.

As we are in the midst of a global pandemic, this issue of homelessness has been highlighted and further exasperated. There are distancing needs which reduces availability, separate facilities to house those that are testing positive or have symptoms, these all contribute to less beds and more people being displaced and forced onto the streets. Many jurisdictions have increased cases of unsanctioned tent encampments in the public Right-of-Way. Many Health Department officials have determined that it is safer to have people remain in these encampments than be more transient and therefore less likely to spread the virus. Most cities have had to be as creative as possible, for instance in Denver there are legal tent camp locations in urban parking lots and other locations, called Safe Outdoor Spaces. Some cities have been fortunate enough to receive federal grants through the Cares Act to assist in sheltering COVID positive homeless population in need. It is apparent that the physical environments need to be increased, services to aid this population need to be more enhanced and more readily available. We hope and pray that a permanent solution to this every growing crisis becomes available to all in need!

**References:** Interview small, medium, and large cities. Do some solutions work better than others?

## APPENDIX: ACTUAL CODE AND POLICY DOCUMENTS FOR EACH JURISDICTION

## APPENDIX FOR

### Homelessness in the United States, How are Major Jurisdictions Dealing with This Issue?

## APPENDIX A1 (HUD)



#### HUD 2019 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

*Important Notes About This Data: This report is based on point-in-time information provided to HUD by Continuums of Care (CoCs) as part of their CoC Program application process, per the Notice of Funding Availability (NOFA) for the Fiscal Year 2019 Continuum of Care Program Competition. CoCs are required to provide an unduplicated count of homeless persons according to HUD standards (explained in HUD's annual HIC and PIT count notice and HUD's Point-in-Time Count Methodology Guide <https://www.hudexchange.info/hdx/guides/pit-hic/>). HUD has conducted a limited data quality review but has not independently verified all of the information submitted by each CoC. The reader is therefore cautioned that since compliance with these standards may vary, the reliability and consistency of the homeless counts may also vary among CoCs. Additionally, a shift in the methodology a CoC uses to count the homeless may cause a change in homeless counts between reporting periods.*

#### Full Summary Report (All States, Territories, Puerto Rico and District of Columbia)

##### Summary by household type reported:

	Sheltered		Unsheltered	Total
	Emergency Shelter	Transitional Housing*		
Households without children <sup>1</sup>	149,708	41,721	180,487	371,916
Households with at least one adult and one child <sup>2</sup>	38,318	11,026	4,348	53,692
Households with only children <sup>3</sup>	1,423	412	1,860	3,695
<b>Total Homeless Households</b>	<b>189,449</b>	<b>53,159</b>	<b>186,695</b>	<b>429,303</b>

##### Summary of persons in each household type:

<b>Persons in households without children<sup>1</sup></b>	<b>155,137</b>	<b>42,398</b>	<b>194,409</b>	<b>391,944</b>
Persons Age 18 to 24	11,525	5,903	15,752	33,180
Persons Over Age 24	143,612	36,495	178,657	358,764
<b>Persons in households with at least one adult and one child<sup>2</sup></b>	<b>122,654</b>	<b>34,237</b>	<b>14,779</b>	<b>171,670</b>
Children Under Age 18	73,952	21,205	7,811	102,968
Persons Age 18 to 24	8,690	2,722	1,037	12,449
Persons Over Age 24	40,012	10,310	5,931	56,253
<b>Persons in households with only children<sup>3</sup></b>	<b>1,536</b>	<b>460</b>	<b>2,105</b>	<b>4,101</b>
<b>Total Homeless Persons</b>	<b>279,327</b>	<b>77,095</b>	<b>211,293</b>	<b>567,715</b>

##### Demographic summary by ethnicity:

	Sheltered		Unsheltered	Total
	Emergency Shelter	Transitional Housing*		
Hispanic / Latino	62,468	14,014	48,133	124,615
Non-Hispanic / Non- Latino	216,859	63,081	163,160	443,100
<b>Total</b>	<b>279,327</b>	<b>77,095</b>	<b>211,293</b>	<b>567,715</b>

##### Demographic summary by gender:

Female	123,672	33,539	62,700	219,911
Male	154,629	43,049	145,509	343,187
Transgender	851	385	2,019	3,255
Gender Non-Conforming (i.e. not exclusively male or female)	175	122	1,065	1,362
<b>Total</b>	<b>279,327</b>	<b>77,095</b>	<b>211,293</b>	<b>567,715</b>

\* Safe Haven programs are included in the Transitional Housing category.

<sup>1</sup>This category includes single adults, adult couples with no children, and groups of adults.

<sup>2</sup>This category includes households with one adult and at least one child under age 18.

<sup>3</sup>This category includes persons under age 18, including children in one-child households, adolescent parents and their children, adolescent siblings, or other household configurations composed only of children.



## HUD 2019 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

*Important Notes About This Data: This report is based on point-in-time information provided to HUD by Continuums of Care (CoCs) as part of their CoC Program application process, per the Notice of Funding Availability (NOFA) for the Fiscal Year 2019 Continuum of Care Program Competition. CoCs are required to provide an unduplicated count of homeless persons according to HUD standards (explained in HUD's annual HIC and PIT count notice and HUD's Point-in-Time Count Methodology Guide <https://www.hudexchange.info/hdx/guides/pit-hic/>). HUD has conducted a limited data quality review but has not independently verified all of the information submitted by each CoC. The reader is therefore cautioned that since compliance with these standards may vary, the reliability and consistency of the homeless counts may also vary among CoCs. Additionally, a shift in the methodology a CoC uses to count the homeless may cause a change in homeless counts between reporting periods.*

### Demographic summary by race:

	Sheltered		Unsheltered	Total
	Emergency Shelter	Transitional Housing <sup>a</sup>		
Black or African-American	139,008	30,346	56,381	225,735
White	112,884	38,236	119,487	270,607
Asian	2,924	819	3,485	7,228
American Indian or Alaska Native	6,211	1,769	9,986	17,966
Native Hawaiian or Other Pacific Islander	2,875	1,150	5,286	9,311
Multiple Races	15,425	4,775	16,668	36,868
<b>Total</b>	<b>279,327</b>	<b>77,095</b>	<b>211,293</b>	<b>567,715</b>

### Summary of chronically homeless households by household type reported:

	Sheltered		Unsheltered	Total
	Emergency Shelter	Transitional Housing <sup>a</sup>		
Chronically Homeless households with at least one adult and one child <sup>2</sup>	2,395	0	601	2,996

### Summary of chronically homeless persons in each household type:

Chronically Homeless persons in households without children <sup>1</sup>	34,195	969	60,783	95,947
Chronically Homeless persons in households with at least one adult and one child <sup>2</sup>	7,407	0	2,035	9,442
Chronically Homeless persons in households with only children <sup>3</sup>	36	0	158	194
<b>Total Chronically Homeless Persons</b>	<b>41,638</b>	<b>969</b>	<b>62,976</b>	<b>105,583</b>

### Summary of all other populations reported:

Severely Mentally Ill	48,783	15,153	52,243	116,179
Chronic Substance Abuse	31,263	14,541	43,069	88,873
Veterans	10,802	11,938	14,345	37,085
HIV/AIDS	5,546	2,187	3,212	10,945
Victims of Domestic Violence	25,141	6,368	13,243	44,752
Unaccompanied Youth	11,555	6,153	17,330	35,038
Unaccompanied Youth Under 18	1,478	396	2,102	3,976
Unaccompanied Youth 18-24	10,077	5,757	15,228	31,062
Parenting Youth	5,076	1,982	506	7,564
Parenting Youth Under 18	24	30	5	59
Parenting Youth 18-24	5,052	1,952	501	7,505
Children of Parenting Youth	6,612	2,597	570	9,779

<sup>a</sup> Safe Haven programs are included in the Transitional Housing category.

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<sup>1</sup>This category includes single adults, adult couples with no children, and groups of adults.

<sup>2</sup>This category includes households with one adult and at least one child under age 18.

<sup>3</sup>This category includes persons under age 18, including children in one-child households, adolescent parents and their children, adolescent siblings, or other household configurations composed only of children.

## APPENDIX B1 (DENVER)

### R-X USE BUILDING CODE AMENDMENT

Code Sections/Tables/Figures Proposed for Revision:

Community Villages - Modify IBC Sections 302.1, 310.6, 903.2.8, 907.2.10.5. Add Section 429. Corresponding changes will be required to Chapter 9 of the Denver amended IFC.

Note: If the proposal is for a new section, indicate (new).

**1. Modify Section 302.1 Occupancy Classification adding Group R-X to item 8 Residential:**

8. Residential (see Section 310): Groups R-1, R-2, R-3, R-4 and R-X.

**2. Add Section 310.6 Residential Group R-X:**

**310.6 Residential Group R-X.** A residential Group R-X occupancy is a group of two or more detached buildings, each building consisting of a single sleeping unit, where the occupants are primarily permanent in nature. A Group R-X sleeping unit shall not contain cooking facilities. Except as otherwise required by Section 429, residential Group R-X occupancies shall be permitted to be constructed in accordance with the International Residential Code. Group R-X buildings shall not be more than one story above grade plane in height. Basements are prohibited in Group R-X buildings.

A detached community building with cooking facilities and a dining area is required to be provided with a Group R-X occupancy project. Storage for each resident shall be provided within the sleeping unit, the shared community building, or in a separate storage building.

**3. Add Section 429 Residential Group R-X:**

#### Section 429

#### Residential Group R-X

**429.1 General.** A Group R-X sleeping unit shall comply with Sections 429.2 through 429.16.

**429.2 Individual sleeping unit floor area.** The habitable floor area of an individual sleeping unit shall be not less than 70 square feet. The minimum interior dimension of the habitable area of an individual sleeping unit shall not be less than 7 feet. A Group R-X sleeping unit shall be 400 square feet or less in floor area, excluding lofts.

**429.3 Maximum Occupant Load.** The maximum occupant load within a sleeping unit shall be limited to one person per 50 square feet of habitable floor area. Habitable floor areas shall have a ceiling height of not less than 7 feet 6 inches above the finished floor.

**429.4 Building Separation Distances.** The minimum separation between individual sleeping units is 10 feet. The separation distance between sleeping units and the community building or any storage building shall comply with the provisions of Section 705.3. A sleeping unit and the community building shall not be considered portions of a single building. A sleeping unit and a storage building shall not be considered portions of a single building. To apply the provisions of Section 705.3 the sleeping units shall be considered a Group R-3 occupancy.

**Exception:**

Reduced building separation distances shall be considered when exterior walls complying with the requirements of Section 705 are incorporated into the construction of the sleeping units. For the purpose of applying the provisions of Section 705.3, the imaginary line between two sleeping units shall be centered between the buildings.

In no case shall the separation between buildings be reduced to less than 5 feet. The minimum separation distance between roof overhangs is 4 feet.



**429.5 Fire Apparatus Access Roads.** Approved fire apparatus access roads complying with the requirements of IFCA Section 503 shall extend to within 150 feet of all portions of any sleeping unit and all portions of the exterior walls of the sleeping units, as measured by a DFD approved route around the exterior of the sleeping units.

To apply the provisions of IFCA Table 503.2.1 Minimum Clear Widths for Existing Emergency Fire Apparatus Access Roads, Group R-X occupancies shall be considered single-family detached buildings without alleys or driveways that extend to the road.

The installation of a security gate across a fire apparatus access road must be approved by the fire code official.

**429.6 Individual Sleeping Unit Address.** Individual sleeping units shall be provided with approved address identification in accordance with Section 502. A permanent weatherproof sitemap identifying the address numbers of the sleeping units shall be provided at the entrance into a campus of sleeping units.

**429.7 Sleeping unit exterior stairway illumination.** The exterior stairway of a sleeping unit shall be provided with a light source located at the top of the stairway.

**429.8 Fire Hydrants.** All portions of any sleeping unit must be located no more than 600 feet from a fire hydrant. Hydrants must provide a fire-flow as defined in the table below at a minimum residual pressure of 20 psi.

Table 429.7 Required Number of Hydrants and Fire-Flow

Aggregate floor area of buildings on the site (square feet)	Minimum Number of Hydrants Required	Hydrant Fire-Flow (gpm)	Flow Duration (hours)
0 - 3,600	1	1,500	1
3,601 – 4,800	1	1,750	1
4,801 – 6,200	2	2,000	2
6,201-7,700	2	2,250	2

**429.9 Fire protection.** Smoke alarms shall be provided in accordance with Section 907.2.10. To apply the provisions of Section 907.2.10 the Group R-X sleeping units shall be considered a Group R-1 occupancy.

**429.10 Accessibility.** Where there are four or more sleeping units on a site at least one sleeping unit shall be a Type B unit. Accessibility shall be designed in accordance with Chapter 11. In Group R-X occupancies with 20 or more sleeping units on one site, at least 5 percent but not less than one of the sleeping units shall be a Type B unit.

**429.11 Plumbing facilities.** The sleeping units shall be provided with minimum plumbing facilities as specified by Chapter 29, for a residential dormitory classification, except that a single bathtub or shower is permitted to serve up to 10 sleeping units. Where a group of sleeping units includes a Type B unit, the plumbing fixtures shall be accessible. The path of travel to these facilities shall not exceed 200 feet from any sleeping unit or from the community building.

Only potable water shall be supplied to plumbing fixtures that provide water for drinking, bathing or cooking purposes. A potable water supply system shall be designed, installed and maintained in such a manner to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

The community building shall provide a water dispenser that is manually controlled by the user for dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture shall be connected to the potable water distribution system of the premises. This definition includes a free-standing apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.

The community building shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

**429.12 Group R-X cooking facilities.** Domestic cooking appliances, within a community building accessory to Group R-X sleeping units, for use by the residents shall be in compliance with all of the following:

1. The types of domestic cooking appliances shall be limited to ovens, cooktops, ranges, warmers, coffee makers and microwaves.
2. Domestic cooking appliances shall be limited to approved locations.
3. Cooktops and ranges shall be protected in accordance with Section 904.13.1.1.
4. Cooktops and ranges shall be provided with a domestic cooking hood installed and constructed in accordance with Section 505 of the International Mechanical Code.

**429.13 Lofts.** Lofts used as sleeping or living space within a Group R-X sleeping unit shall conform to the requirements of International Residential Code Appendix Section AQ104.

**429.14 Temporarily placed relocatable sleeping units and associated buildings.** Temporarily placed relocatable sleeping units and associated buildings shall comply with the provisions of IBCA Section 3103.

**Exceptions:**

1. Where approved by the building official, temporary structures and relocatable buildings may be placed on a site for a period of up to four years without a permanent foundation.
2. Where approved by the building official, Denver Water, and Public Works, temporary structures and relocatable buildings may be placed on a site for a period of up to 180 days without being connected to a public water supply and without the sanitary drainage from plumbing fixtures being connected to a public sewer. There may be one 180 day extension granted by the building official when required. A formal request must be submitted thirty (30) days prior to the required vacancy. Where a water tank is used to supply potable water to plumbing fixtures, the interior surface of the tank shall be lined or coated to conform to NSF International standard NSF-61. The interior surface of a potable water tank shall not be lined, painted or repaired with any material that changes the taste, odor, color or potability of the water supply when the tank is placed in, or returned to, service.

**429.15 Outside Storage.** Outside storage of combustible materials and hazardous materials, including aerosols and propane, between adjacent sleeping units is prohibited.

**429.16 Existing Sleeping Units.** The legal occupancy of any existing sleeping unit on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

#### 4. Modify IBC Section 903.2.8 Group R:

An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**Exception:** Group R-X occupancies

**Note:** Show the proposal using ~~strikeout~~, underline format. At the beginning of each section, one of the following instruction lines are also needed:

- Revise as follows
- Add new text as follows
- Delete and substitute as follows
- Delete without substitution

## SUPPORTING INFORMATION:

The purpose of this amendment is to provide provisions in the Denver Building Code to enable community villages to be created to reduce homelessness. Community village proposals to date have been allowed in Denver only by way of the DBC administrative modification process.

Currently neither the IBC nor IRC directly provide code provisions for the described community village concept. The individual sleeping units within these community villages on their own do not provide the complete independent living facilities required by the IRC for a dwelling unit. A significant code provision within this proposal is relief from the IBC requirement to provide automatic fire sprinkler protection within the detached sleeping units.

This proposal is intentionally silent with respect to whether the community villages are temporary or permanent. All Code provisions which would apply to any other type occupied temporarily or permanently placed building, e.g. foundations and utility connections, would equally apply to community village structures.

The provisions for fire lanes, fire hydrants, and smoke alarms were developed in cooperation with Denver Fire Department plans review staff.

The minimum individual sleeping unit dimensions of Section 429.2 are taken from IRC Section R304. The maximum size of a sleeping unit is set at the same maximum as allowed by IRC Appendix Q for a tiny house.

The maximum occupant load within a sleeping unit allowed by Section 429.3 is based upon IBC Table 1004.5 Maximum Floor Area Allowances Per Occupant for a Dormitory.

The individual sleeping unit addressing provisions of Section 429.6 are a modification of the addressing provisions of IBC section 502 rather than repeating the requirements verbatim within section 429.

The exterior stairway lighting provisions of Section 429.7 have been extracted from IRC Section R303.8.

The potable water requirements found in Sections 429.11 and 429.14 were taken from 2018 IPC Sections 602 – Water Required and 608 – Protection of Potable Water Supply. The definition for a water dispenser was taken from 2018 IPC Section 202 – General Definitions.

The provisions of Section 429.12 are intended to address the exhaust of cooking appliances within the cooking facility building – which is not a Group R-X occupancy – which is an essential component of a community village campus have been extracted from the domestic cooking appliance provisions of IBC Section 420.9.

IRC Appendix Chapter Q Tiny Houses, Section AQ102 limits the maximum size of a tiny house to 400 SF. I added this same limit to Community Village proposal in Section 310.6. In Section 310.6 I also introduced the possibility for a Group R-X occupancy to include a loft.

Added Section 429.13 which references IRC Appendix Chapter Q Tiny Houses, Section AQ104 - Lofts.

Section 429.14. Is a specific accommodation to the tiny village concept with respect to the length of time these small structures may be placed on temporary foundations and to the maximum amount of time the community may exist prior to being required to provide connection to permanent utilities.

## IMPACT:

The purpose of this amendment is to provide provisions in the Denver Building Code to enable community villages to be created to reduce homelessness. Community village proposals to date have been allowed in Denver only by way of the DBC administrative modification process.

## DEPARTMENTAL IMPACT:

The review of community village proposals will become a conventional review and eliminate the requirement for their approval to be only by the means of the approval of an administrative modification request.

## APPENDIX B2 (DENVER)

### ZONING CODE AMENDMENT

#### Section 11.11.17 TEMPORARY TINY HOME VILLAGE

##### 11.11.17.1 Intent and Purpose

The intent of this temporary use is to grant flexibility from building form and site design requirements for providers of housing for people who are experiencing homelessness or are at risk of becoming homeless.

##### 11.11.17.2 SU, TU, RH Zone Districts

In all SU, TU, RH Zone Districts, where permitted with limitations, a Temporary Tiny Home Village is permitted only in combination with and on the same Zone Lot as a primary Civic, Public or Institutional Primary Use, and shall be limited to a maximum of 30 sleeping units.

##### 11.11.17.3 All Zone Districts

In all Zone Districts, where permitted with limitations, Temporary Tiny Home Village uses are permitted subject to compliance with the following standards:

##### A. Duration of Zoning Permit

1. Permits for Temporary Tiny Home Village uses shall be valid for a period not more than 4 years.
2. After a Temporary Tiny Home Village vacates a site, no additional zoning permits or renewals for Temporary Tiny Home Villages may be issued at the subject site until an additional 4 years has passed from the vacation date.

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#### Article 11. Use Limitations

##### Division 11.11 Temporary Use and Structure Limitations

#### DENVER ZONING CODE

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##### B. Owner and Operational Requirements

1. The applicant shall be the Zone Lot owner(s) or have written approval of the owner(s) of the subject Zone Lot.
2. An operational plan shall be submitted with the application for a zoning permit. The Manager shall establish minimum requirements for the operational plan.

##### C. Permit Requirements

1. A Pre-Application meeting is required according to Section 12.3.2.
2. A Community Information Meeting is required according to Section 12.3.4.6. before submitting the zoning application.
3. Upon application for a zoning permit, the applicant shall provide:
  - a. The following information about the Community Information Meeting:
    - i. Documentation of outreach efforts as required by Section 12.3.4.6.;
    - ii. A written record of the meeting; and
    - iii. A summary of any follow-up plans with the community.



- b. A site plan demonstrating compliance with siting and design standards of Section 11.11.17.3.D.
  - c. Documentation of Owner and Operational Requirements set forth in Section 11.11.17.3.B.
4. Zoning permits to establish or renew a Temporary Tiny Home Village use shall run with the land for the duration of the permit.
  5. new operator of an established Temporary Tiny Home Village use shall:
    - a. Provide evidence to the Manager that the operator meets all requirements of Section 11.11.17.3.B; and
    - b. Hold a Community Information Meeting according to Section 12.3.4.6.
    - c. Site Design Requirements
- The following building form standards shall apply to all temporary structures associated with the Temporary Tiny Home Village use:
1. A zoning permit for a Temporary Tiny Home Village allows construction or relocation of temporary structures on the zone lot. The use may be located wholly or partially within an existing permanent structure, but new permanent structures are not permitted to establish this use.
  2. Side Interior, Side Street and Rear setbacks from zone lot lines (min) shall be 5 feet.
  3. Primary Street setbacks in SU, TU and RH Zone Districts (min) shall be 20 feet.
  4. Primary Street setbacks in all other applicable zone districts shall be the least setback required for any primary building form permitted on the subject zone lot, not including any permitted setback encroachments. For example, if the zone district for the subject site is U-MX-3, the minimum Primary Street setback shall be 0 feet, according to the General and Shopfront building form standards.
  5. Required minimum setbacks shall be open and unobstructed. Setback encroachments are permitted only where allowed for "All Building Forms" in the applicable zone districts.
  6. All structures intended for common use by the Temporary Tiny Home Village residents and located within 25 feet of a Primary Street zone lot line shall have an Entrance with

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## Article 11. Use Limitations

### Division 11.11 Temporary Use and Structure Limitations

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Entry Feature facing the Primary Street, unless the common use structure contains only toilet or bathing facilities.

#### E. Residential Outdoor Storage

Residential Outdoor Storage is permitted with the Temporary Tiny Home Village use. See definition of Outdoor Storage, Residential in Section 11.12.7.5. Any Residential Outdoor Storage shall comply with the following standards:

1. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances), is prohibited.
2. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.
3. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.
4. No outdoor storage shall occur in required minimum zoning setback areas.
5. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

#### F. Fences and Walls

Fences and Walls shall be governed by applicable standards in the subject site Zone District and Article 10, with the following exception:

1. The maximum height when forward of any Primary Street facing Temporary Structure shall be 4 feet.
2. Where additional privacy or security is required, the Zoning Administrator may permit construction of a fence with a maximum height of 6 feet. Any 4-foot linear section of such over-height fence or wall shall be no more than 75 percent solid over its entire area.
3. All fences or walls taller than 4 feet shall require a zoning permit, and shall expire on the same date as the permit for the related Temporary Tiny Home Village.

### G. Accessory Uses

Accessory Uses are prohibited, except that a sleeping unit in a Temporary Tiny Home Village may be treated as a dwelling unit for the allowance of the following Accessory Uses:

1. Garden, according to Section 11.8.4.
2. Keeping of Household Animals, according to Section 11.8.5.1.A.
3. Fresh Produce and Cottage Food Sales according to Section 11.9.4.11.
4. Rental of sleeping unit: For every 10 sleeping units, the Temporary Tiny Home Village operator may rent 1 sleeping unit to an employee or volunteer who works directly with residents of the Temporary Tiny Home Village. Rentals may be for any length of stay.

### H. Use Permit Application and Review

Following the required Community Information Meeting and submittal of a complete zoning permit application, the Zoning Administrator shall review the application according to the procedures in Section 12.4.1. In making a final decision, the Zoning Administrator may consider relevant stakeholder comments and applicant commitments documented during the Community Information Meeting.

## APPENDIX B3 (DENVER)

## DENVER BUILDING CODE AMENDMENT

Code Sections/Tables/Figures Proposed for Revision:

DBC-IRC Section R101.2 Scope and IEBC Section 1011.2.1 Fire sprinkler systems.

I. Modify DBC-IRC Section R101.2 as follows:

**Exceptions:**

1. The following shall be permitted to be constructed in accordance with this code: where provided with a residential fire sprinkler system complying with Section P2904:
    - 1.1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code where provided with a residential fire sprinkler system complying with International Building Code Section 903.3.1.2 NFPA 13R sprinkler system.
    2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings where equipped with a fire sprinkler system in accordance with IFC Section 903.3.1.2. (NFPA 13R).
    - 1.2. A care facility with five or fewer persons receiving custodial care within a dwelling unit where provided with a residential fire sprinkler system complying with International Building Code Section 903.3.1.3 NFPA 13D sprinkler system.
    - 1.3. A care facility with five or fewer persons receiving medical care within a dwelling unit where provided with a residential fire sprinkler system complying with International Building Code Section 903.3.1.3 NFPA 13D sprinkler system.
    - 1.4. 5: A care facility for five or fewer persons receiving care that are within a single-family dwelling where provided with a residential fire sprinkler system complying with International Building Code Section 903.3.1.3 NFPA 13D sprinkler system.
  2. The following shall be permitted to be constructed in accordance with this code without a fire sprinkler system:
    1. Lodging houses with five or fewer guestrooms and 10 or fewer total occupants.
    2. Detached one-family dwellings converted to a congregate living facility or a boarding house (transient or nontransient) with 10 or fewer occupants.
  3. The following shall be permitted to be constructed in accordance with this code without a fire sprinkler system. Denver Revised Municipal Code Article II Chapter 33 licensed, short term rental residences.
  4. A detached one-family dwelling occupied as a congregate living facility with 6 to 10 occupants shall obtain a Certificate of Occupancy as a Group R-3 congregate living facility.
  5. The provisions of Section 3112 of the Denver Amendments to the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy of Manufactured Homes.
- II. Modify IEBC Section 1011.2. Change of Occupancy



### 1011.2.1 Fire sprinkler system.

Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code, such system shall be provided throughout the area where the change of occupancy occurs.

#### Exceptions:

1. An automatic fire sprinkler system shall not be required when the change in occupancy is from a detached one-family dwelling to a lodging house with five or fewer guestrooms and 10 or fewer total occupants; a congregate residence with 10 or fewer occupants; or a boarding house (transient or nontransient) with 10 or fewer occupants. Smoke alarms complying with International Residential Code Section R314 shall be provided as required for new construction. Emergency escape and rescue openings complying with International Residential Code Section R310 shall be provided in each sleeping room.
2. A detached one-family dwelling converted to a congregate living facility with 6 to 10 occupants shall obtain a Certificate of Occupancy as a Group R-3 congregate living facility.
3. An automatic fire sprinkler system shall not be required when the change in occupancy is from a detached one-family dwelling to a Denver Revised Municipal Code Article II Chapter 33 licensed, short term rental residence. Smoke alarms complying with International Residential Code Section R314 shall be provided as required for new construction. Emergency escape and rescue openings complying with International Residential Code Section R310 shall be provided in each sleeping room.

### SUPPORTING INFORMATION:

Definitions from the 2018 IBC:

**BOARDING HOUSE.** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

**CONGREGATE LIVING FACILITIES.** A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both.

**LODGING HOUSE.** A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms

1. The City and County of Denver is currently experiencing a great demand for the use of existing one-family dwelling units short term rentals, and due to the high cost of housing in Denver, the conversion of one-family dwelling units to congregate living uses. The cost to install an automatic fire sprinkler system of any capacity, including IRC P2904, within these non-traditional single unit dwellings has been deemed politically infeasible. This proposal recognizes that reality.

Exception #2 of DBC-IRC Section 101.2 includes requirements for monitoring of these buildings' required smoke alarm system by an approved supervising station as a substitute for automatic fire sprinkler system inspection.

### IMPACT:

Allows IRC regulated dwelling units, and existing IBC dwelling units without automatic fire sprinkler protection, to be used for short term (up to consecutive 30-days) rental without requiring the dwelling unit to possess either IRC P2902 or NFPA 13D fire sprinkler protection.

The proposed amendment is less restrictive than the IRC, IBC, and IEBC provisions for lodging houses with fewer than five guestrooms.

The amendment reduces the cost to use/covert a primary residence into use as a short-term guest housing or a congregate living facility which would otherwise be the case if full compliance with the provisions of the IBC for a Group R-3 occupancy were required.

## AMENDMENT

### Code Sections/Tables/Figures Proposed for Revision:

Modify IBC Section 310.4 Residential Group R-3 and subsection 310.4.1.

#### Modify Section 310.4 and 310.4.1 as follows:

##### 310.4 Residential Group R-3.

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two dwelling units
- Care facilities that provide accommodations for five or fewer persons receiving care
- *Congregate living facilities (nontransient)* with 16 or fewer occupants
- *Boarding houses (nontransient)*
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries

*Congregate living facilities (transient or nontransient)* with 10 or fewer occupants are that are within a single-family dwelling shall be permitted to comply with the International Residential Code.

*Boarding houses (transient or nontransient)*

*Lodging houses (transient or nontransient)* with five or fewer guest rooms and 10 or fewer occupants shall be permitted to comply with the International Residential Code.

##### 310.4.1 Care facilities within a dwelling.

Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3. or Section P2904 of the International Residential Code.

### Supporting Information:

This proposal is a to provide IBC correlation with a proposal which is being considered by the Denver's IRC committee: *92 DBC IRC R101.2 and IEBC1011.2.1 Short term rental and group living fire sprinkler requirements.*

### Impact:

The added language increases the range of residential uses defined in the IBC allowed to be constructed in accordance with the provisions of the International Residential Code. The proposed amendment is less restrictive than the IRC, IBC, and IEBC provisions for select congregate living facilities and for all lodging houses with fewer than five guestrooms and 10 or fewer occupants.

The amendment reduces the cost to use/covert a primary residence into use as a short-term-rental guest housing.

## APPENDIX B4 (DENVER)

### PROPOSED DENVER ZONING CODE AMENDMENT

#### UNLISTED PRIMARY USE DETERMINATION:

#### FHA GROUP HOMES

#### REQUEST FOR UNLISTED PRIMARY USE DETERMINATION

At the direction of the City Attorney's Office and the Executive Director of Community Planning Development ("CPD"), the Zoning Administrator initiated this "unlisted use determination" to consider whether to permit an unlisted type of primary residential use, where a dwelling unit is occupied by a larger number of unrelated adults than allowed under the Denver Zoning Code's current definition of "household", but where the dwelling unit's residents are protected under the Federal Fair Housing Act

("FHA") as a "handicapped" population.<sup>1</sup> The proposed use shall be referred to in this document as a "FHA Group Home."

This unlisted use determination would allow FHA Group Homes in all neighborhood contexts and Denver Zoning Code zone districts that allow establishment of any new Household Living use other than a Live/Work Dwelling use.<sup>2</sup> The underlying reason for the determination is because the proposed "FHA Group Home" does not clearly fit any defined specific use type under the more general classification of permitted Residential Primary Uses.

#### DESCRIPTION OF PROPOSED FHA GROUP HOME USE

The proposed unlisted primary FHA Group Home use is described as follows (all capitalized land uses, words, terms, and phrases have the meanings stated in the Denver Zoning Code):

"Residential Occupancy of a Dwelling Unit where:

1. All adult residents (18 years and older) are 'handicapped' as defined by the Federal Fair Housing Act (see footnote <sup>1</sup>),

<sup>1</sup>Under the Federal Fair Housing Act, "handicap" means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. 42 U.S.C. § 3602(h). U.S. Courts have uniformly held that persons who have recovered from drug or alcohol addiction are "handicapped" persons protected by the FHA. See *Corporation of Episcopal Church in Utah v. West Valley City*, 19 F.Supp.2d 1215, 1219 (D. Utah 2000).

<sup>2</sup>All zone districts in all neighborhood contexts currently allow establishment of at least one specific type of new "Household Living" primary use (other than a Live/Work Dwelling), except for the I-A, I-B, DIA, O-1, and OS zone districts. The modifier "new" is an important distinction because certain Household Living uses may continue in the I-A and I-B zones if they existed before July 1, 2004; however, new Household Living use in those zone districts (not including Live/Work Dwellings) are prohibited. References to "Household Living" uses in this document shall mean all specific Household Living use types defined in the DZC (e.g., Single-Unit or Two-Unit Dwelling), but not including Live/Work Dwelling.

## APPENDIX B5 (DENVER)

### DENVER POLICY

#### Overview:

This policy establishes the Denver Building and Fire Departments' requirements for approving requests by religious or charitable entities for temporary occupancy of existing buildings, or portions thereof, as a temporary shelter for the homeless during cold-weather-related emergencies. Approval of such requests allows for a 180-day maximum use of the building as an emergency residential shelter without requiring the building to conform to all the Denver Building and Fire Code requirements normally associated with occupancies containing sleeping units. A temporary certificate of occupancy is required for this temporary change in use.

If the nonconforming residential shelter use will occupy the building for more than 180 days per 12 consecutive months, then the change of occupancy provisions of Denver Building & Fire Code Amendments (DBCA) Section 142.2 apply. A new Certificate of Occupancy is required for all such changes.

#### Reference: ADMIN Section 134

Temporary use of an existing building for other than that designated and approved by the building's Certificate of Occupancy shall comply with the requirements of Section 3103 of the International Building Code (IBC), and with the requirements and limitations of any other City ordinance or rule and regulation.

**Exception:** Where approved by the building official and the fire code official, buildings serving as emergency residential shelters shall not be required to conform to all of the requirements of Section 3103.1.1 of the IBC when the building official and fire code official determine there are practical difficulties involved in carrying out the provisions of this code that make enforcement of the strict letter of this code impractical. The details of any action granting modifications shall be sent to the building owner and entered into the permit files of the Agency.

#### Minimum Life Safety Requirements

- A. Buildings with no or partial automatic fire sprinkler protection
  - a. The maximum capacity of the emergency shelter shall be twenty or less people in aggregate. All sleeping rooms shall be provided with direct access to an exterior exit door at grade or to an exterior exit stairway. A sleeping room intended to accommodate ten or more people shall be provided with access to two exits. Sleeping rooms shall not be located above the second story.
- B. Buildings protected throughout with automatic fire sprinkler protection

The maximum number of persons is limited to the capacity of the exit system serving the sleeping area. A sleeping room intended to accommodate ten or more people shall be provided with access to two exits.
- C. Sleeping areas and all exit paths serving the sleeping areas shall be provided with a fire alarm and detection system as required by the *International Fire Code* (IFC) for a Group R-1 occupancy. Carbon monoxide (CO) detection shall be afforded in sleeping rooms where the building is served by natural gas or fuel burning appliances are existent. Where 20 or fewer people are sheltered, the system may be comprised of multi-station interconnected smoke alarms (and CO alarms where required) and such can be powered from the building wiring with battery backup or 10-year lithium batteries. Where the temporary shelter will be used for less than 60-days, the 24V fire alarm system & devices can be installed as temporary.
- D. A minimum sleeping room temperature of 60-degrees Fahrenheit shall be maintained.
- E. Portable fueled (gasoline, diesel, propane, natural gas, coal, wood) appliances/devices are not permitted to be used in the space-conditioning of any area of the temporary occupancy unless explicitly approved by the *building official* and *fire code official*.
- F. Emergency illumination and exit signage shall be provided and compliant with DBCA Chapter 10.
- G. When the building is used for sleeping purposes, the exterior doors leading to the sleeping area shall be placarded with a 12"x12" yellow weather resistant sign/placard reading "SLEEPING OCCUPANTS" to alert emergency personnel.



- H. Provide fire extinguishers per IFC 906 at a minimum in the sleeping areas and all exit paths serving the sleeping areas.
- I. Hazardous materials or hazard producing operations shall not exist or occur in the vicinity of the sleeping areas or the exit paths serving the sleeping areas.
- J. When required by the *Fire Official*, a firewatch permit shall be obtained at 745 W Colfax at which time the Terms & Conditions of the firewatch will be established and defined.

**Application Procedure:**

Temporary emergency residential shelters shall be issued a Commercial Construction Permit for such temporary occupancy, and any associated alterations, for the time period approved by the Building and Fire Code Official. The shelter will require a Temporary Certificate of Occupancy.

**Application content requirements.** Application for permit shall include:

1. A letter of request provided to the Building and Fire Code Official, signed by the representative of the organization that is requesting the temporary occupancy. The letter of request shall:
  - a. specify the maximum number of persons who will sleeping in the shelter
  - b. describe the services provided by the emergency residential shelter
  - c. describe how toilet facilities will be provided
  - d. specify the period of the emergency shelter occupancy (not to exceed 180 days)
2. Architectural signed and sealed (licensed in the state of CO) drawing sets (or an electronic media document) containing:
  - a. A site plan showing the location of the fire department apparatus access roads and fire hydrants serving the building.
    - i. Denver Fire Department (DFD) approved fire apparatus access roads complying with the requirements of Section 503 of the International Fire Code shall extend to within 150 feet of all portions of the building or 250 feet if sprinkered throughout.
    - ii. Sleeping areas of the building must be located no more than 400 feet from a fire hydrant.
  - b. Building floor plans of sufficient clarity to indicate the location, nature and extent of the proposed shelter area and its relationship to other areas of the building. The floor plans shall:
    - i. Detail the location and width of all portions of the path(s) of exit access serving the shelter area including the path of the exit discharge to the public way.
    - ii. Designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
    - iii. The location of toilet facilities and number of each type of plumbing fixture provided
    - iv. Location of portable fire extinguishers
    - v. Location of emergency egress lighting equipment
    - vi. Location of illuminated exit signs
  - c. A code analysis and narrative for the entire building on the floor plans which states:
    - i. whether the building possesses automatic fire sprinkler system protection and the extent of the fire sprinkler coverage.
    - ii. A description of the building's type of construction using terminology found in Chapter 6 of the International Building Code.

- iii. A narrative describing the systems and components to demonstrate compliance required in the Minimum Life Safety Requirements section of this document.
3. Fire evacuation plan  
Fire evacuation plans shall include the following:
- a. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
  - b. Procedures for accounting for occupants after evacuation has been completed.
  - c. Identification and assignment of personnel responsible for rescue or emergency medical aid.
  - d. The means of notifying occupants of a fire or emergency.
  - e. The means of reporting fires and other emergencies to the fire department or designated emergency response organization.
  - f. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
4. If electrically-powered equipment will be used during the temporary occupancy that does not plug into an existing receptacle, load calculations for the panelboard serving the space prepared by a licensed electrical engineer will be required for review. The calculations must document that the wiring to the panelboard and the overcurrent device rating ahead of the panelboard are not overloaded by the addition of the equipment.

If a generator will be used during the temporary occupancy, an electrical permit and inspection will be required where the generator is rated 5KW or above. Refer to policy NEC 509 - Temporary Power and NEC 590.4 – Cable installation for temporary special events for additional information. A fire department operational permit shall be obtained at 745 W Colfax for the generator.

**Temporary Certificate of Occupancy.** No temporary emergency residential shelter permitted under this policy shall be used or occupied until a Temporary Certificate of Occupancy (TCO) is issued by the Building Official indicating the specific location and approved period of occupancy for which the certificate is issued. An unauthorized change to any of those details voids the TCO.

## APPENDIX C1 (PORTLAND)

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

B-Engrossed

House Bill 2916

Ordered by the Senate May 22

Including House Amendments dated April 1 and Senate Amendments  
dated May 22

Sponsored by Representatives MARSH, BONHAM; Representatives KENY-GUYER, NEARMAN (at the request of League of Oregon Cities)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands transitional housing accommodations allowed inside urban growth boundary to include other structures.  
Removes limits on operators of and number of campgrounds providing transitional housing accommodations.  
Removes authority of Department of Consumer and Business Services to apply specialty codes to transitional housing accommodations.

Declares emergency, effective on passage.

### A BILL FOR AN ACT

Relating to transitional housing; amending ORS 446.265 and 446.325; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 446.265 is amended to read:

446.265. (1) Inside an urban growth boundary, a [municipality] local government may [approve] authorize the establishment of [a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use] transitional housing accommodations used as individual living units by one or more individuals [or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways].

[(2)] Use of transitional housing accommodations [described under subsection (1) of this section shall be] is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A [municipality] local government may limit the maximum amount of time that an individual or a family may use the accommodations.

[(3)] (2) [Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS

446.310 to 446.350.] Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.

The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

New sections are in boldfaced type.

LC 1852

B-Eng. HB 2916

(3) [The] Transitional housing accommodations are not subject to ORS chapter 90.

[(4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155. Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.]

[(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.]

[(6)] (4) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

SECTION 2. ORS 446.325 is amended to read:

446.325. (1) [Public entities, private persons or nonprofit organizations described] Persons and public bodies, as defined in ORS 174.109, that operate transitional housing accommodations under ORS 446.265 [(3)], timber companies and private utilities [shall] may not establish or operate a recreation park without complying with the rules of the Oregon Health Authority and securing the approval of the Director of the Oregon Health Authority or designee but [shall be] are exempt from the licensing requirement of ORS 446.320. The director or designee may delegate, to a health official having sufficient environmental health specialists, the authority to approve such recreation parks.

(2) ORS 446.310 to 446.350 do not apply to:

(a) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities;

(b) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other expedition, unless the expedition is part of an organizational camp program; or

(c) [A yurt, as defined in ORS 446.265, that is used as a living unit in transitional housing accommodations] Transitional housing accommodations.

SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

## APPENDIX C2 (PORTLAND)

DRAFT 11/29/17

A central purpose of Comprehensive Planning is to identify housing needs – and ensure plans enable a supply of housing that needs identified needs. This includes not only the number of housing units, but also by tenure and income. The Housing analysis completed with the 2035 Comprehensive Plan identified two areas of concern – a tight supply of “Middle Housing”, and a concern that there is a lack of housing options affordable to the lowest income Portlanders – especially those who are homeless or at risk of being homeless. The Residential Infill Project is addressing the first issue. This project aims to address the second issue.

A continuum of housing types potentially serving very low income Portlanders exist. Some of these types are well established, and some exist at the margins of legality. These housing types are summarized below. Other more traditional housing types can also serve very low income households, with greater subsidy. Further exploration of these alternative housing types is based on the premise that there will not be sufficient resources to house all of the very low income Portlanders in traditional housing forms through subsidy. Facilitating private sector development of a greater range of very low income options could help the City serve more people. This project would develop an action plan to expand these housing options. The action plan would evaluate code changes and further programmatic actions that could be taken.

### Alternative Housing Types Potentially Affordable to very low income Portlanders

Housing Type	Description
Mass Shelters	A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks.
Tent or Tiny House Villages	Organized villages of tents or tiny homes, usually with a shared on-site facility for preparing food and bathing.
Single Room Occupancy (SRO) Buildings	A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.
Micro Apartments	Very small (less than 400 square foot) rooms, typically with shared kitchen facilities on each floor, shared by up to 5 rooms.
Tiny Houses on Wheels, RVs	Small wood frame home built on a street-legal utility trailer, or a purpose built residential trailer or recreational vehicle. Not subject to building codes because they are considered vehicles.
Manufactured Home	A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code).
ADUs	A second dwelling unit created on a lot with a house, attached house, or manufactured home. They must be no more than 800 square feet, or 75% of the size of the primary house (whichever is less).
Shared housing	When unrelated individuals share an apartment or home.

## Recent Actions and Further Opportunities to Facilitate These Housing Types

Housing Type	Recent City or County Actions	Additional Opportunity
Mass Shelters	Updated mass shelter zoning allowances in 2016. Construction of X additional shelter beds in 2016/17.	The 2016 code changes represent a minor liberalization of where mass shelters are allowed. Broader allowances could be considered.
Tent or Tiny House Villages	City efforts to facilitate Dignity Village, R2D2, Hazelnut Grove.	Existing villages large exist through special code exceptions. More could be done to write codes (building code and zoning) to allow such settlements.  In addition, most efforts have been one-time agreements, reacting to a crisis. What would it take to more systematically scale-up to create many more of these villages, in partnership with nonprofit partners?
Single Room Occupancy (SRO) Buildings	No recent changes	?
Micro Apartments	No recent changes – several market rate projects have been built.	Some zoning code definitions and procedures are not clear in how they treat this housing form. Greater code clarity may help stimulate more of this kind of housing. Definitions of “congregate housing”, “SRO” and “household” could be improved, and Conditional Use thresholds could be re-evaluated.
Tiny Houses on Wheels, RVs	The City recently suspended enforcement of Title 29 regulations which make this housing type illegal.	Title 29 could be amended to recognize this form of housing.  Code amendments or construction template/guides could be provided to facilitate safe water and sewer and electrical hookups (analogous to work done to facilitate food cart pods).
Manufactured Homes	BPS is exploring a new zoning designation to provide greater level of protection against the closure of existing manufactured home parks.	Current zoning code precludes very small manufactured homes. Minimum size limits could be repealed.
ADUs	ADU regulations were reviewed and updated in 2008. Additional changes were made in 2016. As a result, Portland no longer requires owner occupancy, we allow a greater range of ADUs relative to other cities, and we do not require off-street parking.  SDC fees have been suspended for ADUs, which expires in 2018.  Lending remains as a barrier, because banks do not have loan products aimed at ADSU construction. PSU is currently working on a solution to this.	ADUs are still required to have roof pitch and exterior materials to match the primary home. This may preclude most manufactured ADUs, which could cost less.  As SDC fees are updated and reviewed in the future, they could be designed to be sensitive to unit size, with lower rates for small units.



Shared housing	No recent changes	The Zoning Code definition of “household” places a limit on shared housing. No more than 5 unrelated individuals can share a home, regardless of home size. Traditional families defined by blood or marriage can have more than 5 occupants. This definition could be changed to allow a broader range of nontraditional households, and be more neutral regarding how the household is formed and defined.
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The Bureau of Planning and Sustainability (BPS) will partner with the following agencies and institutions.

- Housing Bureau (role)
- Multnomah County
- City/County Joint Task Force on Homelessness
- Portland State University
- Home Forward
- City Repair Village Coalition
- Build Small Coalition

### Budget and Timeline

Task 1 – Project Startup: Develop website, communications, stakeholder outreach plan, write RFPs (Summer 2018)

- 160 hours of Management Analyst or Program Coordinator time (\$12,000)
- 80 hours of City Planner time (\$6,000)
- 80 hours of Planning Assistant time (\$2,900)
- 20 hours of Community Outreach and Information rep time (\$1,200)

Task 2 – Research: Develop a series of case studies for each of the above-listed housing types. Document the economic, legal, design/architectural, and infrastructure issues associated with each.  
(Fall and Winter 2018/19)

- 320 hours of Management Analyst or Program Coordinator time (\$23,000)
- 160 hours of City Planner time (\$12,000)
- 160 hours of Planning Assistant time (\$5,800)
- 10 hours of Community Outreach and Information rep time (\$600)
- Consultant services:
  - Engineering and architectural design: \$35,000
  - Housing and real estate economic analysis: \$24,000
  - Facilitation \$12,000

**Task 3 – Action Plan Development:** Refine the list of opportunities for further action to facilitate the post promising of these options. Develop specific action plans to implement those recommendations, including cost estimates for any projects or new programs, and lists of next steps (Spring 2018)

- 320 hours of Management Analyst or Program Coordinator time (\$23,000)
- 160 hours of City Planner time (\$12,000)
- 160 hours of Planning Assistant time (\$5,800)
- Consultant services:
  - Program design: \$50,000
  - Facilitation \$12,000
- Report design and printing, other materials: \$6,000
- Event logistics: \$12,000

**Task 4 – Legislative Process:** Adopt any recommended changes to code, and develop recommended program or code guides. (Summer or Fall 2019)

- 320 hours of Management Analyst or Program Coordinator time (\$23,000)
- 160 hours of City Planner time (\$12,000)
- 80 hours of Planning Assistant time (\$2,900)
- 20 hours of Community Outreach and Information rep time (\$1,200)

### Project Timeline

Task	FY 18/19 Q1	FY 18/19 Q2	FY 18/19 Q3	FY 18/19 Q4
Task 1				
Task 2				
Task 3				
Task 4				

### Costs by Task

Task	City Staff	Consultants	Other	Total
Task 1	\$22,100			
Task 2	\$41,400	\$71,000		
Task 3	\$40,800	\$62,000	\$18,000	
Task 4	\$39,100			
	<b>\$143,400</b>	<b>\$133,000</b>	<b>\$18,000</b>	<b>\$294,400</b>

## APPENDIX C3 (PORTLAND)



**TOPIC:** Special Construction – IBC/3/#1 & IRC/1/#2

**CODE:** Structural Specialty Code: 2010 Edition  
Residential Specialty Code: 2011 Edition

**REVISED:** January 29, 2013 [Paul L. Scarlett], Director

**REFERENCE:** Structural Specialty Code – Chapter 3  
Residential Specialty Code – Chapter 1

**SUBJECT:** Cargo Containers Used as Accessory Storage Structures

**QUESTION:** Can cargo containers be installed on properties and used as accessory storage structures?

**RESPONSE:** Yes, under certain conditions, cargo containers may be used in residential, multi-family residential, commercial, and industrial zones as accessory storage structures. Under the provision of this Code Guide, semi-truck trailers are not considered cargo containers.

**I. Conditions for Using Cargo Containers as Storage Structures**

**A. Criteria for Installation of Cargo Containers.** The BDS Director will approve the installation of cargo containers using the provisions of this Code Guide provided the containers meet the following criteria:

1. Containers are used as storage only;
2. Containers are not used as shops, studios, hobby rooms, offices, lunch rooms, sales areas, playhouses, or other similar uses;
3. Containers are not used for storage of motorized passenger vehicles;
4. Containers are not stacked on top of each other;
5. Containers are not classified as a High-Hazard Group H occupancy; or
6. Containers are not equipped with plumbing or electrical power or lighting.

Cargo containers not meeting the criteria above must meet all applicable requirements of the Zoning Code and Building Code for a site-built structure.

**IBC/3/#1 & IRC/1/#2****Cargo Containers Used as Accessory Storage Structures****Page 2 of 4****January 29, 2013**

**B. Occupancy Classification.** Cargo containers shall be classified as follows:

1. **Containers used accessory to one or two family dwellings:** Group U occupancies.
2. **Containers used accessory to commercial facilities:** Group S, Division 1 occupancies.

**C. Zoning Code.** Containers must meet all applicable use and development regulations of the Zoning Code. For example, use regulations may prohibit storage containers from being leased or used as self-service storage. Development regulations such as building setbacks, building coverage limits, or special overlay zones, may affect if or where a container can be placed on a site. For more information, call the Zoning Information Line at 503-823-7526 or visit the Development Services Center.

**D. Stormwater Management.** Containers that are used to store certain materials, such as solid waste or liquids, may trigger source controls. Please contact the Bureau of Environmental Services for more information at 503-823-7740.

**II. Building Permits.**

**A. Building Permits Required.** Following is a list of situations that require building permits. Requirements of this Code Guide and the Zoning Code must be met even if a building permit is not required:

1. **Containers used accessory to one or two family dwellings.** Containers greater than 200 square feet in floor area and greater than ten feet in height, measured from the finished floor level to the average height of the roof surface, require a building permit. Containers 200 square feet in floor area and less and less than ten feet in height, measured from the finished floor level to the average height of the roof surface, do not require a building permit.
2. **Containers used accessory to commercial buildings.**
  - a. Except as noted in (b) below, a building permit is required to install containers accessory to commercial structures.
  - b. Containers that are used by a contractor for storage of construction materials on a site that has a valid building permit and that remain on the site only for the duration of the construction activity are not required to have a building permit.



## IBC/3/#1 & IRC/1/#2

### Cargo Containers Used as Accessory Storage Structures

Page 3 of 4

January 29, 2013

construction activity that has been approved for use by the contractor as a staging area.

- (2) The containers shall be removed from the site not later than thirty (30) days after the building permit for the construction has received final inspection.

**B. Multiple Containers.** More than one container may be installed under a single permit. Contact the Permitting Services Division of BDS for permit process information.

**C. Permit Documentation.** Permit documentation shall include a site plan (see BDS handout entitled, "Site Plan Checklist" <http://www.portlandonline.com/bds/index.cfm?c=45054&a=92693> ), a floor plan of each container to be installed, and any details required to demonstrate compliance with the installation requirements outlined in this Code Guide.

**D. Permit Fees.** Fees for permits shall be calculated based on a valuation that includes the cost of the container(s) and the cost to install the container(s), including any site work necessary to prepare the site for the container(s).

### III. Specific Design Requirements

**A. Foundations and Tie Downs.** Where containers are placed on firm, level, undisturbed natural grade or on an existing paved parking area or storage yard, anchor tie downs or permanent foundations are not required.

**B. Ventilation.** Containers need not be provided with additional ventilation.

**C. Egress.**

1. **Doors.** Containers shall be provided with an egress door not less than 3 feet wide by 6 foot, 8 inches high. The standard doors that the containers are equipped with may qualify as the required egress door provided they meet the minimum size requirement as stated above and provided they are equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied.

#### 2. Thresholds and Landings.

- a. **Containers used accessory to one or two family dwellings.** Threshold height and landings at doors for containers need not comply with Building





**IBC/3/#1 & IRC/1/#2**

**Cargo Containers Used as Accessory Storage Structures**

**Page 4 of 4**

**January 29, 2013**

**b. Containers used accessory to commercial buildings.** Threshold height and landings at doors for containers need not comply with the Building Code requirements.

**D. Drainage.** Containers up to a maximum of 320 square feet of roof area are not required to be provided with gutters or downspouts or other storm water collection system provided the sheet flow of storm water from the container is contained on site and not allowed to encroach on adjacent property or public right of way.

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Updates August 22, 2007 edition

Updates April 3, 2006 edition

Updates March 1, 1999 edition

Updates July 1, 1996 edition

Replaces UBC/5/#1 & CABO/1/#2 which replaced Policy & Procedure # D-61.



## APPENDIX C4 (PORTLAND)



**TOPIC:** Temporary Shelters - OSSC/34/#4

**CODE:** Oregon Structural Specialty Code: 2014 Edition

**REVISED:** September 29, 2017 [Rebecca Esau], Interim Director

**REFERENCE:** Section 3406.1 – Oregon Structural Specialty Code

**SUBJECT:** Use of Buildings as Temporary Shelters

**QUESTION:** Quite often churches, schools and other commercial buildings offer temporary shelter to people in need. Temporary shelters serve a limited number of people and often are open during limited times of the year or, in some cases, only during one or two weekends a month. Usually, people end up sleeping in areas that are not typically used for sleeping. Are there instances where an assembly or other occupancy type can be used as sleeping facilities without undergoing a change of occupancy?

**RESPONSE:** The Bureau of Development Services (BDS) has determined that a building maybe used as a temporary shelter without undergoing a change of occupancy under the conditions noted below. When the use of a building as a temporary shelter exceeds the limits outlined below, a full change of occupancy is required.

**A. Permit and Inspections**

A conditional use permit is required through the Fire Marshal's Office prior to operation of the temporary shelter. Inspections are required as part of the conditional use permit process.

**1. Pre-Inspection**

The Fire Marshal and the Building Official, or their designees, shall conduct an inspection with the applicant present prior to commencement of work in preparation for operation of the temporary shelter. The inspection shall determine if the building or area is appropriate for the temporary shelter and identify what work needs to be completed prior to operation.



## **OSSC/34/#4**

### **Use of Buildings as Temporary Shelters**

**Page 2 of 5**

**September 29, 2017**

#### **2. Post- Inspection**

After work is completed, the Fire Marshal and the Building Official, or their designees, shall conduct another inspection with the applicant present. The inspection shall verify that the life safety systems are working and all requirements of this code guide have been met. Operation of the temporary shelter may not commence until successful completion of this inspection.

#### **3. Annual Inspection**

If the temporary shelter is in operation for more than one year, an annual inspection shall be conducted by the Fire Marshal's Office to verify continued compliance with the requirements of this code guide. Any deficiencies identified in this inspection shall be corrected prior to operation of the temporary shelter.

#### **B. Time Limit**

Occupancies other than Residential group R-1 (transient residential housing) may be used as a temporary shelter for a maximum of 180 days within a calendar year (January to January). Temporary shelters operating in excess of 180 days within a calendar year require an appeal through the BDS administrative appeals process.

#### **C. Maximum Number of Occupants Allowed**

The maximum number of allowable temporary shelter occupants shall be calculated using an occupant load factor of one individual for every 35 square feet of room area. For example, a room with 1,000 square feet would be allowed to provide temporary shelter for up to 28 people.

#### **D. Life-Safety Requirements**

The following life-safety requirements apply to buildings and areas being used as temporary shelters:

##### **1. Sprinklers**

It is not necessary for a building to have sprinklers to be used as a temporary shelter. However, buildings with sprinklers will be granted more flexibility as noted below:

- a.** When a building is fully sprinkled, temporary shelter sleeping areas may be located on any building floor level.

**OSSC/34/#4****Use of Buildings as Temporary Shelters****Page 3 of 5****September 29, 2017****2. Smoke Detection, Smoke Alarms and Carbon Monoxide Detectors**

- a. All temporary shelter sleeping areas shall be provided with interconnected smoke alarms or a complete smoke detection system.
- b. Smoke detectors or smoke alarms may be battery operated.
- c. All other areas of the building used for shelter operation shall be equipped with smoke detectors or smoke alarms as prescribed by the Fire Marshal's Office as follows:
  - (1) Buildings housing a temporary shelter shall be equipped with a smoke detection and alarm system installed under permit through the Fire Marshal's Office.
  - (2) Each room used for sleeping shall be provided with a working smoke alarm (10 year battery with hush feature) or a smoke detector tied into an alarm system and a carbon monoxide detector.
  - (3) Hallways serving as a means of egress for sleeping rooms shall be provided with a working smoke alarm (10 year Battery with Hush feature) or a smoke detector tied into an alarm system. Coverage of the hallways shall be per NFPA 72 spacing requirements.
  - (4) In buildings that are not equipped throughout with an automatic sprinkler system installed in accordance with the fire code, the smoke alarms in guestrooms shall be connected to an emergency electrical system and shall be annunciated by guestroom at a constantly attended location from which the fire alarm system is capable of being manually activated. The constantly attended location must be served by a responsible adult that:
    - (a) Has a high degree of familiarity with the building layout and emergency egress routes in the event of an emergency.
    - (b) Has an understanding of their responsibilities to the occupants with regards to emergency evacuation of the building in the event of an emergency (see item #4, Emergency Evacuation Plan)

**3. Means of Egress (Exits)**

All floor levels with a temporary shelter area shall have a minimum of two means of egress (exits) from each floor level. Exits from sleeping rooms shall be provided as follows:

- a. **Ground floor sleeping rooms with less than 50 occupants.** Sleeping rooms located on the ground floor of the building serving 49 people or less shall have at least one exit and at least one window qualifying as an escape or rescue window as defined by the building code.



**OSSC/34/#4****Use of Buildings as Temporary Shelters****Page 4 of 5****September 29, 2017**

load of 10 or more shall have two exits from the room. The exits serving the room shall be separated by a distance equal to at least 1/3 of the longest diagonal distance of the room.

**4. Emergency Evacuation Plan**

All temporary shelters shall create and maintain an emergency evacuation plan addressing the evacuation of all visitors and staff in an emergency event. At a minimum, the emergency evacuation plan shall contain the following:

- a. Building Floor Plans.** Building floor plans for each floor being used as temporary shelter with the sleeping rooms clearly identified;
- b. Room Size.** The square footage of the rooms used as sleeping rooms and the use of adjacent rooms;
- c. Egress Path.** A plan to show egress from the proposed shelter spaces and from the building; and
- d. Life-Safety Systems.** Information regarding sprinkler systems, smoke detection or fire alarm systems in the building.

**E. Additional Fire Marshal's Office Conditional Use Permit Requirements**

1. Documentation of all fire life safety requirements, including the emergency evacuation plan, must be submitted to the Fire Marshal's Office. Copies must also be maintained on-site and be available at the request by the Fire Marshal's Office during routine inspections.
2. Tent structures used for privacy in sprinkled rooms shall have the tops open to allow proper sprinkler function.
3. Exit signs shall be fully illuminated at all times.
4. Exit paths shall be unobstructed and exit doors maintained to be readily openable.
5. Sleeping rooms that exit only to a hallway shall be provided with at least one working flashlight when occupied.
6. There shall be no smoking or open flames allowed within the building during shelter operation.
7. A portable fire extinguisher shall be located within 75' of all areas within the shelter.
8. Rooms used for shelter sleeping areas shall limit the number of occupants using 35 square feet per person (ie 175 sq ft room divided by 35 sq ft/person= 5



#### **OSSC/34/#4**

#### **Use of Buildings as Temporary Shelters**

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9. At least one responsible adult shall be present and awake at all times, shall be equipped with a flashlight and shall have immediate access to a phone (or shall carry a working cell phone). This duty can be shared by more than one adult. This requirement can be waived by the Fire Marshal's Office if an alarm system is installed throughout the building. Partial detention/alarm systems will be considered on a case-by-case basis.
10. An accurate and up-to-date list of the site schedule shall be provided to the Fire Marshal's Office. Changes to the schedule shall be communicated as soon as they are known.
11. Other conditions may be required on a case-by-case basis.

#### **F. Planning and Zoning Requirements**

The temporary shelter must comply with Portland Zoning Code Chapter 33.296, Temporary Activities.

Alternative proposals that do not meet the requirements of Sections B-D of this code guide may be reviewed on a case-by-case basis through the BDS administrative appeals process.

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Updates November 1, 2006 edition and re-numbers from IBC/34/#2

New November 1, 2006

## APPENDIX C5 (PORTLAND)

### BDS Suggested City Code Changes to Facilitate Short Term Housing and Mass Shelter Projects January 2019

Short term housing and mass shelter projects incur significant obstacles in the planning, permitting and land use review stages. These suggestions are intended to help facilitate and reduce costs of short term housing and mass shelter development.

Suggestion	City Code Section	Change	Rationale	Additional Information
Increase number of mass shelter beds allowed by right in the CM2 and CI2 zones	33.285.050 Table 285-1	Increase the number of mass shelter beds allowed by right in the CM2 and CI2 zones from 75 to 125.	Allows sites in the new CM2 and CI1 zones to accommodate mass shelters.	The Willamette Center shelter would not require a Conditional Use Review if the number of mass shelter beds in the allowed in the CM2 zone increased to 125. The Foster Shelter would also no longer be nonconforming.
Allow temporary mass shelters as a temporary activity for up to 180 days	33.296.030.G	Revise allowed temporary activities to include temporary mass shelters for up to 180 days.	Often churches, schools and buildings undergoing redevelopment are used for temporary mass shelters.	BDS has been allowing temporary mass shelters under the assumption that this allowance already existed. It is also mentioned in the BDS Code Guide on Temporary Structures. BDS has determined that a change of occupancy is not necessary for these temporary shelters.
Change tenancy time frame allowed for Short Term Housing	33.910 and 33.920.410.D.3	Revise definition of Short Term Housing to state that tenancy may be longer than one month. Remove Community Service exemption stating that stays longer than 30 days are Group Living	Responds to a LUBA decision regarding the length of stay in Mass Shelters and Short-Term Housing and whether than <u>time period</u> can exceed 30 days.	Revising the Short-Term Housing definition and Community Service use exemption may not be <u>adequate</u> and this suggestion may require additional work by City Attorneys.





Change definition of Short Term Housing to address village model	33.910	Change the <u>Short Term Housing</u> definition to acknowledge multiple structures and tenancy time period.	The current definition doesn't appropriately acknowledge a village model of tiny shelters.	<b>Short Term Housing.</b> A structure or structures that contain one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month or longer. The <u>short term</u> housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, small sleeping structures with shared common facilities and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.
Change the name of Short Term Housing to Short Term Shelter	33.910	Change all references to "Short Term Housing" to "Short Term Shelter".	The different name suggests a different type of shelter arrangement which is not permanent housing.	The term "housing" has become a source of concern because it may imply the need for Short Term Housing to abide by Landlord/Tenant Law.
Create a definition for Rest Area	33.285 and 33.910	Add language in 33.285 to address Rest Areas and add a definition in 33.910.	The 2035 Comprehensive Plan includes references to "Rest Areas" which are not defined in the Portland Zoning Code.	Rest Areas is a reference to R2DToo-type shelter models. Creating permanent tenancy for R2DToo at their current location does not require adding a definition of Rest Area to the Portland Zoning Code.
Waive SDCs for Mass Shelters and Short-Term Housing	17.14.070	Add permits for mass shelters to exemptions from SDC requirements.	SDC requirements are not waived for mass shelters or	Completed
			<u>short term</u> housing (shelters).	
Revise pedestrian standards for Mass Shelters and Short-Term Housing	33.285.050.A and B	Include a <u>standard which states</u> that Mass Shelters and Short-Term Housing are subject to pedestrian standards for Household Living uses or waive the requirement	Pedestrian standards are excessive when applied to pod village type development.	Three pod villages have needed or will need Adjustment Review approval to vary from the base zone pedestrian standard requirement.



## APPENDIX C6 (PORTLAND)

Portland Zoning Code Allowances for Homeless Facilities  
March 2019

Use	RF-R2.5	R3-R1, RMP and IR	RH and RX	CR, CM1, CI1	CM2 and CI2	EX, CX, CM3, CE	EG1 and EG2	IG1, IG2, IH and OS
Mass Shelter (stays of less than 1-month)	Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.107	15 beds by right. Must meet 33.285.050 or Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.107	50 beds by right. Must meet 33.285.050 or Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.107	25 beds by right. Must meet 33.285.050 or Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.105	75 beds by right. Must meet 33.285.050 or Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.105	200 beds by right. Must meet 33.285.050 or Type II Conditional Use Review if in existing building or site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.140	Type II Conditional Use Review if in existing building or Institutional use or Type III Conditional Use Review if new building. Both are subject to 33.815.140	Prohibited
Residing in a tent (all scenarios may be contrary to State of Oregon rules on campgrounds). Stays longer than 1-month are prohibited	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.107	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.107	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.107	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.140	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.140	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.140	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.140	Prohibited

Portland Zoning Code Allowances for Homeless Facilities  
March 2019

Use	RF-R2.5	R3-R1, RMP and IR	RH and RX	CN1, CN2, CO1	CS, CM1, and CO2	EX, CX, CG	EG1 and EG2	IG1, IG2, IH and OS
Short-Term Housing in detached sleeping rooms (stays less than 30 days)	Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use if new building. Both are subject to 33.815.107	Allowed by right up to 15 beds provided standards in 33.285.050 are met or Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.107	Allowed by right up to 15 beds provided standards in 33.285.050 are met or Type II Conditional Use Review if on site of Institutional use or Type III Conditional Use Review if not. Both are subject to 33.815.107	Allowed by right provided standards in 33.285.050 are met	Allowed by right provided standards in 33.285.050 are met	Allowed by right provided standards in 33.285.050 are met	Allowed by right provided standards in 33.285.050 are met	Prohibited
Group Living in detached sleeping rooms (stays longer than 1 month)	Type III Conditional Use Review subject to 33.815.105	Up to 15 residents by right. Greater than 15 residents requires a Type III Conditional Use Review subject to 33.815.105	Up to 15 residents by right. Greater than 15 residents requires a Type III Conditional Use Review subject to 33.815.105	Allowed by right provided standards in 33.239 are met	Allowed by right provided standards in 33.239 are met	Allowed by right provided standards in 33.239 are met	Prohibited	Prohibited

Actual application of zoning will depend on characteristics of site and proposal, land use history, as well as Additional Use and Development Requirements and Overlay Zones.

## APPENDIX C7 (PORTLAND)

### Shelters utilizing Housing State of Emergency May 2018

	Site address	User	Description	Reason Housing State of Emergency applies	Potential Path Forward	Notes
R2DToo	N Thunderbird Avenue	Private group	Collection of tents and some sheds for sleeping	Mass shelters are prohibited in the zone	New site will need to be found	Options to keep R2DToo on site have been explored but Rip City would need to support since they were told use would be temporary.
Hazelnut Grove	N Greeley & N Interstate	Private group	Collection of tents and some sheds for sleeping	Mass shelters require approval through a Type III Conditional Use Review	New site at N Roberts & N Lombard is under consideration	Avoiding a land use review for the N Roberts site would require the shelter to meet the definition of Short-Term Housing
Kenton Women's Shelter	2221 N Argyle St	Prosper Portland property. Shelter is run by Joint Office	Collection of sleeping sheds	New development requires approval through Design Review.	New site at N Columbia & N Argyle is under consideration	Avoiding a land use review for the N Columbia site would require the shelter to meet the definition of Short-Term Housing
Storage containers under Steel Bridge	West side of bridge	Office of Management and Finance	Storage containers that allow homeless individuals to store their belongings during the day	Non-standard improvements in the right-of-way requires approval through Design Review. Multnomah	No path forward has been identified.	OMF staff appeared to be unaware the Housing State of Emergency allowed the storage containers.
				County does not allow structures to be located under bridges.		
Multnomah County shelter at SE Milwaukie & SE Mitchell	5121 SE Milwaukie	Multnomah County	Mass shelter with approximately 150 shelter beds	Current CM zoning and upcoming CM2 zoning only allow 75 shelter beds	A Type III Conditional Use Review is required.	Multnomah County has not obtained necessary building permits either. BPS was asked about changing the zoning to one that would allow the shelter by right, but decided CM2 was appropriate.

## APPENDIX D1 (LOS ANGELES)

### 18483b ORDINANCE NO.

An ordinance amending Sections 12.03, 12.80 and 12.81 of the Los Angeles

Municipal Code to expand the definition of “shelter for the homeless” and to align the City’s shelter crisis regulations with state law.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal

Code is amended to replace the definition of “Shelter for the Homeless” in its entirety as follows:

**SHELTER FOR THE HOMELESS.** A facility operated by a “provider,” other than a “community care facility” as defined in California Health and Safety Code

Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term “temporary accommodations” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “provider” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.80. HOMELESS SHELTERS - EMERGENCIES - CITY OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

<sup>1</sup>Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal

Code is amended in its entirety to read as follows:

**SEC. 12.81. HOMELESS SHELTERS - EMERGENCIES - CHARITABLE**

**ORGANIZATIONS.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

- A. Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.
- B. Requirements.
  - Providers shall register with the City of Los Angeles by submitting "Cold/Wet Weather Temporary Shelter Application" online via the City's website ([www.lacity.org](http://www.lacity.org)); and
  - 1. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and
  - 2. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.
  - 3. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

**Sec. 4. URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of inclement weather and extreme temperatures, such as the weather conditions experienced in Los Angeles during the 2016-2017 winter season. Weather experts confirm that the winter of 2016-2017 brought record rainfall to the region, and it is possible that the City of Los Angeles could experience heavy rainfall well into the early spring of 2017. Recent weather patterns brought tremendous rainfall to the area, during which there was loss of human life and property damage. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. The 2016-2017 occupancy rates for homeless shelters in the City and County show a strong correlation between the increase in precipitation and demand for shelter, with heavier precipitation pushing shelters to near capacity. Based on the magnitude of this season's rainfall and temperature fluctuations, there is a current threat to the health and safety of the homeless population in Los Angeles. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

**Sec. 5. SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all its members, at its meeting of HAR -2 :R 2fl1?

HOLLY L. WOLCOTT, City Clerk

B

7 Deputy

MAR 29 2017

Approved

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted.....

March 29, 2017

By.

ADRIENNE S. KHORASANEE

Deputy City Attorney

W 28+iorh

See attached report.

Date Vincent P. Bertoni, AIC]

Director of Planning

File No. CF 15-1138-S6

M:\Real Prop\_Env\_Land Use\Land Use\Adrienne Khorasane\Ordinances\Homeless State of Emergency\Ordinance Amending

LAMC 12.80 and 12.81\Shelter Crisis Amending Ordinance - FINAL AS APPROVED BY COUNCIL.docx





## APPENDIX D2 (LOS ANGELES)

Ordinance 185489

## APPENDIX D3 (LOS ANGELES)

Ordinance 185492