



Proposal for Public-Private Partnership for Shelter and Housing P&P Clients Document # 2023-690 IGA with COIC for Emergency Housing Grant

Summary

Adult Parole & Probation (Adult P&P) consistently supervises 25-30 men who do not qualify for high barrier, treatment and other subsidized housing or shelter supports due to the nature of their supervision conditions, which either prohibit their proximity to minors, or require them to register as sexual offenders. This population experiences chronic and acute homelessness. This in turn exacerbates their real and perceived public safety risk as it makes clients hard for P&P Officers to locate and support. Clients also tend to be perpetually reliant on expensive emergency public safety and health resources.

In the past Adult P&P has accessed county- or privately-provided facilities for this priority public safety population, but has had no dedicated facility since 2019. Instead P&P Officers rely on expensive short-term motel stays for individuals being released from prison without alternative approved housing. When motel stays become prohibitively expensive, clients remain homeless and staff constantly troubleshoot emergencies and risks therein, and work with varying degrees of success with local shelter providers to create safety protocols for when this population has incidental contact with co-located families and people under 18.

Seeking options, Adult P&P received approval from the Board on May 17, 2023 to apply for funding made possible through Oregon Emergency Order 23-02 to create short-term shelter and longer-term housing options through public-private partnership for up to 24 individuals within this population annually. **Adult P&P's project proposal was approved on May 31, 2023.** We have received COIC's proposed Intergovernmental Agreement (Doc 2023-690) and seek Board input at this stage of program development. Many challenging contingencies and requirements will need to be met for the program to succeed. Opportunities for public input may be required and/or taken given the nature of the population to be served. Time is of the essence*. At this time, funding must be spent no later than January 10, 2024.

Program Scope and Expected Contingencies and Requirements

Adult P&P was awarded \$ 1,078,518 to purchase through a private provider a multi-purpose, 5+ bedroom property in Deschutes County to both rehouse and to shelter individuals who have conditions that restrict their proximity to minors and/or are required to register as a sexual offender. Funds would be primarily passed through to the private provider for one-time costs, such as acquisition of the property, renovations, start-up costs, etc.

Adult P&P will select a provider through a competitive Request for Qualified Applicants process, and provide assistance to the provider in locating an appropriate and acceptable property, and developing program protocols, criteria and requirements. The provider would purchase the property and manage the program with an on-site housing manager. The provider will hold the deed and title, be responsible for maintenance and repair, and may utilize equity from the purchase for operational costs or property maintenance. Clients served through the housing portion of the program will pay rent directly to the

provider. Adult P&P will provide administrative support, manage the pass-through grant funds, and provide support to the provider with P&P Officer home visits at the property and case management with the housing manager.

Contingencies and requirements

Private ownership. Adult P&P envisions that EO 23-02 funding is sufficient for 100% of residential purchase as well as initial start-up and operating costs. Further, providing 100% of purchase funding should enable the provider to leverage equity to fund operational costs, as well as any rental income from housing units (rooms) within the property Adult P&P does not want the county to own or operate the unit, and outside of short-term individual client subsidy does not have existing budget to provide significant support for ongoing operations. Grant requirements require the purchased property be used for at least 10 years for the purpose of shelter and housing, creating opportunity for this to remain a long term resource for the county without requiring significant financial liability from the county.

No new FTE. Adult P&P will issue a Request for Qualified Applicants (RFQA), pending Board of County Commissioners approval and signature of the COIC/County IGA for this purpose, and of RFQA criteria, and support the provider in locating an appropriate facility, creating program design, and managing residents. Project funding does not include any additional county FTE, but supports existing FTE to plan and coordinate project start up July to December 2023.

RFQA criteria includes the grant requirement that the shelter bed aspect of the program is offered as a *low barrier option*. For the shelter program, clients must be considered for acceptance without preconditions such as sobriety, compliance with treatment plan, no pets, or agreement to participate in specific programs, activities, or classes. The program may still establish and enforce house rules which will include things like no drug or alcohol or their use on property, or violent or disruptive behavior within or around the property, etc. Clients will still need to abide by their supervision conditions. We will seek technical assistance from the grant funders to create this balance. We must also ensure adherence to Fair Housing laws and will work with legal for guidance on this.

Unique site requirements. The nature of the target population's criminal history and supervision requirements require strict attention and adherence to site location criteria**. The Board may have additional criteria to be issued. It is possible that criteria will preclude properties located within city limits, or any clearly defined neighborhood or tract that might create public concern.

Public concern. In addition to site location restrictions, we anticipate the need to create structured opportunity to communicate or take comment from members of the public who may be located near any proposed property. We will follow required ORS on this topic***. The Board may have additional criteria or requests on this matter, including notification protocols for when any public safety threat or incident or perceived threat or incident arises.

Provider expertise in this program area. It is imperative that Adult P&P select a qualified provider who has experience in property acquisition and services designed for supported shelter and/or housing management with individuals who are involved with community supervision. Providers also need to be experienced with data management specific to working with homeless populations. We are fortunate to have compiled a list of eight programs and/or individuals with this type of experience here in Deschutes County or with experience with this exact population in Lane and Clackamas counties. We expect to receive a healthy response to our anticipated Request for Qualified Applicants, and know that we must find a strong candidate in order to move forward with the project.

Appendices

**Expedited timeframe.* This somewhat complex program must be expedited to meet grant requirements. This is the following timeframe we have shared with the MAC and believe is possible:

- July 2023: Adult P&P meet with Board of County Commissioners to apprise of grant award, scope of work, contingencies and requirements and expected process.
- July 2023: BOCC provides approval to move forward with grant, approves IGA with COIC and Request for Qualified Applicants (RFQA).
- August 2023: Adult P&P design and release a RFQA with 30-day timeframe.
- September 2023: County selects RFQA provider.
- November 2023: Adult P&P works with selected provider to find suitable location for property.
- November 2023: Adult P&P works with selected provider to create operations plan.
- December 2023: Selected provider purchases property.
- January 2024: First client moved into property by January 10.

** ORS Sex Offender Residence Requirements

144.641 Definitions. As used in this section and ORS 144.642, 144.644 and 144.646:

- (1) "Dwelling" has the meaning given that term in ORS 469B.100.
- (2) "Dwelling" does not include a residential treatment facility or a halfway house.
- (3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.
- (4) "Locations where children are the primary occupants or users" includes, but is not limited to, public and private elementary and secondary schools and licensed childcare centers.
- (5) "Sex offender" means:
 - (a) A sexually violent dangerous offender as defined in ORS 137.765; or
 - (b) A level three sex offender under ORS 163A.100 (3).
- (6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration. [2001 c.365 §1; 2005 c.576 §4; 2013 c.708 §11; 2015 c.820 §§16,23; 2017 c.442 §18; 2019 c.430 §§4,8]

Note: 144.641 to 144.646 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 144 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

144.642 Criteria for determining residence; Department of Corrections; rules; matrix. (1) The Department of Corrections, in consultation with the State Board of Parole and Post-Prison Supervision and community corrections agencies, shall adopt rules establishing criteria to be considered in determining the permanent residence requirements for a sex offender released on post-prison supervision or parole. Transitional housing is not subject to permanent residence requirements. The department shall include in the rules:

- (a) A general prohibition against allowing a sex offender to reside near locations where children are the primary occupants or users;
- (b) The bases upon which exceptions to the general prohibition required by paragraph (a) of this subsection are authorized;
- (c) A prohibition against allowing a sex offender to reside in any dwelling in which another sex offender on probation, parole or post-prison supervision resides unless authorized as provided in ORS 144.102 (4)(b)(M); and
- (d) A process that allows communities and community corrections agencies that would be affected by a decision about the location of a sex offender's residence to be informed of the decision making process before the offender is released.

(2) Based upon the rules adopted under subsection (1) of this section, the department shall develop a decision matrix to be used in determining the permanent residence requirements for a sex offender. [2001 c.365 §2; 2005 c.576 §5; 2011 c.258 §3]

Note: See note under 144.641.

144.644 Criteria for determining residence; State Board of Parole and Post-Prison Supervision; rules; matrix. (1) The State Board of Parole and Post-Prison Supervision, in consultation with the Department of Corrections and community corrections agencies, shall adopt rules establishing criteria to be considered:

(a) In reviewing the proposed residence of a sex offender in a release plan under ORS 144.096 or a parole plan under ORS 144.125; and

(b) In determining the residence of a sex offender in a release plan under ORS 144.096, as a condition of post-prison supervision under ORS 144.102 or as a condition of parole under ORS 144.270.

(2) The board shall include in the rules:

(a) A general prohibition against allowing a sex offender to reside near locations where children are the primary occupants or users;

(b) The bases upon which exceptions to the general prohibition required by paragraph (a) of this subsection are authorized;

(c) A prohibition against allowing a sex offender to reside in any dwelling in which another sex offender on probation, parole or post-prison supervision resides unless authorized as provided in ORS 144.102 (4)(b)(M); and

(d) A process that allows communities and community corrections agencies that would be affected by a decision about the location of a sex offender's residence to be informed of the decision making process before the offender is released.

(3) Based upon the rules adopted under subsections (1) and (2) of this section, the board shall develop a decision matrix to be used in determining the specific residence for a sex offender. [2001 c.365 §3; 2005 c.576 §6; 2011 c.258 §4]

Note: See note under 144.641.

144.646 Use of rules and matrix by community corrections agency. When a community corrections agency reviews a proposed release plan for a sex offender, the agency shall follow the rules adopted by and utilize the decision matrix developed by the Department of Corrections under ORS 144.642 in making decisions about the permanent residence of the sex offender. [2001 c.365 §4]

Note: See note under 144.641.

*** Sex Offender Notification requirements and/or options from Oregon Sex Offender Registration Requirements (PDF)

Predatory Sex Offenders and Notification

An agency can determine an offender to be predatory if the offender exhibits characteristics showing a tendency to victimize or injure others and has been convicted of Rape, Sodomy, Sexual Penetration, or Sexual Abuse in any degree or any attempts to commit those crimes. A risk assessment scale approved by the DOC must be used for determining whether an individual is to be classified as a predatory sex offender. Once an offender is designated as predatory, the supervising agency may notify anyone the agency deems appropriate that the offender is a predatory sex offender.

For offenders not under supervision, law enforcement may conduct community notification if the offender was:

- Designated as predatory, and notification was conducted while under supervision, and
- The offender was under a high level of supervision, just prior to termination of supervision, or a police agency determines the person is a predatory sex offender and the person was not designated predatory because he or she was not under supervision in Oregon or for any other reason

Public Release of Sex Offender Information

The Oregon State Police operates a sex offender information telephone line through which the public can obtain information about specific offenders or information on offenders who live within a given area. For offenders who are on supervision for their sex crimes, the caller is referred to the supervising agency for information about the offender. A law enforcement agency may release any information necessary to protect the public from offenders who are not on supervision; victim information is not released.