

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-241

Adopting the Community Residential Siting Proposals

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, in partnership with the City of Portland, the State of Oregon and numerous non-profit providers, is committed to providing housing options for people with special needs and to supporting diversity in neighborhoods.
- b. Successful integration of a new residential facility into any neighborhood requires mutual respect and the creation of strong positive relationships from the outset between the newest neighbors and existing residents. Establishing and maintaining effective communication is a key to building and sustaining trust.
- c. Multnomah County endorses the letter and intent of the Federal Fair Housing Act and the Americans with Disabilities Act and is committed to preventing discrimination against people with mental illness, substance addictions or other disabilities. Nothing in this resolution is intended to restrict or regulate the siting of facilities designed to serve people who are protected from discrimination by virtue of their race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income or political affiliation.
- d. Citizens and neighbors who desire to understand or provide support to people with special needs or who may have questions about a proposed residential project face a bewildering array of state and county agencies. There currently is no single source of public information on facility siting in the County.
- e. Once a facility is established, good neighbor relations may require the intervention of a neutral third party to assist in problem solving.
- f. Maintaining mutual trust and respect between neighbors, residents, and providers is key to successful siting, and thoughtful outreach to the neighborhood in advance of siting a facility helps to create a climate of openness and acceptance.
- g. Senate Bill 1104, passed by the 1999 Oregon Legislature, requires the appointment of advisory committees to assist in the siting of certain post-incarceration facilities.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County joins with its colleague, the City of Portland, in creating a community problem solving resource to be located in the Office of Neighborhood Involvement (ONI). Staff at ONI will serve as a contact point for neighbors, providers, and the public who seek information about the siting of residential facilities, including best practices in outreach and education about the proposed programs (consistent with the privacy protections of state and federal law). ONI will appoint an advisory committee to be approved jointly by the Mayor of Portland and the Chair of Multnomah County.
2. To address problems in siting or during the eventual operation of the facility, ONI will also make available mediation services to neighbors and providers to promote better communication.
3. ONI will specifically assist with the implementation of Senate Bill 1104, passed by the 1999 Oregon State Legislature, and will provide information and models for Good Neighbor Agreements that may be developed through the mutual consent of providers and neighborhood organizations.
4. ONI will also provide advice and services related to these issues to residents and providers outside the City of Portland but within the boundaries of Multnomah County. Any services will be coordinated with other municipalities as appropriate.
5. ONI will report to the Board of County Commissioners after 6 months regarding implementation of these programs and will provide an annual report identifying the number, nature and resolution of issues raised, and any learnings from those processes.

Adopted this 16th day of December, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 

Thomas Sponsler, County Counsel

OFFICE OF MAYOR VERA KATZ

OFFICE OF CITY COMMISSIONER DAN
SALTZMAN

OFFICE OF COUNTY COMMISSIONER DIANE
LINN

OFFICE OF COUNTY COMMISSIONER LISA
NAITO

COMMUNITY RESIDENTIAL SITING PROPOSALS

DECEMBER 1, 1999

NOTICE OF CITY AND COUNTY PUBLIC HEARINGS:

Public hearings to consider the adoption of resolutions implementing the proposals contained in this document are scheduled for:

December 15, 1999 at 6 PM before the Portland City Council at City Hall—
1221 SW 4th Avenue, Portland;

December 16, 1999 at 11:30 AM before the Multnomah County Board of
County Commissioners at the Multnomah County Courthouse, Boardroom
602, 1021 SW Fourth Avenue, Portland.

1. THE COMMUNITY PROBLEM SOLVING ACTION PLAN

Contact Person: David Lane, Ph.D. 823-4134

Email: dlane@ci.portland.or.us

The Community Problem Solving Program would help citizens in Portland and Multnomah County, neighborhood associations, providers and agencies discuss questions, issues and concerns related to existing or proposed siting of residential group homes and facilities. Staff would triage inquiries to assess the most appropriate type of assistance, which may include facilitation, mediation and/or assistance in the development of good neighbor agreements and similar consensus agreements. The program would be staffed by a combination of a Senior Community Relations Specialist and trained volunteer mediators in the Neighborhood Mediation Center.

Goals of the Community Problem Solving Program:

To meet the needs of citizens, neighborhood associations, providers and agencies for issues, questions, and concerns related to the siting and operations of residential group homes and facilities;

To increase the satisfaction of citizens, neighborhood associations, providers and agencies in siting of residential group homes and facilities;

To increase the skills of citizens, neighborhood associations, providers and agencies in problem solving around issues related to residential group homes and facilities.

Public need / demand:

Citizens in Portland and Multnomah County have expressed their frustration with the processes by which residential group homes and facilities are sited. Citizens say that they often feel there is not enough information shared in advance with neighbors and that neighbors' questions, concerns, and interests may not be understood or considered by providers. Neighbors also have concerns about the on going operations of such residential group homes and facilities and do not always feel they have an effective means of engaging in dialogue and problem solving with the providers. Providers similarly have expressed that the needs of and respect for their clients are not always recognized, understood or respected by neighbors.

The main goal of the Community Problem Solving Program would be to facilitate addressing questions, concerns, and issues related *before* the issue was elevated to a severe problem. In the past, it has often been relatively late in the siting process that the parties are brought together to discuss issues and express frustration. At that late stage, very often, the parties have established their "positions," trust, and openness between the parties can be quite low. Thus, the opportunity for effective dialogue and problem solving is diminished. This Community Problem Solving Program will facilitate productive dialogue and problem solving and improve the siting process.

Brief description of services:

This program would provide mediation services for the proposed siting and operations of residential group homes and facilities. The types of services appropriate and available for a particular case would vary on a case-by-case basis. The volume and complexity of active cases would directly affect how many cases can be handled and the timeliness of responding to requests for services.

Specifically, the Community Problem Solving Program will:

1. Provide a range of mediation services to neighbors, agencies, County agencies, providers and others involved in proposed siting or on-going operations of existing residential group homes and facilities. These services would include the development of good neighbor agreements and similar consensus documents.
2. Facilitate problem solving, discussion and resolution of specific issues that arise before and during the siting process.
3. Mediate siting issues that arise after a facility has been sited including ongoing concerns around operations.
4. Train community members, neighborhood staff and providers in problem solving and conflict resolution related to residential group homes and facilities.
5. Work with State and County Agencies to resolve issues relating to siting before siting plans are made.

2. THE NEIGHBORHOOD INFORMATION ON SITING AND REFERRAL (NISR) PROCESS ACTION PLAN

Contact Person: David Lane, Ph.D. 823-4519

Email: dlane@ci.portland.or.us

The primary impetus for this four-step action plan is to address the issues, questions and concerns of citizens around residential group homes and facilities in neighborhoods. These services are often funded, coordinated, and supervised by State and County agencies. The proposed system and process for addressing these issues would be called the Neighborhood Information on Siting and Referral (NISR) process. NISR would be an outreach and information process developed through an ongoing partnership with citizens, neighborhood associations, providers, social service agencies, public service representatives, and residential group homes and facilities residents and their advocates. NISR would enable assistance for citizens and providers and would be a centralized, coordinated source of information, guidance, referral,

and assistance to citizens, neighborhood associations, providers and agencies with inquiries about siting-related issues and concerns. NISR would be coordinated out of the Office of Neighborhood Involvement (ONI) and the NISR system—developed, adapted, and improved over time--would triage calls and requests to determine the nature of the concern, provide relevant information and make appropriate referrals to a range of respondents.

Goals of the NISR system:

- This proposed action plan is an outreach and communication *process*, coordinated through the Office of Neighborhood Involvement. A careful deliberate process is necessary to address the myriad of issues around siting due to the complexity of the siting process, ethical concerns around client confidentiality, legality of various siting issues, fairness issues, and lack of any national protocols or established governmental procedures addressing this issue. Consequently, as a process, NISR will be developed with the advice and guidance of an advisory group convened by ONI. However, in a broad sense, NISR will:
- Develop legal and ethical guidelines, protocols, and “best practices” to address citizen questions and issues involved in residential group homes and facilities siting. These guidelines would be developed using a broad-based and balanced advisory group comprised of neighborhood association representatives, providers, residents of residential group homes and facilities, advocates, legal experts, public service officials and other citizens. These practices and guidelines would form the basis for the outreach and information provided through the NISR process, would be framed within legal and ethical practice, and would ensure the fair treatment of all citizens.
- Provide information on a broad range of questions and issues related to proposed siting of residential group homes and facilities and the operations of existing residential group homes and facilities using the above guidelines.
- Advocate for the fair treatment of all citizens, including residential group homes and facilities and all other neighborhood residents, in Portland and Multnomah County around siting issues.
- Develop networks of County and State agency contacts, providers, residential group homes and facilities advocates, and public agency contacts that citizens and neighborhood associations would be linked to for addressing specific concerns, questions and issues. Respondents for

citizen inquiries might include: appropriate agency or residential group homes and facilities contacts (based on the guidelines developed by NISR), elected officials, program funders, neighborhood and coalition leaders, and the managers of Multnomah County Public Affairs, the City of Portland's crime prevention program, the Community Problem Solving Program, and a wide variety of social service agencies and providers.

- Provide information and feedback about the issues and types of requests for information and assistance on siting-related issues for NISR advisors, elected officials, residential group homes and facilities providers, and other agencies to develop new or improve existing programs designed to meet these needs.
- Maintain a library of research, good practices, suggestions for addressing specific concerns, referral information, etc. which would be provided to citizens, neighborhood associations and residential group homes and facilities providers to inform them about specific questions.
- Facilitate implementation of the Good Neighbor Certification process and Senate Bill 1104, which will require neighborhood associations to assist providers in siting residential group homes and facilities for offenders.
- Address citizen concerns, specific complaints, questions, etc through a triage system developed in partnership with the advisory group. This system would address a citizen's question while maintaining the confidentiality of the residential group homes and facilities (where necessary and appropriate) and its residents.

Public need / demand:

In a variety of ways, people across Portland and Multnomah County have voiced their concerns about the siting and operation of residential group homes and facilities in their neighborhoods. A main frustration is the complex network of agencies and service providers, the lack of coordination among these entities, and the lack of accurate, complete and timely information about proposed siting and existing residential group homes and facilities. Ordinarily these services originate or are coordinated with State agencies or Multnomah County agencies. Neighbors with concerns about a proposed siting or the on-going operations of existing residential group homes and facilities are often unclear or confused about which provider or even which governmental agency to call to get information.

In addition, citizens are unclear about which types of residential group homes and facilities and services are protected by the Fair Housing Act, confidentiality laws and other regulations. The lack of clear facts and information about the siting process or a particular residential group homes and facilities may cause or increase citizen concerns, fear, or sense of powerlessness that could unnecessarily heighten the tensions among neighbors and providers.

The proposed NISR process will serve as a gateway for citizen, neighborhood association and provider inquiries around siting issues. The process will provide a County/City governmental liaison among citizens, neighborhood associations, providers, social service agencies, public service representatives and residential group homes and facilities residents and their advocates. It will advocate for best practices among the full range of siting issues present in Portland and Multnomah County.

Brief description of services:

The NISR process would operate in the City of Portland's Office of Neighborhood Involvement (ONI) with the full support of Multnomah County officials, staff and providers. The program would be staffed by one community relations staff person whose main responsibility would include providing information and outreach to neighborhoods and providers around siting issues. The ONI staff person would convene, facilitate, and coordinate the advisory process for developing the NISR. In addition, this position would develop the guidelines, best practices and protocols in partnership with the advisory group. Other responsibilities for the staff person might include gathering research and information about existing Federal, State, and local statutes, best practices, protocols from social service agencies, and lists of residential group homes and facilities providers who had agreed or were mandated to report providing service in Portland and Multnomah County.

The staff person would advocate for best practices, answer calls and inquiries, provide information, make referrals to appropriate contacts, and develop and on-going relations with the full range of constituents, agencies and providers. This staff person would be the primary contact person for agencies and providers to communicate with regarding follow-up and status of all referrals and questions. The staff person would also help citizens and neighborhood associations with concerns, questions, or information they needed regarding specific or general siting-related issues.

Scope of services:

The Neighborhood Information on Siting and Referral (NISR) outreach and communication process would be designed to serve the people of Multnomah County and Portland. The processes and guidelines developed would be related to proposed and existing residential group homes and facilities within Multnomah County and Portland. The types of information maintained and provided would be as comprehensive as is practicable, ethically, and legally allowable.

- This program's primary purpose would be to serve as a conduit to connect citizens and neighborhood associations with the appropriate agencies and providers responsible for notifying, involving and working with neighbors and groups on issues related to proposed siting and existing operation of residential group homes and facilities. The program would advocate for and assist parties in getting information and assistance to ensure a fair, sensitive, and legal process for proposed siting and the on-going operation of existing residential group homes and facilities.

3. THE GOOD NEIGHBOR CERTIFICATION PROCESS ACTION PLAN

*Contact: Commissioner Diane Linn's
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This initiative will function as a certification of the siting process used by a prospective neighborhood provider, designed to verify that the process used meets threshold community standards and lays the groundwork for ongoing good neighbor relations. The outlined process incorporates provisions of SB 1104 (effective October 23, 1999) which mandates the creation of citizen advisory committees to review proposed neighborhood facilities.

The certification process is not designed to create legally enforceable or appealable rights or obligations but is intended to provide guidance to neighbors and providers on what is expected during the siting process. The assumption throughout is that there is a mutual responsibility of providers and neighbors to participate and cooperate in good faith toward the goal of effective communication.

Who is covered:

The Oregon Dept. of Corrections, Oregon Youth Authority, Oregon Office of Services to Children and Families, and any other city, county, or public agency establishing a post-incarceration “facility,” either directly or through a contract agency.

Which programs:

A halfway house, work release center or any domiciliary facility for persons released from any penal or correctional facility but still in the custody of the public agency; and youth care centers or other facilities authorized to accept youth offenders under ORS 419C.478.

How to earn certification:

- Contact the Office of Neighborhood Involvement (ONI) to review the proposed site in the context of existing facilities and to inform staff of program plans. ONI will make available best practice materials to aid in designing an outreach plan.
- As soon as possible after site control is obtained and the population to be housed is known to the provider, provide documented evidence that the agency has approached the appropriate neighborhood and business associations, as well as the district coalition office, offering to make a presentation on the proposed program and the agency outreach strategy.
- Provide notice to property owners within 400 feet of the site by sending a mailer to all households, containing a description of the proposed program, the provider organization with contact names and numbers, and a Q&A sheet on the program. Include a preliminary drawing of the proposed building if possible.
- Make door-to-door contact with these same households, presenting program staff to explain facility operation and answer questions.
- Conduct a personal meeting with immediate neighbors to discuss building design, landscape issues, fencing.
- Send a courtesy notice to selected facilities beyond 400 feet, e.g. schools, churches.

- Ask the neighborhood association to nominate a citizen advisory committee (required by SB 1104). (If there is no neighborhood organization or they do not take on the task, either the City of Portland or Multnomah County will appoint a committee selected from area residents).
- Provide the appointed citizens advisory committee information on:
 1. The proposed location, estimated population, size, hours of operation and use of the site;
 2. The number and qualifications of resident professional staff;
 3. The proposed rules of conduct and discipline to be imposed on residents; and
 4. Other aspects of the program as considered appropriate or as requested by the committee.
- Considered written input from the committee (if a majority view) on the suitability of the proposed facility and changes in the proposal. If the advice is rejected, provide written explanation to the committee.
- ONI with the full support of Multnomah County will:
 1. Provide staffing to implement and monitor the providers in partnership with local, County and State Agencies;
 2. Assist in the process of nominating members to the committee;
 3. Facilitate dialogue between the agency and the committee;
 4. Provide resources on best practices in good neighbor siting; and
 5. Check to see if the required documentation is in order
 6. Evaluate the time/resources required for providers to comply with the certification process.

4. AMEND PORTLAND CITY CODE TO INCLUDE AN “ALTERNATIVES TO INCARCERATION/POST- INCARCERATION” USE CATEGORY

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The City of Portland Bureau of Planning could develop a new land use category for “alternatives to incarceration/post-incarceration.” Code language would be adopted through the legislative process. City Code has a number of Use Categories including, among others: Group Living and Household Living under Residential Uses; Community Service; and Detention Facilities.

Uses may be allowed outright, limited, allowed as conditional uses or prohibited in different zones. Use regulations for single-dwelling, multi-family, commercial, and industrial and employment zones would need to be amended to include how uses falling under the “alternatives to incarceration/post-incarceration” use category would be treated in these zones.

These uses could be treated as conditional uses in some or all residential, commercial, industrial and employment zones. Conditional use approval criteria, based on land use impacts, would need to be developed.

The City Code could also define “saturation” for these uses to encourage the even dispersal of facilities throughout the City. Distance limitations between similar uses or between these uses and sensitive areas such as schools could also be developed.

Conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

Goal of the City Code Changes:

The goal would be to regulate facilities that house residents under the supervision and authority of the Oregon Youth Authority, Multnomah

County Community Corrections, or other corrections departments or agencies, as alternatives to detention facilities. The facilities would house residents who would be on parole or probation, serving out the remainder of court-ordered detention, either found guilty or who had pled guilty to felonies or misdemeanors, and are still under the jurisdiction of the State or the County. The use category would not include facilities, such as group homes for the disabled or alcohol treatment programs, protected under the Fair Housing Act.

Scope of the Process to Change the City Code:

The scope of the potential zoning code changes would be defined by the elected officials who "send this project" to the Bureau of Planning. The proposed code amendments would only apply to a limited number of facilities (those serving residents guilty of criminal acts) and would not outright prohibit such uses from siting in residential zones.

Code amendments would need to be developed by the Bureau of Planning with public input. Careful consideration would need to be given to the definition of facilities covered to ensure compliance with the Federal Fair Housing Act and to ensure application to all facilities that should be included. Planning staff would need to seek input from state and county correction agencies including the Oregon Youth Authority, and Multnomah County Community Corrections. In addition, the City Attorney would need to advise staff on the legality of any proposals. The Code changes would need to go to the Planning Commission for approval with notification as required before the hearing. Public review of any proposed changes and opportunities to comment would also be required. The Planning Commission would forward their recommended Code changes to the City Council for review and adoption. Additional funding for Planning to conduct research, outreach, and write code may be necessary.

**SPECIAL NOTE REGARDING GROUP HOMES OPERATED BY THE
PSYCHIATRIC SECURITY REVIEW BOARD**

Residential group homes under the supervision of the State of Oregon's Psychiatric Security Review Board (PSRB) pose unique questions for the elected officials. Under these proposals, PSRB homes are only included

within the scope of the first and second Action Plans. There was no consensus reached among the elected officials to include PSRB homes in the third and fourth Action Plans (Good Neighbor Certification and Code Amendments) because of serious legal issues created by the Fair Housing Act (FHA).

No federal or state court has ruled on the question of whether residents under the jurisdiction of the PSRB because of prior dangerous conduct and disease must be protected from discrimination under the FHA.

The PSRB reports that there are no incidents in recent years of persons placed in PSRB residential group homes who have caused injury to persons or property. Also, advocates for the disabled and the PSRB claim that there is no direct threat that such injury may occur in the future because each resident is determined to be adequately controlled by treatment and an appropriate level of supervision when placed in the community by the PSRB.

Questions or comments may be directed to:

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