

RESOLUTION NO. 2020-49

A RESOLUTION RESTATING AND EXTENDING A STATE OF EMERGENCY RELATING TO UNSHELTERED RESIDENTS IN THE CITY OF SALEM, AND RESCINDING PRIOR RESOLUTIONS

Whereas, on January 21, 2020 City Council adopted Resolution No. 2020-4, declaring a state of emergency relating to unsheltered residents in the city of Salem (the “Declaration”), and extended the Declaration through August 15, 2020 through Resolution No. 2020-14, and extended the Declaration through January 12, 2021 through Resolution No. 2020-37;

Whereas, the Declaration and extensions authorized the City Manager to issue an emergency order creating a vehicle camping pilot program for unsheltered individuals, and suspend City laws to allow United Way’s Safe Sleep shelter to expand to 19 people while United Way obtained land use approval;

Whereas, United Way obtained approval for an emergency shelter for Safe Sleep through state legislation rendering the City Manager’s Emergency Order moot;

Whereas, the vehicle camping pilot program has been successful and has attracted several property owners to allow vehicle camping on their properties;

Whereas, there continues to be many unsheltered residents in the community and an inadequate available shelter;

Whereas, winter is coming and there is an urgent need to provide additional shelter space;

Whereas, the City’s zoning regulations require a conditional use permit for homeless shelters for more than five individuals, and limit the locations for warming centers and shelters;

Whereas, it is necessary to consolidate the prior Declaration and its extensions into a single Emergency Declaration to reduce ambiguity and confusion regarding the authorized emergency actions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON, RESOLVES AS FOLLOWS:

Section 1. There is declared a state of emergency within the city of Salem related to unsheltered residents, pursuant to Salem Revised Code (SRC) 2.660-2.680.

Section 2. The emergency or threatened conditions are:

- a) Adverse seasonal weather conditions, including cold temperatures, precipitation, and wind, create the potential for a threat to the health and safety of unsheltered people,
- b) A substantial increase in the number of unsheltered residents in the community, and
- c) A lack of shelter capacity and barriers to access to shelter.

Section 3. The damage or potential damage is:

- a) Threats to the health and safety of unsheltered residents of the city.
- b) Threats to public health and safety and the existence of a public nuisance created through illegal camping.

Section 4. The location or geographic area affected is: the city of Salem.

Section 5. The resources committed and actions initiated by the City are:

- a) The vehicle camping pilot program authorized under Resolution No. 2020-4 shall continue and the City Manager may adopt rules via emergency order to regulate the program, including the number of locations and vehicles per location.
- b) The City Manager, or designee, shall issue an order or orders suspending land use regulations for warming centers and emergency shelters to provide shelter for unsheltered residents, subject to standards and criteria established by the City Manager through an emergency order implementing this declaration. The City Manager shall not suspend land use regulations for any warming center or emergency shelter in a single-family residential zone.
- c) The City Manager, or designee, under the Manager's authority as Emergency Program Manager, may issue orders to undertake any of the actions authorized in SRC 2.680 or as otherwise authorized by law consistent with this declaration, including the waiver or suspension of City procurement procedures, and provisions of the Salem Revised Code.

Section 6. Definitions.

- a) "Warming center" means a short-term emergency shelter, closed during daytime hours, that operates when temperatures or a combination of inclement weather becomes a threat to human health and safety.
- b) "Emergency shelter" means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing. Emergency shelters may be open during daytime hours and provide or allow accessory services, such as meals and social services.

Section 7. Resolution numbers 2020-4, 2020-14, and 2020-37 are hereby rescinded. All emergency orders issued to implement or in reliance on the above-referenced resolutions shall continue to be in full force and effect as set forth therein.

Section 8. This declaration shall terminate, unless expressly extended by the Salem City Council, on **October 26, 2021**.

Section 9. This resolution is effective upon adoption.

ADOPTED by the City Council this ____ day of _____, 2020.

ATTEST:

City Recorder

Approved by City Attorney: _____