



## EXECUTIVE ORDER NO. 24-02

### MERGE AND EXTEND EXECUTIVE ORDER 23-02 and EXECUTIVE ORDER 23-09

In response to significant increases in unsheltered homelessness in the State of Oregon, Governor Kotek declared a homelessness state of emergency on January 10, 2023, in Continuums of Care regions that experienced an increase in unsheltered homelessness of 50% or greater between 2017 and 2022.

The federal government created the Continuum of Care program to promote a community-wide commitment to end homelessness. The program provides funding to state and local governments and nonprofits to rehouse and provide services to people experiencing homelessness. The federal government has recognized eight Continuums of Care (CoC) across Oregon, that cover the entire geography of the state. These CoC regions directly receive federal resources to address homelessness and play a critical role in coordinating funding and services toward ending homelessness within each service area. Oregon's eight CoC regions are: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk counties; Hillsboro, Beaverton/Washington County; Clackamas County; and the Balance of State. Three CoC regions are located within the Portland Metro region: Portland, Gresham/Multnomah County; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, the "Metro region"). For the purposes of evaluating changes in unsheltered homelessness over time, the data for the Metro region has been combined for reporting in this Executive Order.

At the time of the emergency declaration EO 23-02 on January 10, 2023, the most recent data available was the 2022 Point in Time Count (PIT), which estimated the number of people experiencing homelessness on a single night in January 2022, almost a full year prior. The 2022 PIT estimated that:

- The number of people experiencing homelessness in Oregon had increased by 29% since 2017;
- An estimated 18,000 people were experiencing homelessness across the state;
- From 2017 to 2022, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness, increasing by 39%;



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- About 62% of those experiencing homelessness were unsheltered;
- Oregon had the fourth highest rate of unsheltered homelessness in the country; and
- Oregon had the highest rate of unsheltered homelessness for families with children in the country.

At the time of this emergency declaration, EO 24-02 on January 9, 2024, the most recent Point in Time Count data available reflects information about homelessness on a single night in January 2023, before the emergency response by way of EO 23-02 was implemented. The 2023 Point in Time Count estimated that:

- The number of people experiencing homelessness in Oregon had increased by 44% since 2017;
- An estimated 20,100 people were experiencing homelessness across the state;
- From 2017 to 2023, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness, increasing by 63%;
- About 65% of those experiencing homelessness were unsheltered;
- Oregon had the second highest rate of unsheltered homelessness in the country;
- Oregon had the highest rate of unsheltered homelessness for families with children in the country.

For purposes of this order, “unsheltered homelessness” describes a person who resides in a place not meant for human habitation, including but not limited to cars, parks and natural areas, sidewalks, abandoned buildings, and streets.

Seven of the state’s eight CoC regions were included in the homelessness state of emergency declared in Executive Order 23-02 on January 10, 2023. Four CoC regions and the Metro region had experienced an increase in unsheltered homelessness of 50% or more from 2017 to 2022:



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- Metro region Continuums of Care<sup>1</sup> (50.4%);
- Central Oregon (86%);
- Eugene, Springfield/Lane County (110%);
- Medford, Ashland/Jackson County (132%); and
- Salem/Marion, Polk Counties (150%).

EO 23-02 stated: “to reduce homelessness and its impacts, this declaration of emergency is necessary to rapidly expand the state’s low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and administration of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.”

Pursuant to EO 23-02, the Oregon Department of Emergency Management (OEM), in partnership with Oregon Housing and Community Services (OHCS), activated the State’s Emergency Operations Plan to assess, alleviate, respond to, mitigate and recover from the homelessness emergency. OEM and OHCS worked with emergency areas to establish Multiagency Coordinating (MAC) groups to identify capacity constraints and needs to prevent and reduce homelessness in their communities. This work informed the development of the Homelessness Emergency Response Package (HB 5019) during the 2023 legislative session to reduce homelessness in the State of Oregon.

Simultaneously, OEM established a process for county governments outside of the emergency areas named in EO 23-02 to request to be included. In order for the agency to fulfill these requests, counties in the Balance of State Continuum of Care were required to meet the following criteria:

1. The unsheltered population in 2022 must be greater than 30 households; and
2. The county has declared a local state of emergency related to homelessness; and
3. At least one of the following is true:

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<sup>1</sup> Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.



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- a. Unsheltered homelessness increased by 50% or more between 2017-2022;
- b. The rate of unsheltered homelessness in 2022 was 80% or greater.

Given the limitations of the Point in Time Count, counties were permitted to provide local data to demonstrate that they met the criteria for inclusion.

On March 29, 2023, the Governor signed the Homelessness Emergency Response Package into law, which provided \$155 million to address the homelessness emergency in emergency areas and the crisis of homelessness statewide. The funds, in alignment with the emergency response, established measurable goals to reduce homelessness statewide:

- Prevent 8,750 households statewide from becoming homeless by January 10, 2024.
- Expand the state's low-barrier shelter capacity by 700 beds.
  - 600 beds in original emergency areas by January 10, 2024
  - 100 beds in the balance of state by June 30, 2025
- Rehouse 1,650 households experiencing unsheltered homelessness .
  - 1,200 households in original emergency areas by January 10, 2024
  - 450 households in balance of state by June 30, 2025

On March 31, 2023, the Governor issued EO 23-09, which expanded the homelessness state of emergency declared in Executive Order 23-02 to include Clatsop, Linn and Malheur counties. These three counties in the Balance of State Continuum of Care requested to be included and demonstrated that they met the criteria for inclusion. In alignment with the emergency response in the original emergency areas included in EO 23-02, OHCS and OEM began working with the three opt-in counties to establish MACs and begin assessing capacity and needs to reduce homelessness.

On April 10, 2023, in response to coordinated, data-driven plans developed by emergency areas over the previous three months, the Governor announced funding amounts and specific local metric goals for the original emergency areas included in EO 23-02 through January 10, 2024.



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On April 28, 2023, funding was made available to the original EO 23-02 emergency areas to expand low-barrier shelter, rehouse people experiencing unsheltered homelessness, and prevent homelessness.

On July 27, 2023, Governor Kotek signed SB 5511 into law, which included resources to continue operations established under the homelessness state of emergency and expand statewide efforts to reduce and prevent homelessness for the 2023-2025 biennium.

On September 12, 2023, less than three months after the funding became available from the legislature, the Governor announced funding amounts and specific local metric goals for the opt-in counties included in the expanded emergency order (EO 23-09).

On November 10, 2023, funding was made available to communities in the Balance of State Continuum of Care for the entirety of the 2023-2025 biennium, including the opt-in emergency areas included in EO 23-09.

On December 20, 2023, funding awards were announced to the original emergency areas to maintain continuity of operations through the 2023-2025 biennium. Balance of State communities, including the three opt-in counties, had already received funding through the 2023-2025 biennium.

Since January 10, 2023, OEM and OHCS have supported the emergency response efforts of local communities to reduce and prevent homelessness by providing: resources to reduce and prevent homelessness, technical assistance pertaining to homeless services best practices, emergency management operational support to ensure interagency alignment of available services for individuals, policy guidance on use of funding, and support with collation and communication of progress toward EO 23-02 goals and objectives. Additionally, OEM developed a web-based tool for local communities to identify state-owned property that could be suitable to meet the objectives of the executive order.

During implementation of the emergency response, the following key barriers and needs were identified:



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1. The undersupply of housing in the state is a key cause of homelessness, and a critical barrier to effectively rehousing people once they have become homeless. The state must focus on expanding housing production to support rehousing efforts and reduce overall homelessness.
2. Limiting rehousing resources to people experiencing unsheltered homelessness did not align with all local community's strategies to accomplish this goal. For example, some communities focused on transitioning people from shelter into permanent housing, which then made an additional bed available for a person who was formerly experiencing unsheltered homelessness. Expanding the eligibility for additional rehousing resources to include people experiencing sheltered homelessness will indirectly reduce unsheltered homelessness and will reduce overall homelessness.
3. Aligning local community's efforts to rehouse people experiencing homelessness more effectively with the behavioral health system for those who need it need could improve rehousing outcomes and long-term housing stability of the people being served.

As of January 10, 2024:

- The following preliminary outcomes have been achieved:
  - 1,032 low-barrier shelter beds have been created, exceeding the original goal by 432 beds.
  - 8,886 households were prevented from experiencing homelessness, exceeding the original goal by 136 households.
  - 1,293 households experiencing unsheltered homelessness have been rehoused, exceeding the original goal by 93 households.
- Efforts are well underway in the opt-in emergency areas and in the Balance of State Continuum of Care to expand the state's low-barrier shelter capacity, rehouse people experiencing unsheltered homelessness, and prevent homelessness by June 30, 2025.
- Efforts are well underway to expand homelessness response efforts statewide to achieve additional outcomes to reduce and prevent homelessness in the state.



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ORS 401.165 *et seq.* Empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in the CoC regions for Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; Clackamas County, Linn County, Malheur County, and Clatsop County (collectively, “emergency areas”), has caused, continues to cause, and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

To continue reducing homelessness and its impacts, this combined and extended declaration of emergency is necessary to maintain the current expansion of the state’s low-barrier shelter capacity, rehouse people experiencing homelessness, and prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and administration of funding and other resources to continue meaningfully reducing the level of unsheltered and overall homelessness in Oregon. In tandem with other executive actions, this Executive Order is establishing and maintaining a homeless response infrastructure in the State of Oregon to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.

The implementation of EO 23-02, EO 24-02, EO 23-03, EO 24-03, and the resources provided by the legislature in HB 5019 and SB 5511 are collectively building a homeless response infrastructure in the State of Oregon to support the continued reduction of homelessness in the long-term, even after the state of emergency has ended.

**NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:**

There is a state of emergency in the emergency areas due to unsheltered homelessness. The emergency areas include:



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- Metro region Continuums of Care<sup>2</sup>;
- Central Oregon;
- Eugene, Springfield/Lane County;
- Medford, Ashland/Jackson County;
- Salem/Marion, Polk Counties;
- Linn County;
- Clatsop County; and
- Malheur County.

I declare this emergency for these areas because they have experienced an increase in unsheltered homelessness of 50% or greater between 2017 and 2022, or met the opt-in criteria for counties in the Balance of State CoC in EO 23-09. Areas shall maintain previously achieved measurable goals established by EO 23-02 including homelessness prevention, rehousing, and additional shelter capacity. New measurable goals for EO 24-02 shall be determined in coordination with local communities and made public.

1. Oregon Department of Emergency Management (OEM). OEM shall maintain the State's Emergency Operations Plan and coordinate access to and use of personnel and equipment of all state agencies necessary to assess, alleviate, respond to, mitigate, or recover from this emergency.
  - a. OEM coordination efforts shall include, but not be limited to:
    - i. Maintaining activation of the Comprehensive Emergency Management Plan in the emergency areas.
    - ii. Coordinating with local jurisdictions in emergency areas to determine unmet needs.
    - iii. Providing technical assistance support to multi-agency coordinating (MAC) groups in the emergency areas.
    - iv. Providing additional support and capacity to local jurisdictions to address emergency management gaps to the greatest extent possible.

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<sup>2</sup> Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.





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- b. In conformance with the Comprehensive Emergency Management Plan and ORS chapter 401, state agencies are directed to provide any assistance and supports requested by OEM as needed to assist in the response to this emergency.
    - c. Any local government requests for state resources to respond to or recover from this emergency must be submitted through county or city governing bodies to OEM, in compliance with ORS 401.165(2).
  2. Oregon Housing and Community Services (OHCS). OHCS, in coordination with any executive state agencies necessary, shall:
    - a. Work with MAC groups to complete the specific and measurable outcomes included in their contract agreements with OHCS that were due by January 10, 2024, and June 30, 2025.
    - b. Work with local communities to establish expanded rehousing and prevention goals for the remainder of the biennium and to allow expanded rehousing goals to include people experiencing both sheltered and unsheltered homelessness.
    - c. Provide additional resources to achieve expanded goals.
    - d. Provide technical assistance to MAC groups to achieve original and expanded goals.
    - e. Participate in the Interagency Council on Homelessness as outlined in EO 24-03 to support the development of a homeless response infrastructure in the State of Oregon to support the continued reduction of homelessness in the long-term, even after the state of emergency has ended.
  3. Oregon Health Authority (OHA). OHA shall work with OHCS and OEM to:
    - a. Assess needs related to increased system alignment between the behavioral health and homeless services system to support rehousing outcomes and the long-term housing stability of households rehoused through implementation of the emergency;
    - b. Address unmet needs to the greatest extent possible within existing budgets, policies, and programs.
    - c. Participate in the Interagency Council on Homelessness as outlined in EO 24-03 to support the development of a homeless response infrastructure in the State of Oregon to support the continued reduction of homelessness in the long-term, including improved



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alignment between the behavioral health system and homeless services system, even after the state of emergency has ended.

4. Executive State Agencies.
  - a. As necessary to respond to the emergency, all executive state agencies are authorized, upon further direction from me and my office, to take any actions authorized under the provisions set forth in ORS 401.168 through ORS 401.192.
  - b. For purposes of an emergency exemption from competitive procurement requirements, an emergency exists as that term is defined in ORS 279A.010(1)(f), reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
  - c. For purposes of an emergency exemption from legal sufficiency review requirement under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
5. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
6. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
7. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.



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8. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.
  
9. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2025, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 9<sup>th</sup> day of January, 2024.



Tina Kotek  
GOVERNOR

ATTEST:

LaVonne Griffin-Valade  
SECRETARY OF STATE