

The People of Metro ordain as follows:

**SUPPORTIVE HOUSING SERVICES OVERVIEW**

**SECTION 1. Title**

The provisions contained herein are to administer the Metro Supportive Housing Services Revenue, referred to as the “Supportive Housing Services Revenue.”

**SECTION 2. Finding of Metropolitan Concern**

Homeless and housing services is a matter of metropolitan concern over which Metro may exercise jurisdiction.

**SECTION 3. Purpose**

The Supportive Housing Services Revenue will fund services for people experiencing homelessness and housing instability.

**PROGRAM IMPLEMENTATION**

**SECTION 4. Services and Priorities**

Supportive Housing Services Revenue will fund Supportive Housing Services, including: street outreach services; transition and placement services; in-reach, basic survival support, and mental health services; interventions and addiction services (crisis and recovery); physical health services; interventions for people with physical impairments and disabilities; short and long-term rent assistance; eviction prevention; financial literacy, employment, job training and retention education; peer support services; workplace supports; benefits, navigation and attainment (veteran benefits, SSI, SSDI, other benefits); landlord tenant education and legal services; fair housing advocacy; shelter services; bridge/transitional housing placement; discharge interventions; permanent supportive housing services; affordable housing and rental assistance and other supportive services. Supportive Housing Services Revenue and Supportive Housing Services will first address the unmet needs of people who are experiencing or at risk of experiencing long-term or frequent episodes of homelessness. Supportive Housing Services Revenue and Supportive Housing Services will be prioritized in a manner that provides equitable access to people of color and other historically marginalized communities.

## **SECTION 5. Oversight Committee**

1. **Committee Established.** A 20-member regional oversight committee (hereafter, “Supportive Housing Services Regional Oversight Committee” or “Regional Oversight Committee”) will oversee the Supportive Housing Services Program.
2. **Purpose and Authority.** The purpose and authority of the Supportive Housing Services Regional Oversight Committee is to:
  - a. Evaluate local implementation plans, recommend changes as necessary to achieve program goals and guiding principles, and make recommendations to Metro Council for approval;
  - b. Accept and review annual reports for consistency with approved local implementation plans;
  - c. Monitor financial aspects of program administration, including review of program expenditures; and
  - d. Provide annual reports and presentations to Metro Council and Clackamas, Multnomah, and Washington County Boards of Commissioners assessing performance, challenges, and outcomes.
3. **Membership.** The Supportive Housing Services Community Oversight Committee is composed of 20 members, as follows:
  - a. Five members from Clackamas County.
  - b. Five members from Multnomah County.
  - c. Five members from Washington County.
  - d. One representative from each of the Clackamas, Washington, and Multnomah County Board of Commissioners and the Portland City Council to serve as *ex officio* members.
  - e. One member of the Metro Council to serve as a non-voting delegate.
4. **Membership Representation.** The membership must be composed of persons who represent the following experiences, organizations and qualities:
  - a. Has experience overseeing, providing, or delivering Supportive Housing Services;
  - b. Has lived experience of homelessness or severe housing instability;
  - c. Has experience in the development and implementation of supportive housing and other services;
  - d. Has experience in the delivery of culturally-specific services;
  - e. Represents the private-for-profit sector;
  - f. Represents the philanthropic sector;
  - g. Represents communities of color, Indigenous communities, people with low incomes, immigrants and refugees, the LGBTQ+ community, people with disabilities, and other underserved and/or marginalized communities; and
  - h. Represents a continuum of care organization.

A person may represent more than one of the subsections above. The membership must have broad representation and geographical diversity.

5. Terms. Nine of the initial Committee members will serve a one year term, and the Council may reappoint those nine members for up to two additional two-year terms.
6. Oversight Committee Review. Metro may conduct a review of the regional oversight committee's role and effectiveness as appropriate.

## **SECTION 6. Local Implementation Plans**

1. Local implementation plans are intended to document the proposed use of funds and how these uses align with the purposes of the Supportive Housing Services Measure. A plan must be submitted to the Oversight Committee for review and approval before the Metro Council approves it.
2. Local implementation plans must be developed using locally convened and comprehensive engagement processes that prioritize the voices of people with lived experience and from communities of color.
3. The locally convened body that develops the local implementation plan must include a broad array of stakeholders to develop the plan. Each county may convene a new committee or use a standing committee if the standing committee can demonstrate a track record of achieving equitable outcomes in service provisions to regional oversight committee.
4. Members of the convened body that develops the local implementation plan must include:
  - a. People with lived experience of homelessness and/or extreme poverty;
  - b. People from communities of color and other marginalized communities;
  - c. Culturally responsive and culturally specific service providers;
  - d. Elected officials, or their representatives, from the county and cities participating in the regional affordable housing bond;
  - e. Representatives from the business, faith, and philanthropic sectors;
  - f. Representatives of the county/city agencies responsible for implementing homelessness and housing services, and that routinely engage with the unsheltered population;
  - g. Representatives from health and behavioral health who have expertise serving those with health conditions, mental health and/or substance use disorder from culturally responsive and culturally specific service providers; and
  - h. Representation ensuring geographical diversity.

5. Local implementation plans must include the following:
  - a. A strategy for equitable geographic distribution of services within the respective jurisdictional boundary and the Metro district boundary.
  - b. A description of how the key objectives of Metro's Strategic Plan to Advance Racial Equity, Diversity, and Inclusion have been incorporated. This should include a thorough racial equity analysis and strategy that includes: (1) an analysis of the racial disparities among people experiencing homelessness and the priority service population; (2) disparities in access and outcomes in current services for people experiencing homelessness and the priority service population; (3) clearly defined service strategies and resource allocations intended to remedy existing disparities and ensure equitable access to funds; and (4) an articulation of how perspectives of communities of color and culturally specific groups were considered and incorporated.
  - c. A review of current system investments or capacity serving priority populations, an analysis of the nature and extent of gaps in services to meet the needs of the priority population, broken down by service type, household types, and demographic groups.
  - d. A description of the planned investments that includes: (1) the types of services, and how they remedy the service gap analysis; (2) the scale of the investments proposed; (3) the outcomes anticipated; and (4) the service delivery models that will be used in each area of service.
  - e. A plan for coordinating access to services with partnering jurisdictions and service providers across the region.
  - f. A plan for tracking and reporting outcomes annually and as defined through regional coordination.
  - g. A plan to evaluate funded services and programs.
  - h. A description of how funds will be allocated to public and non-profit service providers, including transparent procurement processes, and a description of the workforce equity procurement standards.
  - i. A commitment that funding will be allocated as follows: (a) 75 percent for people who have extremely low incomes and one or more disabling conditions, who are experiencing long-term or frequent episodes of literal homelessness or are at imminent risk of experiencing homelessness; and (b) 25 percent for people who are experiencing homelessness or face/have substantial risk of homelessness.
  - j. A description of how the plan will remove barriers to full participation for organizations and communities by providing stipends, scheduling events at accessible times and locations, and other supportive engagement tactics.
  - k. A description of how the plan will prioritize funding to providers who demonstrate a commitment and delivery to under-served and over-represented populations, with culturally specific and/or linguistic specific services, as well as those programs that have the lowest barriers to entry and actively reach out to communities often screened out of other programs.
6. Each county must provide a report annually on its progress under the local implementation plan to the regional services oversight committee that will discuss progress towards outcomes in each of the service areas identified in the local

implementation plan and a separate analysis of progress toward the implementation of the county's racial equity strategy. Reports will also include municipal investments from cities within Metro who have either increased or decreased contributions to homeless services for the priority population. Existing reports may be used.

7. Metro recognizes that each county may approach program implementation differently depending on the unique needs of its residents and communities. Therefore, it is the policy of the Metro Council that there be sufficient flexibility in implementation to best serve the needs of residents, communities, and those receiving Supportive Housing Services from program funding.

## **SECTION 7. Allocation of Revenue**

1. After Metro has first retained funds necessary to pay for collection of the taxes, Metro may retain up to five percent of the remaining collected funds for administration and oversight as more fully described in Section 14(1).
2. After the funds have been allocated for collection, administration and oversight as set forth in subsection (1), Metro will then allocate the remaining Supportive Housing Services Revenue within each county using the following percentages: 21 1/3 percent to Clackamas County, 45 1/3 percent to Multnomah County and 33 1/3 percent to Washington County.
3. The percentages set forth in subsection (2) apply to revenue for the first two tax years. Thereafter, the percentages may be adjusted to reflect the portion of Supportive Housing Services Revenue actually collected in each county.

## **SECTION 8. Equity and Community Engagement**

1. Metro has adopted a Strategic Plan to Advance Racial Equity, Diversity, and Inclusion which includes specific goals and objectives to ensure that all people who live, work and recreate in the greater Portland region have the opportunity to share in and help define a thriving, livable and prosperous region. A key objective throughout the strategy is a commitment to advance equity related to stable and affordable housing.
2. In implementing the Supporting Housing Services Measure, Metro will rely on the goals and objectives within the Strategic Plan to:
  - Convene regional partners to advance racial equity outcomes in supportive housing services.
  - Meaningfully engage with communities of color, Indigenous communities, people with low incomes and other historically marginalized communities in establishing outcomes and implementing the Supportive Housing Services Program.
  - Produce and provide research and information to support regional jurisdictions in advancing equity efforts.
  - Increase accountability by ensuring involvement of communities of color in establishing goals, outcomes, and implementation and evaluation efforts.

- Increase participation of communities of color in decision-making.
  - Use equity criteria in resource allocation for the Supportive Housing Services Program.
3. Metro will actively work to remove barriers for organizations and communities to ensure full participation by providing stipends, scheduling events at accessible times and locations, and other supportive engagement tactics.

**SECTION 9. Prohibition on Displacement of Funds Currently Provided**

1. The purpose of the Supportive Housing Services tax is to provide revenue for Supportive Housing Services in addition to revenues provided for those services by the local governments within Metro.
2. In the event that any local government within Metro reduces the funds provided for Supportive Housing Services by that local government, Supportive Housing Services Revenue may not be provided to that local government or be used to provide Supportive Housing Services within the boundaries of that local government. This section is intended to prevent any local government from using Supportive Housing Services Revenue to replace funds currently provided by that local government.
3. A local government may seek a temporary waiver from this section for good cause, including but not limited to a broad economic downturn.

**TAX COLLECTION REQUIREMENTS**

**SECTION 10. Voter Approval Ordinance No. 20-1442; Rates; Exemptions**

Metro Council Ordinance No. 20-1442 is approved as follows.

1. Personal Income Tax; Rate.  
Beginning tax year 2021, a tax of one percent is imposed on the entire taxable income over \$200,000 if filing jointly and \$125,000 if filing singly on every resident of the district subject to tax under ORS chapter 316 and upon the taxable income over \$200,000 if filing jointly and \$125,000 if filing singly of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316.
2. Business Profits Tax; Rate.  
Beginning tax year 2021, a tax of one percent is imposed on the net income of each person doing business within Metro.
3. Exception for Small Businesses. Persons whose gross receipts from all business income, both within and without Metro, amount to less than or equal to \$5 million are exempt from payment of the business profits tax.

4. Exemptions Required by Law. Persons whom Metro is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon, or the Metro Charter are exempt from payment of the taxes set forth in this section.

#### **SECTION 11. Tax Must be Re-Authorized or Discontinued After Ten Years**

1. Metro may assess the taxes imposed by section 10 through the tax year ending December 31, 2030.
2. After December 31, 2030, the tax will expire unless reauthorized by the voters on or before that date. After the tax expires, Metro or the entity authorized to collect the tax may continue to take all reasonable and necessary actions to ensure that taxes still owing are paid in full.

#### **SECTION 12. Collection of Funds**

1. It is Metro's intent to enter into an intergovernmental agreement with an Oregon taxing agency to collect Supportive Housing Services Revenues.
2. If Metro is unable to enter into an intergovernmental agreement for the collection of Supportive Housing Services Revenues after good faith efforts to do so, Metro may collect the funds.

#### **SECTION 13. Use of Revenues**

Unless expressly stated otherwise in this measure, Supportive Housing Services Revenues may only be used for the purposes set forth in Sections 3, 4, 12, and 14. Metro may establish a separate fund or funds for the purpose of receiving and distributing Supportive Housing Services Revenues.

#### **SECTION 14. Administrative Cost Recovery**

1. After Metro's tax collection costs are paid, Metro may retain up to five percent of the remaining funds to pay for the costs to disburse the funds and administer and oversee the program. This includes convening and supporting the regional oversight committee; establishing a regional homelessness data collection and reporting program; and supporting tri-county regional collaboration.
2. At least annually the Regional Oversight Committee will consider whether Metro's collection and administrative costs and each county's administrative costs could or should be reduced or increased. The Regional Oversight Committee will recommend to the Metro Council at least once a year as to how Metro can best limit its collection and administrative costs.

3. In establishing a new Supportive Housing Services Revenue fund, it is the policy of the Metro Council to ensure public transparency and accountability regarding the funding, creation and implementation of this program. It is further the policy of the Metro Council to maintain low administrative costs to ensure that the maximum amount possible of the tax revenue is used to achieve the purposes of Supportive Housing Services.

### **SECTION 15. Use of Funds in Metro Jurisdictional Boundary Only**

Although some portion of each of the three recipient counties (Multnomah, Washington and Clackamas) are outside of the Metro jurisdictional boundary, Supportive Housing Services Revenues collected may be spent only for Supportive Housing Services provided within the Metro jurisdictional boundary.

### **SECTION 16. Accountability of Funds; Audits**

1. Each county or local government receiving funds must make an annual report to the Metro Council and the oversight committee on how funds from the taxes have been spent and how those expenditures have affected established homelessness metrics.
2. Every year a public accounting firm must conduct a financial audit of the revenue generated by the taxes and the distribution of that revenue. Metro will make public the audit and any report to the Metro Council regarding the results of the audit. Metro may use the revenue generated by the taxes to pay for the costs of the audit required under this subsection.
3. The revenue and expenditures from the taxes are subject to performance audits conducted by the Office of the Metro Auditor.

### **SECTION 17. Ownership of Taxpayer Information**

Metro is the sole owner of all taxpayer information under the authority of this measure. The Chief Financial Officer has the right to access all taxpayer information for purposes of administration.

### **SECTION 18. Confidentiality**

1. Except as provided in this measure or otherwise required by law, it is unlawful for the Chief Financial Officer, or any elected official, employee, or agent of Metro, or for any person who has acquired information pursuant to this measure to divulge, release, or make known in any manner any financial information or social security numbers submitted or disclosed to Metro under the provisions of this measure and any applicable administrative rules.
2. Nothing in this section prohibits the disclosure of general statistics in a form that would prevent the identification of financial information or social security numbers regarding an individual taxpayer.



## **SECTION 19. Examination of Books, Records or Persons**

The Chief Operating Officer or its designee may examine any books, papers, records, or memoranda, including state and federal income tax returns, to ascertain the correctness of any tax return or to make an estimate of any tax. The Chief Operating Officer or its designee has the authority, after notice, to require verification of taxpayer information in order to carry out the provisions of this measure.

## **SECTION 20. Conformity to State Laws**

1. For the personal income tax, it is Metro's policy to follow the state of Oregon laws and regulations adopted by the Department of Revenue relating to personal income tax. The Supportive Housing Services Revenue will be construed in conformity with laws and regulations imposing taxes on or measured by net income.
2. For the business profits tax, it is Metro's policy to utilize, as guidance, the Multnomah County Business Income Tax rules and procedures.
3. If a question arises regarding the tax on which this measure is silent, the Chief Operating Officer may look to state law for guidance in resolving the question, provided that the determination under state law is not in conflict with any provision of this measure or the state law is otherwise inapplicable.

## **SECTION 21. Tax as a Debt; Collection Authority**

1. The tax imposed by this measure, as well as any penalties and interest, becomes a personal debt due to Metro at the time such liability for the tax is incurred.
2. Metro is authorized to collect any deficient taxes, interest and penalties owed. This includes initiating and defending any civil actions and other legal proceedings.

### **FURTHER IMPLEMENTATION**

## **SECTION 22. Administrative Rules**

The Chief Operating Officer or designee may adopt administrative rules, forms, guides and policies to further implement the provisions of this measure. Any rule adopted by the Chief Operating Officer has the same force and effect as any Metro Code provision. In adopting administrative rules, the Chief Operating Officer or designee may seek guidance from the Oregon Department of Revenue's rules and procedures and Multnomah County's business income tax's rules and procedures.

## **SECTION 23. Tri-County Planning**

1. Metro will annually allocate a portion of resources from its administrative costs to provide the staffing and logistical support to convene and maintain a tri-county homeless services planning body. This body will develop and implement a tri-county initiative that will be responsible for identifying regional goals, strategies, and outcome metrics related to addressing homelessness in the region.
2. The counties must present to the regional services oversight committee for its approval a proposal to implement the tri-county planning requirement.
3. Each county must annually contribute no less than five percent of each of the counties' share of the Supportive Housing Services Revenue to a regional strategy implementation fund.
4. The proposed governance structure of the tri-county planning body must be inclusive of people representing at least the perspectives required in Section 6(4).
5. Within one year of the adoption of the tri-county initiative plan, and as needed thereafter, each county will bring forward amendments to its Local Implementation Plan that incorporate relevant regional goals, strategies, and outcomes measures.

## **DEFINITIONS**

### **SECTION 24. Definitions**

For the purpose of this measure, the terms used are defined as provided in this section unless the context requires otherwise.

**Nonresident** means an individual who is not a resident within the Metro jurisdictional boundary.

**Person** means, but is not limited to an individual, a natural person, proprietorship, partnership, limited partnership, family limited partnerships, joint venture (including tenants-in-common arrangements), association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

**Resident** means a taxpayer domiciled within the Metro jurisdictional boundary for any portion of the taxable year.

**Supportive Housing Services** means homeless prevention, support services and rent assistance that stabilize people experiencing homelessness and housing instability, including those specific services described in Section 4.

**Supportive Housing Services Revenue** means all funds received from the taxes imposed by Section 10.

**Tax Year** means the taxable year of a person for federal or state income tax purposes.

**Taxpayer** means any natural person, or married couple or head of household filing a joint return, whose income in whole or in part is subject to the tax imposed by this measure.

**SECTION 25. Severability**

If a court of competent jurisdiction finds any part, section or provision of this measure to be unconstitutional, illegal or invalid, that finding affects only that part, section or provision of the measure and the remaining parts, sections or provisions remain in full force and effect.