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RE: HB 2006 -- Two (obvious) but essential non-controversial clarifications needed

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Honorable members of the House Committee on Housing,

Without commenting in support or opposition to this bill, local experience with 2020 HB 4212 in Eugene, Oregon identified two essential items that need clarification. Neither of these should be controversial and can easily be addressed either by provisions in HB 2006 and/or a legislative "coda" with clarification of intent.

1. The requirements under SECTION 3 should include: "The property owner of the site has provided written approval for the use of the site as described in the application and under the provisions of this bill."

This might seem unnecessary, but some staff in the City of Eugene don't appear to have a clear understanding of whether this requires the City to approve an emergency shelter on any site that the City owns, regardless whether the City wishes a proposed site to be used for an emergency shelter. More generally, the bill leaves unstated what rights (if any) the owner of a site has to terminate permission to use the site for an emergency shelter.

2. SECTION 4 should clarify whether an application is valid on the date that Section 3 is repealed (*i.e.*, July 1, 2022). Again, the City of Eugene accepted an application on the date that 2020 HB 4212 was repealed. According to the common law "indivisible date" rule, the repeal is effective at 12:00:00 on the repeal date. *Coley v. Morrow* (2002), 183 Or.App. 426, 52 P.3d 1090. Accordingly, the City should not have accepted the application. (It appears that the applicant, Lane County, will be withdrawing the application voluntarily.)

Again, proof "in the field" is that local jurisdictions may not have a clear or correct understanding of the law. There is no harm, and much good, in removing any doubts.

I would appreciate a response.

Thank you for considering these suggestions.

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