



Jesse Arreguín
City Councilmember, District 4

ACTION CALENDAR
October 18, 2016

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: City Plan for Emergency Shelter During Winter Season

RECOMMENDATION

Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley":

1. Allow full use of the Multi-Agency Service Center (MASC) at 1947 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center or evening shelter. Engage in discussions with Dorothy Day House about a day-time respite center.
2. Direct staff to develop a winter shelter services program for Fall 2016-Spring 2017 with funding to increase warming centers and emergency shelter.
3. Direct staff to work with service providers and faith-based organizations who have capacity, to add shelter beds during the year.
4. Direct that all bathrooms in City-owned buildings and City-funded community-based organizations and health centers be available to homeless people for use.
5. Prioritize people on the street for Housing First funds who are in frail health, disabled, or with special needs and have a source of income.

Direct the City Manager to create a list of city-owned properties starting with 1631 Fifth Street, a former Redevelopment Agency parcel in the process of being transferred to the City, for a Tiny House development for the homeless, a successful and growing model for dense urban regions.

BACKGROUND

On January 19 2016, the Berkeley City Council adopted Resolution No. 67,357-N.S., that declared a homeless shelter crisis in Berkeley based on California Government Code Section 8698 which "*allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting*

in a threat to their health and safety.” Section 8698 further provides that, upon a declaration of a shelter crisis, “the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Lastly, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.”

The City of Berkeley took this step based partly on the success of other cities in implementing strategies to combat the shelter crisis, including in Portland, Los Angeles, San Jose, Seattle, Sacramento, and Honolulu. These strategies include:

- Waiving zoning codes
- Converting city and state property to shelter
- Creating a new psychiatric shelter
- Easing regulations to more churches can shelter the homeless
- Increasing funds for shelter, rapid rehousing, and permanent housing
- Increasing shelter to 24 hours a day during the rainy season
- Selling surplus property to raise shelter/housing funds
- Increasing incentives for landlords to rent apartments to homeless vets
- Providing housing vouchers for people exiting drug court

The Shelter Emergency declaration remains in place for one year from the date of passage and presents a critical window of opportunity for the City to do something innovative, effective, and immediate to mitigate the effects of the crisis. The declaration has specific and concrete powers:

1. It authorizes the City Administrator or her designee to allow persons unable to obtain housing to occupy designated city facilities or facilities leased by the city as shelters;
2. It authorizes the easing of planning/zoning/building/other permit requirements for mitigating the effects of the shelter crisis; and
3. And significantly, it finds that if this Resolution is inconsistent with any other provisions of the Berkeley Municipal Code, this resolution shall apply.

In Portland, the homeless community created Dignity Village, which exists with the City’s approval. In Seattle, there are three tent cities, each housing a hundred residents and Seattle has also been a pioneer in the use of tiny homes (8x12’ each). In Honolulu (which has also passed multiple ordinances cracking down on sitting and sleeping in public) the Mayor set up a homeless camp that is made up of shipping containers. **It is Berkeley’s turn to make good on its word and take ACTION.**

This item follows up on the Homeless Shelter Crisis resolution, and Council's February 23 action to add additional shelter beds for Berkeley Food and Housing Project's men and women's shelter and Dorothy Day House, to take additional steps to provide additional shelter and services in this El Nino season. It also requests that staff start developing a plan for the 2016-2017 winter season for expanded shelter.

This item was previously considered by the City Council on April 5. The Council voted to fund Youth Spirit Artwork's warming center/job program for \$15,000. However, the rest of the item was not acted upon.

FINANCIAL IMPLICATIONS

Unknown.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Jesse Arreguin, Councilmember, District 4 510-981-7140

Attachments:

1: Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley"

RESOLUTION NO. 67,357–N.S.

DECLARING A HOMELESS SHELTER CRISIS IN BERKELEY

WHEREAS, the number of homeless persons in the City of Berkeley estimated to 800 to 1000 residents and this number is likely to increase given the substantial upward pressure on residential rents; and

WHEREAS, this shelter crisis affects Berkeley's citizens disproportionately with more African American, Latino and elderly individuals experiencing homelessness; and

WHEREAS, the long term and recent decreases in Federal and State funding for housing programs have resulted in an erosion of shelter options for the most vulnerable populations including the elderly, youth, victims of domestic violence, sexually exploited minors and persons suffering from mental illness, HIV/AIDS, substance abuse and disabilities; and

WHEREAS, the current number of homeless individuals in Berkeley far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments are increasing across parts of Berkeley within the public right of way, thus exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, analysis and evidence have demonstrated that providing decent, safe and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living; and

WHEREAS, this shelter crisis is not unique to Berkeley, but is evident throughout the Bay Area, California and the United States, causing other municipalities such as Los Angeles, Portland, Oregon and Seattle, Washington to also take more immediate actions to address these conditions; and

WHEREAS, given the extent of the shelter crisis, the City Council of the City of Berkeley finds that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad based approaches are essential to increase capacity; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley:

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and
2. This Resolution shall remain in place for a period of one year from the date of passage; and
3. Finds that a significant number of persons in Berkeley are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Berkeley under the authority set forth in Government Code Section 8698, et seq.; and
4. Authorizes the City Administrator or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and
5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless at facilities owned, operated, leased or maintained by the City shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Administrator's discretion and with approval by the City Council, interim municipal health and safety provisions and land use controls may be applied to facilities ensuring minimal public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless; and
6. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and
7. Finds that if this Resolution is inconsistent with any other provisions of the Berkeley Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Berkeley Municipal Code or requirements of the General Plan or implementing regulations; and

8. Recognizes that this Resolution is enacted pursuant to the City of Berkeley's general police powers, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and

9. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

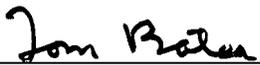
BE IT FURTHER RESOLVED that the City Manager is directed to review the resolution for accuracy and has the power to add or subtract from the resolution, to make whatever changes are necessary, to maximize the City's chances for additional funding.

The foregoing Resolution was adopted by the Berkeley City Council on January 19, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Mark Numaihville, City Clerk