



Office of the City Manager

INFORMATION CALENDAR
June 27, 2017

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Paul Buddenhagen, Director, Health, Housing & Community Services
 Subject: Referral Response: City Plan for Winter Emergency Shelter

SUMMARY

This report is in response to a short-term referral from City Council on October 18, 2016 which directed the City Manager to consider the following actions in developing a plan for emergency shelter / services during the upcoming winter season:

1. Allow full use of the Multi-Agency Service Center (MASC) at 1931 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 be available to homeless people for use. The Council defers to the City Manager on appropriate use of city buildings for this purpose.
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 that could be used for a Tiny House development for the homeless, a successful and growing model for dense urban regions.

The City Manager activated the city's Emergency Operations Center in December 2016, doubled the city's FY2017 winter shelter capacity, and opened warming centers for three weeks at drop-in centers. One winter shelter, operated by Dorothy Day House, is operational at 1231 2nd street through June 15, 2017, thanks in large part to private donations. The city continues to provide public bathrooms in city-owned buildings, is currently operating a coordinated entry system for homeless services and providing housing subsidies that prioritize people on the streets who have multiple disabilities, including frail health conditions. Staff also developed a comprehensive list of city-owned property, some of which may be suitable for Tiny Homes, for the February 14, 2017 City Council meeting.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a short-term referral that originally appeared as Item #41 on the 10/18/2016 Council meeting and was sponsored by Councilmember Arreguin.

Following a directive made by City Council at the December 13, 2016 meeting, the City Manager activated the Emergency Operations Center (EOC) on December 14, 2016. The EOC's mandate was to expand shelters and warming centers during the FY2017 winter months. City staff accomplished the following through the EOC:

1. Expanded Winter Shelter

City staff, working with staff of Dorothy Day House, expanded the Berkeley Emergency Storm Shelter (BESS) to operate on a nightly basis at two different locations providing up to 130 beds for homeless people in Berkeley. Dorothy Day House staff secured the First Presbyterian Church which could provide shelter space for up to 65 clients, but only for three nights during the week. City staff, working through the EOC, were able to secure both the Frances Albrier Community Center and the North Berkeley Senior Center which alternated to provide shelter space for 65 clients Friday through Monday, which First Presbyterian Church could not cover. The EOC activation also allowed the City to marshal resources to secure a second, city-owned site, located at 1231 2nd Street. This site was able to provide shelter space for up to 47 clients.

City staff made several improvements to the 1231 2nd Street site in order to accommodate the Winter Shelter. Large outdoor kennels and small indoor crates were procured to enable clients to enter the shelter with their pets if they chose. Volunteers with the Animal Shelter set up the large outdoor kennels. A large storage container was secured to ensure that clients could enter the shelter with their possessions. Porta-potties were rented, including one ADA accessible bathroom, to augment the two indoor bathroom stalls at the site. Additional fencing was installed to secure the shelter location from the rest of the City property. Security guards were hired to secure the site at night. Additional mats were purchased to ensure that all who needed shelter could be accommodated at all winter shelter sites.

Through the expanded BESS program, the City was able to provide shelter at two locations every night from December 14, 2016 through April 15, 2017. Thanks to donations by individuals, Dorothy Day House extended the BESS program two additional months at the 1231 2nd Street location.

2. Warming Centers

City staff worked with homeless services agencies to expand existing Drop-In Center hours to create "warming centers" where homeless clients could be out of the elements during the daytime. Warming centers were provided at the Berkeley Food and Housing Project's Women's Shelter at 2140 Dwight Way, the MASC drop-in center at 1931 Center Street, operated by BOSS, and the Berkeley Drop-In Center, operated by the Alameda County Network of Mental Health Clients at 3234 Adeline Street. The

extended hours at the warming centers had very minimal usage – sometimes as few as three people. This may have been due to the fact that there are an array of options available during the daytime, including libraries, and easily accessible private facilities. Warming centers were used from December 15 through January 6 and then were phased out.

3. Encampment Outreach, Transportation, and Assessments

Staff provided outreach into encampments and transportation to and from the Winter Shelter locations for about three weeks in December and January. City homeless outreach and Mobile Crisis staff, as well as staff from the Hub visited encampments throughout Berkeley to increase awareness of the additional shelter capacity and encourage clients to take advantage of being able to sleep inside. Staff from the Aging Services Division, accompanied by Berkeley Mental Health staff, utilized City vans to shuttle clients from encampments to the shelters. Vans also transported clients in the morning to breakfast programs or back to the center of the City.

Hub staff were deployed on multiple occasions at the winter shelter locations to assess clients for services that are offered through the Hub. Some clients did not wish to participate in the assessments, but many did, enabling them access to housing resources through the Hub. Over 970 unique individuals slept at the winter shelter locations.

4. The Cost

The total cost the City paid for the expanded homeless services provided by Dorothy Day House and the drop-in centers was \$83,840. This cost does not include the cost to operate the EOC, the cost for additional staffing at the Frances Albrier Community Center and the North Berkeley Senior Center, additional facility cleaning costs at all three city facilities utilized for the winter shelter, the cost of transportation and outreach services, the cost of providing security and additional amenities at the 1231 2nd street shelter location, etc. The total cost of the FY2017 Winter Shelter effort was over \$400,000.

Responses to Other Referrals

Bathrooms: A list of bathrooms in City-operated facilities is on the City's website. Bathrooms are available seven days per week ranging from 5 – 6 a.m. to midnight at four locations and at 20 locations in City parks during daylight hours. For a full list see: <http://www.cityofberkeley.info/homeless-entry/services/>

Prioritizing Housing Funds: Council directed the City Manager to “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.” The City's new Coordinated Entry system, which has been operational since January 2016, prioritizes case management services and housing subsidies for homeless individuals and families who are living on the streets in

Berkeley and who have one or more disabilities, including physical health needs and other special needs. Some of these may already have an income; others without an income are assisted in obtaining one through a partnership with the Homeless Action Center, whose staff assist clients in obtaining SSI, General Assistance, or other benefits.

Additional Full Year Shelter Beds: Staff are currently working on the Pathways Project, which is intended, among other things, to increase year-around bed capacity for homeless people.

City-owned Property for Tiny Houses: City staff submitted a report to Council on February 14, 2017 which contained a comprehensive list of City-owned property. These properties were not analyzed for suitability for Tiny House communities, but the list could be used in future for this purpose if the creation of a community is prioritized by City Council. See Item #21 from the City Council February 14, 2017 agenda: http://www.cityofberkeley.info/Clerk/City_Council/2017/02_Feb/City_Council_02-14-2017_-_Regular_Meeting_Agenda.aspx

BACKGROUND

The City currently provides 140 year-round shelter beds that are accessible through the City's homeless coordinated entry system, The Hub. The Hub screens and prioritizes candidates for shelter, and places them in a bed at one of four shelters that serve single women, single men, transition-age youth, and families. Shelter residents occupy those beds until other housing is located with the help of a case manager.

Dorothy Day House (DDH) has operated the Berkeley Emergency Storm Shelter (BESS) for fifteen years, and provides overnight shelter on a first-come, first served basis for up to 45 nights during the winter season with a maximum capacity of 65 people each night. The BESS shelter opens if rain or temperatures at or below 40 degrees are expected overnight. For the past several years, BESS had primarily been at the First Congregational Church of Berkeley, and other locations were sometimes used as alternates. A recent fire there made that space unavailable and the BESS had been rotating between churches and City-owned buildings.

Several community agencies contract with the City of Berkeley to provide day-time drop-in services. These include Building Opportunities for Self-Sufficiency, which normally operates the Multi-Agency Service Center in the basement of 1931 Center Street from 8:00 a.m. to noon, Monday through Friday; the Alameda County Network of Mental Health Clients, which normally operates the Berkeley Drop-In Center at 3234 Adeline Street drop-in hours from 9:00 a.m. to 4 p.m. Monday through Friday; the Women's Daytime Drop-in Center, which normally operates drop-in services at 2218 Acton Street 9:00 a.m. – 4:00 p.m. Monday through Friday; and Youth Spirit Artworks, which normally operates an afterschool program for homeless youth at 1740 Alcatraz Avenue from 12:30 p.m. to 6:30 p.m.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

Should City Council approve funding for the BESS program as recommended by the Homeless Commission and City Manager, Dorothy Day House would continue to provide shelter for up to 65 clients for up to 45 nights during the winter season, only on rainy or cold nights at area churches. This approach would continue to complement the existing 140 year-round shelter beds and provide respite during inclement weather. Though the weather this past winter was particularly bad, in normal years, the BESS shelter has often not been utilized to capacity. It is difficult to predict next year's winter weather.

Council could also provide additional funding for Dorothy Day House to operate a nightly winter shelter at a location to be determined. Issues to consider should Council wish to fund a Winter Shelter:

1. Utilizing City facilities like the Senior Centers or Recreation Centers results in additional costs and negatively impacts services to seniors, youth and families. HHCS and Parks, Recreation and Waterfront hourly staff are required to monitor the use of the buildings at night. These hourly staff are often the same staff that are required to work at the sites during the day. Using these facilities as shelters requires additional facility cleaning costs. Shelter clients tend to congregate at these facilities hours before the shelter opens and after closing, which creates a negative impact on the facility site and the surrounding neighborhood.
2. Staff recommend utilizing area churches as the most cost-effective method for providing shelter. If not suitable church facility is identified, staff recommend utilizing the Premier Cru property on University Avenue to house a winter shelter.
3. BESS has been an important resource to help homeless people stay out of the elements during the winter months. Expanding BESS into a winter shelter, however, does not further the City's goals of ending homelessness. Resources used to create a winter shelter could be used instead to provide flexible housing subsidies for clients.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Continued funding to operate the BESS program for 45 nights at one location only during inclement weather at area churches will cost \$30,101.

Contracting with Dorothy Day House to operate a nightly winter shelter at one location serving up to 65 people will increase the cost. Projecting from the current rate, operating a winter shelter from November 15 through April 15 at \$669/night could cost approximately \$100,350. This does not include the cost of a site, including amenities such as porta-potties, utilities and security.

CONTACT PERSON

Kristen Lee, Manager, Housing & Community Services Division, HHCS, 981-5427

Attachments:

1: Original Referral Report from October 18, 2016



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