



Office of the Mayor

CONSENT CALENDAR  
October 31, 2017

To: Honorable Mayor and Members of the City Council

From: Mayor Arreguín and Councilmembers Sophie Hahn, Kate Harrison, and Ben Bartlett

Subject: Extension of Housing Crisis Declaration

RECOMMENDATION

Adopt a Resolution extending Resolution 67,746-N.S., declaring a homeless shelter crisis in Berkeley until January 19, 2020.

BACKGROUND

Our city is experiencing a housing emergency. Residential rents are climbing, shelters are past capacity, and many Berkeley citizens face the threat, or the reality, of homelessness. In response to a severe shortage of shelter beds and homeless housing projects, on January 19, 2016, Council voted unanimously to declare a homeless shelter crisis and allotted one year to explore response strategies with a focus on City-owned land. Our declaration followed in steps of other jurisdictions including Los Angeles, San Jose, Oakland, and San Francisco, all of which identified homelessness as a first-priority issue and started the clock to address it.

Since the resolution passed, Council has renewed existing programs and referred staff to investigate the feasibility of a tiny home village on City-owned land. Ten months after the initial Resolution was approved, a new Resolution was passed, both extending the date to January 19, 2018, and addressing zoning issues that were raised in regards to the creation of tiny home projects.

Since then, great strides have been made into looking at new proposals to address the homeless shelter crisis. The Pathways Project is jumping through critical hurdles that once completed, will be able to provide transitional housing to many of our homeless project. Non-profits are also making progress in their visions for the creation of Tiny Homes. However, to maximize the effectiveness of our resources, it is requested that the expiration date of the Homeless Shelter Crisis be extended an additional two years.

FINANCIAL IMPLICATIONS

Staff time

ENVIRONMENTAL SUSTAINABILITY

An increase in interim, stable housing will reduce the impacts of temporary encampments, such as the accumulation of human waste and debris in public spaces, which will positively improve the environment.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

EXTENSION OF DECLARATION OF HOMELESS SHELTER CRISIS

WHEREAS, on January 19, 2016, the City Council unanimously passed Resolution No. 67,357-N.S., Declaring a Homeless Shelter Crisis in Berkeley, which was set to expire on January 19, 2017; and

WHEREAS, on November 15, 2016, the City Council passed Resolution No. 67,746-N.S., extending the previous Resolution to January 19, 2018; and

WHEREAS, according to the last EveryOne Home homeless count in January 2017, the homeless population has risen to 972; 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 until January 19, 2020; 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 Manager 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 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 Manager'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 the City Manager to waive non-voter approved purchasing and bid requirements for the installation of facilities and services that are directly related to providing temporary shelter for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities.

7. 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
8. 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
9. 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
10. 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.

