



Councilmember
Cheryl Davila
District 2

ACTION CALENDAR
May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila

Subject: Direct City Manager to place a moratorium on enforcement of Ordinance No. 7632-N.S. (BMC Sections 14.48.160 and 14.48.170), “Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” until a homeless response system is designed, created and implemented as stated in the “1000 Person Plan.”

RECOMMENDATION

Direct City Manager to place a moratorium on enforcement of Ordinance No. 7,632-N.S. (BMC Section 14.48.160 and 14.48.170) Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” at homeless encampments until a homelessness response system is planned, created and implemented pursuant to research, findings, reports, and goals resulting from the “1000 Person Plan” report received by Council. This action is in fidelity to elements of the 2018 EveryOne Home Plan to End Homelessness adopted by Council on March 12, 2019, that clearly states at pg. 13, “Proposed Actions,” that protection of the dignity of people experiencing homelessness requires municipalities to repeal or stop enforcing policies that criminalize homelessness, and instead develop a humane and consistent response to the needs of unsheltered people.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

None.

BACKGROUND

In response to growing homelessness locally and regionally, the City Council voted unanimously on January 19, 2016 to declare a Homeless Shelter Crisis.

In light of the fact that City of Berkeley officials and Berkeley Police have begun issuing notices to homeless encampments regarding to Ordinance No. 7,632-N.S. (BMC

Sections 14.48.160 and 14.48.170 Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy”), and signaled that possible enforcement by the City of Berkeley of the ordinance may be imminent, it is critical that a more humane and comprehensive housing program is designed, developed and implemented prior to such enforcement action. The City has legal duty to do so.

Robert Wilson Inc. vs. the City of Boise asserts that until a City can offer alternative housing, it cannot criminalize people for their attempts to shelter themselves and their children. Homeless encampments are the sole option for those who are unable to meet the high cost of housing in Berkeley, the place they call “home.”

Among those living in these encampments in Berkeley are: senior citizens, families with young children (many under age 5), Berkeley Unified School District (BUSD) K-12 students, University of California at Berkeley (UCB) and Berkeley City College (BCC) alumni and current students, as well as people who are fully employed but cannot afford Berkeley’s market rate rents. Those living in encampments are diverse in ethnicity, age, ability, some are unemployed, and some suffer from chronic or acute illness, including mental health illness and other disabilities. Encampment residents reflect the same diversity of our housed community and deserve to be treated with equal care and respect. All City dwellers pay taxes in Berkeley, visit our restaurants, theatres, businesses and contribute to our economy.

At its April 30, 2019, the Council received the “1000 Person Plan” report prepared and submitted by the City Manager to Council which outlines strategic goals for homelessness reduction to be initiated in 2019 and continuing through 2023.

The findings and goals of the “1000 Person Plan” developed by the City Manager and various departments can provide significant information as to how the City can best address the currently severe housing crisis in a manner that can result in added housing stock which will mitigate the homelessness problems in Berkeley, before the City begins enforcement of Ordinance No. 7,632-N.S. (BMC Sections 14.48.160 and 14.48.170) against these citizens.

It is appropriate and humane that the Council cease enforcement of the “Miscellaneous Use of Streets and Sidewalks” / “Shared Sidewalk Policy” at homeless encampments in order to receive and implement the strategic goals and recommendations of the 1000 Person Plan.

CONTACTS:

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