



Office of the Mayor

CONSENT CALENDAR
November 19, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, and Councilmembers Cheryl Davila, Rigel Robinson, and Kate Harrison

Subject: Extension of Declaration of Homeless Shelter Crisis

RECOMMENDATION

Adopt a Resolution extending Resolution No. 68,206 – N.S., Declaring a Homeless Shelter Crisis until January 19, 2022.

BACKGROUND

Berkeley is experiencing a housing emergency. Residential rents are climbing, shelters are at capacity, and many Berkeley residents face the threat, or the reality, of homelessness. While significant efforts have been made over the last few years in developing a Housing First policy and investing in anti-displacement resources, for those currently experiencing homelessness, finding shelter can be a difficult task. There are 305 shelter beds in Berkeley, a number significantly lower than the total homeless population.

In response to the severe shortage of shelter beds and supportive housing, on January 19, 2016, the Berkeley City Council unanimously approved Resolution No. 67,746-N.S., Declaring a Shelter Crisis in Berkeley. This followed similar resolutions passed in other cities facing a homeless crisis, including San Francisco, Oakland, San Jose, and Los Angeles. Originally set to expire on January 19, 2017, the Resolution has been extended multiple times, most recently through Resolution No.68,206-N.S. on October 31, 2017, which extended it to January 19, 2020.

Since the Resolution was first approved almost four years ago, the City has placed significant investment in addressing the homeless crisis and the lack of shelter. The STAIR Center, the first navigation center in the East Bay, opened in June 2018, placing over 100 people into permanent housing during the first year of operation. Berkeley voters approved Measures O & P in 2018, generating significant funds for affordable housing, homeless, and mental health services. Various non-profits that serve the homeless population have seen an expansion of services.

In the 2019 Point-In-Time Count by EveryOne Home, Berkeley's homeless population increased by 14% between January 2017 and January 2019. Of the 1,108 people counted, 813, or 73% of them, were unsheltered (countywide, the average was 79% unsheltered). The sheltered population between 2017 and 2019 remained stagnant

while the unsheltered population increased by 149 people. Much of this can be attributed to the rise of people living in recreational vehicles (RVs), which is considered a form of unsheltered homelessness.

While the increase in homelessness is significantly lower compared to the county average of 43%, showing that our investment is making a difference, there still is a long way to go. 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, 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, on October 31, 2017, the City Council passed Resolution No. 68,206-N.S., placing another extension until January 19, 2020; and

WHEREAS, according to the last EveryOne Home homeless count in January 2019, the homeless population has risen to 1,108; 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 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, 2022; 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 and approve contracts 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.

