

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: KELLI KUYKENDALL, PROGRAM SPECIALIST
HOUSING AND COMMUNITY SERVICES
SUBJECT: OPTIONS FOR EMERGENCY DECLARATIONS CONCERNING
HOMELESSNESS
AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by the Housing and Community Services Department that the Council, by motion, direct staff regarding Council's interest to declare a homelessness emergency and, if so, identify the preferred action for doing so based on the following options – declaration of shelter crisis, declaration of local emergency, and/or request for gubernatorial state of emergency proclamation.

EXECUTIVE SUMMARY

On May 16, 2016, the City Council Homeless Subcommittee received a report from staff outlining options for extending the Community Homeless Assistance Pilot Program (CHAPP) to a year-round program, which included options for a safe camping component, the declaration of shelter emergency to allow for the use of City facilities, and other alternatives. At the May 16 meeting the subcommittee requested that the report be added to a future Council agenda for consideration by the full Council. Staff has prepared a detailed outline of three options (attached to this report) for emergency declarations concerning homelessness, including declaration of shelter crisis, declaration of local emergency, and request for gubernatorial state of emergency proclamation, and is seeking Council's interest in pursuing these options. CHAPP is covered under a separate agenda item.

This item relates to Council Goal 6: Committed to making Santa Rosa a community where people feel safe to live, work, and play.

BACKGROUND

1. On May 16, 2016, the City Council Homeless Subcommittee received a report from staff outlining options for extending the Community Homeless Assistance Pilot Program (CHAPP) to a year-round program, which included options for a

safe camping component, the declaration of shelter emergency to allow for the use of City facilities, and other alternatives.

2. At the May 16 meeting the subcommittee requested that the report be added to a future Council agenda for consideration by the full Council. Councilmember Olivares, chair to the Homeless Subcommittee, conveyed the subcommittee's request to the Council during its May 17 meeting. A discussion followed in which it was decided that CHAPP and the potential declaration of shelter emergency should be placed on a future agenda as two (2) separate items.
3. The outline of options presented to the Homeless Subcommittee on May 16 is attached to the report for CHAPP, a separate agenda item. Staff has prepared a detailed outline of three options (attached to this report) for emergency declarations concerning homelessness, including declaration of shelter crisis, declaration of local emergency, and request for gubernatorial state of emergency proclamation. The outline includes related Government and City codes, standards by which to make such declarations, effect of doing so, and process or procedure to achieve each declaration.

PRIOR CITY COUNCIL REVIEW

Not applicable

ANALYSIS

1. A number of communities have recently made formal emergency declarations, called homeless states of emergency (SOE) or shelter crises, including San Diego, Los Angeles, Oakland, San Francisco, Portland, State of Hawai'i, Eugene, and Seattle. A declaration of a shelter crisis, for example, may be adopted if the Council finds that "a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety." Such a declaration would allow the City to waive certain zoning, building, or other regulatory requirements to expedite the use of *city-owned facilities* for shelter. A detailed outline of the standards and procedures for a declaration of shelter crisis is included in the attachment to this report.
2. A declaration of a homeless SOE is a broader action, comparable to a declaration of local emergency made in cases of natural disaster. A declaration of a homeless SOE may be adopted if the Council finds that there are conditions of "disaster or of extreme peril to the safety of persons and property," which are beyond the control of the services, personnel, equipment and facilities of the City and require the assistance of other jurisdictions. An SOE declaration would allow the City to promulgate temporary orders and regulations necessary to provide for the protection of life and property. Such a declaration thus, for example, could allow the City to extend the waiver of certain zoning requirements for the

provision of services under CHAPP on an interim basis until the City is able to complete the necessary code amendments for a more permanent solution. A detailed outline of the standards and procedures for a declaration of homeless SOE is included in the attachment to this report.

3. A third option is to request the Governor to proclaim a statewide state of homeless emergency. A gubernatorial proclamation of emergency could open the door for additional state assistance for homeless services, in the form of both money and resources. Los Angeles' officials, however, have recently twice requested Governor Brown to declare a statewide homeless emergency, and twice, the Governor has declined to do so, stating "we recognize the importance of addressing homelessness in our cities and will continue to support local governments, which remain best positioned to tackle challenges like this and tailor solutions to the needs of their communities." A detailed outline of the steps for a request for gubernatorial state of emergency proclamation is included in the attachment.
4. It appears that a local declaration – either of shelter crisis or of a local homeless SOE – may be a more viable path for immediate action. According to a brief, dated February 2016, prepared by the National Alliance to End Homelessness (NAEH): "in the current homelessness SOEs, this has meant using funds more flexibly, reducing regulatory barriers, and/or devoting additional funds to the problem. SOEs can also have the effect of generating a sense of urgency and creating public and political will to move quickly within the jurisdiction." It should be noted, however, that declaring a shelter crisis or local SOE does not compel either the Federal or State government to take any action or provide any resources. Absent voluntary assistance from others, the solutions remain in the City's arena.
5. In the same brief from NAEH of those communities that took the SOE path "it seems to have garnered local attention and leveraged resources in a new way that may impact outcomes. There are also examples of communities that have recognized the crisis and responded with a similar sense of urgency and approach without calling an SOE." The brief includes a checklist for communities to consider before declaring a homelessness emergency. Using this checklist and key points made in the NAEH brief and that of a publication from the National Health Care for the Homeless Council on homeless SOEs, staff has prepared the following checklist for consideration:
 - Do the circumstances support a declaration of shelter crisis or local emergency?
 - What are the key barriers preventing action on homelessness and how could an emergency declaration address these?
 - SOEs typically focus on short-term activities rather than long-term solutions. How will such short-term activities yield solutions, engage key stakeholders, and benefit those experiencing homelessness?

- What are the benefits to be gained by an emergency declaration?
 - How does an emergency declaration align with our long term goals such as Housing for All and Housing First?
6. Based on the options outlined in this report, staff is seeking direction regarding Council's interest in pursuing (a) a Declaration of Shelter Crisis, (b) a Declaration of Local Homeless Emergency, and/or (c) a request for a Gubernatorial Declaration of Statewide Homeless Emergency.

FISCAL IMPACT

Providing direction to staff regarding declaration of an emergency does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

NOTIFICATION

Not applicable

ATTACHMENTS

- Attachment 1 - Outline of Options for Emergency Declarations concerning Homelessness

CONTACT

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