

TO: Thomas Frutchey, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Homeless Shelter Crisis Discussion

DATE: February 2, 2016

NEEDS: For the City Council to provide direction and initiate community dialogue regarding declaration of a homeless shelter crisis.

- FACTS:
1. On January 19, 2016, the City Council directed that a discussion of the potential of a Paso Robles homeless shelter crisis be set as an agenda item.
 2. The Homeless Services Oversight Council (HSOC) is a publicly appointed Advisory Board to the County Board of Supervisors who consists of a combination of subject experts, resource agency partners and elected officials from each jurisdiction within the County.
 3. On January 20, 2016, the Homeless Services Oversight Council voted to recommend that local jurisdictions consider declaring a shelter crisis pursuant to Government Code 8698 et seq. for purposes of making government owned buildings available for use as Warming Centers.
 4. California Government Code Sections 8698 et seq. allow local governments to declare a shelter crisis if a significant number of people are not able to obtain shelter and their health and safety may be threatened as a result (see Attachment 1). Such a declaration allows a jurisdiction to make government owned buildings available to use as a Warming Center or shelter. Additionally, it provides for immunity from liability for “ordinary negligence in the provision of emergency housing” provided that the jurisdiction has declared a shelter crisis under this code and made a finding “that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.”
 5. Several jurisdictions outside of San Luis Obispo County have taken varied approaches to homeless shelter crisis declarations. Some examples include:
 - Seasonal funding/opening of Winter Shelters on public property
 - Expanding types of properties to include Private Facilities operated by religious institutions
 - Temporarily modifying camping and land use restrictions

6. The State of California is proposing a significant housing bond (\$2 Billion for permanent housing) on this year's ballot which may present new long term funding options to address homeless issues. A link to an information article can be found on the efficientgov.com website: http://efficientgov.com/blog/2016/01/06/california-lawmakers-propose-2-billion-plan-to-aid-homeless/?utm_source=EfficientGov+Subscribers&utm_campaign=b20bddeb6c-EfficientGov_1_25_20161_20_2016&utm_medium=email&utm_term=0_9429aa87e6-b20bddeb6c-209391157&goal=0_9429aa87e6-b20bddeb6c-209391157
7. There is a spectrum of services available within the north county for the homeless. As such, there may be a synergistic benefit to coordinate resources and determine how multiple agencies can best collaboratively serve the emergent needs of the homeless in the north county.
8. Discussions have already been initiated with representatives of the City of Atascadero, County of San Luis Obispo and with local non-profits (e.g. Paso Cares) who are interested in shared solutions. A verbal update of these discussions will be provided at the February 2nd Council meeting.

ANALYSIS &

CONCLUSION: With imminent harsh weather, there is an urgency to determine best approaches to assist the homeless population. It would be beneficial to work with adjoining jurisdictions (Atascadero & the County) and local non-profit groups to identify action plans and determine what guidelines would be most appropriate for our community.

POLICY

REFERENCE: Government Code 8698.

FISCAL

IMPACT: There is no immediate budgetary impact from this recommendation.

- OPTIONS:**
- a. For the City Council to provide direction regarding the topic of emergent homeless shelter needs.
 - b. Amend the above option.
 - c. Take no action.

Attachment:

1. California Government Code 8698 et seq.

California Government Code Section 8698

For purposes of this chapter, the following definitions shall apply:

(a) "Political subdivision" includes the state, any city, city and county, county, special district, or school district or public agency authorized by law.

(b) "Governing body" means the following:

- (1) The Governor for the state.
- (2) The legislative body for a city or city and county.
- (3) The board of supervisors for a county.
- (4) The governing board or board of trustees for a district or other public agency.
- (5) An official designated by ordinance or resolution adopted by a governing body, as defined in paragraph (2), (3), or (4).

(c) "Public facility" means any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment.

(d) "Declaration of a shelter crisis" means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

California Government Code Section 8698.1

Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety 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. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal

public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

California Government Code Section 8698.2

(a)(1) The governing body may declare a shelter crisis, and may take such action as is necessary to carry out the provisions of this chapter, upon a finding by that governing body that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.

(2) For purposes of this chapter, the governing body of the state, in making a declaration of a shelter crisis pursuant to paragraph (1), may limit that declaration to any geographical portion of the state.

(b) Upon a declaration of a shelter crisis pursuant to subdivision (a), the political subdivision may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.