

TO: Thomas Frutchey, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Homeless Shelter Crisis Declaration

DATE: February 16, 2016

NEEDS: For the City Council to consider declaring 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. 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.
3. On February 2, 2016 the County Board of Supervisors took the step of declaring a Shelter Crisis and made \$10,000 in funding available for community organizations to use for warming shelters. In addition, the Board urged communities within the County to take similar steps (see attached letter dated February 5, 2016). Their declaration sunsets on April 15, 2016.
4. On February 2, 2016, the Paso Robles City Council publicly discussed consideration of a homeless shelter crisis and requested that a formal “shelter crisis declaration” be scheduled for the next meeting. Additionally, Council affirmed their desire for the City to work with other agencies and community organizations to help protect the health and safety of the homeless population in our community this winter.
5. California Government Code Sections 8698 et seq. allows 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. 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.”

6. The San Luis Obispo County January 2015 Point-in-Time homeless count is a resource to quantify the scope of the homeless challenge within Paso Robles. According to the report (excerpts attached) Paso Robles had the second greatest number of unsheltered homeless persons of any city within the County at 235 individuals.
7. The non-profit group Paso Cares operates a Warming Center in the North County (rotating churches between Paso Robles and Templeton) Monday through Friday with a capacity for approximately 12 persons. On weekends, there is no warming facility available.
8. Pursuant to the City Council's February 2nd discussion on this topic, City staff will be involved in solution finding discussions with other agencies and non-profit groups. Those discussions may result in policy and/or action options presented to the Council in the future.

ANALYSIS &

CONCLUSION: There is existing statistical documentation that the volume of homeless individuals is greater than the shelter resources currently available in the North County. Therefore, in the event of prolonged or unusually inclement weather, the unmet need for temporary shelter to a large number of individuals will become a critical health and safety need.

No public lands or facilities have been identified for use as a warming facility at this time. However, a declaration of a Homeless Shelter Crisis pursuant to California Government Code Sections 8698 et seq. would provide certain protections to the City, the School District, or other provider making one or more properties available in the future. Placing a sunset on the urgency of facility need is a reasonable consideration.

There is already a service and facility infrastructure in place to help provide relief and safety to homeless individuals within the North County. Supplementing those efforts may have the highest likelihood for success in meeting the winter needs. The City may wish to respond to the County's urging and identify funding that could be applied for and used by community organizations for expansion of warming shelters.

POLICY

REFERENCE: Government Code 8698.

FISCAL

IMPACT: There is no specific budgetary proposal at this time. The Council has the option to direct an unbudgeted expenditure from General Fund reserves.

- OPTIONS:
- a. Declare a shelter crisis within the City of Paso Robles pursuant to Government Code 8698 et seq, which would sunset on April 15, 2016;
 - b. Declare a shelter crisis within the City of Paso Robles pursuant to Government Code 8698 et seq, which would sunset on April 15, 2016 and to identify an appropriate amount of funding for community organizations to apply for and use for warming shelter expansion needs;
 - c. Amend, modify, or reject the above options.
 - d. Take no action.

Attachments:

- 1. Letter from County Board of Supervisors dated February 5, 2016
- 2. California Government Code 8698 et seq.

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



Frank R. Mecham, Supervisor District One
Bruce Gibson, Supervisor District Two
Adam Hill, Supervisor District Three
Lynn Compton, Supervisor District Four
Debbie Arnold, Supervisor District five

February 5, 2016
Steven Martin, Mayor of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Dear Mayor Martin,

The County Board of Supervisors asks that you partner with the County to address urgent shelter needs this winter for our homeless population who are living unsheltered.

On January 20, 2016, the County's Homeless Services Oversight Council recommended "The County and the other local jurisdictions agendize a declaration of a shelter crisis pursuant to Government Code 8698 et seq. and consider making designated public facilities available for the duration of the state of emergency and allow persons who are unable to obtain housing to occupy the facilities for the duration of the crisis."

On February 2, the Board of Supervisors took the step of declaring a Shelter Crisis in San Luis Obispo County, pursuant to State Government Code Section 8698 et sequitur. In doing so, it made the finding that a significant number of persons in the county are unable to obtain shelter, and the lack of shelter poses a threat to the health and safety of the unsheltered persons. According to the most recent Homeless Point in Time Count in 2015, there were 1,515 homeless persons countywide on a single night. Of those persons, approximately 74% were unsheltered. The Board also took additional steps, which included the following actions:

- Made \$10,000 available for community organizations to use for Warming Centers. Organizations operating Warming Centers that wish to apply may do so by submitting a written letter to the County's Homeless Services Coordinator outlining the need, the amount of funding requested, and the purpose for which the funding is being sought.
- Encouraged community partners and communities within San Luis Obispo County to bring forward additional recommendations
- Directed County staff to further examine why existing shelters are not at full capacity
- Directed County staff to bring back options to the Board to streamline the land use permit process related to emergency shelters so that community organizations may be able to open or expand warming centers expeditiously in the unincorporated areas

Because of the scope of the need, the challenge of keeping people safe this winter will be best addressed by working together with cities and local nonprofits. To that end, our Board formally requests that your

City make a similar Shelter Crisis declaration. Additionally, we request that your City also consider making \$10,000 in new funding available for Warming Centers to homeless persons in your community and consider additional steps your City could take to help protect the health and safety of homeless persons in your City.

Thank you for your consideration. The Board of Supervisors welcomes the opportunity to work with you on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Compton".

Supervisor Lynn Compton
Chairperson, San Luis Obispo County Board of Supervisors

Cc:

Paso Robles City Council Members:

Steve Gregory

John Hamon

Jim Reed

Paso Robles City Manager, Thomas Frutchey

GOVERNMENT CODE

SECTION 8698-8698.2

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.

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.

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.
