



AGENCY:	City Council
MEETING DATE:	November 13, 2018
DEPARTMENT:	City Council
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution Declaring a Shelter Crisis Pursuant to Government Code Section 8698.2

ISSUE:

Like many communities throughout California, Fort Bragg has and continues to experience an increase in the homeless population. Statewide, 134,278 Californians were counted as homeless in January 2017, although the number of people without housing is estimated to be 3 to 4 times that point-in-time count. Since then the state has experienced a number of natural disasters, including local fires, which further reduced the available housing inventory.

In June of 2018, the Governor signed Senate Bill 850, which allocated over \$553 million in one-time funding for two new programs: the Homeless Emergency Aid Program (HEAP) and the California Emergency Solutions and Housing Program (CESH). The HEAP is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homeless crisis in California. The funds have been allocated to 11 large cities (over 330,000 population) and 43 Continuums of Care (CoC), including Mendocino County.

The Mendocino County CoC received a \$4,921,968 HEAP allocation; the allocation is based on the size of the homeless population. Mendocino County ranks 8th in the absolute homeless population among CoC allocated counties. In 2017 the County had 1,238 homeless during the Point-in-Time count in January.¹

Only the CoC can apply for the HEAP funds and only one application may be submitted on behalf of the County. The City may apply for funds through the CoC. In order for the funds to be spent within the City of Fort Bragg for capital projects or rental subsidies, the City Council must declare a shelter crisis pursuant to Government Code § 8698.2. A shelter crisis is defined as 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.

ANALYSIS:

CoCs are regional or local planning bodies that coordinate housing and services for homeless families and individuals. They were first created in 1994/1995 when the US Department of Housing and Urban Development (HUD) began to require communities to submit a single application for homeless assistance grants. The Continuum of Care (CoC) Program is designed to promote communitywide commitment to the goal of ending homelessness. CoCs provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and the larger community.

The parameters for use of HEAP funds are intentionally broad to allow communities to create programs customized to local needs. Eligible uses include:

¹ The HEAP allocations are based on the Point-in-Time counts conducted in 2017.

1. Services such as street outreach, health/safety education, criminal justice diversion programs, prevention services, navigation services and operating support for short-term or comprehensive homeless services.
2. Rental assistance for subsidies.
3. Capital improvements such as emergency shelter, transitional housing, drop-in centers, permanent supportive housing, small/tiny houses, improvement to current structures, and public toilet/shower facilities.

The funds are one-time and 50% of the funding must be contractually obligated by January 1, 2020 and 100% of the funds must be expended by June 30, 2021.

The Danco project on South Street was pitched to the CoC and appears to fit well financially and in meeting the goals of our CoC and the requirements of the HEAP funding. The HEAP funding could close the funding gap on this project. The project has the potential to be expanded from 44-units to 82-units, as will be discussed under a separate agenda item this evening.

In order for the HEAP funds to be used in a jurisdiction, Senate Bill 850 requires a jurisdiction to declare a shelter crisis pursuant to Government Code § 8698.2. A shelter crisis may be declared upon a finding that a significant number of persons within the political subdivision are without the ability to obtain shelter, resulting in a threat to their health and safety.

By statute (Government Code § 8698.1), a declaration of a shelter crisis provides the City with the following options, but does not require any of them be implemented or used:

1. The City may designate any vacant or underutilized facility or property currently owned, leased, operated, or maintain by the City as a public facility for purposes of emergency sheltering during the crisis declaration.
2. The City may suspend the provision of any state or local law or regulation prescribing standards of housing, health, or safety to the extent that strict compliance would prevent, hinder, or delay the provision of emergency shelter in or on the City designated facility.
3. The City may enact in place of the housing standards referred to above, health and safety standards effective only during the declaration, to ensure minimal public health and safety.
4. The City may allow persons unable to obtain housing to occupy, from time to time, City Designated Facilities during the duration of the declaration.

The statute also provides the City immunity from liability for ordinary negligence in the provision of emergency housing to unsheltered persons during the declaration, limited to conditions, acts, or omissions directly related to, and which would not occur but for, the provisions of emergency housing.

Government Code Chapter 7.8 - Shelter Crisis (§§ 8698-8698.4) pre-dates the HEAP and the CESH funding. Much of the language in that chapter is also specific to declared shelter crises in larger named jurisdictions such as San Jose, Berkeley, Emeryville, Los Angeles, Oakland, San Diego, the County of Santa Clara and San Francisco. Those jurisdictions desired relaxed planning, building and health, and safety regulations to combat the homeless issues and adopted a shelter crisis prior to passage of Senate Bill 850 and preliminary allocation of the HEAP funding.

RECOMMENDED ACTION:

Staff recommends that the City Council adopt a Resolution declaring a shelter crisis so that HEAP funds may be used in Fort Bragg to provide services or fund capital projects, such as the Danco Group project, to address the homeless crisis.

Staff does not recommend that the City implement the additional options available under Government Code § 8698.1, which would allow it to designate vacant or underutilized facilities as emergency shelters, suspend state or local law prescribing housing, health or safety standards, or allow persons to occupy City Designated Facilities during the declaration. The proposed Resolution limits the duration of the shelter crisis to one year, unless it is extended.

ALTERNATIVE ACTION(S):

1. Do not adopt the Resolution declaring a Shelter Crisis, which would bar HEAP funds from being expended in Fort Bragg for rental assistance, rental subsidies or capital projects. HEAP funds could be expended for services for homeless individuals and families.
2. Provide direction to staff to revise the language of the Resolution to include the options provided for in Government Code § 8698.1.
3. Provide separate direction to staff to edit the existing language in the Resolution.

FISCAL IMPACT:

The CoC has been allocated \$4.9 million in HEAP funds. The City’s goal is to apply to the CoC for \$1.5 or \$2.5 million for the Danco project, depending on direction provided by Council regarding which project option (44-units or 82-units) to pursue.

CONSISTENCY:

Funding for the Danco affordable housing project is consistent with Objective 4.5 of the Fort Bragg City Council Goals & Priorities, which is to Address Homelessness in Fort Bragg, setting forth the following Strategies/Actions:

Objective 4.5: Address Homelessness in Fort Bragg					
Strategies/Actions:		Priority	Year(s)	Responsible	Status
Form a Citizens Advisory Council (CAC) On Homelessness and Conduct Town Hall Meeting.		H	2017-19	Public Safety Committee	Pending
Coordinate With Other Agencies in the County and Research How Other Communities and Agencies Work With Homeless People to Encourage Good Behavior and Minimize Community Impacts.		H	2016-21	City Council	In progress
Support the Establishment of Transitional and Supportive Housing to Help Move Homeless Persons/Families Into Permanent Housing.		M	2016-21	City Council	Ongoing

The Danco Project is also consistent with the Marbut Report Strategic Action Step No. 19 – Source New Housing Opportunities of All Types Whenever Possible. The report points out the critical need to increase short-term and longer-term housing placements for all populations in Mendocino County.

IMPLEMENTATION/TIMEFRAMES:

The deadline for the CoC HEAP funding application is December 31, 2018. 50% of the funding must be contractually obligated by January 1, 2020 and 100% of the funds must be expended by June 30, 2021.

ATTACHMENTS:

1. Resolution

NOTIFICATION:

Homeless Notify Me Subscribers