



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 30, 2018

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: Resolution Of The City Council Of The City Of Emeryville Declaring A Shelter Crisis Pursuant To SB 850 (Chapter 48, Statutes Of 2018 And Government Code § 8698.2) And Authorizing Participation In The Homeless Emergency Aid Program (HEAP)

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the City to participate in the Homeless Emergency Aid Program (HEAP).

BACKGROUND

According to the 2017 EveryOne Home Point in Time Count, at least 29 unsheltered homeless individuals were living in the City of Emeryville out of a total unsheltered homeless population in Alameda County of 3,863. The next Point in Time Count will be conducted in January 2019. Unsheltered individuals experience serious physical and mental health challenges due to exposure to the elements, lack of hygiene and sanitation, and being victims of crime.

The state's Homeless Emergency Aid Program (HEAP) is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis in California. HEAP is authorized by Senate Bill (SB) 850, which was signed into law in June 2018. The intent of HEAP is to provide one-time funding until additional resources such as SB 2 - No Place Like Home (Prop 2) and SB 3 - Veterans and Affordable Housing Bond (Prop 1) become available. In order to be eligible for HEAP funding, a local jurisdiction must declare a shelter crisis.

DISCUSSION

HEAP Funding

HEAP funds may be used for homelessness prevention activities; establishing or expanding services that meet the needs of homeless youth; and emergency aid. Specific examples of types of programs that could be funded include:

- Services: Street outreach, health and safety education, criminal justice diversion programs, homelessness prevention activities, and other service activities.
- Rental assistance or subsidies: Housing vouchers, rapid re-housing programs, flexible housing subsidy funds, and eviction prevention strategies.
- Capital improvements: Emergency shelters, navigation centers, transitional housing, permanent supportive housing, small/tiny houses, and improvements to existing structures that serve homeless individuals and families.

HEAP funding is allocated to the local Continuums of Care (CoC), which are affiliations of agencies and stakeholders that are committed to ending homelessness. CoCs are based on geographic regions and are responsible for implementing HUD-funded homeless strategies and programs. The regional CoC in Alameda County is EveryOne Home. For purposes of implementing the HEAP program in this county, EveryOne Home and the Alameda County Housing and Community Development Department (Alameda County HCD) designated the County as the “Administrative Entity” to administer the application and funding allocations. The Alameda County CoC is estimated to receive over \$16 million from the state. The Alameda County HCD is coordinating and submitting the HEAP application on behalf of the Alameda County CoC. Cities will apply for funding through the Alameda County CoC and must have a shelter crisis declaration in order to be eligible.

The HEAP funding parameters are very broad in order to allow CoCs to craft their own programs and allocation processes. Alameda County has not released any specific information as to how cities may access or apply for funding. However, the County has begun the process of determining each city’s allocation amount. Additionally, HEAP funds must be spent by June 30, 2021, so it is likely that projects that can be implemented quickly will be prioritized for funding. Staff is currently exploring various opportunities to address and prevent homelessness, such as expanding existing outreach efforts, collaborating with neighboring cities, and partnering with homeless service providers. Staff will update the City Council once more information becomes available.

The City of Emeryville was included in Government Code Section 8698.4, legislation that only applies to a few cities upon declaration of a shelter crisis. In order to declare a shelter crisis, the City Council must make a finding that a significant number of persons within the City are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons (Government Code Section 8698.2(a)(1)). Pursuant to Government Code Section 8698.4, upon the declaration of the shelter crisis, the City must undertake the following:

- On or before July 1, 2019, the City shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city shall make the plan publicly available (GC 8698.4(a)(4)).

- On or before January 1, 2019, and annually thereafter until January 1, 2021 the City shall report all of the following to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development (GC 8698.4(a)(5)):
 - The total number of residents in homeless shelters within the city.
 - The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city.
 - The estimated number of permanent supportive housing units.
 - The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city.
 - The number of new homeless shelters built pursuant to this section within the city.
 - New actions the city is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

Minimum Local Building and Life Safety Standards for Emergency Housing

During a declared shelter crisis, Government Code Section 8698.1 allows cities to suspend State and local statutes, regulations, or ordinances prescribing standards for housing, health, or safety to the extent reasonably necessary to mitigate impacts of the crisis. The statute also encourages agencies to adopt minimum local health and safety standards that will apply in lieu of the California Building Standards Code to public and/or private facilities used to provide emergency housing. In addition, Section 108 of the 2016 Building Code gives the local Building Official discretion to allow temporary uses for up to 180 days without full code compliance.

If an opportunity to provide shelter is identified, staff will work with fire and building officials along with the City Attorney's Office to develop minimum local building and life safety standards for temporary use of existing public and private facilities for emergency housing. In addition, to the extent the City adopts any ordinances related to the design, site development and operation of homeless shelters, those ordinances are subject to state Department of Housing and Community Development approval pursuant to Government Code 8698.4.

STAFF COMMUNICATION WITH THE PUBLIC

Staff has had no communication with the public on this item.

FISCAL IMPACT

Declaring a shelter crisis creates planning and reporting obligations that will require staff resources. However, HEAP grant funds cannot be used in communities that do not declare a shelter crisis.

PREPARED BY: Catherine Firpo, Community and Economic Development Coordinator II

REVIEWED BY: Chadrick Smalley, Economic Development and Housing Manager

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

Attachments:

- 1) Draft Resolution Declaring a Shelter Crisis Pursuant to SB 850