



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
PHONE 510-981-7170 FAX 510-981-7177  
kworthington@ci.berkeley.ca.us

### **AMENDMENT #42**

#### ACTION CALENDAR

December 15, 2015

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington

Subject: Refer to the City Manager to Consider the Preparation of a Resolution  
Declaring a Homeless Shelter Crisis in Berkeley and Potential  
Implementation Strategies

#### RECOMMENDATION:

Refer to the City Manager to consider the preparation of a resolution declaring a homeless shelter crisis in Berkeley and potential implementation strategies after examining similar policies in San Francisco, San Jose, Los Angeles, Sacramento, Portland, and the state of Hawaii, including but not limited to considering suspending planning, zoning, and other permit requirements.

#### BACKGROUND:

This amendment seeks to build upon the Homeless Task Force Tier One recommendations, and add potential policy suggestions that could address the underlying problems and increase opportunities to potentially access additional funding streams, while also acknowledging a focus on the urgency of creating short and long term housing for homeless residents. These new tactics and strategies to address this important issue have surfaced recently.

Multiple major cities that lack sufficient shelter beds for their homeless populations have declared states of emergency. These cities include San Francisco, San Jose, Los Angeles, Sacramento and Portland, as well as the State of Hawaii.

Berkeley has a homelessness crisis. The number of homeless persons in the City of Berkeley continues to increase and is likely to increase given the substantial upward pressure on residential rents. The shelter crisis affects Berkeley's citizens disproportionately with more African American, Latino, and elderly individuals experiencing homelessness.

The long term and recent decreases in Federal and State funding for housing programs have resulted in an erosion of shelter options for the most vulnerable populations including the elderly, youth, victims of domestic violence, sexually exploited minors, and persons suffering from mental illness, HIV/AIDS, substance abuse, and disabilities. The current

number of homeless individuals in Berkeley far outpace the number of existing shelter beds, transitional housing, or permanent supportive housing units available.

Unauthorized homelessness encampments are increasing across parts of Berkeley within the public right of way, thus exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety.

Analysis and evidence have demonstrated that providing decent, safe, and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living.

This shelter crisis is not unique to Berkeley, but is evident throughout the Bay Area, California and the United States, causing other municipalities such as Los Angeles, Portland, Oregon and Seattle, Washington to also take more immediate actions to address these conditions.

Given the extent of the shelter crisis, the City Council of the City of Berkeley must find that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad based approaches are essential to increase capacity.

California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. In addition, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, 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. Lastly, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

There are many immediate strategies that Berkeley can act on to help alleviate our shelter crisis and homeless problem. Below is a list of strategies adopted by and considered by other jurisdictions:

*Portland Oregon's Strategies:*

- Waive zoning codes
- Convert city-owned buildings into shelters
- Work with Governor Brown to waive portions of state building codes so that more buildings can be converted into shelters
- Build permanent housing for people served by a soon-to-be-built psychiatric emergency center in Portland

Los Angeles's Strategies

- Invest at least \$100 million annually in City funding to help house tens of thousands of homeless individuals
- short-term strategy to secure an additional \$13 million in emergency funding to expand homeless services and housing
  - the bulk of that funding, \$10 million, will be allocated to veterans and non-chronically homeless people in the form of housing subsidies — to rapidly re-house individuals who need short-term assistance to get off the street and on with their lives
- Call for shelters to remain open 24 hours a day during the rainy season, and for winter shelter availability to expand by two months.
- Keeping at-risk individuals and families from becoming homeless through new investments in affordable housing — and enforcing the \$15/hour minimum wage increase signed into law by Mayor Garcetti last June.
- Securing housing for homeless Angelenos, by scaling up the Coordinated Entry System (CES) — including a substantial increase in permanent supportive housing, housing subsidies, and supportive services.
- Implementing further strategies to better balance the health and safety of the streets with the rights and needs of those forced to live on them — including the development of regional access centers that provide free personal property storage, access to clean restrooms, shower facilities, and laundry machines, and connect homeless individuals with shelter services and permanent housing.

#### *San Jose's Strategies*

- Add four emergency shelters to shield the homeless during the expected El Niño storms this winter the four emergency shelters combined will house up to 100 people a night for 30 nights from Dec. 15 to March 31.
- San Jose will allocate \$430,000 to HomeFirst, a nonprofit selected to run the shelters and provide supportive services.
- Ease regulations to allow churches to shelter the homeless for up to 35 days.

#### *San Francisco's Strategies*

- Add 1,100 temporary shelter beds

#### *State of Hawaii's Strategies*

- speed up construction of a temporary homeless shelter
- extend existing contracts for homeless services
- increase funding for housing first programs that aim to move people into a home and then address any other issues they may have

#### *Sacramento's Strategies*

- Sacramento County, the city of Sacramento and Sutter Health are providing a combined \$2.4 million to the county's primary homeless services coordinator for temporary housing and job training programs.
- Sacramento Steps Forward will use the money for "rapid re-housing" units for roughly 350 homeless individuals
- the program provides short-term rental assistance – for typically between three and nine months – and is geared toward helping homeless individuals whose vulnerability is considered low or medium.

### *Seattle's Strategies*

- the city will make a one-time allocation of \$5 million in additional funds to combat homelessness, coming from the sale of surplus city property
  - money will pay for about 100 shelter beds, plus prevention and outreach, including a van to traverse the city offering help
- Propose \$2 million in additional funds
  - That money would pay for at least 50 shelter beds in Seattle, provide 20 housing vouchers for people exiting drug court, increase incentives for landlords to rent apartments to homeless veterans and fund other programs.

For more information please see the following -

#### Government Links:

[http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=1476&meta\\_id=544993](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=1476&meta_id=544993)  
<http://governor.hawaii.gov/wp-content/uploads/2015/10/10.16-EMERGENCY-PROC-HOMELESSNESS-.pdf>

#### Media Links:

Los Angeles

<http://www.lamayor.org/homelessness-strategy-first-steps>

Portland

<http://www.kgw.com/story/news/politics/2015/09/23/mayor-announces-state-emergency-housing-homeless/72685832/>

Seattle

<http://www.seattletimes.com/seattle-news/politics/mayor-county-exec-declare-state-of-emergency-over-homelessness/>

San Jose

[http://www.mercurynews.com/bay-area-news/ci\\_29226954/san-jose-council-approves-emergency-shelters-homeless](http://www.mercurynews.com/bay-area-news/ci_29226954/san-jose-council-approves-emergency-shelters-homeless)

State of Hawaii

<http://thinkprogress.org/economy/2015/10/19/3713619/hawaii-homeless-emergency/>

San Francisco

<http://www.sfexaminer.com/sf-plans-to-add-1100-homeless-shelter-beds-during-el-nino-storms/>

#### ENVIRONMENTAL SUSTAINABILITY:

No adverse effects to the environment.

ATTACHMENT:

1. DRAFT Resolution Declaring Homeless Shelter Crisis in Berkeley (based on similar Oakland resolution)

**DRAFT Resolution  
Declaring a Homeless Shelter Crisis in Berkeley  
December 15, 2015**

WHEREAS, the number of homeless persons in the City of Berkeley continues to increase, with the latest 2015 point-in-time count of over 2,100, and this number is likely to increase given the substantial upward pressure on residential rents; and

WHEREAS, this shelter crisis affects Berkeley's citizens disproportionately with more African American, Latino and elderly individuals experiencing homelessness; and

WHEREAS, the long term and recent decreases in Federal and State funding for housing programs have resulted in an erosion of shelter options for the most vulnerable populations including the elderly, youth, victims of domestic violence, sexually exploited minors and persons suffering from mental illness, HIV/AIDS, substance abuse and disabilities; and

WHEREAS, the current number of homeless individuals in Berkeley far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments are increasing across parts of Berkeley within the public right of way, thus exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, analysis and evidence have demonstrated that providing decent, safe and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living; and

WHEREAS, this shelter crisis is not unique to Berkeley, but is evident throughout the Bay Area, California and the United States, causing other municipalities such as Los Angeles, Portland, Oregon and Seattle, Washington to also take more immediate actions to address these conditions; and

WHEREAS, given the extent of the shelter crisis, the City Council of the City of Berkeley finds that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad based approaches are essential to increase capacity; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, 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; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BERKELEY:

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and

2. This Resolution shall remain in place for a period of one year from the date of passage; and

3. Finds that a significant number of persons in Berkeley are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Berkeley under the authority set forth in Government Code Section 8698, et seq.; and

4. Authorizes the City Administrator or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and

5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless at facilities owned, operated, leased or maintained by the City shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Administrator's discretion and with approval by the City Council, interim municipal health and safety provisions and land use controls may be applied to facilities ensuring minimal public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless; and

6. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and

7. Finds that if this Resolution is inconsistent with any other provisions of the Berkeley Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Berkeley Municipal Code or requirements of the General Plan or implementing regulations; and

8. Recognizes that this Resolution is enacted pursuant to the City of Berkeley's general police powers, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and

9. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.