

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Social Services	(2) MEETING DATE 2/2/2016	(3) CONTACT/PHONE Laurel Weir 781-1833	
(4) SUBJECT Addendum to Add Agenda Item #20–Request to receive and file a report on the status of emergency shelters countywide and provide staff direction as necessary. This item will be heard immediately following item #18 - Hearing to consider an appeal by Robert Mueller. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Receive and file a report on the status of emergency shelters countywide; and 2. Provide staff direction as necessary. 			
(6) FUNDING SOURCE(S) NA	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? NA
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 min</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) NA		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP NA	(15) BUSINESS IMPACT STATEMENT? NA	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Morgan Torell			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Social Services / Laurel Weir
781-1833

DATE: 2/2/2016

SUBJECT: Addendum to add Agenda Item #20–Request to receive and file a report on the status of emergency shelters countywide and provide staff direction as necessary. This item will be heard immediately following item #18 - Hearing to consider an appeal by Robert Mueller. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Receive and file a report on the status of emergency shelters countywide; and
2. Provide staff direction as necessary.

DISCUSSION

Current Emergency Bed Capacity

The most recent homeless Point in Time Count completed in January 2015 identified 1,515 homeless persons in the County on a single night. Of those, 1,123 persons (or 74%) were unsheltered. While this represents a decrease in the number of unsheltered persons since the previous count in 2013, the number of persons substantially exceeds the number of shelter beds available in the region. According to the County's 2015 Housing Inventory Count, there were 166 emergency shelter beds in the County, plus additional persons were sheltered in motels on the night of the count. The count of shelter beds includes beds at the El Camino Homeless Organization shelter, the Maxine Lewis Memorial Shelter, respite care beds operated by Transitional Food and Shelter, and beds at shelters for individuals and families fleeing from intimate partner violence.

The recent opening of five seasonal Warming Centers in Arroyo Grande, Atascadero, Paso Robles, and San Luis Obispo have added a combined capacity of approximately 132-152 beds, but several of the shelters are only open certain nights of the week or under certain weather conditions (see Attachment A). The two Warming Centers in Atascadero operate on different nights and are never open at the same time. As a result, the number of available Warming Center beds on any given night may vary from as little as zero¹ to a maximum of 112. Paso Cares, a local nonprofit, is currently looking into the possibility of adding Saturday and Sunday nights to its schedule for its Warming Center, which would result in the Warming Center in Paso Robles being available seven days a week, regardless of weather.

Support for Warming Centers

The County supports homeless assistance programs through County, State, and Federal pass through funding (see Attachment B). While much of the County's Fiscal Year 2015-16 funding allocated for homeless assistance is targeted for permanent supportive housing, Rapid Rehousing, and Transitional housing programs, some of the funds are also

¹ Under current operating conditions, there are no Warming Center beds available in the County on Saturday nights, provided that the temperature in Arroyo Grande is not forecasted to drop below 40 degrees F nor is there forecasted a 50% chance or greater of rain.

allocated to emergency shelters². Approximately \$87,000 (or 1.4% of the funds noted in Attachment B) was awarded to the Prado Day Center, and an additional \$500,000 was set aside in 2014 as a one-time contribution towards the cost of construction for the new Homeless Services Center.

To support Warming Centers this winter, the County made a leased Department of Social Services building available for a Warming Center in Arroyo Grande, as it did in the prior two years. Additionally, the County allocated \$7,500 for CAPSLO's 2015-16 Prado Warming Center operations and also set aside \$15,000 for emergency expenses related to homeless shelter programs, of which a portion will be used for safe parking at the Prado Day Center. This month, the County allocated \$1,250 from this fund for ECHO to purchase sleeping bags for the Warming Centers currently operating in Atascadero.

Warming Center Attendance

Since the Warming Centers have started operations, existing Warming Centers, with the exception of the Warming Center operated by Paso Cares, have not yet been filled to capacity. During the time period where several consecutive days of rain occurred however, overall shelter attendance increased. To date, a maximum of 68 Warming Center beds (out of approximately 112 beds available) have been utilized on a given night. This represented a maximum Warming Center bed utilization rate of 61% for nights when both weather dependent Warming Centers were available.

Attendance at weather dependent Warming Centers (operated by CAPSLO and the 5Cities Homeless Coalition) has been increasing overall this month in weeks when both Centers are open. During the week of January 3-9, a total of 123 bed nights were provided by the two shelters. During the week of January 17-23, which was the next week in which both Centers were open, that number increased to 131 bed nights, a 6.5% increase, even though both Centers were open fewer nights.

Attendance at North County shelters appears to have declined by 14% each week, although data from the two faith-based Warming Centers is not available for three nights during the week of January 17-23. Data from the center in Paso Robles indicates the largest number of bed nights were used during the two weeks when the weather dependent centers were also open.

Shelter Crisis Declaration

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 (see Attachment C). Such a declaration provides 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 are without the ability to obtain shelter, resulting in a threat to their health and safety."

Section 8698.1 also allows for the temporary waiver of certain provisions regarding housing habitability, health, or safety, to the extent that strict compliance would prevent, hinder, or delay the mitigation of those effects of the shelter crisis. It allows jurisdictions to enact temporary health and safety standards for public facility buildings open to homeless persons during a declared shelter crisis. These waivers and temporary standards only apply to public facilities that are owned, operated, leased, or maintained by the governmental entity, and are not applicable to privately owned property.

Declarations of a shelter crisis are not necessary, however, for the County to make its buildings available for use as Warming Centers. The County already is making available a portion of a leased Department of Social Services Building in Arroyo Grande for use as a Warming Center operated this winter by the 5Cities Homeless Coalition. This building has been made available for this purpose each winter since 2013. Section 8698 et sequitur would, however, provide certain protections from liability.

Consideration of a Shelter Crisis Declaration in San Luis Obispo County

Due to the significant number of persons without shelter this winter and the possibility of increased rain resulting from the existing El Nino conditions in the Pacific, the Homeless Services Oversight Council (HSOC) voted on January 20, 2016, to

² Funding for Emergency Shelters is provided through the Emergency Solutions Grant, the Community Development Block Grant Public Services funding, and County Discretionary funds. Emergency shelter grantees are the Community Action Partnership of San Luis Obispo (CAPSLO), the El Camino Homeless Organization (ECHO), RISE, the Women's Shelter of San Luis Obispo, and Transitional Food and Shelter.

recommend the “County and other local jurisdictions agendize a shelter crisis declaration pursuant to California Government Code 8698 et sequitur 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.”

If the County were to declare a shelter crisis, staff recommends that the Board consider a limited duration for the crisis (e.g. 60 or 90 days- the duration of inclement weather this winter). Should the Board direct staff to identify and make additional buildings available for emergency shelters, the next step would be to identify nonprofit organizations (including faith-based organizations) or other entities willing and able to operate a Warming Center at such facilities and to develop Memorandums of Understanding or other agreements with such agencies.

At the January 2016 meeting of the Homeless Services Coordinating Committee of the HSOC, organizations that currently host or operate Warming Centers reported difficulty in obtaining volunteers to staff the Warming Centers, particularly for overnight shifts. Efforts are currently underway to increase volunteer recruitment for the Warming Centers. However, it may be necessary to consider providing additional resources should additional County buildings be made available. Staff are also working to help local Warming Centers increase training resources for volunteers.

Adoption by Other California Communities

Several other California jurisdictions have adopted or are considering declarations of a shelter crisis, including San Diego, Los Angeles, Oakland, San Jose, Napa County, and Berkeley. Some communities have adopted it for the first time this winter in anticipation of upcoming storms, while others, such as Los Angeles, have made such declarations for the past several years.

Communities that adopted resolutions or ordinances declaring a shelter crisis varied in whether or not they identified specific properties or whether the identification of sites was to be determined at a later time. The San Jose City Council, for example, identified specific properties to be made available, whereas the ordinance passed by the Oakland City Council did not and instead stated that any “projects that apply the authority provided for under this ordinance 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.”

Several city councils also included additional provisions in the policies they adopted to address the shelter crisis. For example, the San Jose City Council expanded the types of properties that could be made available to include private facilities operated by religious institutions. The City did so by amending their Municipal Code to temporarily allow “a church/religious assembly which is a legal use to provide temporary shelter to homeless persons” without obtaining a special use of conditional use permit, subject to certain existing limitations on such use.

FINANCIAL CONSIDERATIONS

There is no direct budgetary or financial impact from this discussion. Future financial impacts are possible if the Board, at a later date, voted to implement additional programs or activities where financial support were necessary to carry out such programs or activities. The cost would be dependent on the specific actions of the Board at that time.

ATTACHMENTS

1. Attachment A – List of Warming Centers
2. Attachment B – FY 2015-16 County Expenses for Homeless Services Programs
3. Attachment C – Government Code 8698