



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

(1) DEPARTMENT Social Services	(2) MEETING DATE 11/6/2018	(3) CONTACT/PHONE Laurel Weir 805-781-1833	
(4) SUBJECT Submittal of a resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the County's participation in the Homeless Emergency Aid Program. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board approve a resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the County's participation in the Homeless Emergency Aid Program.			
(6) FUNDING SOURCE(S) State Funding - Homeless Emergency Aid Program	(7) CURRENT YEAR FINANCIAL IMPACT \$4,837,814	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Social Services / Laurel Weir  
805-781-1833

DATE: 11/6/2018

SUBJECT: Submittal of a resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the County's participation in the Homeless Emergency Aid Program. All Districts.

### **RECOMMENDATION**

It is recommended that the Board approve a resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2) and authorizing the County's participation in the Homeless Emergency Aid Program.

### **DISCUSSION**

#### **Background**

Recently the state recognized the urgent and immediate need for funding at the local level to combat homelessness. The Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018). HEAP is a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis throughout California. Jurisdictions seeking an allocation through the Homeless Emergency Aid Program are required to declare a Shelter Crisis pursuant to Government Code §8698.2.

As specified in SB 850, Sec. 50213(a) and (b), administrative entities are eligible to receive program funding based on the homeless population range from the 2017 homeless Point in Time (PIT) count, and the administrative entity's proportionate share of total homeless population based on the 2017 PIT count. The most recent homeless Point in Time Count completed in January 2017 identified 1,125 homeless persons in the County on a single night. According to the state, this number makes up 0.838% of total homeless persons statewide. HEAP funding is divided into three categories for distribution based on the 2017 Point in Time Count, as shown in the table below. The table also provides the formula funding estimates for the County of San Luis Obispo as the County is the lead agency for

grants from the federal Continuum of Care (CoC) Program which focus on assisting homeless persons and families in transitioning to self-sufficiency and permanent housing.

Category for Distribution	Eligible Applicants	Funded Amount Statewide	Formula Funding Estimates for San Luis Obispo County
Continuum of Care – Based on Point in Time Count Ranges [SB 850: Section 2, Chapter 5, 50213 (a)]	Continuum of Care (CoC)	\$250,000,000	\$4,000,000
Continuum of Care – Based on Percent of Homeless Population [SB 850: Section 2, Chapter 5, 50213 (b)]	Continuum of Care (CoC)	\$100,000,000	\$837,814
City / City that is also a County – Based on Population [SB 850: Section 2, Chapter 5, 50213 (c)]	Large Cities (LCs) with a population over 330,000	\$150,000,000	\$0
<b>Total</b>		<b>\$500,000,00</b>	<b>\$4,837,814*</b>

\* \$241,890 = 50214(c) 5% Minimum Youth Set-aside Per Continuum of Care total of 50213(a) and (b)

HEAP funds are intended to provide funding to Continuums of Care (COCs) and large cities (LCs) with populations over 330,000, so they may provide immediate emergency assistance to people experiencing homelessness. On August 21, 2018, the Homeless Services Oversight Council voted to authorize the County as the San Luis Obispo County Continuum of Care’s Administrative Entity for the HEAP program.

Eligible uses of HEAP funds include, but are not limited to the following:

- a. Homelessness prevention activities
- b. Criminal justice diversion programs for homeless individuals with mental health needs
- c. Establishing or expanding services meeting the needs of homeless youth or youth at risk of homelessness, and
- d. Emergency aid.

The parameters of the program are intentionally broad to allow local communities to be creative and craft programs that meet the specific needs they have identified. All activities must directly benefit the target population.

**Consideration of a Shelter Crisis Declaration in San Luis Obispo County**

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.

Per the requirements set forth in the HEAP Program Guidance issued on August 22, 2018, any County where there were 1,000 or more homeless persons counted in the 2017 Homeless Point in Time Count must declare a shelter crisis in order to be eligible to receive the HEAP funding. The shelter crisis declaration applies only to the unincorporated areas of the County and any incorporated cities that desire to receive HEAP funding or have HEAP funding used for capital or master-leasing costs within their jurisdiction will also have to declare a shelter crisis.

HEAP applications are due to the State no later than December 31, 2018. To be eligible to receive HEAP funds, the County must declare a current shelter crisis prior to the submission of the HEAP application to the State. Incorporated cities must declare a shelter crisis prior to the State's approval of the HEAP funding for the County. The amount of funding that the County receives under HEAP will not be affected by the number of cities that declare a shelter crisis, however, failure by a City to declare a shelter crisis before the deadline will preclude use of HEAP funds for capital activities and certain types of rental assistance within that City.

The Board most recently declared a shelter crisis on February 2, 2016 with a sunset date of April 15, 2016 due to the significant number of persons without shelter that winter and the possibility of increased rain result from El Nino conditions. At that time, staff recommended that the Board declare a shelter crisis for a limited duration specifically due to the inclement winter weather. However, it should be noted that while the official declaration was recommended for a period of approximately 2 months, it has always been recognized that that the number of homeless persons in San Luis Obispo County is significant, and these persons are without the ability to obtain shelter.

As stated above, the most recent homeless Point in Time Count completed in January 2017 identified 1,125 homeless persons in the County on a single night. Of those, 780 persons (or 69%) 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. The percentage of unsheltered individuals is also significantly higher than the nationwide percentage of 35% of individuals staying in unsheltered locations on a single night in January 2017<sup>1</sup>. According to the County's 2017 Housing Inventory Count, there were 226 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 and its overflow shelter, respite care beds operated by Transitional Food and Shelter, and beds at shelters for individuals and families fleeing from intimate partner violence.

The attached resolution finds that the health and safety of unsheltered persons in the county is threatened by a lack of shelter and affirms the County's commitment to combatting homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities by declaring a shelter crisis pursuant to Government Code §8698.2 exists in San Luis Obispo County.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel reviewed and approved the attached resolution to form and legal effect. Declaration of a shelter crisis will allow the County to receive one-time funding that may be sub-granted to other agencies, including cities,

---

<sup>1</sup> [www.hudexchange.info](http://www.hudexchange.info) (The 2017 Annual Homeless Assessment Report (AHAR) to Congress)

nonprofit homeless service agencies and housing developers, to use to assist homeless persons in the county. Funding for capital costs or master leasing of housing units, however, may not be awarded for use in any jurisdiction that has not declared a shelter crisis. Thus, for example, if a non-profit housing developer wanted to build housing in a particular city or a shelter wanted to make capital improvements to their facility, they would not be eligible to receive the funding unless the city in which the assistance would be provided also had declared a shelter crisis and had done so prior to the date by which the State awarded the funds to the County.

## **FINANCIAL CONSIDERATIONS**

### Shelter Crisis Declaration

There is no direct budgetary or financial impact associated with approving the resolution declaring a shelter crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code § 8698.2). 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.

### County's participation in the Homeless Emergency Aid Program

If the Board authorizes the County's participation in the Homeless Emergency Aid Program (HEAP), the County as the lead agency for the for grants from the federal Continuum of Care (CoC) Program will be eligible to receive an estimated \$4,837,814 of program funding. As specified in SB 850, Sec. 50213(a) and (b), administrative entities are eligible to receive program funding based on the homeless population range from the 2017 homeless Point in Time (PIT) count, and the administrative entity's proportionate share of total homeless population based on the 2017 PIT count.

## **RESULTS**

Should the Board declare a shelter crisis and authorize the County to participate in HEAP, the County would be eligible to receive an estimated \$4,837,814 to be used to provide housing or other assistance to homeless persons in the County.

## **ATTACHMENTS**

Attachment 1 – Resolution

Attachment 2 – HEAP Program Guidance

Attachment 3 – Government Code 8698