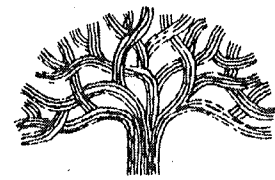


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CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612
REBECCA KAPLAN (510) 238-7008
At-Large FAX: (510) 238-6910
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Date: March 27, 2018

To: City Council

From: Councilmembers Kaplan

Re: Resolution Encouraging The Private Development Of Expanded Housing Options, Including For Non-Profits, Faith-Based Organizations, Private Property Owners, And Service Providers Working On Private Land, To Provide Housing And Sanitary Facilities For The Homeless Through Strategies Including "Small Homes," Shipping Container Conversion Homes, Recreational Vehicles, Unattached Trailers, Restroom Structures, And Other Options To Provide Dignity, Privacy, And Disease Control

Dear Colleagues on the City Council and Members of the Public,

As the City of Oakland struggles with a burgeoning housing and homelessness crisis, we must support both public and private efforts to increase shelter options, promote dignity, and minimize disease and suffering amongst all Oakland residents.

There are many private organizations and individuals who have expressed interest in providing shelter and other services on their properties, but have faced administrative challenges, and need additional support to accomplish this goal.

That is why I have authored this Resolution to encourage and support the private development of expanded housing options, by ensuring that our City's laws are being effectively utilized to create meaningful solutions and serve our most vulnerable populations. The Resolution directs the City to support private organizations seeking to provide temporary shelter and sanitation services on their properties, identify funding sources and public land for these efforts, and ease requirements so more housing alternatives can be provided.

Respectfully submitted,

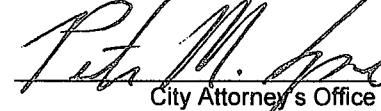
A handwritten signature in cursive script, appearing to read "Rebecca Kaplan".

Councilmember At-Large Rebecca Kaplan

FILED
OFFICE OF THE CITY CLERK
OAKLAND

18 MAR 27 PM 4:48

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS REBECCA KAPLAN AND ABEL GUILLEN

RESOLUTION ENCOURAGING THE PRIVATE DEVELOPMENT OF EXPANDED HOUSING OPTIONS, INCLUDING FOR NON-PROFITS, FAITH-BASED ORGANIZATIONS, PRIVATE PROPERTY OWNERS, AND SERVICE PROVIDERS WORKING ON PRIVATE LAND, TO PROVIDE HOUSING AND SANITARY FACILITIES FOR THE HOMELESS THROUGH STRATEGIES INCLUDING "SMALL HOMES," SHIPPING CONTAINER CONVERSION HOMES, RECREATIONAL VEHICLES, UNATTACHED TRAILERS, RESTROOM STRUCTURES, AND OTHER OPTIONS TO PROVIDE DIGNITY, PRIVACY, AND DISEASE CONTROL

WHEREAS, the number of homeless persons in the City of Oakland continues to increase, with the latest 2017 point-in-time count of over 2,700, and this number is likely to increase given the substantial upward pressure of residential rents; 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 Oakland far outpaces the number of existing shelter beds, transitional housing, or permanent supportive housing units available; and

WHEREAS, unauthorized homelessness encampments have increased substantially across Oakland, within the public right of way, thus exposing homeless individuals to traffic hazards, increased vulnerability to 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, Oakland residents are being affected by the increasing number of unsheltered individuals with regard to traffic and pedestrian safety, lack of sanitation, and debris services; 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, in September of 2017, the Oakland City Council passed Ordinance Number 13456, which declared a shelter crisis in the City of Oakland and, pursuant to California Government Code Section 8698.1, "authorized [the City Administrator] in her discretion to suspend the provisions of state and local regulatory statutes, regulations, or ordinances prescribing standards of housing, health, or safety as needed for the interim establishment of shelters for the homeless 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; and

WHEREAS, there are numerous non-profit and religious organizations that are willing to provide shelter and sanitation services on private land, but have expressed a need for additional support from the City; and

WHEREAS, the City Council finds that urgent 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; now, therefore, be it

RESOLVED, That the City of Oakland shall encourage and support the private development of expanded housing options, including those offered by non-profits, faith-based organizations, private property owners, and service providers working on private land to provide housing and sanitary facilities for the homeless through strategies including "small homes," shipping container conversion homes, recreational vehicles, unattached trailers, restroom structures, and other options to provide dignity, privacy, and disease control; and be it

FURTHER RESOLVED, That the City of Oakland may pursue multiple strategies to accomplish this goal, including by entering into leases with these non-profits and faith-based organizations, so that the land on which the organizations seek to provide temporary shelter and sanitation services may fall under California Government Code Section 8698.2, and therefore allow persons to take shelter there during the duration of the crisis; and be it

FURTHER RESOLVED, That the City of Oakland shall accomplish this goal by permitting the disposal of sewage through a temporary holding tank with a contract for regular pumping; and be it

FURTHER RESOLVED, That the City Council hereby directs the City Administrator to return to the City Council within three months with a draft Ordinance for the City Council's consideration amending the City's business tax ordinance to waive the first \$30,000 annually in residential rental property income tax for property rented through Section 8 or other means-tested housing assistance programs, as a means of encouraging the development of low cost housing alternatives; and be it

FURTHER RESOLVED, That the City Administrator or her designee shall identify available public land for these efforts, and report back to Council on her findings within 30 days of the passage of this Resolution; and be it

FURTHER RESOLVED, That the City of Oakland asks Alameda County to also identify available public land for these efforts, and help provide and/or fund support services for sites designated by the City of Oakland; and be it

FURTHER RESOLVED, That the City of Oakland calls upon external funders, including Alameda County and the U.S. Department of Housing and Urban Development (HUD), to maximize the funding and support that they make available for these efforts; and be it

FURTHER RESOLVED, That the City Administrator or her designee shall work to find funding sources to support these efforts and report back to Council on her findings within 30 days of the passage of this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES –BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB,
KAPLAN AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS

City Clerk and Clerk of the Council of the
City of Oakland, California