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OFFICE OF THE CITY CLERK
OAKLAND

2019 MAY -2 PM 3:00 **AGENDA REPORT**

TO: Sabrina B. Landreth
City Administrator

FROM: Joe DeVries
Assistant to the City
Administrator

SUBJECT: SUPPLEMENTAL – Emergency
Housing Standards Amendments to
the 2016 California Building Code

DATE: May 1, 2019

City Administrator Approval

Date:

5/2/19

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance For Emergency Housing Standards Amendments To The 2016 California Building Code Adding Section 15.04.3.2400 To The Oakland Municipal Code Chapter 15.04 (2016 Oakland Building Construction Code) To Incorporate Building Standards As Recently Adopted By The State Of California For Emergency Housing Buildings And Facilities, With Local Modifications

REASON FOR SUPPLEMENTAL

At the April 23, 2019 Community Economic Development (CED) Committee meeting, Council Member Loren Taylor requested that additional information be provided regarding the Community Cabin Program including a "Program Operations Guide, Standard Operating Procedure for how the City is delivering Community Cabins, and how the City maintains a more humane experience, how the City provides for hygiene, and addresses conditions on colder days." This Supplemental Report is designed to answer those questions.

Since the CED Committee, the State Office of Housing and Community Development (HCD) recommended changes to the original submission including a non-substantive title change as correctly listed above. The word "Building" was changed to "Housing" at their request and the word "Emergency" was removed before "Building Standards". Additional language was also suggested by the City Attorney's Office affirming that the standards provide an equivalent level of safety for occupants of emergency shelters and increase the level of fire safety within emergency sleeping cabins.

Program Operations Guide

The City has opened four Community Cabin Sites in the past 18 months, three of which remain open and two more are scheduled to open in the coming months. Each of these pilots has been an opportunity for the City to learn and further refine the program. Although the City has contracted with different providers for each site, the contract and scope of services have

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required consistent deliverables in regard to basic health and safety at the sites as well as the level of case management services provided. To better understand the scope of the program, contract documents and participant agreements from the Lake Merritt Community Cabins (LMCC) are attached for the City Council to review.

Attachment A is the Site Security and Maintenance Scope of Services for the LMCC entered into with Housing Consortium of the East Bay (HCEB). It lists the responsibilities of the provider for items such as maintaining clean and well serviced porta-potties, maintaining working smoke detectors and fire extinguishers, overall cleanliness of the site, waste management services, and security.

Attachment B is the full Scope of Services for HCEB at the LMCC and gives greater detail regarding the overall expectations of the provider including outreach, core housing preparation work, locating housing for participants, assisting with moving in efforts, additional site support services, provision of flexible housing funds, and expected outcomes.

Attachment C is the Code of Conduct and Safe Living Expectations for the Miller Community cabin site(MCC) which provides a thorough list of the conduct that the Site Management will maintain to ensure a safe living environment for all participants.

Attachment D is the MCC Program Agreement that all participants are required to review and sign before moving into the site. This document is reviewed with each individual and the Site Manager and referenced any time a violation occurs and enforcement action is needed.

As mentioned above, each new site presented an opportunity for the City to improve the model. Staff determined that the original cabins at the Castro site did not have an adequate door, insulation, or lighting. Those cabins were retrofitted with insulation and solar power while the program was operational but a completely new design was implemented for the sites that followed. Key changes that were made include:

- Changing the shape of the units to provide more privacy
- Adding double pane insulated windows and regular doors with deadbolts
- Adding floor insulation, ceiling insulation, weather wrapping, and rigid foam insulation
- Adding low grade electricity for USB charging stations and LED Lighting
- Adding wall covering that also creates a fire rating

HCD Recommended Changes

As previously referenced, the HCD Deputy Director indicated that the language of the proposed Ordinance should refer to the standards as *Housing Standards* not *Building Standards* and that change has been made. In addition, HCD requested that references to “emergency building standards” be changed to “building standards” since the standards in Appendix N are now permanent, and no longer emergency building standards.

Additionally, it should be noted that although the cabins are exempt from having a residential heating source installed, the design features of the cabins provide an equivalent level of life safety for occupants of the emergency sleeping cabins. The Fire Department advised that

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individual heating units, including non-electrical options, could increase fire risk. Emergency sleeping cabins are designed to provide insulation sufficient to keep residents safe on cold nights. Additionally, the standard at each site upon move in is for staff to provide two blankets similar to those provided at a traditional winter shelter. On colder nights, staff are required to provide additional blankets to participants upon request. The approval letter from the State HCD Office is **Attachment E**.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance For Emergency Housing Standards Amendments To The 2016 California Building Code Adding Section 15.04.3.2400 To The Oakland Municipal Code Chapter 15.04 (2016 Oakland Building Construction Code) To Incorporate Building Standards As Recently Adopted By The State Of California For Emergency Housing Buildings And Facilities, With Local Modifications

For questions regarding this report, please contact Joe DeVries at (510) 238-3083.

Respectfully submitted,



JOE DEVRIES

Assistant to the City Administrator

Attachments (5):

- A: Site Security and Maintenance Scope of Services for the LMCC
- B: Scope of Services for HCEB
- C: Code of Conduct and Safe Living Expectations for MCC
- D: Miller Avenue Community Cabins Program Agreement
- E: Approval letter from the CA State HCD

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SCHEDULE A

SCOPE OF WORK

1. SITE SECURITY AND MAINTENANCE SERVICES

a. Contractor shall be responsible for maintaining safety and security at the Lake Merritt Community Cabins (LMCC) site located at #9 East 10th St. Oakland CA 94606 (the "Premises"). Grantee shall provide security staff at the premises and shall perform the following functions:

- The Security Staff are responsible for the signing in and signing out of participants or visitors as they enter and exit the premises.
- The Security Staff will engage in deescalating conflicts as they arise and call on emergency services (Oakland Fire Department, Ambulance, Police) on an as-needed basis.
- Site Security staff are responsible for addressing any safety and security issues as they arise employing conflict resolution, strengths based, and restorative approaches in the relationships with residents.
- Site Security collaborates with Site Support Staff, Housing Navigators, providers, and City of Oakland staff as needed.
- Build trusting relationships and develop a rapport that supports an adherence to and cooperation with safety guidelines for Lake Merritt Community Cabins operations.
- Communicate and collaborate with LMCC service provider team.
- Facilitate and maintain community safety and security, including but not limited to maintaining designated emergency evacuation routes and procedures.
- Regularly articulate safety and security guidelines to new and existing participants.
- Participate in regular meetings with all involved parties as needed/scheduled.

b. Contractor shall be responsible for the maintenance of facilities and services on the Premises for participant safety such as, including but not limited to portapotties, cleaning, garbage, and other like activities. Specifically, Contractor will be responsible for the following activities:

- Ensure that each Tuff Shed has a working smoke detector at all times,
- Ensure that each Tuff Shed has a working fire extinguisher at all times,
- Maintain appropriate waste management services,
- Monitor portapoties for required maintenance or cleaning, and
- Overall cleanliness of the Premises.

SCHEDULE A

SCOPE OF WORK AND BUDGET

A. PROGRAM OVERVIEW

Grantee shall provide a housing navigation and peer support program at the Lake Merritt Community Cabins (LMCC) site. Grantee shall provide Housing Navigation and Site Support staff including a range of interventions to end participants' unsheltered status. Grantee shall provide access for harm reduction, Rapid Rehousing, transitional, reunification, and permanent housing as they are suitable and available. Grantee is responsible for engaging individuals on site to support and enhance linkages to additional services/programs as they become available and/or as needed. Grantee shall provide a Housing Navigator and Site Support staff tasked with modeling positive strengths based, and restorative approaches in the relationships with participants, and regularly collaborating with Site Managers, providers, and City of Oakland services.

B. PROGRAM DETAIL

1. HOUSING NAVIGATION

a. Grantee shall provide Housing Navigation services as outlined herein. Housing Navigation is defined as: an activity that guides, supports, and provides linkages to additional services with a focus on housing goals and achieving positive housing outcomes. Grantee shall provide Housing Navigation services for everyone who resides within the Lake Merritt Community Cabins (LMCC) site. Housing navigation will focus on achieving positive housing outcomes and ending unsheltered homelessness status, whenever possible. Housing Navigation operations will take place at the LMCC site at regular scheduled hours agreed upon with the City of Oakland. Housing Navigation operations shall also be field-based. Housing Navigation includes the following elements: Assessment, Referrals, Navigation, and Advocacy.

b. Housing Navigators will review with all LMCC participants, and complete all Housing Navigation tasks as outlined in the following documents:

- i. **Code of Conduct and Safe Living Expectations for Lake Merritt Community Cabins** attached hereto as Exhibit A-1,
- ii. **Lake Merritt Community Cabins Program Agreement** attached hereto as Exhibit A-2, and
- iii. **Lake Merritt Community Cabins Property Storage Policy** attached hereto as Exhibit B

c. Grantee shall provide Housing Navigation services that includes the following elements:

Outreach and Engagement

- Provide primarily field-based rather than office-based work for participants that may move among various programs and providers.

- Respond to client's priority felt needs or emergency situations – food, health, income, transportation, etc. This will be achieved through primary coordination and communication with the Site Management team.
- May link participants with interim or bridge housing resources as desired and available.

Partnership Development

- Develop rapport and build an ongoing relationship with participants via regular and consistent contact.
- Establish communication links with and for participants – phone/cell phone, mailing address, e-mail, meeting locations, social support contacts.
- Help participants link with *clinical care management* and other service resources as needed and desired.
- Provide psychological/emotional preparation and support for participants around obtaining housing - realistic expectations of wait times, realistic expectations of housing options within budget, benefits and challenges of living with others, remaining hopeful, addressing fears/ambivalence of being housed, addressing unhealthy coping skills/street behavior that could disrupt housing, tenant obligations, conflict resolution preparation.

Core Housing Preparation Work

- Assess and begin to address client housing histories and barriers – positive references, credit history, rental history and prior evictions, criminal history, registered sex offender status, outstanding debts, outstanding warrants. Use housing history to inform preparation work, complete early to avoid surprises.
- Get to know members or potential members of the client's household including pets and companion animals.
- Assess for potential to reconnect with family/friends for housing.
- Assess eligibility for permanent housing resources – deposit/move-in financial assistance, rapid re-housing, affordable housing, and permanent supportive housing.
- Assess the client's financial and resource situation and potential budget for housing – help with income and benefits acquisition, develop plan to help fund move-in costs.
- Help participants create tenant resumes – key information to use on housing applications.

Getting Housing

- Help participants identify and pursue other potential housing opportunities besides permanent supportive and affordable housing.
- Help participants tour neighborhoods and properties – address rejections as part of reality testing – “at least look at the place, you don't have to take it”; provide options and discuss trade-offs.
- Help participants complete and submit required housing applications and other materials, including housing navigator and/or other support person(s) on applications as a contact. Include release of information. Include advocacy/support letters with initial application.
- Help participants complete housing program or site specific paperwork to obtain particular units or subsidies.

- Assist participants with obtaining the resources necessary to apply for and move-in to housing (application fees, security deposits, first month rent, moving service, furnishings, bedding, etc.).
- Support participants in preparing for housing interviews or other meetings that impact their ability to obtain permanent housing.
- Assist participants in responding to rejections; help request reasonable accommodations or appeals when appropriate.
- Utilize information and housing specialist(s) to find landlords that will accept housing subsidies for participants approved for voucher or tenant-based housing subsidy programs.
- Assist participants with move-in to new unit and with transitioning support to permanent supportive housing service provider(s) and/or other resources.

Moving-In and Transitioning (average of 6 months of support)

- Complete unit inspection and document any damage or issues prior to move-in.
- Review key elements of rental agreement and expectations to ensure understanding. Review any subsidy agreement as well, if needed.
- Establish utilities for the housing unit. Apply for low-income assistance utility programs.
- Assist with obtaining furniture, fixtures, and other move-in needs Update address with key agencies and contacts including the post office, health insurance, public benefits, and service providers.
- Establish method for ensuring rent payments made on time.
- Develop a housing crisis response plan outlining plans if challenges arise that may jeopardize housing stability including key emergency contacts for service and housing-related issues (*Examples – WRAP plan or Housing Advance Directive*). Possible housing challenges include – mental health/substance use relapse, health and cognitive issues impacting ADLs/IADLs, non-payment of rent, conflicts with neighbors or landlord, IADLs/ADLs, unauthorized guests, hoarding/cluttering, smoking and fire hazards, plumbing/flooding issues.
- Transition ongoing supports to appropriate service providers and natural supports using a critical time intervention model.
- Review ability of participants to manage activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Help address any challenges with independent living. Consider need for In-Home Supportive Services (IHSS). Support IHSS application and worker selection process if needed.
- Help develop skills relevant to living with others in residential community – conflict resolution, communication skills, raising concerns with neighbors and landlords, etc.
- Assist with helping individuals create a sense of home – personalization, inviting guests, art work, etc.

2. SITE SUPPORT SERVICES

- a. Grantee shall be responsible for providing Site Support staff to be responsible for engaging participants on site, regularly informing them of upcoming opportunities to engage/receive services from providers, programs, and/or volunteers.
- b. The Site Support staff are responsible for convening a weekly meeting for participants, and addressing any issues as they arise including communicating facilities issues, conflict resolution, or reaching out to providers that the participants are seeking.
- c. The Site Support staff shall model positive attitudes, strengths based, and restorative approaches in the relationships with residents. Site Support staff shall collaborate with Housing Navigators, providers, and City of Oakland staff, including but not limited to Human Services Department staff.
- d. Site Support Staff will also review with all LMCC participants, and complete all Site Support related tasks as outlined in the **Code of Conduct and Safe Living Expectations for Lake Merritt Community Cabins** attached hereto as Exhibit A-1 and the **Lake Merritt Community Cabins Program Agreement** attached hereto as Exhibit A-2.
- e. **The Site Support services shall include the following elements:**
 - Build trusting relationships and develop a rapport that leads to acceptance and openness to receiving or seeking help;
 - Create client service engagement opportunities for homeless individuals residing at the LMCC site.
 - Create (with input from residents), maintain, and ‘publicize’ a weekly calendar of service engagement opportunities, meals schedule, community building events, etc. available to residents.
 - Assess and engage residents for immediate health and safety needs;
 - Facilitate and maintain community provider relationships to create referral pathways and/or facilitate providers to come on site to offer services for program participants. This includes volunteers and community based agencies seeking to work with clients on any number of issues; clean slate, anger management, good tenancy workshops, etc.
 - Recruit & coordinate volunteers who want to participate in the project including but not limited to private citizens who want to bring/ serve food, donations, etc. No more than 10 volunteers at one time.
 - Address any emergencies such as fire evacuation, police intervention, injury reports, etc.
 - Ensure participants are living in their assigned Tuff Shed
 - Ensure that Tuff Sheds are occupied by Lake LMCC participants only.
 - Manage the process of moving new clients in as spaces becomes available; including but not limited to leading an orientation for new program participants, assist in the transition, and address participants with their needs.
 - Develop participant leadership and self-management.
 - Meet regularly with City of Oakland staff and Housing Navigation teams to communicate about participant needs, successes, progress, and challenges in order to collaboratively support participant success.

- Oversee food coordination for the site, including but not limited to food donations, purchasing, preparation, and storage.
- Ensure that all participants review and sign the Oakland Outdoor Navigation Center Program Agreement within 24 hours of ONC LMCC site entry.

3. FLEXIBLE HOUSING FUNDS ADMINISTRATION:

- Grantee shall support all LMCC participants in overcoming barriers to housing and in ending their unsheltered status. Grantee’s Housing Navigators and Site Support Staff will administer Flexible Housing Fund.
- Grantee shall have the discretion to determine eligible activities for funding, but should be able to defend why expenditure choices are necessary for ending a client’s homelessness.
- Wherever possible, exhaust other sources of funding for which the participant is eligible for first including but not limited to:
 - VA housing services
 - Coordinated Entry prioritization and matching
 - Winter Shelter

C. OUTCOMES:

1. Housing Navigation Process Measures include:

- All participants will have a completed CES Assessment within 30-days of entry, or sooner.
- Housing Navigators will complete all Housing Navigation tasks as outlined in the **Lake Merritt Community Cabins Program Agreement** attached hereto as Exhibit A-2.
- Meet regularly with Site Management teams to communicate about client needs, successes, progress, and challenges and collaboratively support participant success.
- All participants will be assessed for reunification as documented on internal tracking spreadsheet.

2. Housing Navigation and Site Support Staff Outcome Measures:

Objective	Activities to Reach Goal	Expected Measurable Outcome(s)	Evaluation Method(s)
Increased health and safety	<ul style="list-style-type: none"> • Site Support Staff on site • Community building/conflict resolution support • Housing Navigation services • Access to portable toilets, wash stations, 	<p>30 individuals at a time for 6 months.</p> <p>Expect to serve up-to 75 individuals over a year</p> <p>60% of participants will participate in at least 2</p>	All participants of the program will have data entered in the county’s Homeless Management Information System (HMIS)

	<p>showers, and laundry (if possible) to promote good hygiene</p> <ul style="list-style-type: none"> • Access to Health Care mobile and/or Medical home • Food provided on site 	<p>community meetings per month</p> <p>At least 85% of participants will be connected to a primary care health home within the first 90 days</p>	<p>Project tracking log</p>
<p>Connection to mainstream benefits</p>	<ul style="list-style-type: none"> • Housing Navigator will assess participants for connection to benefits during assessment and case plan creation. • Housing Navigator will assist participants to apply for and maintain eligibility for mainstream benefits including MediCal, GA, SSI, Food Stamps, etc 	<p>30 individuals at a time for 6 months.</p> <p>Expect to serve up-to 75 individuals over a year</p> <p>85% of participants will be connected to or maintain their eligibility for mainstream benefits within the first 90 days</p>	<p>HMIS</p>
<p>Connection to the Homeless Services System for additional resources</p>	<ul style="list-style-type: none"> • Assessment using countywide Coordinated Entry assessment tool • Housing Navigation services 	<p>30 individuals at a time for 6 months.</p> <p>Expect to serve up-to 75 individuals over a year</p> <p>All participants will be assessed using the Coordinated Entry assessment tool prior to entry or within the first 30 days of entry.</p> <p>85% of participants will complete a housing case plan within the first 60 days</p>	<p>HMIS</p> <p>Project tracking log</p>
<p>End unsheltered homelessness of participants</p>	<ul style="list-style-type: none"> • Connect participants to coordinated entry system so that those who are most vulnerable can be matched 	<p>30 individuals at a time for 6 months.</p> <p>Expect to serve up-to 75 individuals over a year</p>	<p>HMIS data</p>

	<p>to interim and permanent housing resources</p> <ul style="list-style-type: none"> • Provide housing problem solving services to all participants – help people think through options for ending their own homelessness - includes offering mediation with friends/family to have resident return there to live; reunification funds 	<p>50% of people will exit the project to interim or permanent indoor locations</p>	
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D. REPORTING SCHEDULE AND FORMAT- all submissions due on or before the tenth (10th) working day after the end of the month

Using the current cohort excel tracking sheet:

- a. Grantee shall complete a tracking sheet and outcomes dashboard weekly on the numbers of people who ended their unsheltered status through any positive or negative outcomes, achieved employment/income change, received public benefits, etc. as delineated in the client tracking sheet and outcomes dashboard.
- b. Grantee shall provide a cumulative HMIS Demographic report as well as monthly progress reports.
- c. Grantee shall provide a cumulative HMIS APR report as well as a monthly progress report.
- d. Reports shall be submitted by Grantee on a monthly basis, with electronic submissions due on or before the tenth (10th) working day after the end of the month.
- g. Reports shall be submitted to the CHS Program Analyst II, Talia Rubin at trubin@oaklandnet.com.

E. INITIATIVE TO MEASURE SUCCESS AND REPORT OUTCOMES

- a. As a provider of services or housing to homeless and at-risk households in Oakland, Grantee shall participate in the system-wide Initiative to Measure Success and Report Outcomes. The outcomes and efficiency measures for the program-type or types covered by this grant are included under paragraphs C and D above.
- b. Grantee shall collect required information on participants and services provided and enter data into the Alameda County InHOUSE HMIS system or, if exempted from participation, a comparable database. Grantee will be provided the necessary licenses, training and technical assistance to utilize InHOUSE.
- c. Grantee shall use provided boilerplate reports from the InHOUSE system to track and report on outcomes adopted for the Initiative. These boilerplate reports will be modified from time and time as outcomes expectations or reporting requirements are

adjusted.

- d. Grantee shall be provided periodic system-level reports that show system performance and progress on all required benchmarks and measures.
- e. Grantee shall participate in community and collaboration processes, which may include, but not be limited to:
 - Coordinated Entry Processes
 - On site meetings as needed
 - Program team meetings as needed

F. BUDGET:

- a. Grantee shall comply with the Budget as provided herein. With prior written approval from the Project Manager, Grantee may modify budget line items by up to ten percent (10%) of the indicated line item figure, provided that the category caps and total grant amount are not exceeded. The final date to request budget line item modifications is 45 days prior to the end of each fiscal year during the contract term. Budget line item modifications shall not alter any terms of this Agreement, including but not limited to the scope of services, time of performance, or grant amount.
- b. All requests for budget line item modifications should be accompanied by a brief letter requesting and explaining the changes, including a description of the specific line items and the reasons for the requested change. The letter should be accompanied by a revised budget with a column for the original budget, a column for the modification amount by line item, and a final column listing the final budget with modification.
- c. **ADVANCE: Upon execution of this Agreement, City will provide an advance amount not-to-exceed 30% of the Grant.**
- d. Advance payments shall be offset against subsequent payments to Grantee at the rate of one-twelfth (1/12TH) of the advanced amount over the life of the Agreement.
- e. Budget below reflects an annual budget, and a 6-month prorated amount based on agreed upon annual budget.

**CODE OF CONDUCT AND SAFE LIVING
EXPECTATIONS FOR MILLER COMMUNITY
CABINS – MCC**

**IN ORDER TO KEEP A HARMONIOUS COMMUNITY, WE THE PEOPLE
OF THE MILLER COMMUNITY CABINS (MCC), ASK THAT ALL
OBSERVE THE FOLLOWING GUIDELINES OF CONDUCT FOR SAFE
AND HEALTHY LIVING:**

- NO WEAPONS ARE ALLOWED
- NO VIOLENCE OF ANY TYPE IS TOLERATED
- ANY CONFLICT MUST BE SOLVED IN A PEACEFUL MANNER
- DEGRADING ETHNIC, RACIST, SEXIST OR HOMOPHOBIC REMARKS AND ACTIONS ARE UNACCEPTABLE
- NO PHYSICAL PUNISHMENT, VERBAL ABUSE OR INTIMIDATION WILL BE TOLERATED
- NO THEFT
- NO PUBLIC USE OF DRUGS OR ALCOHOL
- NO DISTRIBUTION OR SALE OF DRUGS OR ALCOHOL
- NO OPEN FLAMES OR OTHER BURNERS ARE ALLOWED AT THE MCC

**WITHIN THE NEIGHBORHOOD: DEFINED AS THE IMMEDIATE THREE
BLOCKS AROUND THE SITE;**

- NO CAMPING/CURBSIDE/STREET LIVING
- NO LOITERING OR TRESPASSING
- NO DRUG OR ALCOHOL DEALING/USING
- NO DUMPSTER DIVING
- NO VIOLATION OF PARKING RULES

CODE OF CONDUCT AND SAFE LIVING EXPECTATIONS FOR MILLER COMMUNITY CABINS – MCC

WITHIN THE MILLER COMMUNITY CABINS

- MAINTAIN A SAFE AND CLEAN SITE
 - KEEP ENTIRE AREA CLEAN:
 - INSIDE YOUR UNIT
 - IMMEDIATELY SURROUNDING YOUR UNIT
 - COMMON AREAS
 - BE ABLE AND WILLING TO KEEP UP PERSONAL HYGIENE
 - NO HOARDING
 - NO URINE BOTTLES
 - NO SMOKING INSIDE ANY TUFF SHEDS
 - **SMOKING IS ONLY ALLOWED IN CLEARLY DESIGNATED AREAS**
- ENTRY/EXIT ONLY THROUGH MAIN GATE ONLY
- ALL PARTICIPANTS & VISITORS MUST SIGN IN AND OUT
- NO VISITS OR ENTRY TO NEIGHBORING UNITS WITHOUT PERMISSION OF PARTICIPANT
- NO ENTRY WITHOUT STAFF PERMISSION TO THE FOLLOWING:
 - SITE MANAGEMENT OFFICE
 - HOUSING NAVIGATION OFFICE
 - STORAGE SHEDS
 - DONATION AREAS

CODE OF CONDUCT AND SAFE LIVING EXPECTATIONS FOR MILLER COMMUNITY CABINS – MCC

VISITORS:

- VISITORS MUST SIGN IN AND OUT
- **QUIET HOURS ARE OBSERVED 8PM TO 5AM; NO VISITORS DURING QUIET HOURS**
- ALL VISITORS MUST BE VISITING A SPECIFIC PARTICIPANT OR BY INVITATION OF THE SITE MANAGEMENT/HOUSING NAVIGATOR
- VISITORS MUST REMAIN IN THE COMMON/APPROVED VISITING AREAS ONLY
 - NO GUESTS IN YOUR UNIT
- NO OVERNIGHT GUESTS
- YOU ARE RESPONSIBLE FOR YOUR GUESTS
- **NO MINORS ARE ALLOWED ON SITE UNLESS:**
 - PRE-APPROVED BY SITE MANAGER
 - REMAIN AT THE APPROVED VISITING AREA ONLY
 - MUST BE SUPERVISED AT ALL TIMES

PETS:

- PETS MUST BE IN THE OWNERS CONTROL AT ALL TIMES
- PETS SHOULD BE BROUGHT TO THE DOG RUN/TAKEN ON WALKS REGULARLY
- YOU MUST CLEAN UP AFTER YOUR PET

CODE OF CONDUCT AND SAFE LIVING EXPECTATIONS FOR MILLER COMMUNITY CABINS – MCC

COMMON AREAS

- CLEAN UP AFTER SELF
- SANITIZE HANDS
- NO PROPOANE, BARBAQUES, OPEN FIRES, OR OTHER BURNERS ARE ALLOWED IN THE MCC INCLUDING INSIDE YOUR UNIT AND IN THE COMMON AREAS.

**ALL MILLER COMMUNITY CABINS PARTICIPANTS ARE
ENCOURAGED TO ATTEND COMMUNITY RESIDENT MEETINGS**

**AS A CONDITION OF OCCUPANCY ALL GUIDELINES MUST BE
FOLLOWED**

Miller Community Cabins – MCC
Program Agreement

Attachment D

After completion of the 90-day Housing Case Plan, participants must complete a Housing Case Plan meeting with Site Management & Housing Navigator every 30 days until exit from the MCC. Failure to participate in the case plan meetings can result in exit from the program. The mandatory meeting will:

- Identify opportunities for ending unsheltered status
- Identify tasks for the remaining time at the MCC
- Develop an exit plan
- Participant will sign the updated case plan with projected exit date.

Support to End Unsheltered Status

A dedicated staff member known as a Housing Navigator, in cooperation with the Site Manager, will help you identify your resources and preferences for alternatives to living on the street. Every intention of site management and housing navigation will be focused on ending your unsheltered status. Your fullest participation is essential to ending your living on the street. This individualized housing support starts upon enrollment in MCC and may include: benefits advocacy, income assessment, criminal record clearance, connection with the Coordinated Entry System (for access to homeless specific services), housing search, application assistance, and move-in support, such as credit repair and advocacy with landlords. The end goal of this housing navigation assistance is to help you end your unsheltered status and to work with you to develop the resources and skills to successfully stay off the streets.

- Staff will connect you with the larger homeless services system by completing a Coordinated Entry assessment with each participant. The assessment will determine what, if any, resources you are eligible for in the homeless system. Because the capacity of that system is very limited, it is possible that no resources will be available for you for a very long time. Therefore, staff will *also* work with you to creatively identify other options, outside of the homeless system, for ending your unsheltered status.
- Staff working at the MCC will provide every participant at the site with housing options as they become available.

Although we hope that you will be able to end your unsheltered status, participation in the Community Cabins program does not guarantee that this will happen within the timeframe of the program (up to 6 months).

Visitor Policy

- All visitors must sign in & out with Site Manager or Security.
- All visitors must be visiting a specific participant or be invited by Site Management/Housing Navigator to the site.
- Visitors must remain in the common/approved visiting areas only
 - No guests in your unit
 - No overnight guests
 - No guests after 8pm
- No minors are allowed on site; exceptions can be made on a case by case basis (i.e. someone's grandchild) but must be:
 - Pre-Approved by site manager

PARTICIPANT INITIAL _____
DATE _____
Updated 12.11.18
Exhibit A-2

**Miller Community Cabins – MCC
Program Agreement**

- Remain at the approved visiting area only & Must be supervised at all times
- **Quiet Hours** are observed from 8pm to 5am; no visitors on site during those times.
- Overnight guests are not permitted.

All visitors must adhere to the Conduct and Safe Living for Miller Community Cabins document (Exhibit A-1).

Pet Policy

- All pets must be with owners at all times; you cannot let your pets roam unattended at any time.
- You must clean up after your pets.

Health and Safety:

- The MCC staff makes best efforts to provide a safe and healthy environment. However, the MCC is not liable for any lost, stolen, or destroyed property at the MCC site.
- Participants must be fully dressed any time outside of their unit or in the common areas. For your safety and hygiene, shoes must be worn outside of your unit.
- **Unit checks will be conducted to ensure health and safety.**
 - A minimum of two times per month for inside and the immediately surrounding areas to the unit.
 - A checklist with date will be used to document the activity.
 - If needed, a “corrective” action plan with date of completion will be provided in order to become compliant with expectations.
 - Failure to abide by the health and safety guidelines can be grounds for exit from the program.
- No weapons or contraband, or objects that could be construed as such, are permitted under any conditions. Possession of any weapon or objects that could be deemed a weapon (including but not limited to firearms and pocket knives) may result in immediate discharge.
- No open flames, propane, or other burners are allowed anywhere at the MCC. At this time, the only cooking equipment in the designated kitchen common area is a microwave and toaster oven.
- Any cooking Equipment in the kitchen common area must be monitored at all times and may not be left unattended.

Abandoned Bed Policy

We ask that all participants remain in contact with their housing navigator and/or site managers on a regular basis. If you have not been seen by, or had contact with, any onsite staff in a 72-hour period you will have forfeited your space at the MCC. If you have not spent the night at the MCC for three nights in a row (72 hours) you will have forfeited your space at the MCC.

- Items that remain will be ‘bagged & tagged’ according to health and safety protocols and held for 30 days (Attachment B).

Emergency Situations

In the case of an emergency, please contact staff or call 911 for assistance.

Reasons for Program Discharge

We want you to succeed and move from this program to a sheltered living situation. It is important

PARTICIPANT INITIAL _____
DATE _____
Updated 12.11.18
Exhibit A-2

**Miller Community Cabins – MCC
Program Agreement**

to understand that engaging in any of the following activities may lead to discharge from the Program and a loss of your occupancy and services with the program (this list is not inclusive):

- Bringing weapons or firearms of any kind (including those that are unloaded) onto the premises of the Miller Community Cabins.
- Violent, discriminatory, inappropriate, and/or aggressive behavior such as verbal or physical threats, or physical violence.
- Engaging in any type of illegal activities including, but not limited to theft, gambling, prostitution, and/or selling or distributing drugs and/or alcohol on the MCC.
- Consistent failure to be in compliance with the Program, as agreed upon in this Program Agreement.

Complaint/Grievance Procedure

The program operates on the basis of transparent and direct communication. Participants are strongly encouraged to discuss problems or complaints directly with staff involved and/or site management staff. At no time, will there be negative consequences for any participant who raises complaints or concerns. If, after speaking directly with the staff involved, you still are not satisfied, you should speak with the Program Director of Roots Community Health Center (Roots). You may also file a written grievance with either of these agencies if you choose, which will be responded to within 3 business days. A copy of grievance/complaint policies will be provided as part of your program entry paperwork.

Re-Admission

Former participants requesting re-admission in to Miller Community Cabins will be reviewed based on application, prior circumstances, openings, etc.

Confidentiality

All participants have the right to have their personal and private information kept confidential. Therefore, the staff is committed to keeping your participant information confidential to the full extent permitted by law. If you wish for us to share confidential information about you to anyone outside of the program, you will need to sign a written Release of Information form before we will release the requested confidential information.

By law, there are a few exceptions to confidentiality that allow for disclosure of information without your consent. These exceptions are as follows:

- If there is a reasonable suspicion of abuse or neglect towards a child.
- If there is a reasonable suspicion of the abuse or neglect of an elder adult (age 65 or over) or of a dependent adult (someone who is not capable of caring for themselves)
- If an occupant presents a danger to self.
- If an occupant presents a danger to others.
- In the case of a medical emergency for purposes of obtaining medical treatment.
- If a court subpoenas your records.

PARTICIPANT INITIAL _____
DATE _____
Updated 12.11.18
Exhibit A-2

**Miller Community Cabins – MCC
Program Agreement**

Acknowledgement of Receipt

By signing below, I acknowledge that I have reviewed this Program Agreement and I agree to the terms set forth herein.

I further acknowledge that I have discussed and understand what is required of me at the Miller Community Cabins (MCC) program and that I agree to genuinely engage the support staff in ending my unsheltered status

I understand that if I do not remain in compliance with these agreements I may be asked to leave the MCC immediately. I understand that the Operator, in its sole discretion, may provide me with the opportunity to discuss this situation before being asked to leave the program.

I understand that my participation in the Miller Community Cabins program is at the discretion of the Operator.

I understand that participation at the MCC is for a maximum of up to 6-months and is at the discretion of the program.

___ I agree to work with staff to end my unsheltered status as described in this document.

___ I understand that I may forfeit my opportunity to participate in this program if I violate any of the terms of this Agreement.

___ I agree to an initial stay of a maximum of 90 days and acknowledge that I am short-term licensee at Miller Community Cabins, I will be re-assessed every 30 days thereafter to track progress for ending my unsheltered status for a total stay of up to 6 months.

___ I understand that any updated Miller Community Cabins Program Agreement and/or addendums to the Miller Community Cabins Program Agreement does not constitute a changed start date from the first agreement signed at the time of initial 'move-in' to the Program Agreement.

___ I understand that this is not a rental agreement. I understand that the Miller Community Cabins Program is an interim short-term program. Nothing in this agreement, whether express or implied, creates a landlord-tenant relationship between the Program or Operator and any participant.

___ I further understand that my participation in the Miller Community Cabins Program does not entitle me to any rights, benefits, or privileges under the California Relocation Assistance Law, or under any similar law, if my participation ends for any reason, whether voluntarily or involuntarily.

SIGNATURES ON NEXT PAGE

PARTICIPANT INITIAL _____
DATE _____
Updated 12.11.18
Exhibit A-2

**Miller Community Cabins – MCC
Program Agreement**

Participant Name: _____

Signature: _____

Date: _____

Roots Site Manager Staff Name: _____

Signature: _____

Date: _____

Roots Housing Navigator Name: _____

Signature: _____

Date: _____

PARTICIPANT INITIAL _____
DATE _____
Updated 12.11.18
Exhibit A-2

Attachment E

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

9342 Tech Center Drive, Suite 500, Sacramento, CA 95826
P.O. Box 277820, Sacramento, CA 95827-7820
1-800-952-8356 / FAX (916) 263-3383
From TDD Phones 1-800-735-2929
www.hcd.ca.gov



May 02, 2019

Joe DeVries, Assistant to the City Administrator
City of Oakland
1 Frank Ogawa Plaza, 11th Floor
Oakland, CA 94612

Dear Joe DeVries:

RE: Ordinance for Emergency Housing Standards Amendments to the 2016 California Building Code Adding Section 15.04.3.2400 to the Oakland Municipal Code Chapter 15.04 (2016 Oakland Building Construction Code) to incorporate Emergency Housing Standards as Recently Adopted by the State of California For Emergency Housing Buildings and Facilities, with Local Modifications

The Department of Housing and Community Development (Department) is hereby submitting its findings on the above-referenced ordinance submitted by the City of Oakland (City) on April 29, 2019. This submittal complies with the review and approval requirements specified in Government Code section 8698.4(a)(2)(A)(i), enacted by Chapter 786, Statutes of 2017.

The Department has reviewed the City's ordinance to ensure that it addresses minimum health and safety standards for emergency housing. The following is a summary of the Department's findings:

1. The City has adopted the requirements in the 2016 California Building Code, Appendix N (Emergency Housing), as part of their Ordinance No. 13456 C.M.S. (the "Shelter Crisis Ordinance") and incorporated specific amendments based on local climatic, geological and topographic conditions. The provisions set forth in the amended ordinance will be applicable to emergency housing for homeless individuals pursuant to Government Code section 8698.4 et seq.
2. The City has consulted with the Department during the development of this ordinance and has incorporated the Department's recommendations in four areas related to fire and safety; electrical requirements for emergency sleeping cabins; requirements for tents and membrane structures; requirements for running water for lavatories and corrected other text to match the approved statewide 2016 California Building Code Appendix N.

3. The Department has reviewed the ordinance, with local amendments, to ensure that it addressed minimum health and safety standards and approves the adoption of this ordinance, as submitted on April 29, 2019.
4. The Department did not review additional components of the ordinance related to ordinance activities being exempt from requirements of the California Environmental Quality Act.
5. It is also the Department's understanding that a copy of the ordinance will be transmitted to the California Building Standards Commission as related to local amendments to the 2016 California Building Code.

The Department's Division of Housing Policy Development (HPD) is available to provide additional assistance on emergency housing not directly related to evaluation of minimum health and safety standards. Please contact HPD at (916) 263-2911 to discuss additional considerations, such as housing first efforts, service coordination, and site planning best practices.

A copy of the ordinance, as submitted to the Department on April 29, 2019, and reviewed and approved by the Department, is enclosed. If you have any questions, please contact Emily Withers at (916) 263-2998 or Emily.Withers@hcd.ca.gov.

Sincerely,

Richard Weinert
Deputy Director

Enclosure

cc: Darin Ranelletti, Policy Director for Housing Security, Mayor's Office, City of Oakland
William A. Gilchrist, FAIA, Director, Planning and Building Department, City of Oakland
Sabrina Landreth, City Administrator, City of Oakland

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE FOR EMERGENCY HOUSING STANDARDS AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE ADDING SECTION 15.04.3.2400 TO THE OAKLAND MUNICIPAL CODE CHAPTER 15.04 (2016 OAKLAND BUILDING CONSTRUCTION CODE) TO INCORPORATE BUILDING STANDARDS AS RECENTLY ADOPTED BY THE STATE OF CALIFORNIA FOR EMERGENCY HOUSING BUILDINGS AND FACILITIES, WITH LOCAL MODIFICATIONS

WHEREAS, on October 3, 2017, the City Council adopted Ordinance No. 13456 C.M.S. (the "Shelter Crisis Ordinance") declaring a shelter crisis in the City of Oakland; making findings that a significant number of persons are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; and

WHEREAS, the Shelter Crisis Ordinance was adopted pursuant to California Government Code Section 8698.1, et seq., and since its adoption, the State has adopted Government Code Section 8698.4 prescribing procedures that the City of Oakland must follow to suspend certain state health and safety standards for emergency housing for homeless individuals; and

WHEREAS, the California Department of Housing and Community Development ("HCD") has adopted voluntary regulations applicable to emergency housing as Appendix N to the 2016 California Building Code, which the City may adopt by Ordinance to comply with Government Code Section 8698.4 with respect to state and local health and safety standards for homeless shelters and emergency housing; and

WHEREAS, pursuant to California Health and Safety Code sections 17958, 17958.5 and 17958.7 and California Government Code Section 8698.4, local jurisdictions are authorized to make local amendments to the building standards applying to residential occupancies in Title 24, including the voluntary regulations applicable to emergency housing in Appendix N, that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive building standards than those contained in Title 24. However, Title 24 provisions are

the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive; and

WHEREAS, there is a need to enforce the voluntary regulations in Appendix N, with local administrative and non-administrative amendments thereof, as recited herein for regulating and controlling the maintenance of emergency housing and facilities on properties owned or leased by the City of Oakland; and

WHEREAS, the adoption of these voluntary regulations with local administrative and non-administrative amendments, to apply on City owned or leased properties during a shelter crisis, local emergency, or state of emergency, would provide minimum standards to safeguard life and limb, property, and public welfare; and

WHEREAS, the conditions described in the Shelter Crisis Ordinance persist in the City of Oakland, and strict compliance with state and local standards without the adoption of Appendix N with local amendments would prevent, hinder, and delay the mitigation of the effects of the shelter crisis; and

WHEREAS, based on all written and oral reports and presentations to Council, including the Agenda Report, the City Council finds and determines that the proposed local amendments to Appendix N of the California Building Code set forth herein are reasonably necessary because of local climatic, geological, and topographic conditions such as Oakland's diverse, urbanized geography and mild climate, as well as to maintain consistency with existing emergency housing structures in the City; and

WHEREAS, HCD has reviewed this proposed Ordinance and has approved the local amendments to Appendix N, in accordance with Government Code Section 8698.4; and

WHEREAS, adoption and immediate effectiveness of the code amendments is necessary for the increased preservation of public health and safety; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of the Ordinance.

SECTION 2. Chapter 15.04, Article III, Part 2 of the 2016 Oakland Building Construction Code is amended to include adoption of HCD Appendix N with local amendments and to read as follows:

15.04.3.2400 – CBC Appendix N adopted with amendments.

Appendix N is hereby adopted with amendments and made a part of this Chapter as though fully set forth herein, subject to the modifications which are set forth below:

**APPENDIX N
EMERGENCY HOUSING**

The provisions contained in this appendix are not mandatory unless referenced in the adopting ordinance.

**SECTION N101
GENERAL**

N101.1 Scope. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section N102. The provisions and standards set forth in the Appendix shall be applicable to emergency housing established pursuant to a declaration of state of emergency, local emergency, or shelter crisis as defined in Section N102, and located in or on designated City properties or properties leased by the City for emergency housing during the period of the declared state of emergency, local emergency, and/or shelter crisis.

**SECTION N102
DEFINITIONS**

N102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

DECLARATION OF SHELTER CRISIS. The duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (See Government Code Section 8698.)

DEPENDENT UNIT. Emergency housing not equipped with a kitchen area, toilet, and sewage disposal system. Recreational vehicles that are not self-contained and without utility service connections shall be considered dependent units.

EMERGENCY HOUSING. Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed and/or assembled in accordance with this appendix.

EMERGENCY HOUSING FACILITIES. On-site common use facilities supporting emergency housing. Emergency housing facilities include, but are not limited to, kitchen areas, toilets, showers and bathrooms with running water. The use of emergency housing facilities is limited exclusively to the occupants of the emergency housing, personnel involved in operating the emergency housing, and other emergency personnel.

EMERGENCY HOUSING SITE. A site containing emergency housing and emergency housing facilities supporting the emergency housing.

EMERGENCY SLEEPING CABIN. Relocatable hard-sided structure constructed in accordance with this appendix, which that may be occupied only for emergency housing if allowed by the enforcing agency.

EMERGENCY TRANSPORTABLE HOUSING UNIT. A single or multiple section prefabricated structure that is transportable by a vehicle and that can be installed on a permanent or temporary site in response to a need for emergency housing. Emergency transportable housing units include, but are not limited to, manufactured homes, mobile homes, multifamily manufactured homes, recreational vehicles, and park trailers. For the purposes of this appendix, emergency transportable housing units may also include commercial modulars as defined in the Health and Safety Code Section 18001.8, if approved by the enforcing agency.

Emergency transportable housing units do not include factory-built housing as defined in the Health and Safety Code Section 19971.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOCAL EMERGENCY. Local Emergency as defined in the Government Code, Section 8558.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

MANUFACTURED HOME. A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18007.

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure, not otherwise defined as a tent. (See Chapter 31 of this Code.)

MOBILEHOME. A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18008.

MULTIFAMILY MANUFACTURED HOME. A structure designed to contain not less than two dwelling units, as defined in the Health and Safety Code, Section 18008.7.

PARK TRAILER. A trailer designed for human habitation that meets all requirements in the Health and Safety Code, Section 18009.3.

RECREATIONAL VEHICLE. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation, that meets all requirements in the Health and Safety Code, Section 18010.

STATE OF EMERGENCY. State of Emergency as defined in the Government Code, Section 8558.

TENT. A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

SECTION N103 EMERGENCY HOUSING

N103.1 General. Emergency sleeping cabins, emergency transportable housing units, membrane structures and tents constructed and/or assembled in accordance with this appendix, shall be occupied only during declaration of state of emergency, local emergency, or shelter crisis.

Buildings and structures constructed in accordance with the California Building Standards Code, used as emergency housing, shall be permitted to be permanently occupied.

N103.2 Existing buildings. Existing residential and nonresidential buildings or structures shall be permitted to be used as emergency housing and emergency housing facilities provided such buildings or structures comply with the building code provisions and/or other regulations in effect at the time of original construction and/or alteration. Existing buildings or structures used as emergency housing shall not become or continue to be substandard buildings, as determined by the enforcing agency.

N103.2.1 New additions, alterations, and change of occupancy. New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code effective at the time of addition, alteration, or change of

occupancy. The requirements shall apply only to and/or within the specific area of the addition, alteration, or change of occupancy.

Exceptions:

1. Existing buildings and structures used for emergency housing and emergency housing facilities may not be required to comply with the California Energy Code, as determined by the enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the Oakland Building Construction Code, provided such change in occupancy meets the minimum standards set forth in this Appendix N.

N103.3 Occupant load. Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m²) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of one.

Exceptions:

1. Tents.
2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.

N103.4 Fire and life safety requirements not addressed in this appendix. If not otherwise addressed in this appendix, fire and life safety measures, including, but not limited to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide alarms, shall be determined and enforced by the enforcing agency.

N103.5 Privacy. Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

N103.6 Heating. All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

SECTION N104 EMERGENCY SLEEPING CABINS

N104.1 General. Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m²) for one occupant. Where more than one person occupies the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m²), excluding lofts.

N104.2 Live loads. Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.

4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

N104.3 Minimum ceiling height. Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches (2032 mm). Bathrooms, toilet rooms, and kitchens, if provided, shall have a ceiling height of not less than 76 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts constructed in accordance with Section N108 are permitted to be less than 80 inches (2032 mm).

N104.4 Means of egress. Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section N104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section N104.4.1, provided in the loft space.

N104.4.1 Egress window. The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of 5 square feet (0.465 m²).

N104.5 Plumbing and gas service. If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

N104.6 Electrical. Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity at 115 volts alternating current or low voltage.

Exception: The source of electricity may be an emergency generator, if operated only until continuous power is restored or 72 hours, whichever is shorter, or renewable source of power such as solar or wind power.

2. At least one interior lighting fixture.

~~3. Electrical heating equipment listed for residential use, and a dedicated receptacle outlet for the electrical heating equipment.~~

~~**Exception:** Electrical heating equipment and a dedicated receptacle outlet for the electrical heating equipment are not required if a non-electrical source of heating is provided.~~

34. At least one GFCI-protected receptacle outlet for use by the occupant(s). Alternatively, cabins may be equipped with low voltage USB charging stations instead of Standard GFCI outlets.

N104.7 Ventilation. Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency.

N104.8 Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

N104.9 Carbon monoxide alarms. If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315.

SECTION N105 EMERGENCY TRANSPORTABLE HOUSING UNITS

N105.1 General. In addition to the requirements in this appendix, manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, recreational vehicles, and park trailers used as emergency transportable housing, shall comply with all applicable requirements in the Health and Safety Code, Division 13, Part 2; and Title 25, Division 1, Chapter 3, Subchapter 2.

SECTION N106 TENTS AND MEMBRANE STRUCTURES

N106.1 General. Tents shall not be used to house occupants for more than 7 days unless such tents are maintained with tight wooden floors raised at least 4 inches (101.6 mm) above the ground level and are equipped with baseboards on all sides to a height of at least 6 inches (152.4 mm). Tents may be maintained with concrete slabs with the finished surface at least 4 inches (101.6 mm) above grade and equipped with curbs on all sides at least 6 inches (152.4 mm) high.

A tent shall not be considered a suitable sleeping place whenever it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

Membrane structures installed and/or assembled in accordance with Chapter 31 of this code may be permitted to be used as emergency housing and emergency housing facilities, as determined by the enforcing agency.

SECTION N107 ACCESSIBILITY

N107.1 General. Emergency housing shall comply with the applicable requirements in Chapter 11B and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

Note: The Architectural and Transportation Barriers Compliance Board (US Access Board) issued the Final Guidelines for Emergency Transportable Housing on May 7, 2014. The final guidelines amended the 2004 ADA Accessibility Guidelines (2004 ADAAG) and the 2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically address emergency transportable housing units provided to disaster survivors by entities subject to the ADA or ABA. The final rule ensures that the emergency transportable housing units are readily accessible to and usable by disaster survivors with disabilities.

SECTION N108 LOFTS IN EMERGENCY HOUSING

N108.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections N108.1.1 through N108.1.3.

N108.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

N108.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

N108.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

N108.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections N108.2.1 through N108.2.4.

N108.2.1 Stairways. Stairways accessing lofts shall comply with the California Residential Code or with Sections N108.2.1.1 through N108.2.1.6.

N108.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

N108.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 74 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

N108.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus $\frac{4}{3}$ of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus $\frac{3}{4}$ of the tread depth.

N108.2.1.4 Landing platforms. The top step of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 74 inches (1880 mm). The landing platform shall be 18 inches (457 mm) to 22 inches (559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 inches (406 mm) to 18 inches (457 mm) in height measured from the landing platform to the loft floor.

N108.2.1.5 Handrails. Handrails shall comply with the California Residential Code, Section R311.7.8.

N108.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

N108.2.2 Ladders. Ladders accessing lofts shall comply with Sections N108.2.2.1 and N108.2.2.2.

N108.2.2.1 Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ -inch (9.5 mm).

N108.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

N108.2.3 Alternating tread devices. Alternating tread devices are acceptable as allowed by the enforcing agency.

N108.2.4 Loft guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. Loft guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102 mm) in diameter.

SECTION N109 LOCATION, MAINTENANCE AND IDENTIFICATION

N109.1 Maintenance. Emergency housing and emergency housing facilities shall be maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of an infectious or contagious nature. The grounds within emergency housing sites shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter. Emergency housing and emergency housing facilities shall not be occupied if a substandard condition exists, as determined by the enforcing agency.

N109.1.1 Fire Hazards. Dangerous materials or materials that create a fire hazard, as determined by the enforcing agency, shall not be allowed on the grounds within emergency housing sites.

N109.2 Identification. Emergency housing shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway fronting the building or structure. Each identification character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width, installed/painted on a contrasting background.

SECTION N110 EMERGENCY HOUSING FACILITIES SANITATION REQUIREMENTS

N110.1 Drinking water. Potable drinking water shall be provided for all occupants of emergency housing.

N110.2 Kitchens and food facilities. Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980 – 114094.5 of the California Health and Safety Code.

Where occupants of dependent units are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen. Refrigerated storage shall be provided for safe storage of food.

N110.3 Toilet and bathing facilities. When dependent units are used as emergency housing, the emergency housing site shall be provided with one toilet and one bathing facility for every 15 occupants of each gender. The enforcing agency may permit different types and ratios of toilet and bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and waste water, while maintaining sanitary conditions for the occupants of the emergency housing.

Bathing facilities shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such facilities.

Lavatories with running water shall be installed and maintained in the toilet facilities or adjacent to the toilet facilities. This can include foot-pumped water at hand washing stations that are properly maintained.

N110.4 Garbage, waste and rubbish disposal. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the enforcing agency.

SECTION N111 **ALTERNATIVES AND MODIFICATIONS**

N111.1 Alternatives and modifications. Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the enforcing agency in individual cases when dealing with buildings or structures used for emergency housing.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Sections 8558, 8698.1 through 8698.4, and 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, and 1101.5, and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

SECTION 3. That the City Council hereby finds and determines, after independent review and consideration, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq. "CEQA") and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq. "CEQA Guidelines") under CEQA Guidelines section 15303, "New Construction or Conversion of Small Structures," which exempts the construction of limited numbers of new structures or facilities, and/or CEQA Guidelines section 15304, "Minor Alterations to Land," which exempts minor alterations in the condition of public land, including temporary uses, and/or CEQA Guidelines section 15311; "Accessory Structures," which exempts the construction of minor structures appurtenant to existing facilities, and/or CEQA Guidelines section 15332, "In Fill Development Projects," which exempts projects characterized as in fill development meeting certain specified criteria, and under the statutory CEQA exemption embodied in Government Code section 8698.4(a)(4). Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance 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 Ordinance 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.

SECTION 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE FOR EMERGENCY HOUSING STANDARDS AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE ADDING SECTION 15.04.3.2400 TO THE OAKLAND MUNICIPAL CODE CHAPTER 15.04 (2016 OAKLAND BUILDING CONSTRUCTION CODE) TO INCORPORATE BUILDING STANDARDS AS RECENTLY ADOPTED BY THE STATE OF CALIFORNIA FOR EMERGENCY HOUSING BUILDINGS AND FACILITIES, WITH LOCAL MODIFICATIONS

This ordinance would amend the Oakland Municipal Code to add Section 15.04.3.2400 specifying minimum health and safety standards for the design, construction and occupancy of emergency housing and emergency housing facilities on properties owned or leased by the City of Oakland and designated by the City as emergency housing sites. These standards would apply during a duly declared state of emergency or local emergency as defined by Government Code section 8558, and/or during a shelter crisis declared under Government Code section 8698 *et seq.*