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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Claudia Cappio
Assistant City Administrator

SUBJECT: An Ordinance Declaring a Shelter
Crisis in the City of Oakland

DATE: December 3, 2015

City Administrator Approval

Date:

[Signature]
12/3/15

RECOMMENDATION

STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT AN ORDINANCE AN 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 SUSPENDING PLANNING, ZONING, AND OTHER PERMIT REQUIREMENTS

EXECUTIVE SUMMARY

The California Government Code sections 8698, 8698.1, and 8698.2 allows a 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. By declaring such a crisis, the City Council would authorize the suspension of certain rules and regulations concerning housing, health and safety, as applied to specific public facilities, to the extent that strict compliance would hinder the mitigation of the shelter crisis, thus enabling a more flexible set of building and land use requirements so a project could proceed in a more cost effective and expeditious manner. The proposed ordinance before the Council also allows the City to establish alternative minimum health and safety standards to such public facilities during the duration of the crisis. The authority under this ordinance only affects additional public facilities open to the homeless and needed to mitigate the shelter crisis. The declaration would be in effect a minimum of one year.

BACKGROUND / LEGISLATIVE HISTORY

Homelessness in Oakland and the Bay Area is an incessant problem, and has been more apparent given the upward pressure on rents during the past two years. The number of homelessness persons in Oakland as of the most recent 2015 count is approximately 2190. On any given night there is an estimated 1,384 persons who are unsheltered. With approximately 350 shelter beds plus 60 beds during the winter months, a majority of homelessness persons are unable to find shelter. The homelessness problem affects Oakland's population disproportionately: a majority of the homeless are African American and Latino. Often

Item: _____
City Council
December 8, 2015

homelessness is accompanied by other challenges such as mental health difficulties, chronic physical illness, victims of domestic violence, and substance abuse.

An outgrowth of these limited shelter options is the growing number of unauthorized homelessness encampments throughout the City. These encampments present public health and safety threats to the persons who live in them in multiple ways: crime, lack of sanitation and debris collection facilities, weather exposure, traffic hazards and other risks.

During the past four months, the City Administration has established an interdepartmental task force to look at other, more sustainable and effective approaches for housing the homeless. The underlying principle is simple: the substantial annual City resources used for public safety, health, and clean up could be applied differently to house and assist the homeless in a different way. Other cities have established sanctioned shelters with more extensive support services and storage so that underlying problems can be addressed.

ANALYSIS AND POLICY ALTERNATIVES

The proposed declaration of a shelter crisis is an outgrowth of these recent efforts. Although potential sites or facilities have not been identified, the authority under the ordinance would enable a more flexible interpretation of standard building and planning requirements, resulting in review of facilities that could not have been previously considered.

Minimum health, safety and habitability standards will be maintained through the use of this authority. It does not mean a total suspension of standards but rather the ability to more flexibly apply standards or to establish alternative standards that meet minimum requirements. As proposed, the City Council would be required to review and approve projects that used this approach prior to implementation.

The ordinance would be effective for a one year period.

Alternative 1: Choose to adopt the ordinance and return directly to the City Council before moving forward with implementation on publicly owned land.

Pro: Would provide the City Council a more tangible proposal with which to evaluate the approach. Allow staff to begin to seek emergency funding resources and begin implementation and allow for Council discretion on public land.

Con: May make process cumbersome if items need to move quickly for processing.

Alternative 2: Choose not to take action at this time.

FISCAL IMPACT

The adoption of this ordinance does not, in and of itself, create a fiscal impact. Future projects using the authority provided under the ordinance, may involve additional funding in order to proceed.

PUBLIC OUTREACH / INTEREST

There is growing public concern regarding the multiple, unauthorized homelessness encampments and a call for a more comprehensive and sustainable approach to assist this vulnerable population.

COORDINATION

Preparation of the ordinance and this staff report included review and comments by the Planning and Building Department, Human Services and the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: This ordinance does not directly address economic opportunities.

Environmental: The authority under this ordinance would potentially result in cleaning up unauthorized homelessness encampments and provide facilities that more environmentally sustainable.

Social Equity: This ordinance enables a more flexible approach to be applied to potential public facilities to shelter homelessness persons, thereby removing barriers and assisting a vulnerable population.

ACTION REQUESTED OF THE CITY COUNCIL

To adopt an 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 suspending planning, zoning, and other permit requirements.

For questions regarding this report, please contact Claudia Cappio, Assistant City Administrator at (510) 238-6654.

Respectfully submitted,



Claudia Cappio
Assistant City Administrator

Item: _____
City Council
December 8, 2015