

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION AMENDING RESOLUTION NUMBER 88077 C.M.S. REQUESTING THE CITY ADMINISTRATOR TO FOLLOW THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) INTERIM GUIDELINES ON HOMELESSNESS AND COVID-19 TO ONLY CLEAR ENCAMPMENTS IF INDIVIDUAL HOUSING UNITS OR ALTERNATIVE SHELTER IS PROVIDED; CLARIFYING THE REQUIREMENTS FOR THE PROVISION OF INDIVIDUAL HOUSING UNITS AND ALTERNATIVE SHELTER**

**WHEREAS**, the City Council adopted Resolution Number 88077 C.M.S. on March 27, 2020, requesting the City Administrator to follow the Centers for Disease Control and Prevention (CDC) Interim Guidelines on Homelessness and COVID-19, which recommends, during community spread of COVID-19, only clearing encampments if individual housing units or alternative shelter is provided; and

**WHEREAS**, the City Council requested clarification of term “the provision of individual housing units and alternative shelter” at its regular meeting on October 20, 2020; and

**WHEREAS**, at the same meeting, the City Council adopted Resolution No. 88341 C.M.S., which adopted the City Administration’s Encampment Management Policy (EMP) outlining the various interventions the City may undertake at encampments, including cleaning, partial closures, and closures, and the due process and noticing requirements for each intervention; and

**WHEREAS**, the encampment closure interventions outlined in the EMP are only available following an offer of shelter or alternative housing, and such shelter is reserved for the notified individuals before a closure; and

**WHEREAS**, the shelter options offered to individuals and/or families depend on the particular needs of the encampment occupants, and may include traditional housing units on a temporary or permanent basis, hotel rooms, safe places to park vehicles, City-owned trailers or cabins, ~~or congregate shelter options that have established measures to mitigate risks of COVID-19 transmission within the shelter;~~ and

~~WHEREAS, staff has determined that the City's current homelessness programs, as further described in the Agenda Report accompanying this Resolution, as well as the policies in the EMP, comply with the intent of the language included in Resolution Number 88077 C.M.S. with respect to the provision of individual housing units and alternative shelter; and~~

~~WHEREAS, staff has further determined that the City's current homelessness programs comply with the CDC's Interim Guidance for Homeless Shelters for mitigating risks of COVID19 within shelters, provide reasonable accommodations for mental and physical disabilities in compliance with the Americans for Disabilities Act (ADA), and do not place encampment residents in greater risk to their health and safety than they experience in their current circumstances; and~~

WHEREAS, staff can ensure that a good-faith offer for CDC- and ADA-compliant alternative shelter is extended to an individual and documented prior to conducting a scheduled encampment clearing or closure, although staff cannot guarantee acceptance of such offer; now, therefore, be it

**RESOLVED:** That the following types of shelter shall be deemed sufficient forms of individual housing units or alternative shelter that may be offered to unsheltered residents during the COVID-19 local emergency prior to an encampment closure or partial closure: ~~(i) congregate shelter with reduced capacity and physical distancing measures (ex: Crossroads Emergency Shelter, Family Matters Emergency Shelter, Saint Vincent de Paul Emergency Shelter);~~ (i) Community Cabins; (ii) Safe Parking Lots for RVs or personal vehicles; (iii) trailers operated by the City (ex: Operation HomeBase); (iv) transitional housing units (ex: Henry Robinson Transitional Housing); and (v) permanent affordable housing units (ex: Clifton Hall units); and be it

**FURTHER RESOLVED:** That offers of individual housing units or alternative shelter other than the aforementioned programs may be deemed sufficient if the City Administrator determines that the alternative shelter (1) complies with CDC's Interim Guidance for Homeless Shelters, (2) provides reasonable accommodations for mental and physical disabilities, and (3) does not place encampment residents in greater risk to their health and safety than they experience in their current circumstances; and be it

**FURTHER RESOLVED:** That a documented offer to any of the aforementioned programs (1) for a minimum stay of at least two weeks 90 days and (2) no less than 72 hours made at least 30 days prior to a scheduled encampment clearing or closure to all individuals known to be living in such encampment 30 days prior to the clearing or closure, shall satisfy the guidance "to only clear encampments if individual housing units or alternative shelter is provided" as stated in Resolution Number 88077 C.M.S, even if such offer is not accepted; and be it

**FURTHER RESOLVED:** For the duration Local Emergency declared on March 9, 2020, in response to the Covid-19 pandemic, offers of the following types of shelter shall not satisfy the guidance "to only clear encampments if individual housing units or alternative shelter is provided": (1) any shelter that requires individuals to share a room with a person who is not part of their pre-

existing chosen living arrangements; (2) any congregate shelter; and (3) any shelter that requires occupants to vacate for multiple hours; and be it

**FURTHER RESOLVED:** For the purposes of this Resolution, the COVID-19 emergency will not be deemed to have ended until the COVID-19 local emergency declared on March 9, 2020 is terminated by City Council.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
Interim City Clerk and Clerk of the Council of  
the City of Oakland, California