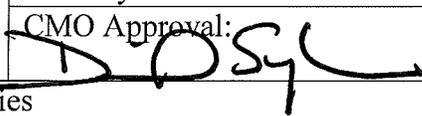




CITY COUNCIL ACTION REQUEST

Department(s): Housing	Date: 3/30/16	Coordination: City Manager's Office City Attorney's Office	Dept. Approval: /s/ Jacky Morales-Ferrand
			CMO Approval: 

SUBJECT: AB 2176 (Campos): Shelter crisis: declaration: public facilities

RECOMMENDED POSITION: Support if Amended

RECOMMENDED ACTION: Support if Amended

1. Adopt a position of Support if Amended for AB 2176 (Campos). In addition, direct staff to take necessary action to meet the stated objective as needed.
2. Recommend a one-week turnaround so that the City's Legislative Advocate in Sacramento can indicate a support if amended position for AB 2176 (Campos).

BILL SYNOPSIS:

Existing law provides local government agencies with the ability to declare a shelter crisis during time periods when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. The declaration of a shelter crisis allows local governments to waive certain state and local laws to use public facilities to house those in need of shelter. Public facilities are defined in existing law as any facility owned, operated, leased or maintained by the local government, including parks, schools and vacant or underutilized facilities. When a shelter crisis is declared and state or local laws are waived, the government agency that has declared the shelter crisis assumes responsibility for enacting local standards that govern the shelters created under the shelter crisis declaration.

AB 2176 as currently written makes two substantive amendments to the Shelter Crisis Act (California Government Code Section 8698, et seq.). The Bill expands the definition of emergency housing to include "transitional housing communities" to the Act and grants authority to the County of Santa Clara, upon declaration of shelter crisis, to construct transitional housing communities on County-owned property. The provisions extend until January 2, 2022.

As defined in the Bill, a transitional housing community includes the construction of temporary structures, including camping cabins or recreational vehicles that are reserved for homeless persons and families. These structures must be located on property that has been leased or owned by the County of Santa Clara. To be considered a transitional housing community, self-sufficiency and supportive services must be located in the community and any rents or service-fees must comply with the ability-to-pay formula that is consistent with the United States Department of Housing & Urban Development's requirements for subsidized housing.

To provide options for future decision making, the Department of Housing recommends that the City support AB 2176 if the Bill is amended to include the City of San José. The Director of Housing also recommends that the Bill be amended to clarify that a transitional housing community would include *but not be limited to* temporary structures such as camping cabins or recreational vehicles.

IMPACTS TO CITY OF SAN JOSE:

The modernization of the Shelter Crisis Code to include transitional housing communities is an important and necessary step to more rapidly provide services and assistance to homeless individuals and families in a manner that is consistent with Housing First principles. If signed into law, an amended version of AB 2176

would provide San José with an additional tool to help those in crisis find interim housing and regain stability until permanent housing can be obtained.

During the 2015 biennial homeless census and survey, census workers enumerated 4,063 homeless individuals in San José. Of those individuals, 69% were living on the streets, in abandoned or storage structures, vehicles, or encampments. On a per capita basis, San José has one of the largest unsheltered populations of any major city in the United States.

With thousands of people living on the street on any given night, immediate housing options are needed to ensure the continued health and well-being of the most vulnerable members of the community. The transitional housing communities will provide residents greater privacy, storage for their belongings, and increased independence and flexibility, which provides an alternative to traditional shelters. These communities may appeal to a broader group of people who are reluctant to enter the shelter system.

Previous conversations of how to quickly build transitional communities included very small zero footprint, cabin-like structures with composting toilets instead of fully plumbed features with a separate shared community building(s) containing cooking and bathing facilities. None of the models for the proposed structures that have been discussed would meet the requirements of the California Building Code for new residential structures. Without plumbing the structures also do not meet the requirements of the California Health and Safety Code. If AB 2176 is amended to include the City of San José, the City Council will have the authority to enact local standards to ensure that communities are appropriately constructed and well-managed. Additionally, if the scope of transitional housing communities is clarified as described, other existing facilities could be adapted for transitional housing use.

AB 2176 would expand the provisions of the Government Code that suspend the application of the health and safety code to homeless shelters during a declared shelter crisis. If AB 2176 is amended to include the City of San José authorized to use these expanded provisions of the Shelter Crisis Code, the City Council would have the authority to declare a shelter crisis, enact local standards and manage the development of transitional housing communities on City property with the resources available at the time of the declaration.

A red-lined version of the Bill showing the proposed amendments is attached.

POLICY ALIGNMENT:

This bill aligns with the Council-approved *2016 Legislative Guiding Principles and Priorities* to “support legislation and secure funding sources to end homelessness to benefit unhoused veterans, youths, families, individuals with mental and/or physical disabilities, and victims of domestic violence.”

SUPPORTERS/OPPONENTS:

This bill does not yet have any listed supporters.

This bill does not yet have any listed opponents.

STATUS OF BILL:

AB 2176 was introduced on February 18, 2016 and was referred to the Assembly Housing & Community Development Committee. It is currently scheduled to be heard on April 27. The bill requires a majority vote and must pass out of the Assembly by June 3. August 31 is the last day for bills pass out of both Houses for consideration by the Governor.

FOR QUESTIONS CONTACT: Jacky Morales-Ferrand, Director of Housing, 408-535-3851