



City Manager's Office

04CONSENT CALENDAR

January 18, 2022

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Peter Radu, Assistant to the City Manager
Subject: Extension of Declaration of Homeless Shelter Crisis

RECOMMENDATION

Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024.

BACKGROUND

Before the COVID-19 pandemic, Berkeley was experiencing an acute housing crisis that has directly caused steadily increasing rates of homelessness. Between 2009 and 2017, Berkeley's homeless Point in Time Count increased at an average rate of roughly 10% every two years, and then increased nearly 14% between 2017 and 2019, the last year in which a homeless count was conducted.

In response to the severe shortage of shelter beds and housing, on January 19, 2016, the Berkeley City Council unanimously approved Resolution No. 67,746-N.S., Declaring a Shelter Crisis in Berkeley. Originally set to expire on January 19, 2017, the Resolution has been extended multiple times, most recently through Resolution No.69,189-N.S. on November 19, 2019, which extended it to January 19, 2022.

Since that time, the pandemic has exacerbated the crisis on our streets in several ways. When COVID-19 hit in March of 2020, much of the momentum to shelter homeless people and clean public areas was paused as the City scrambled to protect everyone, including our most vulnerable residents, from serious illness and death. To comply with health orders, the City was forced to reduce shelter capacity to enable greater physical distancing, reducing the number of year-round shelter beds from 256 shelter beds to 129 beds, making shelter significantly scarcer. Moreover, to comply with guidance from the CDC, which advised communities nationwide to not clear homeless encampments without first making offers of individual rooms to every resident, we paused our efforts to close even the most dangerous and entrenched encampments. The pandemic also significantly reduced staff capacity to respond to issues of homelessness. All of this happened, of

course, amidst a severe economic recession that exacerbated housing insecurity and increased the risk of homelessness for low-income communities across the Bay Area.

In response, the City shifted its winter shelter model from an inclement weather-only shelter to an every night shelter between November 30 and April 15, increasing the number of shelter beds available by 19. In July 2021 the City opened a new 50-bed shelter, the Horizon shelter, on Grayson St., and followed by opening a 40-slip Safe RV Parking program at the site in September. Staff used State and Federal emergency resources to create 18 new noncongregate shelter beds in the Berkeley Respite Shelter program. Additionally, staff supported Alameda County and Berkeley shelters to move people who met the CDC's criteria for high risk if COVID-19 positive into Project Roomkey hotels and partnered with Alameda County to establish 69 non-congregate units at two Safer Ground hotels in Berkeley. The City has also used Measure P resources to launch the Homeless Response Team, which since September has assisted over 25 encampment residents into shelter and over 15 RV residents into Safe Parking. Nevertheless, the resources at our disposal have not been enough to bring every unsheltered Berkeleyan off the streets.

In July 2021, the City Council adopted the All Home Regional Action Plan, committing the City to an ambitious 75% reduction in unsheltered homelessness over the next three years. Given the extensive remaining need on the street, and in order to meet the spirit of urgency reflected in the adoption of the Regional Action Plan, staff requests another extension of the shelter crisis declaration, which will allow the City to continue our efforts to respond quickly and efficiently to the crisis.

FINANCIAL IMPLICATIONS

Continuing Berkeley's shelter crisis may have the effect of expediting access and use of new and future State homelessness resources.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

An increase in interim, stable housing will reduce the impacts of temporary encampments, which will positively improve the environment.

CONTACT PERSON

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Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

EXTENSION OF DECLARATION OF HOMELESS SHELTER
CRISIS

WHEREAS, on January 19, 2016, the City Council unanimously passed Resolution No. 67,357-N.S., Declaring a Homeless Shelter Crisis in Berkeley, which was set to expire on January 19, 2017; and

WHEREAS, on November 15, 2016, the City Council passed Resolution No. 67,746-N.S., extending the previous Resolution to January 19, 2018; and

WHEREAS, on October 31, 2017, the City Council passed Resolution No. 68,206-N.S., placing another extension until January 19, 2020; and

WHEREAS, on November 19, 2019, the City Council passed Resolution No. 69,189-N.S., extending the previous Resolution to January 2022; and

WHEREAS, according to the last EveryOne Home homeless count in January 2019, the homeless population has risen to 1,108; and

WHEREAS, this shelter crisis affects Berkeley's citizens disproportionately with more African American, Latino and elderly individuals experiencing homelessness; and

WHEREAS, the COVID-19 pandemic's economic toll has exacerbated income inequality and housing insecurity for the most marginally housed households across the region, increasing the risk of homelessness;

WHEREAS, the COVID-19 pandemic has worsened shelter bed shortages in Berkeley by forcing shelter providers to reduce bed capacity to maintain compliance with CDC physical distancing guidelines; and

WHEREAS, the current number of homeless individuals in Berkeley far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, homelessness encampments have increased across parts of Berkeley within the public right of way, thus exposing homeless individuals to traffic hazards, crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety; and

WHEREAS, analysis and evidence have demonstrated that providing decent, safe and stable housing combined with crucial support services are two primary components of successful transition from homelessness to a safer and healthier way of living; and

WHEREAS, this shelter crisis is not unique to Berkeley, but is evident throughout the

Bay Area, California and the United States, causing other municipalities such as Los Angeles, Portland, Oregon and Seattle, Washington to also take more immediate actions to address these conditions; and

WHEREAS, given the extent of the shelter crisis, the City Council of the City of Berkeley finds that more immediate and expeditious efforts are necessary to develop additional shelter solutions that are safe and meet basic habitability standards and that flexibility and broad based approaches are essential to increase capacity; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or Resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley:

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and
2. This Resolution shall remain in place until January 19, 2024; and
3. Finds that a significant number of persons in Berkeley are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Berkeley under the authority set forth in Government Code Section 8698, et seq.; and
4. Authorizes the City Manager or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and
5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Manager's discretion and with approval by the City Council, interim municipal health and safety

provisions and land use controls may be applied to facilities ensuring minimal public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless; and

6. Authorizes the City Manager to waive non-voter approved purchasing and bid requirements for the installation of facilities and services and approve contracts that are directly related to providing temporary shelter and other related services for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities and other related programs and services.

7. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and

8. Finds that if this Resolution is inconsistent with any other provisions of the Berkeley Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Berkeley Municipal Code or requirements of the General Plan or implementing regulations; and

9. Recognizes that this Resolution is enacted pursuant to the City of Berkeley's general police powers, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and

10. Severability. If any section, subsection, sentence, clause or phrase of this Resolution 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 Resolution 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.

