



Berkeley Homeless
Services Panel of Experts

MEETING AGENDA September 1, 2021 – 7:00 PM

Join Zoom Meeting: <https://zoom.us/j/92491365323>

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 924 9136 5323

Commission Secretary: Josh Jacobs (jjacobs@cityofberkeley.info; 510-225-8035)

1. Roll Call.
2. Public Comment on non-agenda items.
3. Approval of Minutes from July 7, 2021. [Attachment 1].

Updates/Action Items:

4. Agenda Approval.
5. Overview of the Upcoming Housing Element Update and Request to Identify a Member to Participate in the Public Outreach Effort [Attachment 2].
6. Chair update.
7. Staff update including update on vaccination stats and number of COVID-positive cases in shelters and among the unsheltered; Commission discussion on same.
8. Discussion on sidewalk ordinance enforcement, unsheltered persons move from freeway to other locations, status of persons at Horizon Transitional Village, and polarization in addressing homeless issues in the community.
9. Discussion on work conducted on Homeless Commission and incorporation of that policy work into HSPE following consolidation.
10. Discussion on Measure P allocation planning as a year-long process based on community needs and services gaps.
11. Discussion of framework of annual report.
12. Adjourn.

Attachments:

1. Minutes from regular meeting of July 7, 2021.
2. Upcoming Housing Element Update.
3. Homeless Commission's previous communications to the City Council.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

A Vibrant and Healthy Berkeley for All

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 938 4539 3201. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Correspondence and Notice of Decision Requests:

Deadlines for Receipt:

- A) Supplemental Materials must be received by 5 PM the day before the meeting.
- B) Supplemental Communications must be received no later than noon the day of the meeting.

Procedures for Distribution:

- A) Staff will compile all Supplemental Materials and Supplemental Communications received by the deadlines above into a Supplemental Packet, and will print 15 copies of this packet for the Commission meeting.
- B) For any Supplemental Material or Communication from a Commissioner received after these deadlines, it is the Commissioner's responsibility to ensure that 15 printed copies are available at the meeting. Commissioners will not be reimbursed for any printing or materials expenses.
- C) Staff will neither print nor distribute Supplemental Communications or Materials for subcommittee meetings.

Procedures for Consideration:

- A) The Commission must make a successful motion to accept and receive all Supplemental Materials and Communications into the record. This includes the Supplemental Packet compiled by staff.
- B) Each additional Supplemental Material or Communication received by or before the meeting that is not included in the Supplemental packet (i.e., those items received after the respective deadlines above) must be individually voted upon to be considered by the full Commission.
- C) Supplemental Materials subject to a Commission vote that are not accepted by motion of the Commission, or for which there are not at least 15 paper copies (9 for each Commission seat, one for staff records, and 5 for the public) available by the scheduled start of the meeting, may not be considered by the Commission.

***Supplemental Materials** are defined as any items authored by one or more Commissioners, pertaining to an agenda item but available after the agenda and packet for the meeting has been distributed, on which the Commission is asked to take vote at the meeting. This includes any letter to Council, proposed Council report, or other correspondence on behalf of the Commission for which a full vote of the Commission is required.

****Supplemental Communications** are defined as written emails or letters from members of the public or from one or more Commissioners, the intended audience of which is the full Commission. Supplemental Communications cannot be acted upon by the Commission, and they may or may not pertain to agenda items.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

Public Comment Policy:

Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

COMMUNITY ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least 3 business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. The Health, Housing & Community Services Department does not take a position as to the content. Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. The Health, Housing & Community Services Department does not take a position as to the content.

ADA Disclaimer "This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."



Berkeley Homeless
Services Panel of Experts

MEETING MINUTES

July 7, 2021

1. Roll Call: 7:02 PM
Present: Marasovic, Bookstein, Carrasco, Kealoha-Blake.
Absent: Scheider.
Staff: Jacobs, Carnegie, McCormick.
Council: None.
Public: 1
2. Comments from the Public: None.

Update/Action Items

3. Approval of Minutes from June 2, 2021.

Action: M/S/C Kealoha-Blake/Bookstein to approve the minutes of June 2, 2021 as written.

Vote: Ayes: Marasovic, Bookstein, Carrasco, Kealoha-Blake.
Noes: None. Abstain: None. Absent: Scheider.

4. Agenda Approval.

Action: M/S/C Kealoha-Blake/Carrasco to approve the agenda as written.

Vote: Ayes: Marasovic, Bookstein, Carrasco, Kealoha-Blake.
Noes: None. Abstain: None. Absent: Scheider.

5. Chair update (including update on Measure P recommendations and on commission consolidation).

Discussion; no action taken.

6. Discussion on site visit to Horizon Transitional Village.

Discussion; no action taken.

7. Discussion and possible recommendation on future plans including annual report, site visits and information needed to make funding recommendations.

Discussion; no action taken.

A Vibrant and Healthy Berkeley for All

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8. Staff presentation on all Berkeley homeless outreach teams.

Discussion; no action taken.

Meeting adjourned at 9:00 PM.

Minutes Approved on: _____

Josh Jacobs, Commission Secretary: _____



Planning and Development Department
Land Use Planning Division

STAFF MEMORANDUM

DATE: September 1, 2021

TO: Members of the Homeless Services Panel of Experts

FROM: Grace Wu, Senior Planner
Alene Pearson, Principal Planner

SUBJECT: Overview of the Upcoming Housing Element Update and Request to Identify a Member to Participate in the Public Outreach Effort

RECOMMENDATION

Receive information about the update to the Housing Element of the General Plan, discuss potential community partners to be included on the stakeholder list, and identify a member to participate in public outreach efforts related to the Housing Element Update who will report back to the Homeless Services Panel of Experts at future meetings.

BACKGROUND

The Housing Element Update will serve as the City of Berkeley's housing plan for the next eight-year cycle (2023-2031), consistent with mandates of State law and regional planning efforts. It is an important opportunity for Berkeley's residents and community members to come together on assessing housing needs, identifying policy and resource priorities, and finding solutions to implement a wide range of housing choices. The plan contains goals, policies, and programs that will guide the City's decision-making around the development and rehabilitation of housing and necessary zoning amendments to accommodate a substantial increase in the amount of housing, including affordable housing, in the city.

Racial and social equity, and protections for vulnerable and historically impacted communities, are key factors in this Housing Element Update. State law also requires that the Housing Element affirmatively furthers fair housing and examines its policies and programs to ensure they prevent poverty concentration and segregation.

As part of the outreach effort for the Housing Element Update, 10 boards and commissions were identified as having a role in the outreach and policy preparation process because their recommendations may have direct implications on the City's

housing policies, programs, and residential development standards¹. Each Board or Commission is being asked to identify a member to participate in the public outreach efforts by joining the email list, attending three public workshops over the course of 18 months, and providing project updates at their respective board or commission meetings.

Key Components of a Housing Element

The content of the Housing Element and the methodologies used for analyzing constraints and sites inventory are dictated by State law and guided by the California Department of Housing and Community Development (HCD). The Housing Element includes the following components:

1. *Housing Needs Assessment*: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
2. *Evaluation of Past Performance*: Review the prior Housing Element to measure progress in implementing policies and programs.
3. *Housing Sites Inventory*: Identify available sites for housing development to ensure there is enough land zoned to meet the future need at all income levels.
4. *Community Engagement*: Implement a robust community engagement program, reaching out to all economic segments of the community, and especially underrepresented groups.
5. *Constraints Analysis*: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. *Policies and Programs*: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

State law does not require that jurisdictions *build* or *finance* new housing, but cities are required to identify and zone sufficient sites to accommodate the anticipated growth over the next eight-year period.

Regional Housing Needs Allocation (RHNA)

Overall, the Bay Area must plan for 441,176 new housing units during the 6th cycle, compared with 187,990 for the 5th cycle (2015-2023). Each jurisdiction in California receives a target number of units across income levels, called the Regional Housing Needs Allocation (RHNA)², that must be planned for in the Housing Element Update. Berkeley's draft RHNA is 8,934 residential units. The City did not appeal its draft RHNA allocation, recognizing that the allowable circumstances for appeals outlined in

¹ Commission on Aging; Children, Youth, and Recreation Commission; Commission on Disability; Energy Commission; Housing Advisory Commission; Homeless Services Panel of Experts; Homeless Commission; Landmarks Planning Commission; Planning Commission; Zoning Adjustments Board.

² May 20, 2021. *Final Regional Housing Needs Allocation (RHNA) Methodology and Draft Allocations*. ABAG. https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

Government Code Section 65584.05 were not applicable to the City of Berkeley³. The final target RHNA will be issued by the Association of Bay Area Governments (ABAG) in December 2021.

Table 1 provides a comparison of Berkeley’s RHNA numbers at all income levels during the 5th cycle, the number of new units that have been issued building permits between 2015 and 2020, and the draft RHNA for the upcoming 6th cycle. While the total units issued building permits over the last five years are in line with the 5th cycle RHNA, challenges remain for meeting lower and moderate income housing targets.

Table 1: Berkeley RHNA Allocation, 5th & 6th Cycles

Income Level ⁴	5 th Cycle RHNA Units	Units Permitted 2015-2020 ⁵	6 th Cycle DRAFT RHNA Units
Very Low (< 50% AMI)	532	232	2,446
Low (50 – 80% AMI)	442	41	1,408
Moderate (80 – 120% AMI)	584	91	1,416
Above Moderate (> 120% AMI)	1,401	2,579	3,664
Total	2,959	2,943	8,934

Timeline

Due to strict deadlines imposed by the State and severe penalties for missed deadlines⁶, it is critical that the Housing Element Update stay on schedule and is approved by City Council and certified by HCD by January 31, 2023. This means that the majority of the housing needs analysis and assessment, sites inventory, and rezoning will be *identified* within the first six months of the 18-month project in order to allow for sufficient time to conduct a thorough and legally defensible environmental review (see Figure 1: Housing Element Project Timeline).

³ 2023-2031 RHNA Appeals Process. ABAG. <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation/2023-2031-rhna-appeals-process>

⁴ 2021 income levels by family size are available at <https://www.acgov.org/cda/hcd/documents/2021IncomeandRentLimits.pdf>

⁵ Based on revised 2015-2020 APR unit counts, accepted by HCD on July 14, 2021

⁶ Failure to comply would impact Berkeley’s eligibility and competitiveness for federal, state, and regional affordable housing and infrastructure funding sources. Many state and regional grant and loan programs require a compliant Housing Element, including the Affordable Housing and Sustainable Communities Program (AHSC), the Local Housing Trust Fund Program (LHTF), and Metropolitan Transportation Commission’s (MTC) One Bay Area Grant transportation funding.

Figure 1: Housing Element Project Timeline



Outreach and Engagement

Outreach and engagement are integral parts of this project from initiation to adoption. The overall plan for outreach and engagement includes 20 stakeholder interviews, a community-wide survey, 20 small format meetings, three work sessions with the City Council, and three public workshops. Based in part on the feedback received from the 10 boards and commissions, City staff—working with an outreach consultant—will invite community partners and stakeholders to participate in the interviews and small format meetings.

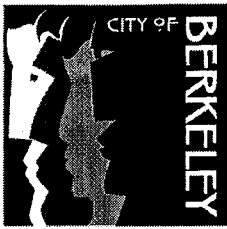
DISCUSSION

1. Which community partners should be included on the stakeholder list, with the goal to further fair housing and engage racially and socially disadvantaged communities?
2. Which member of the Homeless Services Panel of Experts is interested and able to participate in the Housing Element Update public outreach effort? Participation includes joining the email list, attending three public workshops over the course of 18 months, and providing project updates at future meetings.

Prepared by: Grace Wu, Senior Planner, gwu@cityofberkeley.info, 510-981-7484

LINKS

1. April 30, 2021. *Housing Element Off-Agenda Memo*. Berkeley City Council. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Housing%20Element%20Update%20042821.pdf
2. April 28, 2015. *Adopted 2015-2023 5th Cycle Housing Element*. https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-2023%20Berkeley%20Housing%20Element_FINAL.pdf



Homeless Commission

To: Honorable Mayor and Members of the Berkeley City Council
From: Homeless Commission
Submitted By: Carole Marasovic, Chair, Homeless Commission
Date: June 5, 2017
Re: **Use of Measure U1 Funds**

Dear Honorable Mayor and Members of the City Council:

On May 10, 2017, the Homeless Commission voted unanimously to support the Housing Advisory Commission's recommendation that U1 funds only be used for affordable housing. This motion arose in light of the City's purchase of the Premier Cru property and Council discussion as to possible uses of that property:

Action: M/S/C Cohen/Orgain that the Commission draft a letter supporting the Housing Advisory Commission's recommendations to Council regarding use of U1 funds.

Vote: Ayes: Cohen, Feller, Gor, Marasovic, Orgain, Sutton.

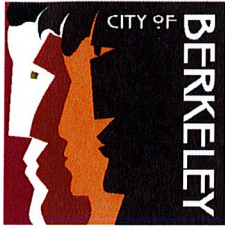
Noes: None. **Abstain:** None. **Absent:** Kealoha-Blake.

Thank you for your attention to this matter.

Respectfully,

Carole Marasovic, Chair
Homeless Commission

cc: Housing Advisory Commission



Homeless Commission

To: Honorable Mayor and Members of the Berkeley City Council
From: Homeless Commission
Submitted By: Carole Marasovic, Chair, Homeless Commission
Date: 6/15/17
Re: Proposed Ordinance to Prevent Housing Discrimination based on Tenant Income to be Expanded to Include Source of Payment for Rent

Dear Honorable Mayor and Members of the City Council:

On May 30, 2017, City Council considered the first reading of an ordinance to prohibit housing discrimination based on a tenant's income. The intent of such an ordinance was to make housing more accessible to those persons with Section 8 and other rental subsidies. Council held this item over until July 25, 2017.

The Homeless Commission recognizes the importance of an ordinance that protects persons with Section 8 vouchers, Shelter Plus Care certificates, and other subsidies from housing discrimination. However, a landlord can agree to not discriminate against a prospective tenant based on their income stating that they would accept them as a tenant but still refuse to accept their voucher, certificate, or subsidy as rental payment, requiring that rent be paid by other than a subsidy. It is a fine line distinction, but one that a landlord could exercise to deny tenancy to the very applicants intended to be protected by the proposed ordinance.

Thus, on 6/14/17, the Homeless Commission passed the following motion:

The Homeless Commission recommends that Council expand the proposed ordinance to prevent housing discrimination based on tenant income to include prohibition of housing discrimination based on source of payment of rent including Section 8 vouchers, Shelter Plus Care certificates and other governmental or private-based rental subsidies.

Vote: Ayes: Cohen, Gor, Kealoha-Blake, Marasovic, Orgain,
Noes: None. Abstain: None. Absent: Feller

Expanding the ordinance will facilitate housing for persons who might otherwise be excluded from housing due to socio-economic and/or disability-related biases.

Respectfully,


Carole Marasovic, Chair
Homeless Commission

FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION

Approved by the Commission on: 7/10/2019

Activity	Responsible Contact	June 2019	July 2019	Aug 2019	Sept 2019	Oct. 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020
Regular Meetings.	Commission	12	10		11	9	13		8	12	11	8	13	10
1. Adopt Final Work Plan for FY20.	Chair; Full Commission		x											
2. Continue to discuss implementation of, and make possible recommendations on, 1000 Person Plan.	Full Commission		x		x	x	x		x	x	x	x	x	x
3. Coordinate with other relevant commissions as needed and requested including Measure P panel.	Full Commission		x		x	x	x		x	x	x	x	x	x
4. Discussion/make recommendations on affordable housing as related to persons who are homeless.	Full Commission		x		x	x	x		x	x	x	x	x	x
5. Discussion/monitoring of sanitation facilities and trash pick-up for encampments.	Subcommittee; Full Commission		x		x	x	x		x					
6. Discussion/possible recommendations on 2019 Berkeley-specific Homeless Count.	Full Commission				x	x								
7. Continued input to Council on inclusionary housing and expanding other housing options for the homeless.	Full Commission		x		x	x	x		x	x	x	x	x	x
8. Continued input to Council on identifying locations for RV dwellers.	Full Commission		x		x	x	x		x	x	x	x	x	x
9. Respond to Council referral on homeless youth policy.	Subcommittee; Full Commission		x		x	x	x							
10. Respond to Council referral on encampment models.	Subcommittee; Full Commission		x		x	x	x							

FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION

Approved by the Commission on: 7/10/2019

11. Discussion/possible recommendations on employment strategies for the homeless.	Full Commission		x		x	x	x							
12. Discussion/make recommendations on implementation of City ordinances/policies impacting on homeless persons.	Full Commission		x		x	x	x		x	x	x	x	x	x



Homeless Commission

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ACTION CALENDAR

September 24, 2019

(Continued from September 10, 2019)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kelly Wallace, Interim Director, Health, Housing & Community Services Department

Subject: Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's Homeless

RECOMMENDATION

The Homeless Commission's recommendation to conduct a study on the health conditions, disparities, and mortality rates of Berkeley's homeless population addresses important issues within the City. Staff greatly appreciate the Commission's continued advocacy for the unhoused and their suggestions to gather as much relevant information as possible. Therefore, staff recommend asking Alameda County to explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.

FISCAL IMPACT OF RECOMMENDATION:

None.

CURRENT SITUATION AND ITS EFFECTS

The Homeless Commission has submitted a report for the September 10, 2019 Council Action Calendar requesting that the City's Public Health Division "conduct a study gathering data on health conditions, health disparities and mortality rates of Berkeley's homeless for the last five years," and provides specific parameters for the content and recommendations in this report.

While this is important information and staff appreciate the Homeless Commission's continued efforts to support the unhoused in Berkeley, City staff are currently unable to report on health issues as related to cause of death because "homelessness" is not systematically included as a data point in County death records. Occasionally, homelessness may be listed on a Coroner's report, for example, but posthumously verifying housing status is difficult and fraught with bias. The same is true for the City's Office of Vital Statistics, which tracks deaths locally for the previous two years (the Homeless Commission asks for five years of data).

It is also important to note that there is not capacity within current Public Health staffing to undertake a health survey of all homeless individuals within Berkeley. Unfortunately, without substantial investment in additional City resources, these recommendations are not possible to execute.

BACKGROUND

On June 12, 2019, the Homeless Commission recommended as follows:

Action: M/S/C Hill/ Marasovic That Council direct that the City Division of Public Health conduct a study, gathering data on health conditions, health disparities and mortality rates of Berkeley's homeless for the last five years. Such recommendation includes compiling information on Berkeley's homeless including persons living in shelters, in vehicles, on the streets, and any other location not intended for human habitation and who move between these settings. Such study shall include data on specific health conditions and make a comparative analysis between the homeless and Berkeley's general population and shall include demographics such as race, age, gender and known disability. Such study shall include how long the homeless person has lived on the streets and/or in shelters and attempt to track back the nature of their various residences for five years as is feasible.

Data for mortality rates among Berkeley's homeless shall also be gathered for the last five years. The mortality rates shall be examined for persons living in shelters, in vehicles, on the streets, and any other location not intended for human habitation and who move between these settings. The cause of death shall be identified and demographics such as race, age, gender and known disability compiled. Tracking the housing status of the persons, for the last five years, shall be identified as is feasible. If feasible, the length of residence in Berkeley shall be identified. A comparative analysis with the general population shall be made. To the extent feasible and within legal constraints, whether or not the deceased individual was under the care of a medical provider shall be identified.

All personal information shall be redacted so as to comply with federal, state and local laws as to the study of both health conditions and mortality rates of the homeless.

Recommendations shall be made to improve the health conditions of the homeless and decrease the mortality rates of homeless persons. Recommendations, within the City Division of Public Health's purview, shall be made initially by them and return to Council where further recommendations can be made. Council shall provide the opportunity for the Homeless Commission, any other relevant commission and the public, to weigh in on recommendations following the release of the data/study.

Vote: Ayes: Behm-Steinberg, Hill, Kealoha-Blake, Marasovic, Mulligan
Noes: None. *Abstain:* None. *Absent:* Hirpara (excused).

Action: M/S/C Hill/Marasovic to submit the report as amended and to authorize the Chair to present on behalf of the Commission on the report.

Vote: Ayes: Behm-Steinberg, Hill, Kealoha-Blake, Marasovic
Noes: None. *Abstain:* None. *Absent:* Hirpara (excused), Mulligan.

The Homeless Commission has submitted an accompanying report for the September 10, 2019 action calendar formally making this recommendation to Council.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this recommendation.

RATIONALE FOR RECOMMENDATION

No data sources exist to respond to the Homeless Commission's request.

ALTERNATIVE ACTIONS CONSIDERED

Council could consider formally requesting that the County Coroner's office begin recording an individual's housing status, including homelessness, at the point of death, and/or could invest additional resources for the City's Office of Vital Statistics to perform this task locally. The cost of such an investment is unknown at this time.

CONTACT PERSON

Peter Radu, Homeless Services Coordinator, HHCS, (510) 981-5435.

November 19, 2019

Honorable Mayor and Members of the City Council
2180 Milvia Street
Berkeley, CA 94704

Update on Youth Policy Referral form Council

Dear Mayor Arreguin and Members of the City Council,

The Homeless Commission is writing to Council to update them on the above-captioned referral.

On October 31, 2017, this Council directed a youth policy referral to the Homeless Commission, Commission on Labor, and Youth Commission. Subsequently, the Homeless Commission and the Commission on Labor held a series of subcommittee meetings during which they jointly discussed and developed a preliminary youth policy. To the Homeless Commission's knowledge, the Youth Commission has not acted on this referral.

At a subsequent Homeless Commission meeting, the Commission decided that it could identify its own separate youth policy and began discussions on doing so. However, before such policy would be finalized before the full Commission, numerous factors arose that would change the nature of the recommendations, primarily that

1. The 2019 Homeless Point-in-Time Count showed a significant decrease in transition-aged youth in Berkeley with only 8% of the homeless in Berkeley classified as transition age youth as opposed to the 14% identified in the 2017 Homeless Point-in-Time Count. Since the referral requested that a recommended figure be quoted as to the proportionate amount of monies to be allocated through the budgetary process, the significant decrease would result in a far lesser allocation. To not so align a recommended allocation with the current numbers of transition-aged youth in Berkeley could only be done through challenging the accuracy of the 2019 Homeless Point-in-Time Count which could only be done through proposing a methodology to do so;
2. The status of Covenant House/YEAH! and of the Fred Finch Youth Center is uncertain. Since both have been critical long-term transition-aged youth programs in Berkeley, if either of these programs were to be eliminated or significantly reduced in Berkeley, recommendations around youth policy would have to address how the youth formerly served by these programs would now be served. Until the Homeless Commission knows the status of these programs, we cannot make recommendations on a broader youth policy;
3. Currently before Council is a staff recommendation as to short-term and medium housing subsidies that recommends "Allowing the City Manager to sole source any funding set-aside for transition-aged youth to the Coordinated Entry Services provider. The CES provider has experience in administering this type of program and is best placed to quickly provide funding for this population and report on the use of funds to the City."
4. Budgetary recommendations are in process, some involving long-term commitments. Excess equity has already been set aside for a Tiny Homes Program, should those funds be available and conditions

met. Although HC subcommittee initial recommendations involved discussion of RFPs for youth services, circumstances have changed as such that there has been new focus on utilization of existing services.

For these reasons, the Homeless Commission's recommendations responding to the youth policy referral are on hold.

Respectfully,
Carole Marasovic,
Chair, Homeless Commission

(As approved by the Homeless Commission at its November 13, 2019 meeting as follows:

Action: M/S/C Hill/Marasovic to approve and send the proposed letter updating Council on the youth policy referral to Council as written.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Hirpara.

Noes: None. **Abstain:** Mulligan, Behm-Steinberg, Hollyman. **Absent:** None.)



Homeless Commission

To: Honorable Mayor and Members of the Berkeley City Council

From: Homeless Commission

Submitted By: Carole Marasovic, Chair, Homeless Commission

Date: March 12, 2020

Re: Commission Meeting Protocol under Council-directed Emergency Suspension

TIME-SENSITIVE URGENT ITEM

RECOMMENDATION

Council to refer to staff to implement teleconferencing procedures during the time frame in which Council has directed that in-person Commission meetings be indefinitely suspended for emergency reasons as is the case with the current coronavirus pandemic.

While these procedures are being implemented, and alternatively, if Council does not refer to staff to implement teleconferencing procedures, establish a means for regular communication between the Commission staff secretary and the Commission Chair and Vice-Chair to discuss updates on pertinent issues to be communicated to the full Commission, by the commission staff secretary, so that during the suspension of the commission meetings, individual commissioners can continue to stay informed and have the opportunity to provide timely input, in their individual capacity, to Mayor and Council.

SUMMARY

Due to the escalating coronavirus pandemic, the Council Agenda Committee has placed under consideration suspending indefinitely the in-person meeting commission process excepting those commissions with administrative oversight or a legislative or quasi-judicial function.

The Homeless Commission provides critical input and oversight into Berkeley's constantly evolving homeless issues. Should Council identify it as one of the commissions under suspension, due to the coronavirus pandemic, the Commission should have an alternate means of meeting or alternatively, receiving updates and communicating their positions to Council if only as individuals.

FISCAL IMPACT of RECOMMENDATION

Staff is best-equipped to assess the cost of teleconferencing. Staff time is used when the Commission staff secretary engages in communication with the Commission Chair and Vice-Chair or the full Commission.

CURRENT SITUATION and ITS EFFECTS

The homeless situation in Berkeley requires constant attention. Issues are always evolving in Berkeley and before Council. The Homeless Commission regularly provides input and oversight on these issues.

If Council opts to suspend the Homeless Commission meetings indefinitely, there will be no opportunity for the Commission to weigh in on multiple items including developments regarding the homeless within the coronavirus pandemic.

BACKGROUND

On March 11, 2020, the Homeless Commission voted, unanimously, as follows:

Action: M/S/C Marasovic/Andrew to approve and send the recommendation to Council with the amendment of adding Vice-Chair to all communication between Secretary and Chair.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Behm-Steinberg, Hirpara, Andrew.
Noes: None. Abstain: None. Absent: Mulligan.

ENVIRONMENTAL SUSTAINABILITY

There are no known identifiable environmental impacts.

RATIONALE for RECOMMENDATION

The Homeless Commission will lose the opportunity to provide critical advisory input to Council at a time when there is substantial program development. If teleconferencing can be implemented during this commission suspension, particularly because it is unknown as to the duration of the suspension, that would be allow for Homeless Commission meetings to continue.

If teleconferencing is not possible, at the very least the Homeless Commission needs to receive regular updates in a timely manner, from staff and the Chair and Vice-Chair, so that commissioners can provide input to Council in their individual capacity if they so choose.

ALTERNATIVE ACTIONS CONSIDERED

None.

Commission Meeting Protocol under Council-directed Emergency Suspension - TIME-SENSITIVE

URGENT ITEM

March 12, 2020

Page 3 of 3

CITY MANAGER

TBD.

CONTACT PERSON

Brittany Carnegie, Homeless Commission Secretary, (510) 981-5415



Homeless Commission

To: Honorable Mayor and Members of the Berkeley City Council

From: Homeless Commission

Submitted By: Carole Marasovic, Chair, Homeless Commission

Date: March 12, 2020

Re: Here/There Encampment

TIME-SENSITIVE URGENT ITEM

During our discussion on the recent vehicle accident where a car plunged into the Here/There encampment causing damage to a camper's property, we urged the immediate installation of K-rails stretched across the parameter of the encampment as a precaution preventing future accidents.

The Homeless Commission recognizes the Here/There encampment as a model intentional community. We are concerned about evictions against this encampment due to circumstances beyond the collective encampment's control.

The Homeless Commission recommends that the City of Berkeley's continued coordination with the Here/There encampment include additional sanitation support. We note that the encampment community provides a support system until permanent housing for residents is achieved.

If the location is deemed to be unsafe for reasons beyond the encampment's control, we recommend that another location be identified by the City of Berkeley so that the encampment can remain a model encampment community. Please refer to the attached letter written on February 12, 2018 submitted to Council by the National Law Center on Homelessness and Poverty.

Action: M/S/C Hill/ Marasovic to approve and send the letter to Council as written.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Behm-Steinberg, Hirpara.

Noes: None. Abstain: Andrew. Absent: Mulligan.

Respectfully submitted,
Carole Marasovic, Chair
Homeless Commission

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Executive Director

*Affiliations for identification
purposes only*

February 12, 2018

Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

Dear Council Members,

Thank you for this opportunity to share our support of Homeless Commission Recommendation #38A, which would provide a tent city location for First They Came for the Homeless (FTCfH.) The peer-driven encampment model developed by FTCfH reflects some of the best practices we have identified for interim solutions while communities implement permanent housing solutions to homelessness.

The National Law Center on Homelessness & Poverty is the only national legal organization dedicated to preventing and ending homelessness, with more than 25 years of experience in public education, policy advocacy, and impact litigation. Our deep experience in best (and worst) practices in addressing homelessness is that authorized encampments using a peer driven system of governance work to promote stability for unsheltered homeless people and improve quality of life for the community at large.

All people need a safe, accessible, legal place to be, both at night and during the day, and a place to securely store belongings—until permanent housing is found. Yet, homeless people in the City of Berkeley lack options for safe, accessible, and legal places to live. There is insufficient affordable housing in the City, as rents have risen astronomically in recent years. There is also insufficient emergency shelter to meet even temporarily the basic human needs of the City's hundreds of unsheltered homeless people.

A tent city for FTCfH offers its residents a safe, accessible, legal place to live during the day and night. Although it is not an end solution to their homelessness, a tent city can provide important stability which can enable them to get off the streets more quickly, or at a minimum improve their quality of life. *See National Law Center on Homelessness & Poverty, Tent City USA: The Growth of America's Homeless Encampments and How Communities are Responding*(2017). Indeed, the stability and sense of permanence that encampments afford to their inhabitants, as "an interim and emergency option," can be an important step on the "pathway to ending homelessness." *See Seattle University School of Law Homeless Rights Advocacy Project, No Rest for the Weary: Why Cities Should Embrace Homeless Encampments* (May 2016). Moreover, legal encampments using a peer driven system of governance have been shown to improve the neighborhood relationship between housed and homeless people. *See City of Seattle Permitted Encampment Evaluation* (July 2017).

2000 M Street, N.W., Suite 210, WASHINGTON, DC 20036 | www.nlchp.org | PHONE: 202.638.2535 | FAX: 202.628.2737

The National Law Center on Homelessness & Poverty is a 501(c)3 charitable organization. Its federal tax ID is 52-1633883. No goods or services were given in exchange for this gift. Your donation is tax-deductible to the extent of the law. Please retain this letter for your records as your official receipt.

Establishing a tent city for FTCfH is far superior to the City's current strategy of repeatedly evicting homeless people from unauthorized encampments. This strategy does not work to reduce unsheltered homelessness, and instead disperses it to other parts of the City. See Coalition on Homelessness, San Francisco, *Punishing the Poorest: How the Criminalization of Homelessness Perpetuates Poverty in San Francisco* (2015). There is no net reduction in unsheltered homelessness, nor in the health and safety risks associated with hundreds of people sleeping unsheltered in the City. Indeed, when homeless people are evicted from their encampments without a safe, accessible, legal alternative place to live, it becomes even more difficult for them to escape homelessness. See Tai Dunson-Strane and Sarah Soakai, *The Effects of City Sweeps and Sit-Lie Policies on Honolulu's Homeless*, Univ. of Hawai'i at Manoa, Dep't of Urban and Regional Planning 12, 19 (June 2015))

In addition, evictions from unauthorized encampments waste precious public resources on an ineffective strategy for addressing visible homelessness. See National Law Center on Homelessness & Poverty, *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities* (2016). That strategy also jeopardizes federal funding available to house and serve homeless people, and exposes the City to expensive litigation for violations of homeless persons' constitutional and other civil rights.

Whether examined from a legal, policy, fiscal, or moral standpoint, the Homeless Commission recommendation makes sense. We urge you to support this constructive solution to homelessness. I am happy to answer any questions that you may have. Please do not hesitate to contact me at tbauman@nlchp.org or at 202-638-2535 x. 102.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tristia Bauman', with a long, sweeping horizontal line extending to the right.

Tristia Bauman
Senior Attorney



Homeless Commission

To: Honorable Mayor and Members of the Berkeley City Council

From: Homeless Commission

Submitted By: Carole Marasovic, Chair, Homeless Commission

Date: March 12, 2020

Re: Homeless Commission recommendations regarding coronavirus pandemic

URGENT TIME-SENSITIVE ITEM

On March 11, 2020, the Homeless Commission voted, unanimously, to submit the following recommendations to Council regarding the coronavirus pandemic.

1. To urge Council to take action to enter into a temporary contract with Lifelong Medical Care to engage in street outreach and medicine along with other programs conducting homeless outreach including the HOTT team, BACS homeless outreach and outreach through the Homeless Action Center's Rapid Rehousing for the Elderly, and attempt to engage the Red Cross, to conduct outreach to homeless persons including those on the streets, in encampments and in vehicles, to identify persons who are at-risk and symptomatic of coronavirus;
2. Place a moratorium on evictions from encampments and RVs during the coronavirus pandemic;
3. Refer to staff to provide clean water and sanitation near homeless encampments prioritizing the highest number of homeless persons and density;
4. Refer to staff to coordinate with research institutions to facilitate care consistent with best practices in treating coronavirus for most at-risk persons.
5. Expedite placement of porta-potties near encampments, as identified by the City of Berkeley restroom study, utilizing available monies particularly the HEAP monies, available for this purpose.
6. Integrate the Pacific ADA Center's "Maintaining Site Accessibility During Emergencies Checklist" into all city planning for emergency services. : <https://www.adapacific.org/assets/documents/maintaining-site-accessibility-checklist-factsheet-12-7-2015.pdf>
7. Refer to staff to establish protocol for sanitation inside shelters, and at drop-in centers, funded by the City of Berkeley, to make readily available a supply of hand

Homeless Commission recommendations regarding coronavirus pandemic - URGENT TIME-SENSITIVE
ITEM

March 12, 2020

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sanitizer, soap and toilet paper; post signage for residents/clients and establish protocol to identify symptomatic residents/clients.

On March 11, 2020, the Homeless Commission voted, unanimously, as follows:

Action: M/S/C Marasovic/ Hill to approve the letter on coronavirus as written.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Behm-Steinberg, Hirpara, Andrew.

Noes: None. Abstain: None. Absent: Mulligan. Respectfully submitted,

Respectfully submitted,
Carole Marasovic, Chair
Homeless Commission

cc: Jennifer Vasquez, CSSIII, Health, Housing and Community Services

January 27, 2020

Mayor Jesse Arreguin
Members of the City Council
2180 Milvia Street
Berkeley, CA 94704

Dear Mayor Arreguin and Members of the City Council,

The Homeless Commission has previously recommended that homeless funding priorities be focused on permanent (long-term) housing. In light of Council's Measure P allocations, which allocated a small amount of monies to permanent subsidies and conditioned funding permanent subsidies only if and upon \$6 million being received that year, the Homeless Commission urges Council to identify another funding source from which permanent housing subsidies can be allocated.

In July, 2019, the Homeless Commission submitted a recommendation that a substantial amount of the proceeds from the cannabis tax be committed towards permanent subsidies for housing the homeless. That recommendation has not yet been addressed. The Commission hopes that Council recognizes the critical need of permanent housing subsidies as the highest ranking priority for these monies.

Attempts to address homelessness without long-term subsidies perpetuates the homeless cycle. People can only rise out of homelessness with subsidies that sustain them.

Current focus on short-term subsidies only results in extended instability in the lives of homeless persons who first, need housing stability before otherwise stabilizing their lives. Short-term subsidies frequently result in placement of homeless persons in substandard conditions which are not cost-effective and are likely to result in a return to homelessness. The very definition of short-term subsidies makes it generally, untenable to promote the subsidy holder as a reliable, long-term tenant and thus, excludes the possibility of placement in stable, respectable, long-term situations where the person experiencing homelessness can remain rebuilding their lives.

Permanent (long-term) subsidies were a critical element of the 1000 Person Plan to reduce homelessness, presented by staff, which Council wholeheartedly accepted and praised. It is now time to honor that plan and honor persons struggling with homelessness as well as honor the larger community that has urged for the homeless situation to be mitigated while it continues instead to spike.

The Homeless Commission urges that Council direct future funding recommendations with its highest ranking priority directly related to mitigating homelessness through permanent (long-term) subsidies and do so through Council's upcoming allocation of cannabis tax proceeds and other homeless funding sources that may arise.

Respectfully Submitted,

Carole Marasovic

Chair, Homeless Commission

On January 8, 2020, the Homeless Commission voted as follows:

Action: M/S/C Hill/Marasovic to approve and send the letter to Council as written.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Mulligan, Andrew.

Noes: None. Abstain: Behm-Steinberg. Absent: Hirpara.



Berkeley Homeless Commission

To: the Mayor and Members of the City Council
Submitted by: Homeless Commission
Subject: 24/7 Restroom access in downtown Berkeley

Dear Mayor and Council:

The Homeless Commission urges Council to refer to staff to establish 24/7 restroom access in the downtown Berkeley area.

As COVID rages, an increasing number of unhoused individuals have set up camp in downtown Berkeley. The City has wisely followed CDC guidelines to not disperse encampments during COVID.

These individuals require 24/7 restroom access. The porta-potties that were in front of the downtown library were removed a few months ago. The City downtown parking garage only has restroom access from the morning until 5:00 p.m. (The garage was entirely closed when City employees were on holiday recess.) Restaurants and stores in downtown Berkeley will not even allow customers to use their restrooms during COVID.

Thus, the Homeless Commission unanimously passed the following motion on January 27, 2021:

"The City of Berkeley shall provide restroom access on a 24/7 basis at critical locations in downtown Berkeley. Restrooms must be ADA accessible. Such access is needed immediately and cannot wait for implementation of restrooms under T1 monies. Due to the urgency, the Commission is authorizing the Chair to submit a letter to Council which has been approved by the Commission."

Vote: Ayes: Kealoha-Blake, Shaw, Mulligan, Behm-Steinberg, Marasovic, Andrew.
Noes: None. Abstain: None. Absent: None.

Respectfully,

Carole Marasovic, Chair
Homeless Commission



Berkeley Homeless Commission

To: Mayor and Members of the City Council

Submitted by: Homeless Commission

Subject: Recommendation to Incorporate Hate Crimes against Persons with Homeless Status in Improving Hate Crime Reporting and Response

RECOMMENDATION: That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.

SUMMARY: Homeless persons are frequently the victims of hate crimes based on their homeless status. On November 17, 2020, Council passed legislation to refer to the City Manager to develop approaches to improve hate crimes reporting and response. While homeless victims may be, to some degree, covered under other populations identified, the hate crimes committed against them because of their homeless status merit being distinguished in reporting and response. Council's referral to the City Manager also covers developing community education and outreach. The homeless population needs outreach targeted to them.

FISCAL IMPACT of RECOMMENDATION: Staff time is involved in developing reporting and response referrals to return to Council. Since hate crime reporting and response approaches have already been directed by Council to the City Manager, this referral can be incorporated into current staff time being used by that referral.

CURRENT SITUATION and ITS EFFECTS: From 1999-2010, hate crimes based on homeless status were documented throughout the United States with two states identified as having the highest number of hate crimes against the homeless, those states being California and Florida. (Hate Crimes Against the Homeless, January, 2012, a publication of the National Coalition on Homelessness). In addition, it can be presumed that there was underreporting.

Only three states have passed targeted legislation addressing reporting and response to homeless victims of hate crimes, those being Rhode Island, Maine and Florida. Nationally, HR3258, Hate Crimes Against the Homeless Statistics Act of 2011, was introduced in Congress. Action was never taken on that legislation with it dying as a result of the lack of action.

Homeless persons are easily the targets of hate crimes, often derided, and having their property, or themselves, physically attacked, based on their homeless status.

BACKGROUND: On November 17, 2020, Council passed legislation referring to the City Manager to develop approaches improving reporting and response of hate crimes.

On February 10, 2021, the Homeless Commission voted unanimously as follows:

That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.

Action: M/S/C Behm-Steinberg/Kealoha-Blake move to approve the report.

Vote: *Ayes:* Kealoha-Blake, Shaw, Mulligan, Marasovic, Behm-Steinberg, Andrew.
Noes: None. *Abstain:* None. *Absent:* None.

ENVIRONMENTAL SUSTAINABILITY: There are no known identifiable environmental effects.

RATIONALE for RECOMMENDATION: Persons are frequently the victim of hate crimes based on their homeless status. Neither the federal government nor the state government has enacted legislation targeted towards statistical reporting and responding to this specific group.

Since the City of Berkeley has recognized the need to improve reporting and response for hate crimes and has referred to the City Manager approaches to be developed, homeless persons should also be incorporated, with targeted approaches towards them, in reporting and responses.

ALTERNATIVE ACTIONS CONSIDERED: The alternative is not to identify the specific hate crime reporting and response needs of the unhoused who are victims based on their homeless status.

CITY MANAGER: City manager concurs the content and recommendations of the commission's report.

CONTACT PERSON: Josh Jacobs, Homeless Services Coordinator (510) 981-5435.



Berkeley Homeless Commission

To: Mayor and Members of the City Council

Submitted by: Homeless Commission

Subject: Supportive Housing at People's Park

Dear Mayor and Council:

People's Park has a historical legacy that defines a significant period in Berkeley's history. That legacy must be balanced against Berkeley's critical unmet housing needs. The housing and homeless crisis demonstrates that housing is sparse not only for UC students but also for the estimated 2,000 people per year homeless on the streets of Berkeley or languishing in Berkeley shelters. Supportive housing for the homeless, among other housing needs, is a critical need that must be provided.

The UC plan to build supportive housing, for the homeless, at People's Park, meets some of that need. However, the Homeless Commission believes that relinquishing the use of People's Park should only transpire if the maximum supportive housing units, up to 200, for the homeless are to be provided. According to public reports, the UC plan currently presents the number of units for supportive housing as 150 units although previous reports have been 100-125 units.

In addition, homeless students should be housed in the student building not in the supportive housing building, the supportive housing building should be reserved for the general community that is unhoused.

Last, currently, UC's housing plan has open space only in front of the proposed student housing. Consistent with the historical legacy of People's Park, open space should be available for the general community not exclusively the student community. Thus, the proposed design should be redesigned to set aside separate open space to honor the historical and political legacy of Berkeley.

In sum, with the above modifications, the Homeless Commission supports the supportive housing planned for People's Park on the condition that the maximum units of supportive housing are made available for unhoused persons.

On February 10, 2021, the Homeless Commission voted as follows:

"To approve the letter to Council regarding maximizing the number of supportive housing units to be built at People's Park, and related issues, as set forth in this letter".

Vote: Ayes: Shaw, Marasovic, Behm-Steinberg, Andrew.

Noes: None. *Abstain:* Kealoha-Blake; Mulligan. *Absent:* None.

Respectfully submitted,

Carole Marasovic, Chair
Homeless Commission



Berkeley Homeless Commission

To: Mayor and Members of the Berkeley City Council
From: Berkeley Homeless Commission
Submitted by: Paul Kealoha-Blake, Chair, Homeless Commission
Carole Marasovic, Homeless Commission

Subject: Residential vacancy tax to be placed on 2022 Ballot to fund the purchase of motels/hotels for the homeless and to fund the 1367 University Avenue housing for the homeless.

RECOMMENDATION: That Council refer to the City Manager to research a ballot measure, for the 2022 ballot, establishing a vacancy tax for residential rental properties, left vacant for six months or longer, excluding single-family homes and duplexes, with attention to the intent of the vacancy, establishing exceptions based on medical or natural disaster or emergency reasons, such as the coronavirus, causing the vacancy. As to small landlords, research shall consider if the vacancies are due to financing, permitting and /or renovation issues and what the City could do to facilitate overcoming those problems to place these rental properties back on the market.

Monies from the residential vacancy tax shall be used for the purchase of motels/hotels to house the homeless and to fund in part, costs of housing the homeless at 1367 University Avenue, otherwise referred to as Step-Up housing.

SUMMARY: In excess of 3,000 rental properties in Berkeley remain vacant at a time when rental housing is critical to the community and a homeless crisis is burgeoning. In July, 2018, Council first voted unanimously to explore this issue. At that time, 141 vacant multi-unit residential buildings were identified in Berkeley with 68 vacant for more than a decade.

In February, 2020, Council voted to survey the Berkeley public on ballot measures including a residential tax. However, Council later decided not to include the vacancy tax as a possible ballot measure because of increased residential vacancies from the coronavirus pandemic.

The proposed measure would have placed a one dollar tax per square foot for residential vacancies exceeding a year. The measure, at that time, was being considered as working towards resolving vacancy issues.

This recommendation differs in that it lessens the time frame of the vacancy to six months, defers to Council to identify the amount to be assessed, addresses small landlords's possible needs exempts duplexes as well as single-family homes,, and provides for a specific purpose for the revenue generated by the ballot measure.

Through Project Roomkey, Berkeley was able to house unsheltered homeless individuals in Berkeley motels. When those state monies ended. Berkeley was unable to continue that housing arrangement as to one of those motels and did not receive the County monies to do so. Using motels to house the homeless was greatly successful. It mitigated the number of persons on the street, used existing housing resources instead of investing in costly new housing and provided unhousing people a place of their own with their own bathroom and with security on site. The City of Berkeley needs to continue these housing arrangements but currently does not have the funds to do so. A vacancy tax would provide those funds.

1367 University Avenue, in process, provides supportive housing for the homeless. Although approved by Council, with the struggling City budget, there are not substantial monies to completely fund it.



Berkeley Homeless Commission

That the COVID pandemic continues is no longer a reason to halt a vacancy tax. While the pandemic continues, so does the homeless crisis which seems to be continually burgeoning. Prospective tenants continue to look for rental housing and there are not sufficient reasons to not rent out most rental units within a six month time frame.

Either way, whether this ballot measure facilitates additional rentals or produces revenue for purchasing motels/hotels and funding, in part, 1367 University Avenue, or the more likely, some combination of the two, it will be successful at housing more people in Berkeley.

FISCAL IMPACTS of RECOMMENDATION: Staff would have to assess the costs of the ballot measure and the revenue that it will bring.

CURRENT SITUATION and ITS EFFECTS: Neither the thousands of rental vacancies nor the current state of homelessness can be eased without addressing them directly with a funding source that will be palatable to the voters. This recommendation and the summary described above, provides a means of mitigating those problems.

BACKGROUND: On March 31, 2021, the Homeless Commission voted as follows:

To accept the recommendation as stated in this report. M/S

Yes: Noes: Abstentions:

ENVIRONMENTAL SUSTAINABILITY: Properties with violations left uncured will improve the environment.

RATIONALE for RECOMMENDATION: Incorporated in the summary

ALTERNATIVE ACTIONS CONSIDERED: The Commission considered continuing to delay this ballot measure but believed that was not advisable given the increasing homelessness.

CITY MANAGER: See companion report

CONTACT PERSON: Joshua Jacobs, Homeless Services Coordinator, (510) 981-5435



Homeless Commission

To: Mayor and Members of the City Council
Submitted by: Homeless Commission
Subject: Pathway STAIR Center Accessibility

Dear Mayor and Council:

On May 12, 2021, the Homeless Commission approved the following language for a letter to council regarding the Pathway STAIR Center:

“The Homeless Commission recommends that City Council require the City Manager to become fully compliant with all ADA requirements at the Pathway STAIR Center within 60 days of receipt of this recommendation.”

Vote: Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg, Andrew.
Noes: None. *Abstain:* None. *Absent:* Gomez.

Respectfully,

Paul Kealoha-Blake, Chair, Homeless Commission
Carole Marasovic, Vice-Chair, Homeless Commission



Homeless Commission

To: Mayor and Members of the City Council

Submitted by: Homeless Commission

Subject: Commission Consolidation

Dear Mayor and Council:

On June 9, 2021, the Homeless Commission approved the following language for a letter to council regarding commission consolidation:

"The Homeless Commission recommends:

- at least two scheduled meetings notice prior to the date of the consolidation;
- all Homeless Commissioners having served over one year be incorporated into the Homeless Services Panel of Experts unless having otherwise been appointed to Homeless Services Panel of Experts, making a total of eleven commissioners;
- any outstanding recommendations from the Homeless Commission survive the date of consolidation; and
- the Homeless Commission policy role as well as the community agency funding allocation process be fully incorporated."

Vote: Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg, Andrew.

Noes: None. **Abstain:** None. **Absent:** Gomez.

Respectfully,

Paul Kealoha-Blake, Chair, Homeless Commission
Carole Marasovic, Vice-Chair, Homeless Commission



Homeless Commission

To: Mayor and Members of the City Council

Submitted by: Homeless Commission

Subject: 742 Grayson Accessibility

Dear Mayor and Council:

On May 12, 2021, the Homeless Commission approved the following language for a letter to council regarding 742 Grayson:

“The Homeless Commission looks forward to the shelter being open at 742 Grayson but recommends that a designated CAS-P certified city staff or contractor carefully inspect the building for architectural barriers and accessibility to ensure full compliance with Americans with Disabilities Act laws and regulations prior to opening. This recommendation is not intended to delay the needed opening of 742 Grayson but to ensure full accessibility and that future unsafe conditions do not occur.

At intake, staff shall take proactive efforts to expeditiously assist any person with a disability with any needed accommodation(s).”

Vote: Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg, Andrew.

Noes: None. *Abstain:* None. *Absent:* Gomez.

Respectfully,

Paul Kealoha-Blake, Chair, Homeless Commission
Carole Marasovic, Vice-Chair, Homeless Commission