



COUNCIL AGENDA: 11/28/17

FILE: 17-362

ITEM: 4.3

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: November 6, 2017

Approved

D. DSYL

Date

11/17/17

COUNCIL DISTRICT: 2, 3, 5, 7

SUBJECT: DECLARATION OF A CONTINUED SHELTER CRISIS, DESIGNATING FACILITIES FOR OVERNIGHT WARMING CENTER ACTIVATION, AND APPROVAL OF AMENDMENT OF AGREEMENT WITH HOMEFIRST FOR OVERNIGHT WARMING LOCATION ACTIVATION

RECOMMENDATION

1. Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 *et seq.* and designating the following four city-owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:
 - Tully Community Library, 880 Tully Rd, San José, CA 95111;
 - Southside Senior Center, 5585 Cottle Rd, San José, CA 95127;
 - Alum Rock Library, 3090 Alum Rock Ave, San José, CA 95127; and,
 - Roosevelt Community Center, 901 E Santa Clara St, San José, CA 95116.
2. Approve the Second Amendment to an Agreement with HomeFirst increasing the amount of the agreement by \$506,000 to continue operating the Overnight Warming Locations during the 2017-2018 cold weather season.

OUTCOME

The City Council's approval of this recommendation will support a plan that will provide additional shelter and services for homeless individuals and families in San José during periods of inclement weather this winter.

BACKGROUND

The 2017 Homeless Census and Survey enumerated 4,350 homeless individuals in San José, with 74% of the population being unsheltered. The survey findings also underscored the vulnerability of the population, with 70% of respondents reporting one or more disabling physical or mental conditions. According to a recent report by the County's Office of Supportive Housing, Santa Clara County emergency shelters have the capacity to provide 1,253 shelter beds on any given night. Approximately 1,070 of those emergency shelter beds are in San José.

Each winter, the possibility of severe weather coupled with potential flooding poses a significant threat to these vulnerable individuals living along the waterways, on the streets, and in other exposed areas. Traditionally, the regional crisis response to these potentially life-threatening conditions has been somewhat limited. During the winter season, expanded this year from October 15, 2017 through April 16, 2018, the County opens its Cold Weather Shelter Program in Sunnyvale, Gilroy, and San José. The County program, managed by the non-profits HomeFirst and St. Joseph's Family Center, activates approximately 250 seasonal emergency shelter beds for unhoused residents, including 50 shelter beds in San José, raising the emergency shelter capacity from 1,253 to 1,503 during the cold weather season. These locations operate on a nightly basis, offering shelter and food to residents.

To expand this capacity, the San José City Council first declared a shelter crisis on December 8, 2015, under California Government Code Section 8698, allowing the City to use publicly-owned buildings for the purpose of temporary shelter. Following this declaration, the City contracted with HomeFirst to operate an Overnight Warming Location (OWL) program to serve up to 100 unsheltered persons in San José during periods of inclement weather. In addition to operating the Boccardo Reception Center (BRC), Santa Clara County's largest year-round homeless shelter, HomeFirst also operates the two seasonal cold weather shelters in Sunnyvale and Gilroy. Working collaboratively with staff from the Library; Parks Recreation and Neighborhood Services (PRNS); Housing; Planning, Building, and Code Enforcement (PBCE); Department of Public Works; Fire; and the City Attorney's Office, the City launched the program in FY2015-2016.

Since its launch, the program has operated at four sites. Locations were selected based on a number of different factors including proximity to known concentrations of homeless populations living in potentially unsafe and exposed areas; site accessibility; accessible restroom and/or shower facilities; heating; and access to additional nearby supportive services and public transportation. These sites are listed below:

- Tully Community Library, 880 Tully Rd, San José, CA 95111;
- Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128;
- Washington United Youth Center, 921 S 1st St, San José, CA 95110; and,
- Bibliotheca Branch Library, 921 S 1st St, San José, CA 95110.

In 2016-17, the OWL program was activated for nine periods of inclement weather between December 2016 and March 2017. These activations resulted in 31 nights of shelter, food, and support for 1,819 individuals, as illustrated in the table below.

FY2016-2017 Utilization: Total Individuals Served			
Tully	Bascom	Biblioteca	Washington United Youth Center
708	565	441	105

Throughout the year, staff from Housing, PRNS and Library met regularly with HomeFirst to address needs and concerns at each site. Some of the issues included a need for increased janitorial support, client transportation assistance, and additional resources to address other participant service needs. Because of this collaborative and responsive partnership, both PRNS and Library reported that the overall program was successful and well-received by the community. Program participants, surveyed by HomeFirst after each stay, also reported a high level of satisfaction with the services, including 100% of the OWL participants indicating that their immediate needs were met during their stays in the 2016-17 program year.

ANALYSIS

California Government Code Section 8698 allows a city to declare a state of emergency due to a shelter crisis and provides that, upon such declaration, the city obtains defenses to ordinary negligence connected with provision of emergency housing. Such a declaration allows the city to suspend certain regulations and standards of housing, health, or safety to the extent strict compliance would prevent, hinder, or delay mitigation of the shelter crisis. It also provides that any city may allow homeless persons to occupy designated public facilities for the duration of the state of the emergency. In order to declare a shelter emergency, a city must find that there is an existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

The information below supports a recommendation to the Council to reaffirm the existence of a shelter crisis in San José:

- According to the 2017 San José Homeless Census and Survey, a total of 4,350 homeless people were counted on the mornings of January 24 and 25, 2017.
- Approximately 3,231 (74%) of this population was unsheltered, including 643 people living in encampment areas.

- The County's Office of Supportive Housing identified only 1,070 year-round emergency shelter beds in the City in 2017.
- Homeless individuals and homeless advocates have testified that there are insufficient shelter beds to house all the people living outside.
- Homeless individuals are at risk of injury and harm due to exposure to the weather and the result of having to live outside.
- People sleeping overnight in City parks, sidewalks, parking lots, and creeks impact neighborhoods and the surrounding environment.

Given the lack of available shelter and housing to meet the needs of the existing homeless population, staff is recommending that the City Council reaffirm the existence of a shelter crisis to allow the specified City-owned sites to be used for OWLs. The OWLs are short-term emergency shelters that operate overnight for a set period when temperatures or a combination of precipitation and/or temperature become severe. Their paramount purpose is the prevention of death and injury related to exposure to the elements.

OWL Sites

While there was program demand across all program sites, staff determined that better geographic dispersion of the sites throughout San José may help to serve an even greater number of vulnerable residents. To prepare for the coming year, the Housing Department staff evaluated ten City-owned library and community center sites as potential OWLs for the 2017-2018 cold winter season. The analysis concluded that returning to Tully Community Library is essential given the large numbers of individuals that regularly access the location while in operation. Additionally, this location is adjacent to one of the three Project Areas and Focus Zones through the Direct Discharge Program, which is a collaboration between Housing, ESD, PRNS and the Santa Clara Valley Water District to address trash in the waterways, specifically in Coyote Creek. Given the large homeless population in this area, the City is providing targeted homeless outreach in and around the library and additional shelter during severe weather.

To provide better distribution in other identified areas of need, staff is ceasing OWL operations at Bascom Community Center, Washington United Youth Center, and Bibliotheca Branch Library and proposing to implement the OWL program at the following new sites:

- **Roosevelt Community Center** – will serve homeless individuals in the downtown core and has ready access to public transportation.
- **Alum Rock Library** – will serve homeless families in the eastside neighborhood and has ready access to transportation.
- **Southside Senior Center** – will serve homeless individuals in south San José and has ready access to transportation. This site is also the best suited for individuals with accessibility challenges.

The sites will have a capacity of up to 30 individuals at each location and will generally operate from 9:00 p.m. to 8:00 a.m., when the facilities are ordinarily closed to the public. The goal is to operate this program with minimal or no impact to the regular services and programs conducted at these sites. Hours of operation will vary slightly from site-to-site based on the City services and programs at each site. The City communicates the activation of these sites to vulnerable populations through several channels including: direct street outreach by City-funded outreach teams, service provider and community advocates notification through Housing Department e-blasts, media advisories, and activation notice posting both online and at the OWL facilities.

Inclement Weather Thresholds

Over the past two years, the OWL program has used the following thresholds to trigger the activation of the sites:

- an overnight low of 38 degrees or lower with a probability of rain less than 50%; or
- an overnight low of 42 degrees or lower with a probability of rain of 50% or greater; or
- prolonged periods of rain with flooding in low-lying areas.

While these triggers align with the existing Countywide inclement weather activation system and provide a strong baseline for conditions that represent serious threats to health and safety, staff is recommending an additional activation criterion for the upcoming season:

- 50% probability of rain for two or more days.

This new standard will continue to provide a simple and reliable system for forecasting activation periods, while also creating increased coverage and shelter in times of prolonged wet weather. As this new requirement will also most likely increase the number of activation days, staff is proposing additional funding in this year's contract with HomeFirst, increasing the total number of activation days to a maximum of 45 days for FY2017-2018.

OWL Site Operation Agreement

Staff is recommending that Council approve a second amendment to the agreement with HomeFirst in the amount of \$506,000 to operate the OWL program through the 2017-2018 cold weather season. With the City program operating in conjunction with the County's expanded cold weather season, the term of the amended agreement will run from December 5, 2017 through June 30, 2018. This will allow HomeFirst an additional 45 days from the end of the cold weather season to close out sub-agreements and provide all necessary documentation and reports before closeout of the grant. The proposed agreement will fund operations of all four recommended sites for an estimated 45 days of activation. The 45-day estimate is based on the number of cold weather activation days during the 2016-2017 season and considering a potential increase with the extended cold weather season and the added activation standard. Billing is based on the actual services and the number of actual days of cold weather activations.

The recommended amendment includes additional funding to support operations through the 2017-2018 season. The scope of the agreement is similar to the previous two years. Under the agreement, HomeFirst will be responsible for providing the following:

- a. Access to restroom facilities and food.
- b. Site set up, supervision and clean up.
- c. Security services to be provided by subcontract with a professional, established, security agency to provide service during all hours of operation at each Location.
- d. Cleaning services to be provided by subcontract with a professional cleaning service to clean each Location in the morning after the Locations are activated so that the Locations can be returned to regular programming the next morning without interruption or delay.
- e. If site staff identifies any issue, it will be addressed within the same business day by Agency or the City Representative.
- f. Agency will provide bus tokens and provide shuttle service to offer transportation as users exit the facility to ensure no loitering occurs at the site.

Additionally, the amended agreement is providing funding for expanded security at each site. At the request of the community, HomeFirst will ensure that security remains on-site for a short period after each OWL site is closed. HomeFirst will also deploy additional support staff to ensure each site is cleared to avoid any programming interruptions at the sites. The agreement also requires HomeFirst to survey participants to ensure the quality of the services and the customer satisfaction at each site during each activation period.

The Housing Department anticipates that it may need to seek an additional extension of the shelter crisis next fall. Prior to bringing this request to City Council, the Housing Department will assess the site selections and consider rotating the sites every two or three years, depending on need and utilization. The results of this analysis will be included in the memorandum to City Council. Staff will also administer an RFP for the OWL program operation next year to begin a new three-year funding cycle.

EVALUATION AND FOLLOW-UP

The results of the program will be reported through an annual update on homeless activities to the City's Neighborhood Services and Education Committee.

PUBLIC OUTREACH

Neighborhood outreach meetings were facilitated by Housing Department staff in coordination with in Districts 2, 3 and 5 where new OWLs were proposed.

This memorandum will be posted on the City's Council Agenda website for the November 28, 2017, Council Meeting.

COORDINATION

The memorandum was coordinated with the Department of Library; the Department of Parks, Recreation, and Neighborhood Services; the City Attorney's Office; and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

On June 8, 2017, Housing and Community Development Commission, the Commission passed (9-0-1) the Housing Trust Fund Expenditure Plan, which included a funding allocation for the Overnight Warming Location program.

COST SUMMARY IMPLICATIONS

1. AMOUNT OF RECOMMENDATION:

<u>PROPOSED USES</u>	<u>AMOUNT</u>
HomeFirst Agreement	\$506,000
TOTAL	\$506,000

2. SOURCE OF FUNDING: Housing Trust Fund (440)

3. FISCAL IMPACT: Funding in the amount of \$450,000 has been previously appropriated in the Housing Trust Fund for Housing and Homeless Projects. The proposed agreement is a one-time commitment. There is no ongoing fiscal impact to the General Fund as a result of this action.

BUDGET REFERENCE

The table below identifies the fund and the appropriation proposed to fund the actions recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
440	2453	Housing and Homeless Projects	\$1,275,000	\$506,000	1002	10/17/2017, 30014

CEQA

Exempt, File No. PP17-076.

/s/
JACKY MORALES-FERRAND
Director, Housing

For questions, please contact Ray Bramson, Acting Deputy Director at (408) 535-8234.