



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** DECEMBER 17, 2019

FROM: OFFICE OF HOMELESS SOLUTIONS (OHS) **WARDS:** ALL

SUBJECT: MEASURE Z – RESOLUTION DECLARING THE ESTABLISHMENT OF EMERGENCY HOUSING AT PUBLIC FACILITIES TO BE OF URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH, AND PROPERTY, WAIVING COMPETITIVE PROCUREMENT REQUIREMENTS THEREFOR, AND AMENDING RESOLUTION NO. 23387 TO EXPAND THE DEFINITION OF “DESIGNATED PUBLIC FACILITIES”; REVIEW OF TEMPORARY EMERGENCY HOUSING ALTERNATIVES TO ASSIST THE CITY’S UNSHELTERED HOMELESS POPULATION

ISSUE:

Adoption of a Resolution declaring the establishment of emergency housing at public facilities to be of urgent necessity for the preservation of life, health, and property pursuant to Charter Section 1109, waiving competitive procurement requirements therefor, and amending Resolution No. 2338 to expand the definition of “Designated Public Facilities”; Review of temporary housing alternatives to assist the City of Riverside’s unsheltered homeless population.

RECOMMENDATIONS:

That the City Council:

1. Adopt the attached Resolution declaring the establishment of emergency housing at public facilities to be of urgent necessity for the preservation of life, health, and property pursuant to Section 1109 of the City Charter, waiving the competitive procurement requirements therefor, and amending Resolution No 23387 to expand the definition of “Designated Public Facilities”;
2. Provide staff with direction on whether to pursue the following temporary housing alternatives:
 - a. Emergency beds at 1901 Massachusetts Avenue located within the Hulen Campus (micro-units or Sprung Structure);
 - b. Establish emergency beds at the former National Guard Armory;
 - c. Purchase additional beds at the Emergency Shelter located at 2840 Hulen Place; and/or
 - d. Augment funding for Tenant-Based Rental Assistance Program for a more permanent solution and be applicable countywide;
3. Direct staff to pursue an appropriation from the unallocated Measure Z fund balance to pursue the temporary housing alternative(s) identified by the City Council; and

4. Provide staff with other direction that can advance the efficacy of addressing Riverside's unsheltered homeless population.

BACKGROUND:

On December 3, 2019, City staff provided the City Council with an update on the Office of Homeless Solutions (OHS) and the Public Safety & Engagement Team Program (PSET). The City Council directed staff to expedite alternative temporary housing solutions at the Hulen Campus along with additional options to house the unsheltered homeless population and waived the Sunshine notice requirements pursuant to Section 4.05.05(D)(1)(a) of the Riverside Municipal Code to add this report to the December 17, 2019 City Council Agenda.

Following discussion, the City Council (1) received and ordered filed an update on the Office of Homeless Solutions and Public Safety and Engagement Team Program, and (2) authorized staff to expedite alternative temporary housing solutions at the Hulen Campus. Following further discussion, the City Council authorized waiver of Sunshine notice requirements pursuant to Section 4.05.05(D)(1)(a) of the Riverside Municipal Code to allow adding of the report on temporary housing alternatives to the December 17, 2019, agenda 72 hours before the meeting as it is not reasonably possible to meet the twelve-day notice requirements as the need to take immediate action is required to avoid a substantial impact that would occur if the action were deferred to a subsequent special or regular meeting.

Although there are 180 shelter beds currently located throughout the City for different subpopulations of individuals experiencing homelessness, there exists a need for additional shelter beds as the number of beds currently available is insufficient for the number of unsheltered individuals identified in the 2019 PIT Count (439 unsheltered individuals) in the City.

DISCUSSION:

Staff made several phone calls to cities with comparable homeless populations and shelter opportunities, seeking to "piggy back" on a contract for similar projects. Staff found that due to the urgency in creating emergency shelter beds for the homeless population, several cities "sole sourced" their startup products and operations (provision of services).

RESOLUTION DECLARING THE ESTABLISHMENT OF EMERGENCY HOUSING AT PUBLIC FACILITIES TO BE OF URGENT NECESSITY, WAIVING COMPETITIVE PROCUREMENT REQUIREMENTS, AND AMENDING THE DECLARATION OF SHELTER CRISIS

The City has been addressing the homelessness crisis in the City for over a decade beginning with the adoption of the City's first homeless action plan in 2004. The state of homelessness in Riverside and throughout the State, is now considered a crisis. The current strategy – the Housing First Plan – was approved in March 2018 and details the City's comprehensive response, with staff operating daily to engage individuals experiencing homelessness through programs, services, and housing resources (Attachment 5).

On December 4, 2018, the City Council approved a resolution declaring a shelter crisis ("Declaration of Shelter Crisis") in preparation for submitting an application to the Continuum of Care (CoC) for Homeless Emergency Aid Program (HEAP) funding (Round 1). As a result of the subsequent action, the City was awarded \$606,575 to build out a 45 bridge housing project at the Hulen Campus. The City is currently awaiting on the County of Riverside to release the funding

to facilitate this project.

Additionally, the City is awaiting release of direct allocation of HHAP funding (second round of funding) from the State. As a member of the Big City Mayors, the City of Riverside is anticipated to receive \$7,031,414.84 (subject to change upon HUD certification of the 2019 PIT Count).

While the Declaration of Shelter Crisis provided staff the ability to pursue funding opportunities to support local needs in furtherance of the approved Housing First Plan, the City has not been able to proceed as swiftly as is needed. The 2019 Point in Time Count identified 439 unsheltered individuals experiencing homelessness within the City, which represents a 20% increase over the 2018 Point in Time Count.

There are 180 shelter beds located throughout the City for different subpopulations of individuals experiencing homeless, so there is a need for additional shelter beds as the number of beds currently available is insufficient for the number of unsheltered persons identified in the 2019 Point in Time Count in the City.

Unsheltered persons frequently occupy public spaces and other places not meant for human habitation, which poses a significant threat to the health and safety of these individuals who are already vulnerable to illness, crime, malnutrition, and harmful weather exposures (such as excessive heat, excessive cold, rain, and flooding). Thus, the establishment of emergency housing is of urgent necessity for the preservation of life, health, and property, such that the competitive procurement requirements of Charter Section 1109 and Resolution No. 23256 should be waived so that the City is able to arrange for the installation of facilities and amenities, as well as the acquisition of goods and services, that directly relate to providing emergency housing for individuals experiencing homelessness.

The Declaration of Shelter Crisis provided that no public facility owned, operated, leased, and/or maintained by the City, or any of its subordinate agencies, shall be occupied by persons unable to obtain shelter unless and until the City Council has designated that public facility as being for shelter purposes ("Designated Public Facility"). Due to the increase in the demand for emergency housing, there is a need to amend the Declaration of Shelter crisis to designate all properties owned, operated, leased, and/or maintained by the City or the Housing Authority of the City of Riverside, or any of the City's subordinate agencies, as Designated Public Facilities for purposes of the Declaration of Shelter Crisis and the attached Resolution.

To expedite the establishment of additional emergency beds, which will aid in getting homeless individuals off the streets and is important for enforcing the City's anti-camping ordinance, staff is recommending the adoption of the attached Resolution, which would:

1. Declare the establishment of emergency housing at Designated Public Facilities to be of urgent necessity for the preservation of life, health, and property;
2. Waive the competitive procurement requirements of Charter Section 1109 for the installation of facilities and amenities that directly relate to providing emergency housing at Designated Public Facilities;
3. Waive the competitive procurement requirements of Resolution No. 23256 for the installation of facilities and amenities, as well as the acquisition of goods and services, that directly relate to providing emergency housing at Designated Public Facilities; and
4. Amend the Declaration of Shelter Crisis, Resolution No. 23387, to designate all properties owned, operated, leased, and/or maintained by the City or the Housing Authority of the City of Riverside, or any of the City's subordinate agencies, as Designated Public Facilities.

Five (5) affirmative votes are required to waive the competitive procurement requirements of Charter Section 1109.

TEMPORARY EMERGENCY HOUSING ALTERNATIVES

Expanding Shelter Beds at Hulen Place: 1901 Massachusetts Avenue

To augment the Emergency Shelter Program located at the Hulen Campus, staff has researched temporary housing alternatives at the City-owned property located at 1901 Massachusetts Avenue (Site Map – Attachment 2) that would be coupled with onsite wrap-around supportive services through an experienced homeless services provider. Given space constraints, staff has evaluated the feasibility of establishing a pilot community in an area of the surface parking lot. The pilot would need to provide restrooms, showers, and security, as well as basic site improvements (i.e., grading, electrical infrastructure, lighting). An experienced operator would implement a program that puts clients on a path to regain self-sufficiency, and ensures the pilot compliments the existing and planned components of the Hulen Campus. Staff is recommending an appropriation from the unallocated Measure Z fund balance to facilitate this project as OHS does not have sufficient funding.

It is important to note that any temporary alternative housing model must fully comply with the provisions of the Building Code; an update to the Building Code is scheduled for City Council consideration in January 2020. Consistent with the provisions of the proposed Building Code, “emergency sleeping cabins” would require the following (excerpt, Attachment 3):

- A minimum interior floor area of not less than 70 square feet is required for one individual with an additional 50 square feet for two individuals;
- A continuous source of electricity;
- At least one interior lighting fixture;
- Smoke alarms;
- Structural, egress and other requirements.

The table below outlines the costs associated with establishing three different temporary alternative housing options. The proposed operational cost for the alternative housing options exceeds the initial estimate (\$504,356) previously identified in the December 3, 2019 City Council staff report.

PRODUCT	# SERVED	START-UP COST	OPERATIONS	TOTAL COST	OPERATIONAL
Tuff Shed Cabins (20)	20	\$369,280	\$1.3 Million	\$1,369,280	March 2020
Pallet Homes (20)	20	\$495,680	\$1.3 Million	\$1,495,680	March 2020
Sprung Structure (1)	125	\$677,459	\$1.3 Million	\$1,677,459	March 2020

Emergency Shelter Beds at the Former National Guard Armory

Another option for increasing the availability of emergency beds is to establish and operate a temporary Emergency Shelter Program at the former National Guard Armory building located at 2501 Fairmount Boulevard (at Fairmount Park), which could provide an additional 125 beds. This site has been previously used as a shelter (the City entered into an agreement with the County of Riverside in 2005 to operate a Cold Weather Shelter).

Staff would work to ensure the facility complies with all applicable standards and will explore alternative measures for appropriate access to restroom and shower facilities as needed. Staff has received a proposed operating plan from the Salvation Army at an estimated annual cost of \$2,754,600 to operate the shelter 24 hours a day, 7 days a week. The proposed operational plan includes the provision of meals, client case management, housing stabilization plans, employment and life skills, mental health services, medical health and substance abuse supportive services, among other social services resources. The Salvation Army currently operates a facility (3695 First Street) and provides social services that include food and access to shower for individuals experiencing homelessness in addition to offering a licensed after-school program for 98 children. The Salvation Army has reported the greatest need of its guests is access to a homeless shelter. Should the City Council direct staff to proceed with this option, the operations could start in January 2020 or as early this month.

Acquiring Additional Shelter Beds at the Emergency Shelter Operated by Path of Life

Path of Life currently owns and operates the 84-bed year-round Emergency Shelter at Hulen Place. As part of the Cold Weather Shelter Program, the Emergency Shelter expands its capacity, adding 55 cold-weather beds. A total of 139 beds are available from December 1 through April 15. Path of Life has been collecting data on the shelter guests last known place of residence. During Fiscal Year 2018/2019, 28.6% of the Emergency Shelter beds were utilized by individuals who identified as being from Riverside.

RIVERSIDE EMERGENCY SHELTER		
Fiscal Year 2018/2019		
LOCATION	NO. OF PERSONS	%
Out of State	48	8.5%
City of Riverside	161	28.6%
Amador County	1	0.2%
Contra Costa County	1	0.2%
Imperial County	2	0.4%
Kern County	8	1.4%
Los Angeles County	21	3.7%
Madera County	1	0.2%
Marin County	1	0.2%
Monterey County	5	0.9%
Orange County	4	0.7%
Riverside County (excludes City)	188	33.4%
Sacramento County	2	0.4%
San Bernardino County	104	18.5%
San Diego County	6	1.1%
San Francisco County	3	0.5%
San Joaquin County	1	0.2%

RIVERSIDE EMERGENCY SHELTER		
Fiscal Year 2018/2019		
San Luis Obispo	3	0.5%
Santa Barbara County	1	0.2%
Solano County	1	0.2%
Stanislaus County	1	0.2%
TOTAL	563	100.0%

A breakdown of the Riverside County data is provided as Attachment 3. Of the 563 individuals served during Fiscal Year 2018/2019, 402 individuals (71.4%) are not from the City. With the closure of the shelter during day hours, bed capacity typically at or near maximum, and individuals who have decided to discontinue services, individuals remain in the City rather than returning to their respective place of origin due to the lack of resources in those places. In effect, the Emergency Shelter (as operated by Path of Life) is servicing as a regional shelter rather than a Riverside-centered shelter.

The City has 15 dedicated outreach beds at the Emergency Shelter; the Cities of Corona and Jurupa Valley also have dedicated beds at the shelter (detailed below).

- City of Corona – 5 beds and/or up to 990 bed nights (for an initial 6-month term; agreement set to expire in December 2019) for clients from City of Corona only.
- City of Jurupa Valley – 1,000 bed nights annually for clients from the City of Jurupa Valley only.
- Riverside University Health Systems (RUHS)-Behavioral Health – 5 beds and/or up to 1,920 bed nights annually for AB-109 clients who have been released from a California jail or prison.

To help address the inflow of individuals experiencing homelessness from other communities, the City can consider acquiring 40 additional beds at the Emergency Shelter – thus transforming the shelter to a Riverside-centered shelter. The estimated acquisition cost totals approximately \$324,000 for six months to operate 24 hours a day, 7 days a week. The City would create a referral process to allocate those beds to individuals experiencing homelessness who are from the City; individuals who are not from the City would be directed to pursue resources in their respective place of origin, reconnecting them back to their respective place of origin. This would require other jurisdictions, including the County, to pursue much needed additional shelter opportunities.

Tenant-Based Rental Assistance Program

Whether or not the City moves forward with one of the temporary housing alternatives, City staff recommends funding additional Tenant-Based Rental Assistance (TBRA) Program vouchers for individuals experiencing homelessness that are from Riverside, as this option provides a more permanent housing solution. This additional funding would provide security deposits and up to 12 months of rental assistance for a minimum of 40 individuals (total cost of \$740,00) coupled with required case management to help create individual service plans to address barriers housing stability and self-sufficiency. Staff will also promote shared housing opportunities that help lower rent payments for single adults, provides peer support, connections and community opportunities, and opportunity to learn conflict resolution skills. If shared housing is utilized, more individuals can be assisted through TBRA. Administration of TBRA can begin as soon as January 2020.

Other Considerations

Staff recognizes that with the addition of shelter beds the following implications may pose a challenge. With proper parameters, the City would greatly benefit from the addition of shelter beds as follows:

1. *If the City were to build additional shelters, it is possible that more individuals experiencing homelessness would be attracted to the City.* As noted previously, nearly three-quarters of users at the Emergency Shelter were not from the City. This underscores the fact that there exists a lack of resources in other communities. The most recent Point in Time Count (2019) identified 439 unsheltered individuals in the City. Staff would mandate parameters to safeguard the City through a local preference policy and create a strong referral process for all City staff, including the Riverside Police Department who could assist with background checks and verifying the last place of residence.
2. *Increasing the availability of additional shelter beds would mean the City would have a greater ability to enforce anti-camping laws.* On September 4, 2018, the Ninth Circuit Court of Appeals affirmed that people experiencing homelessness could not be subject to enforcement in the absence of adequate shelter beds under the auspice of *Martin v. Boise*. Following this decision, a series of lawsuits in Orange County over the last year resulted in jurisdictions suing surrounding cities to force settlements that generated additional shelter beds throughout Orange County.
3. *As the City establishes additional beds, the Office of Homeless Solutions may need additional staff to support the increased number of individuals seeking services – outreach, case management, housing navigation, logistics and administrative support.*

FISCAL IMPACT:

The fiscal impact associated with this report is dependent on the City Council's direction and would be made from either or both direct allocation of HEAP funding from the State or the unallocated Measure Z fund balance to facilitate implementation of the items directed by the City Council. At June 30, 2019, the Measure Z unallocated fund reserves total \$18.7 million. The current Measure Z Spending Plan projects a use of fund reserves totaling \$3.4 million during FY 2019/20 and an ending fund balance of \$15.3 million at June 30, 2020. Based on the menu of options listed below, the fiscal impact would range from \$324,000 to \$5,496,059.

OPTIONS	PRODUCT	# SERVED	START-UP COST	OPERATIONS	TOTAL COST	OPERATIONAL
A-1	Tuff Shed Cabins (20)	20	\$369,280	\$1.3 Million	\$1,369,280	March 2020
A-2	Pallet Homes (20)	20	\$495,680	\$1.3 Million	\$1,495,680	March 2020
A-3	Sprung Structure (1)	125	\$677,459	\$1.3 Million	\$1,677,459	March 2020
B	Armory Emergency Shelter Beds	125	\$ 54,600	\$2.7 Million	\$2,754,600	January 2020
C	Purchase POL Shelter Beds	40	\$0	\$324,000	\$324,000	January 2020
D	TBRA	40	\$0	\$740,000	\$740,000	January 2020

Prepared by: Hafsa Kaka, Homeless Solutions Officer
 Certified as to
 availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
 Approved by: Moises Lopez, Deputy City Manager
 Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Resolution
2. Hulen Site Map
3. Building Code: Emergency Sleeping Cabin
4. Riverside County Shelter Guest Last Known Residence
5. Presentation
6. Housing First Plan (March 2018):
<https://www.riversideca.gov/sites/default/files/ohs/pdf/Housing%20First%20Plan%20CC%20Approval.pdf>
7. Measure Z Spending Plan: <https://riversideca.gov/citymanager/measure-z/measure-z-5-year-spending-plan>
8. Estimated Preliminary HHAP Allocations