



STAFF REPORT

TO: MAYOR AND COUNCIL MEMBERS **DATE:** APRIL 14, 2020
FROM: CITY CLERK **DISTRICTS:** CITYWIDE
SUBJECT: AUTHORIZE AN APPROPRIATION AND RELATED EXPENDITURES UP TO \$150,000 TO PAY FOR APPROXIMATELY 2 MONTHS' WORTH OF HOUSING AND FOOD FOR THE HOMELESS.

RECOMMENDATION

That the City Council:

- 1) Authorize the Administrative Services Director to make the necessary budget adjustments to appropriate \$150,000 from the Affordable Housing Fund (Fund 285); and
- 2) Authorize the City Manager to execute agreements with local hotels, motels and similar businesses to house and provide services to homeless individuals for the duration of the local emergency declared for COVID-19.

EXECUTIVE SUMMARY

To assist with the fight against COVID-19, on March 14, 2020, the City Council ratified the Local Emergency proclaimed by the City Manager on March 7, 2020.

The COVID-19 pandemic has altered and impacted the normal operation and delivery of City services to our community. It has impacted the City's ability to interact with the public and has limited or altered almost every face-to-face public interaction City service offers. To that end, as an essential service, the City of Glendora was required to create new systems and policies to be able to offer services to our community.

In order to meet Centers for Disease Control and Prevention recommendations and limit the spread of COVID-19 among the City's homeless population, one of the new services the City needed to offer during the COVID-19 pandemic was limited duration homeless housing.

As the City does not own or run an emergency shelter, the City negotiated rates of up to \$85/night at local motels and hotels. In order to facilitate housing, food and services for a period of two months, staff recommends the City Council appropriate \$150,000 in one-time funds from the Affordable Housing Fund and authorize staff to execute agreements, as needed.

LEGISLATIVE HISTORY / PREVIOUS ACTIONS

In late 2019, COVID-19 was discovered in Wuhan City, Hubei Province, China. On January 30, 2020, the World Health Organization (WHO) declared COVID-19 a public health emergency of international concern. On January 31, 2020, United States Health and Human Services Secretary declared COVID-19 a public health emergency in the United States. Since that time, many declarations of emergency have been adopted:

- March 4, 2020 – State of California proclaimed a State of Emergency relating to COVID-19.

- On March 4, 2020 – County of Los Angeles declared a Local Health Emergency related to COVID-19.
- March 13, 2020 – President Trump declared a National State of Emergency relating to COVID-19.
- March 17, 2020 – The City Manager, in the role of Emergency Services Manager, declared a local emergency, which was adopted by City Council Resolution 2020-13 on March 24, 2020.

On March 12, 2020, Governor Newsom issued Executive Order N 25-20, which provided local health agencies with the authority to limit gatherings and types of business. Further, on March 19, 2020, both the County of Los Angeles (Safer at Home Order) and Governor Newsom (Executive Order N 33-20), citing COVID infection rates on par with Italy, issued shelter in place orders for their respective jurisdictions, with exceptions for essential businesses/organizations.

On March 18, 2020, Governor Newsom issued Executive Order N 32-20, which directed \$150 million for local emergency homelessness actions. To deploy this first funding allocation, the State allocated:

- \$100 million directly to local governments, for shelter support and emergency housing to address COVID-19 among the homeless population; and
- \$50 million to purchase travel trailers and lease rooms in hotels, motels, and other facilities in partnership with counties and cities to provide immediate isolation placements throughout the state for homeless individuals.

Unfortunately, the City was not a direct recipient of these funds and continues to work with the County of Los Angeles and Los Angeles Homelessness Services Authority to provide housing and services for the homeless individuals in the City of Glendora.

DISCUSSION

The City has negotiated room rental rates from several local hotel/motels to house homeless individuals for a period of up to 60 days to help stop the spread of COVID-19 amongst this at-risk group. The decision to move in this direction is based on recommendations from the Centers for Disease Control and Prevention, existing case law, current availability of homeless housing, and relationships with the City's community partners that provide services to the homeless community.

Centers for Disease Control and Prevention (CDC)

The CDC has provided guidance for governmental and other agencies responsible for responding to and providing services for homeless individuals during the current COVID-19 pandemic. The complete overview of guidance can be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>.

The recommended prevention measures from the CDC to stop the spread among homeless in encampments includes:

- Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.
- Encourage people staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual.

- Ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day.
- If toilets or handwashing facilities are not available nearby, provide access to portable latrines with handwashing facilities for encampments of more than 10 people.

Martin v. City of Boise / Lavan v. City of Los Angeles,

The City Council and City staff are often asked why the City cannot enforce its anti-camping ordinances by citing and removing homeless individuals from public property. In 2019, the United States Court of Appeals for the Ninth Circuit held in *Martin v. City of Boise*, 902 F.3d 1031, 1048 (9th Cir. 2019) that the United States Constitution “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.”

However, the Ninth Circuit also made clear that this ruling “does not cover individuals who do have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can never criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures.” *Id.* at n. 8.

In short, the City cannot criminalize homelessness, unless it can provide a housing option, either short-term (e.g. emergency shelter) or long-term (e.g. supportive housing with wrap around services). As the City does not own or operate an emergency shelter, providing short-term housing requires the City to partner with other groups to provide beds.

The City Council and City staff are also frequently asked why the City cannot dispose of items temporarily abandoned in homeless encampments. In 2012, the Ninth Circuit, in its *Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir. 2012) ruled that the City of Los Angeles seized and destroyed nine homeless individual’s personal property that they had temporarily left on public sidewalks in order to attend necessary tasks, such as eating, showering, and using restrooms. The Court held that summary destruction of personal effects unreasonably interfered with the individuals’ possessory interests in their property.

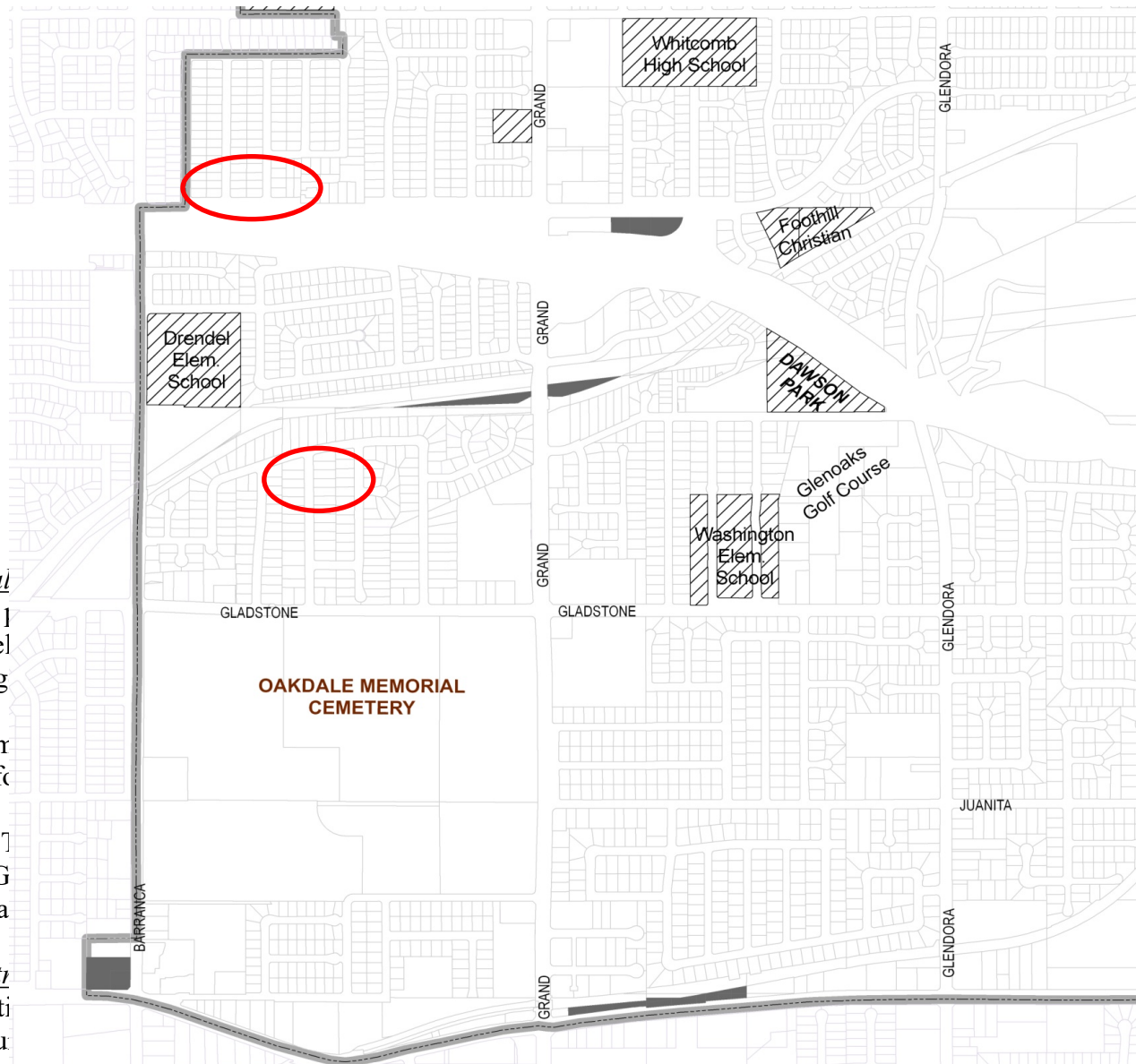
Accordingly, the City currently follows procedures for the removal of personal property, such as notice and time for compliance, together with storage and retrieval opportunities. Specifically, personnel property abandoned in an encampment or left behind when a homeless individual is housed are inventoried and kept for 90-days.

Emergency Shelters in Glendora

Currently, the City of Glendora has three environmentally cleared locations where emergency shelters can be built without zoning changes. The City selected these locations in 2011 as part of Ordinance 1949 to implement SB 2 (Cedillo). The SB 2 legislation amended State housing law and required the City of Glendora to zone for a minimum of 20 emergency shelter beds. To date, homeless shelters have not been built at any of the locations.

The three locations identified on the map on the next page are adjacent to Grand Avenue and currently have existing structures on them. Two of the three zoned locations are just north of Big Dalton Wash, on either side of Grand Avenue. The final location is on the northeast corner of Grand Avenue and Arrow Highway.

If the City or another group were to build an Emergency Shelter at these locations, the buildings would need to be acquired and significant work would be needed to facilitate homeless services.



Supporting Local

The COVID-19 pandemic has led to a significant increase in homelessness. Hotels and motel rooms are being used as temporary shelter for thousands of individuals in Los Angeles.

In working to provide shelter for homeless individuals, the City is identifying rooms in hotels and motels that can be used as temporary shelter. The City is also working with the County to identify rooms in hotels and motels that can be used as temporary shelter for homeless individuals that are above the age of 55 or have an underlying health issue.

Community Partners

In taking the initiative to provide shelter for homeless individuals, the City is working with its community partners. Specifically, the City is working with the County to identify rooms in hotels and motels that can be used as temporary shelter for homeless individuals that are above the age of 55 or have an underlying health issue.

newly formed Housing navigator program, to get individuals housed in Glendora into the Coordinated Entry System (CES), which is the first step into finding a long-term housing solution. Additionally, during the COVID-19 pandemic, the City is working with the County to house more than 20 homeless individuals that are above the age of 55 in hotels located in neighboring cities that will cater to the most at-risk homeless individuals (55+ or underlying health issue).

FISCAL IMPACT

The City Affordable Housing Fund (F285) was created pursuant to a Development Agreement with William Lyon Homes. The Development Agreement was a component of the Arboreta Specific Plan project, which is a residential subdivision located west of Grand Avenue and south of Bennett Avenue. As part of the Specific Plan, and under the terms of the Development Agreement, William Lyon Homes made an affordable housing in-lieu payment to the City of \$2 million. The Development Agreement requires that the funds be spent on “affordable housing.” Since receiving the payment around 2007, the funds have been

used to defray administrative costs associated with long-term affordable housing obligations.

The Affordable Housing Fund (F285) has sufficient funds (over \$1.7million) for the recommended appropriation of \$150,000.

ENVIRONMENTAL DETERMINATION

Not applicable.



Respectfully submitted,
Adam Raymond
 City Manager

Concurs with,
Not Applicable
 Not Applicable

Director <i>Adam Raymond</i>	Certified as to Available Funds <i>Jane Overholt</i>	CEQA <i>Not Applicable</i>
Legal Review <i>Not Applicable</i>	City Manager <i>Adam Raymond</i>	

ATTACHMENTS:

None.