

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Councilmember _____

RESOLUTION TO EXTEND RESOLUTION 18-207, DECLARING A SHELTER CRISIS IN THE CITY OF HAYWARD UNTIL JUNE 30, 2021, AND AUTHORIZING THE CITY MANAGER TO TAKE EMERGENCY ACTIONS TO IMPLEMENT A HAYWARD HOUSING NAVIGATION CENTER ON CITY-OWNED PROPERTY

WHEREAS, the City of Hayward is experiencing a housing emergency and the Council unanimously passed Resolution No. 18-207, declaring that a Shelter Crisis, pursuant to Government Code § 8698.2, exists in the City of Hayward; and

WHEREAS, according to the 2017 Everyone Home Point-in-Time homeless count, there are 397 homeless individuals in Hayward, of whom 79% (313) are unsheltered; and

WHEREAS, there are only two homeless shelters in Hayward for families and women with children, which results in the current number of homeless individuals in Hayward far outpacing the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

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

WHEREAS, in June 2018, the State approved \$500 million in one-time Homeless Emergency Aid Program (HEAP) funding to assist local jurisdictions in addressing their homeless challenges; and

WHEREAS, in December 2018, Alameda County recommended specific HEAP funding allocations to the State for the cities within its jurisdictions, including \$1.7 million for Hayward; and

WHEREAS, the shelter crisis is not unique to Hayward, but is evident throughout the Bay Area, California and the United States, causing other municipalities such as Berkeley, Los Angeles, Portland, Oregon, and Seattle, Washington to also take more immediate actions to address these conditions; and

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

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

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

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

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Hayward may make and enforce all local police, sanitary, or other regulations and ordinances using its police powers.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward:

1. Finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and
2. This Resolution shall remain in place until June 30, 2021; and
3. Finds that a significant number of persons in Hayward are without the ability to obtain shelter, and that this situation has resulted in a threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Hayward under the authority set forth in Government Code Section 8698, et seq. and its police power; and
4. Authorizes the City Manager or her designee to allow persons unable to obtain housing to occupy designated City facilities or facilities leased by the City as shelters during the period of this crisis; and
5. Authorizes for the term of this Resolution, no planning, zoning, building, or other permit requirements for the interim establishment of shelters for the homeless shall be required to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. At the City Manager's discretion and with approval by the City Council, interim municipal health and safety provisions and land use controls may be applied to facilities ensuring minimum public health and safety standards. These interim standards shall only apply to additional public facilities open to the homeless.

6. The City Council hereby waives all purchasing and bid requirements for the installation of facilities and services that are directly related to providing temporary shelter for the homeless. At the City Manager's discretion, the waiver of purchasing and bid requirements may apply to leased assets/equipment and other services that will be provided within or to support temporary shelter facilities. services that are directly related to providing temporary shelter for the homeless. The total amount for any and all contracts entered into by the City Manager for the implementation of the Hayward Navigation Center shall not exceed three million (\$3,000,000).
7. Authorizes homeless housing projects that apply the authority provided for under this resolution shall be reviewed and approved by the City Council prior to implementation, and shall include detailed plans for the project and the standards and requirements being applied to the facility and its operation; and
8. Finds that if this Resolution is inconsistent with any other provisions of the Hayward Municipal Code, this Resolution shall apply. This Resolution suspends contrary regulations in the Hayward Municipal Code or requirements of the General Plan or implementing regulations; and
9. Recognizes that this Resolution is enacted pursuant to the City of Hayward's general police powers, and Article XI, Section 7 of the California Constitution, as well as the other provisions of state and local law otherwise cited herein; and
10. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Resolution and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward