

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member _____

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO TAKE EMERGENCY ACTIONS CONSISTENT WITH THE CITY'S SHELTER CRISIS DECLARATION TO IMPLEMENT A TEMPORARY HAYWARD NAVIGATION CENTER HOTEL ANNEX PROJECT TO HOUSE VULNERABLE HOMELESS INDIVIDUALS BY ALLOCATING \$1.21 MILLION IN EXISTING FUNDS, APPROPRIATING AND ALLOCATING UP TO \$90,000 IN ANTICIPATED STATE GRANT FUNDS, AND ENTERING INTO RELEVANT AGREEMENTS

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, according to the 2019 Everyone Home Point-in-Time homeless count, there are 487 homeless individuals in Hayward, of whom 76% (372) are unsheltered, thus marking a 23% increase in overall homelessness in two years; and

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, on January 22, 2019 the City Council of the City of Hayward extended this Shelter Crisis through June 30, 2021 through Resolution 19-014; and

WHEREAS, the current number of homeless individuals in Hayward far outpaces the number of existing shelter beds, transitional housing or permanent supportive housing units available; and

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the COVID-19 pandemic outbreak; and

WHEREAS, on March 11, 2020, the City Manager, in her capacity as Director of Emergency Services, declared a Local Emergency in the City of Hayward due to the COVID-19 pandemic, a declaration which the Hayward City Council affirmed on March 17, 2020; and

WHEREAS, on March 16, 2020, the health officers of seven jurisdictions in the San Francisco Bay Area, including the County of Alameda, issued an Order to all residents of the respective jurisdictions to shelter in their homes in an effort to slow the progression of the COVID- 19 pandemic; and

WHEREAS, as a result of the COVID-19 pandemic outbreak, many individuals and families have experienced or will experience sudden income loss, leaving them vulnerable to eviction and homelessness, with some estimates predicting a 40-45% increase in homelessness nationwide due to the economic impacts of COVID-19; and

WHEREAS, due to COVID-19 congregate living shelters have been intentionally decompressed to allow for adequate social distancing thus creating a reduction in available homeless shelter beds; and

WHEREAS, the pandemic has specifically impacted City activities intended to address homelessness as well, including causing an intentional reduction of capacity in the Hayward Navigation Center; and

WHEREAS, Alameda County's isolation hotel programs designed to serve vulnerable homeless individuals will be closed by January 2021, leaving this population vulnerable unless the City takes quick and high-impact action; and

WHEREAS, on June 23, 2020 through Resolution 20-095 the City Council of the City of Hayward approved the City of Hayward's Permanent Local Housing Allocation (PLHA) plan and authorized the City Manager to submit the application to the State of California Department of Housing and Community Development; and

WHEREAS, through Resolution 20-095 the City Council of the City of Hayward provided authorization and direction to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocation of \$3,910,410 in accordance with all applicable rules and laws; and

WHEREAS, City **Error! Reference source not found.**staff anticipates an award in early December 2020 of approximately \$650,000 annually for five years from the State's PLHA program; and

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; 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 and 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 Hotel Annex Project shall not exceed \$1,300,000, including up to \$1,210,000 in existing funds and up to \$90,000 in anticipated State PLHA funds; and
7. Authorizes the City Manager to appropriate up to \$90,000 in anticipated PLHA funds once awarded; 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 _____, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

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