



DATE: October 2, 2018

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adoption of a Resolution Declaring a Shelter Crisis in Hayward for Purposes of Eligibility for State of California Homeless Emergency Aid Program (HEAP) Funds through Alameda County

RECOMMENDATION

That the City Council adopts a resolution declaring a shelter crisis in Hayward to be eligible to obtain State of California Homeless Emergency Aid Program (HEAP) funds made available through the County of Alameda (Attachment II).

SUMMARY

In June 2018, the State of California budgeted \$500 million in one-time HEAP funds to provide immediate emergency assistance to people experiencing homelessness. Eligible applicants for the HEAP program are the Counties Continuums of Care and large cities with populations over 330,000. Alameda County will submit the county's application for HEAP funding. The County requires cities within Alameda County intending to apply for HEAP funds to adopt resolutions declaring a shelter crisis to be eligible to receive HEAP funds.

HEAP funds are provided for immediate emergency assistance to people experiencing homelessness. Eligible uses include, but are not limited to the following:

- Homelessness prevention activities;
- Criminal justice diversion programs for homeless individuals with mental health needs;
- Establishing or expanding services meeting the needs of homeless youth or youth at risk of homelessness; and
- Emergency aid.

BACKGROUND

HEAP is a \$500 million State block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis throughout California. HEAP funding is authorized by Senate Bill (SB) 850, which was signed into law by Governor Brown in June 2018 (Attachment III).

Eligible applicants for the HEAP program are the Counties Continuums of Care and large cities with populations over 330,000. In Alameda County, approximately \$24 million is anticipated as follows:

TABLE 1: ALAMEDA COUNTY FUNDING ALLOCATION

ELIGIBLE APPLICANT	HOMELESS EMERGENCY AID PROGRAM (HEAP)
Alameda County/Continuum of Care	\$16,192,049
City of Oakland	<u>\$8,671,116</u>
Total Funding for Alameda County:	<u>\$24,863,165</u>

The County requires cities within Alameda County that intend to apply for HEAP funds to adopt resolutions declaring a shelter crisis no later than October 5, 2018 to be eligible to receive the funds.

DISCUSSION

The HEAP funds are intended to provide immediate emergency assistance to people experiencing homelessness, and may include but are not limited to:

- Homelessness prevention activities;
- Criminal justice division programs for homeless individuals with mental health needs;
- Establishing or expanding services meeting the needs of homeless youth or youth at risk of homelessness; and
- Emergency aid

Pursuant to Chapter 7.8, Division 1 of Title 2 of the Government Code, the governing body can declare a shelter crisis upon a finding by that governing body that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of these people.

For the City of Hayward, the Point-in-Time Count shows that a significant number of homeless are without the ability to obtain shelter due in part to the limited number of shelter beds available in Hayward, hence resulting in a threat to the health and safety of persons experiencing homelessness.

POINT-IN-TIME COUNT: As mandated by the U.S. Department of Housing and Urban Development (HUD), jurisdictions that receive federal homeless assistance funds must conduct a count of their sheltered and unsheltered homeless population. Known as a “Point-in-Time Count,” this count took place on January 31, 2017, and was conducted by Alameda County’s EveryOne Home program, the entity charged with ending homelessness in Alameda County. According to the 2017 Alameda County Point-in-Time Count, there are approximately 397 individuals experiencing homelessness in Hayward on any given night. A majority (79%, n =313) of these individuals are unsheltered homeless.

SHELTER BEDS IN HAYWARD: Table 2 below illustrates that in Hayward, there are currently 63 shelter beds available to individuals experiencing homelessness. With an unsheltered homeless population of approximately 313 individuals, this leaves a critical shortage of beds for the homeless population.

TABLE 2: SHELTER BEDS IN HAYWARD, CA

ORGANIZATION	SHELTER BED CAPACITY	TARGET POPULATION
FESCO – Les Marquis House	21	Families of all configurations
Ruby’s Place	42	Families and victims of domestic violence and human trafficking

If the City of Hayward chooses not to declare a shelter crisis, the City of Hayward will not be eligible to apply for or receive HEAP funds awarded to Alameda County.

Additionally, staff is aware of the September 4, 2018 Ninth Circuit Court of Appeals decision (*Martin v. Boise*) in which the court held that cities may not punish the homeless for sleeping outside if they do not have access to shelter elsewhere. This ruling has prompted cities to review any ordinance that may impose criminal penalties for sitting, lying, or sleeping on public property especially in those jurisdictions that do not have sufficient shelter space to accommodate all the homeless individuals who reside in their jurisdiction. This review should not be limited to simply “camping” ordinances, but any ordinance that could criminalize any conduct that is the unavoidable consequence of being homeless, primarily sitting, lying, or sleeping. City staff is currently reviewing its ordinances and practices to ensure that the City is consistent with the Ninth Circuit’s ruling in *Martin v. Boise*.

ECONOMIC IMPACT

There is no known economic impact associated with the discussion of this report.

FISCAL IMPACT

There is no fiscal impact associated with the discussion of this report.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This item supports the following goal and objective:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 5: Actively value diversity and promote inclusive activities.

NEXT STEPS

Upon notice of funding availability and application process from Alameda County, staff will return to Council for confirmation of proposed program/services for funding before preparing an application for submittal.

City staff is also currently reviewing its ordinances and practices to ensure that the City is consistent with the Ninth Circuit's ruling in *Martin v. Boise* and will report back to Council regarding any findings and recommendations regarding the *Martin v. Boise* case.

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Approved by:



Kelly McAdoo, City Manager