



Agenda Report

21-942

Agenda Date: 8/24/2021

REPORT TO COUNCIL

SUBJECT

Study Session on Homeless Encampments and Vehicle Dwelling facilitated by the Police Department

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

During the February 1 and 2, 2021 City Council Priority Setting Session, the City Council participated in a visioning exercise to consider new strategic goals and priorities. During this session, the City Council reiterated its interest in a Study Session on Recreation Vehicle (RV) Parking. Due to the COVID pandemic, policy action on RV parking was deferred because of specific orders at the State level. Understandably, during the pandemic, priorities shifted to respond to health and safety concerns and providing basic needs. As pandemic restrictions ease, staff has prepared a policy discussion for RV parking, vehicle dwelling, and homelessness.

On June 19, 2021, Councilmember Jain submitted a written request (Attachment 1) to the City Manager's Office to have an item included on a future City Council meeting agenda. Specifically, Councilmember Jain's request was in reference to: 1) study the needs of Santa Clara unhoused populations in RV's and along creeks and 2) interest in creating an Ad Hoc Committee consisting of residents and housing advocacy groups to discuss issues concerning our unhoused population.

On July 13, 2021, the City Council took action on Councilmember Jain's written petition (CRT 21-913) and voted 6-0, with Councilmember Hardy absent, to schedule the written petition for discussion at the August 17, 2021 City Council meeting (RTC 21-1046, Action on a Written Petition (Council Petition 030) Submitted by Councilmember Jain Requesting to Place an Agenda Item at a Future Meeting to Discuss Creating a Special Ad Hoc Committee Consisting of Residents and Representatives of Housing Advocacy Groups to Discuss only the issues Concerning the Unhoused Population. The Community Development Department took the lead on this portion of the discussion. Meanwhile, tonight's Study Session is intended to address the first portion of the Councilmember's request.

On July 13, the Council approved the discussion of this item for the August 17 Policy Priority Setting session and, as this item was already referred to staff by action of the full Council, staff has prepared for a study session on these various topics.

DISCUSSION

Homelessness is a significant condition impacting national, state, and local government. Homelessness, in many cases, isn't caused by just one factor. Data summarized in the 2019 Santa Clara County Homeless Census and Survey provide many valuable insights about the unique and

diverse experiences of homelessness in Santa Clara County.

A few data highlights include:

- More than one-third (36%) of homeless survey respondents indicated they were experiencing homelessness for the first time and 67% had been homeless for one year or longer;
- When asked what might have prevented them from becoming homeless, the top answers among survey respondents were rent/mortgage assistance (reported by 42% of respondents), followed by employment assistance (37%) and alcohol/drug counseling (28%);
- The biggest obstacles to obtaining permanent housing were the affordability of rent (66%), a lack of a job/income (56%) and a lack of available housing (40%); and,
- Homeless survey respondents also reported having these health conditions: a psychiatric or emotional condition (42%); drug/alcohol abuse (35%); and, PTSD (33%).

The coronavirus pandemic made more individuals vulnerable to being homeless.

While extreme poverty is often what people think of as the primary reason people are homeless, other reasons include lack of affordable housing and the limited scale of housing assistance programs. The available housing options and services are far fewer than the number of individuals in need.

In addition, people with low incomes often find that it is hard to pay for housing, food, childcare, healthcare and education. Individuals earning a low wage are often one illness, accident or paycheck away from losing their existing housing.

While there is a definite gap between those who need services and those who get them, programs like those offered by the City's Community Development Department's Housing Division continue to work hard to ensure that individuals and families in need have options. However, securing temporary or affordable housing is a lengthy process, connected with many requirements and long waitlists. There is a greater need for services than what Santa Clara has capacity to offer.

This Study Session is intended to begin a policy discussion and inform the City Council of:

- National, state, and local homeless statistics;
- Various forms of homelessness;
- State and Federal laws, court rulings and Municipal Code regulations connected with unhoused individuals;
- Complex issue, with intersecting issues, impacting multiple City Departments in varying ways;
- Impact of coronavirus pandemic, including temporary health and court orders;
- Homeless encampments in our City;
- Vehicle dwelling in Santa Clara; and,
- City's current response to supporting the needs of all our residents.

This information is intended to provide an opportunity for the City Council to engage in preliminary discussions on potential policy deliberations. In turn, City staff will gain clear direction on key components for the City's future approach to homelessness.

Homeless Figures & Statistics From 2013 to Present

Historically, the U.S. Department of Housing and Urban Development (HUD) conducts point-in-time counts of sheltered and unsheltered people experiencing homelessness on a single night in January. Various factors, including the transitory nature of individuals experiencing homelessness complicated by limitations on personnel to count all forms of homelessness, make it challenging to produce an accurate count.

The U.S. Department of Housing and Urban Development's (HUD) 2020 Annual Homeless Assessment Report (AHAR) to Congress (Part 1) shows that 580,466 people were counted as homeless (in the United States) during the 2020 Point-in-Time count, representing a 2.2% increase over 2019. This marks the fourth consecutive annual increase in homelessness, following sustained reductions between 2010 and 2016, with the distribution of the homeless population primarily in the most populated areas (Sacramento, San Francisco, Oakland, San Jose, Los Angeles, Santa Ana and San Diego).

This count took place in January 2020, in the weeks preceding the outbreak of the coronavirus pandemic in the United States. As such, the findings shed light on a continuum of care system that was overburdened and under-resourced long before the pandemic forced economic disruption and housing crises on households nationwide.

Among the most significant increases were those among people experiencing chronic homelessness and people living unsheltered. Chronic homelessness increased by 15% between 2019 and 2020, a marker suggesting rising needs and vulnerabilities among the homeless population. Meanwhile, the report points to a 7% increase among individuals experiencing unsheltered homelessness, marking the first time there are more individuals (people living without families) living unsheltered than in shelter.

In Santa Clara County, this equates to approximately 9,706 unhoused individuals (1,724 sheltered and 7,922 unsheltered). Of those, approximately 326 were recorded in the City of Santa Clara. This is a 20% increase over the 272 individuals documented in 2017. It should be noted that the HUD 2019 Annual Homelessness Assessment Report stated, "Homelessness increased in California by 21,306 people, or 16.4 percent, accounting for more than the entire national increase." Below is a summary of the City of Santa Clara's homeless statistics compiled by HUD:

City of Santa Clara Homeless Population	Unsheltered	Sheltered	Total
2013	203	275	478
2015	150	227	377
2017	199	73	272
2019	264	62	326

One positive note from the 2019 report showed a decline in families experiencing homelessness. Specifically, it stated, "Local communities continue to report declines in homelessness among

families with children in the U.S. In January of 2019, there were 53,692 (in the US) family households with children experiencing homelessness, a decline of five percent between 2018 and 2019, and 32 percent between 2007 and 2019.” It remains to be seen how the pandemic and economic downturn will impact this most recent decline. Furthermore if/when the current eviction moratorium is lifted, this is sure to cause a rise in families experiencing homelessness.

On July 19, 2021, California Governor Gavin Newsom signed a funding bill as part of the California Comeback Plan which includes \$12 billion to tackle the issue of homelessness. It is estimated this investment will provide 65,000 people with housing placements, more than 300,000 people with housing stability and create 42,000 new housing units. This comes following an investment of \$950 million this past Fiscal Year.

Issues Facing City Staff in Multiple Departments

The Code Enforcement Division, Public Works Department, Parks and Recreation Department and Police Department come across individuals experiencing various forms of homelessness on a regular basis, including:

- Chronic (e.g., sleeping in parks, undeveloped properties, vacant buildings, transit stations) frequently suffer from long-term health conditions, such as mental illness, substance abuse, disabilities or other medical conditions, and lack access to healthcare;
- Transitional (e.g., shelter system, boarding house, emergency accommodation);
- Hidden (e.g., hotel living, couch surfing, doubling up or reliance on friends/family);
- Vehicle living (e.g., personal vehicle, recreation vehicle);
- Encampments (e.g., multiple people living in an unsheltered area); and,
- Imminent risk of homelessness (e.g., domestic violence, runaway, sex trafficking, etc.)

In each case, cities and counties are obligated to follow State laws, Federal laws and court rulings which define the parameters of what can and cannot be done when addressing the impacts of homelessness.

The limitations currently facing the City’s ability to respond include:

Martin v Boise Federal Appeals Court Ruling-- In a landmark federal court decision, the United States Ninth Circuit Court of Appeals ruled in *Martin v City of Boise* that ticketing, arresting or otherwise criminalizing people living outside violates constitutional protections. **If there is no option for sleeping indoors, the government cannot criminalize an individual experiencing homelessness from sleeping outdoors on public property.** Additionally, cities cannot criminalize conduct that is an unavoidable consequence of being homeless, such as sleeping in a car, trailer or motorhome. As a result, cities and counties were blocked from enforcing anti-camping laws if the municipality does not have access to adequate, alternative sleeping location for these individuals experiencing homelessness, such as a shelter bed.

This case was spearheaded by a nationwide movement against the criminalization of homelessness by the National Law Center on Homelessness and Poverty. Many homeless advocates say issuing citations against “quality of life” ordinances (e.g. littering, trespassing, etc.) are counterproductive because people experiencing homelessness have few resources to pay the fines, and brief incarceration episodes only add to housing instability.

In Santa Clara County, there is often not enough housing to meet the demand.

Santa Clara is not restricted by this ruling from enforcing voluntary criminal behavior committed by homeless individuals. Therefore, homeless persons may still be cited for other unlawful acts that are often tangential to unpermitted camping (e.g. disturbing the peace, drinking in public, obstructing pedestrian access to a sidewalk, park closing hours, etc.). Likewise, *Martin v Boise* does not restrict the enforcement of unpermitted camping by non-homeless individuals.

Jurisdictional Issues -- Encampments within the City of Santa Clara's borders may be under the immediate control of another entity. Thus, law enforcement must act according to their established protocols. For example, on private property, a landowner is required to initiate enforcement action for trespassing. The decision of the landowner and subsequent process in collaboration with law enforcement to address trespassing of unhoused individuals is time consuming and labor intensive. On public property, and only if there are shelter beds available, a person can be asked to leave the premises. In this circumstance, refusing to vacate is subject to citation; repeated refusal may result in the arrest of the individual. **However, if there are no shelter beds available, an individual is not required to do so based on the *Martin v City of Boise* Federal appeals court ruling.**

Below is an example of the primary contacts for jurisdictional matters:

Location	Agency of Jurisdiction
In and around creeks	Valley Water
Along the freeways	Cal Trans
Under the expressways	County Road
Along the railroad tracks	Cal Train
In city parks	City of Santa Clara
Private property	Private property owner (varies)
In adjacent municipalities	City of Jurisdiction
Public street	City of Santa Clara

Coordination of Services and Limitations on Resources -- Many entities, internal and external to the City of Santa Clara, are involved in providing social, behavioral, housing and mental health services for individuals and families experiencing homelessness or at risk of being homeless.

Internal to our organization, the Community Development Department (e.g. emergency, transitional and low-income housing, etc.) and Parks and Recreation Department (e.g. nutrition and case management services for seniors and individuals with special needs, etc.) are tremendous assets. Throughout Santa Clara County there are multiple providers of services, shelter, and housing opportunities to the homeless and those at risk of homelessness. In each case, the Police Department must rely heavily on the schedules and availability of our internal resources and partner agencies. In addition, each agency has resource and/or staffing limitations.

The constant changes to State and local public health orders during the coronavirus pandemic has added to the challenge of serving this vulnerable population.

Coordination, Timeframe Restrictions and Costs to Conduct Clean-ups -- Living outdoors means having no regular place for bodily functions, to dispose of trash, to store food safely, or to practice personal hygiene (e.g., laundry, bathing, etc.). As a result, individuals experiencing homelessness generate solid waste during their daily activities of food preparation and consumption, shelter building and maintenance, storing their possessions, eliminating unwanted materials and gathering recyclable materials of value. The resulting refuse become harborages and food sources for vectors and related pathogens, sources of odors, fuel for fires, unattractive nuisances to the public, an attractive nuisance for salvagers and potential sites that can cause bodily injuries.

In March, 2020, the City of Santa Clara's Public Works Department entered into a four-year Agreement with Tucker Construction, Inc. terminating on June 30, 2023 to assist with the clean-up of homeless encampments. Currently, the Community Development Department earmarked \$90,000 for such services. For perspective, a December, 2019, estimate to clean-up the City of Santa Clara's largest encampment was estimated at \$88,102; removing the vegetation and cleaning the railroad side of the encampment increased the quote to \$154,126. **Legally, however, the City cannot unilaterally remove an individuals' belongings from private or public property.** In each case, the City must follow stringent procedures to protect both the rights of individuals impacted by the encampment clear out and the safety of the personnel performing the cleanup services, including:

Function	Facilitated by Whom
Outreach to individuals advising of community resources (e.g. emergency shelter, showers, laundry service, meals, medical services, case management, employment training, etc.) and determine next steps to resolve the reported concern	Police Department with assistance from Abode Services
Notification advising of intent to conduct the clear out at least 72-hours in advance, encouraging individual(s) to remove their personal property	Police Department
Document pertinent information to third-party vendor regarding the location, making note of potential jobsite hazards and conducting employee safety training as necessary	Police Department Tucker Construction or Public Works Department
Coordination to conduct clear out	Tucker Construction or Public Works Department
Staff a police officer to be present for the clear out	Police Department
Clear and dispose of debris	Tucker Construction or Public Works Department
Sort and tag personal property that may be claimed up to 90-days following the clear out	Police Department Tucker Construction
Return of personal property as requested (within 90-days)	Police Department Tucker Construction

Currently, the Police Department has two Police Officers on the Community Response Team to respond to matters related with all quality-of-life issues in the City, including unhoused individuals.

Unique Challenges in Working with Unhoused Individuals -- Unhoused individuals often reject shelter for a myriad of reasons, including:

- Living among people you don't know and fear for their safety (especially for adults with children);
- Prerequisites for admission (e.g. health issues, etc.);
- General shelter rules (e.g. curfew, no outside food, alcohol or drugs, limits on smoking breaks, limits on visitors, etc.) and feeling of being treated like a child;
- Crowded;
- Concerns and/or expenses associated with moving; and,
- Existing condition allows them to stay connected with friend circle, proximity to employment, access to services, location of shelter option, concern about losing belongings, etc.

This significantly impacts our ability to bring lasting change in one's circumstances.

Cease in Enforcement of Panhandling / Solicitation Violations -- Santa Clara's solicitation ordinance (City Code Section 5.05.210) prohibits the solicitation in public right-of-way or public parking lots. However, in 2018 a U.S. Supreme Court decision recognized speech associated with solicitation and panhandling activities should be given full protection under the First Amendment of the U.S. Constitution. Examples of such permissible activity include, but are not limited to, panhandling on a sidewalk or roadway median, selling goods / food in an around a public park, etc. As a result, the Police Department is not currently enforcing this section of the City Code. The Police Department, Parks and Recreation Department and City Attorney's Office will be returning to the City Council separately with recommended action to address the introduction of an ordinance amendment.

Vehicle Dwelling in Connection with Parking Enforcement-- Although there was a pause during the pandemic in enforcement of some parking regulations, the Police Department has returned to enforcing Abandoned Vehicle Abatement and most parking regulations, except Resident Permit Parking. Details for each are available online. As a result, the Police Department is actively contacting inhabitants of vehicles (e.g. car, trailer, motorhome, etc.) and conducting enforcement related to parking violations on public streets.

Current parking regulations (City Code Section 10.05.470) limit individuals from parking in any one location for over 72-hours. The Police Department relies on the public to report such violations, it cannot simply tow a vehicle as a result of a resident filing a complaint. While violators are subject to a parking citation if they are not in compliance, the process for addressing such is as follows:

- Community Service Officer (CSO) to respond within four (4) days;
- A CSO places an orange warning tag on the vehicle and mark the tires or marks the tires with no warning. If a vehicle has a prior complaint, anywhere in the city limits;
- The CSO will return to recheck any time after 72 hours, as time allows. This recheck generally takes place within five (5) business days. At that time, the CSO may cite or work with the registered owner by giving an extension of time for them to abate the vehicle;
- If a vehicle has not moved after 10 days from being marked, it is subject to being towed;

- If a CSO requests the vehicle be towed, the tow company has 24 hours to pick up the vehicle once the request is made.

This timeline starts anew once a subject moves their vehicle from one location to another. As a result, this poses a significant challenge for law enforcement to bring an issue to quick and lasting resolution.

The City of Santa Clara does not currently have an overnight parking restriction for recreational vehicles (e.g. car, trailer, motorhome, boat, etc.) on public streets. As a result, it is not unusual to see clusters of recreation vehicles around the city, referred to as vehicle encampments. Vehicle dwellings are known to cause line of sight safety concerns, parking shortages, encroachment issues, noise, litter and sanitation concerns.

In Fiscal Year 2020/21, the Police Department had nine Community Service Officers allocated in the Patrol Division. As a result of retirements, departures and the May, 2021 pandemic induced budget reductions, the Police Department currently has four CSO's in the Patrol Division. Their functions include responding to non-injury accidents, taking stolen vehicle reports and recovery, handling lost and found property, conducting traffic control, managing parking control and the abandoned vehicle abatement program.

Coronavirus Pandemic in Connection with Homelessness -- The pandemic has complicated this already complex situation. The Center for Disease Control (CDC) has advised against law enforcement clearing homeless encampments or the displacement of homeless individuals, including those dwelling in a vehicle, because of the potential for infectious disease to spread and the potential to separate individuals from any support services close by that they may be participating in. The CDC guidelines have had multiple iterations throughout the pandemic and there is no indication that the CDC will be lifting these restrictions anytime in the near future.

Early Inmate Release - Beginning in April 2020, the California Department of Correction and Rehabilitation expedited the release of incarcerated persons with a singular goal of ensuring the health of our incarcerated population and staff and aim to be done in a way that aligns both public health and public safety. It is estimated, California has released approximately 76,000 inmates, including nearly 20,000 inmates serving life sentences with the possibility of parole.

The Associated Press reported concerns from police, probation officers and other stakeholders involved in the re-entry of prisoners into society about the scramble to provide housing, transportation and other services for inmates scheduled to be released who pose a public health risk while still contagious.

Additionally, California Police Chiefs Association president Eric Nuñez acknowledged the dire situation in the state's prisons, but said he is distressed that some inmates are being released "without a consideration for the larger impact on public safety."

In the City of Santa Clara, year to date data from 2020 to 2021 identifies an 11.5% increase in assaults, a 27.2% increase in auto thefts, a 32.2% increase in commercial burglaries, a 8.9% increase in robberies and a 2.6% increase in residential burglaries. Over the same timeframe, the City has experienced a 26.2% decrease in auto burglary.

Zero Bail -- Santa Clara County Superior Court implemented Zero Bail in an effort to relieve lower-level offenses and keep jail populations low amid the pandemic. The current order is in effect until January 31, 2022 unless amended or repealed by the Court. Many quality-of-life issues surrounding our homeless population are minor criminal offenses (e.g. littering, public intoxication, public indecency, minor assault, etc.). Most of these offenses result in a citation and release. In circumstances when an individual is arrested, the individual is often released from Santa Clara County Jail immediately as a result of Zero Bail. This can be challenging for the community, and law enforcement, who see a subject return hours after an arrest.

Homeless Encampments in Santa Clara

Unhoused individuals tend to congregate in locations that are hidden from the street, close to resources (e.g. food, laundromat, etc.), transportation and provide protection from the environment. As a result, there are a number of transitory encampments on the side of roadways, along the creeks, in and around our parks and along the railroad tracks. The agency of jurisdiction varies for each of these locations.

The City of Santa Clara has a number of chronic encampments at the following locations:

Encampment Location	Agency of Jurisdiction
Lafayette Street at Laurelwood Road	City of Santa Clara
San Tomas Aquino / Saratoga Creek Trail at Homestead Road	Valley Water
San Tomas Aquino / Saratoga Creek Trail at Mauricia Avenue and Tracy Drive	Valley Water
Calabazas Creek north of El Camino Real	Valley Water

There are multiple other locations where transient encampments are established. Given the timeliness of when these locations are brought to law enforcement's attention, combined with a multitude of other factors covered in this report, dictates the ability to provide resources to these individuals and address concerns in a timely basis.

The primary quality of life complaints received by residents regarding homeless encampments include:

- Blight and corresponding property value decline and/or business viability;
- Concern for safety, particularly in City parks;
- Noise;
- Fire;
- Vandalism;
- Solid waste, particularly in our waterways (garbage, human and animal biological wastes, combustible (wood, paper, discarded bedding and/or clothes) and non-combustible rubbish (metals, cans, glass, dirt), recyclables and non-CRV recyclables (food containers, plastic packaging), waste tires, e-waste (televisions, cell phones), household hazardous materials (fuel, paints, batteries, ammunition, insecticides), medical, sharps and pharmaceutical wastes, used oil, abandoned vehicles and dead animals)
- Unhealthy conditions and impact in the environment;

- Costs to society; and,
- Potential for an increase in crime

The process to address homeless encampments is time consuming, labor intensive, and generally moves the encampment from one location to another.

Vehicle Dwelling in Santa Clara

The Code Enforcement Division and Police Department are routinely faced with matters related to recreation vehicles (RV's), boats, large trucks and commercial vehicles, including:

Matter of Concern	Department Oversight
Storage on private property	Code Enforcement Division
Illegal parking on public property	Police Department
Potential issues associated with RV, personal vehicle or commercial vehicle dwelling	Police Department

Vehicle dwellers can be found throughout the City. On May 5, 2021, the Police Department conducted an inventory of recreation vehicles throughout the City in an effort to verify the chronic locations and identify the volume. A large majority of the habitants were living by themselves, however there were a handful with two or more occupants. A total of 107 vehicles (97 recreation vehicles and 10 personal vehicles) were counted with evidence of individuals living in them, 73 of which were among seven primary areas:

- Hope Drive from Lafayette Street to Lick Mill Boulevard
- Bassett Street from Laurelwood Road to Agnew Road
- Agnew Road from Lafayette Street to Mission College Boulevard
- Memorex Drive from Lafayette Street to Richard Avenue
- Richard Avenue from Lafayette Street to Martin Avenue
- Space Park Drive, Kenneth Street and Raymond Street area
- Grant Street and Reed Street area

NOTE: This count takes into consideration ten (10) personal vehicles at the above locations where individuals were obviously occupying them for residency. It would be nearly impossible to do a complete inventory of personal vehicles serving as residences City-wide.

While most residents living in vehicles abide by laws, the Code Enforcement Division and Police Department routinely receive calls for service regarding code violations, such as:

- Excessive litter and garbage
- Discharging sewage on the public right of way
- Line of sight safety issues for pedestrians, bicyclists and drivers
- Encroachment of items outside, on top of, or attached to the RV
- Reduced parking availability
- Noise from generators
- Unleashed pets

Lacking proper collection and disposal, these wastes can also contaminate ground and surface water supplies, transmit diseases and produce offensive odors.

It is important to note, the Code Enforcement Division is in the process of carefully reviewing the City's Zoning Code and plans to bring a recommendation to City Council for an amendment to Section 18.82.020 (Storage of commercial vehicles) to the Zoning Code in late 2021. The amendment may address the definition of an oversized vehicle, and regulations related with the storage and parking of oversized commercial vehicles, boats and trailers on private property.

City's Current Response

The City is working to increase the production of affordable housing. In Santa Clara County, the County's Office of Supportive Housing's (OSH) has taken the lead to increase our region's supply of supportive housing that is affordable and available to extremely low income and /or special needs households. OSH supports the County mission of promoting a healthy, safe, and prosperous community by ending and preventing homelessness.

In Santa Clara County's supportive housing system, affordable housing is complemented by individualized medical, behavioral health, employment and other supportive services to help clients maintain stable housing. System partners are continuously evaluating programs to improve outcomes for families and individuals experiencing homelessness.

One of the keys to implementing these efforts is the County's Coordinated Assessment - a consistent, community-wide intake process to match people experiencing homelessness to existing community resources that are best fit for their situation. In Santa Clara County's coordinated assessment system, all homeless people complete a standard assessment tool (the Vulnerability Index-Service Prioritization Decision Assessment Tool or VI-SPDAT) that considers the household's situation and identifies the best type of housing intervention to address their situation. A community queue of eligible households is generated from the standard assessment. The community queue is used to fill spaces in the permanent housing programs, including permanent supportive housing and rapid rehousing, in the County. This coordinated process reduces the need for people to traverse the county seeking assistance at every service provider separately. The City of Santa Clara has been using coordinated assessment for a few years for its permanent supportive housing and rapid rehousing programs.

The City of Santa Clara is also a partner in the Santa Clara County Continuum of Care. The Continuum of Care (CoC) is a HUD sponsored program designed to promote communitywide commitment to the goal of ending homelessness. The CoC in Santa Clara County is a broad group of stakeholders dedicated to ending and preventing homelessness in Santa Clara County. The key CoC responsibilities are ensuring community-wide implementation of efforts to end homelessness, as well as ensuring programmatic and systemic effectiveness. The CoC helped coordinate Santa Clara County's Community Plan to End Homelessness, which outlines a coordinated strategy to address homelessness that is powered by regional partnership and collaboration. The City of Santa Clara endorsed the Community Plan to End Homelessness on Tuesday, March 17, 2021, which will serve as our roadmap for ending homelessness in Santa Clara and across Santa Clara County.

Regional Housing Needs Allocation

As part of the sixth cycle Regional Housing Needs allocation process administered by the California

Department of and Community Development, the City of Santa Clara must demonstrate that it has planned within its Housing Element to provide approximately 11,632 units, of which 6,506 units are to be affordable to moderate, low, and very low income households. The City intends to accomplish these goals by supporting new residential projects in five long range planning areas that are being developed throughout the City; requiring affordable housing along with proposed new development through the City's Affordable Housing Ordinance; and partnering with the County of Santa Clara and affordable housing developers to leverage funding sources to facilitate affordable housing projects.

Homeless Programs and Services by Department

The City of Santa Clara has a commitment is to uphold public health and safety for all our residents - housed and unhoused. There are multiple programs and services in place, tied to significant resources, to serve our vulnerable residents:

Housing and Community Services Division

- Tenant Based Rental Assistance Program (TBRA)
- Emergency Rental Assistance Program (ERAP)
- Public Service Grants
- Affordable Rental Housing and Permanent Supportive Housing
- Below Market Purchase program
- Congregate / Non-congregate Shelter beds
- Utility bill aid
- Outreach
- Referral to County and non-profit service providers
- Neighborhood Conservation and Improvement program
- Eviction moratorium for residences for non-payment of rent and no-fault evictions due to the impact of the coronavirus outbreak

NOTE: On August 24, 2021, the City Council will also consider establishing the Housing Commission / Unhoused Task Force (RTC 21-890). This agenda item provides a summary of the programs and services available through the Housing and Community Services Division.

Parks and Recreation Department

- Water fountains and restrooms in public parks and City facilities
- Accessible public spaces, both indoor and outdoor
- Senior Nutrition Program and Meals to Go (age 60+)
- Case management services for seniors and individuals with special needs
- Senior adult legal assistance (age 60+)
- Health Insurance Counseling and Advocacy Program
- Health and wellness classes

Police Department

- Community Response Team to respond to matters related with all quality-of-life issues in the City
- Crisis Intervention Specialists to coordinate and support beneficial outcomes for persons with mental illness, including a website and educational flyer for residents with concerns about our unhoused population
- Law enforcement self-initiated activity and calls for service (e.g. warrants, code violations)
- Works with established stakeholders to refer people experiencing homelessness to different

service providers depending on their needs

Meanwhile, residents routinely utilize various City resources (e.g. Communications Center, MySantaClara app, Department specific general email, etc.) to contact staff regarding panhandling, soliciting, individuals sleeping in parks, in front of businesses and in vehicles. During these contacts, residents share worries over noise, fear for personal safety and concern for a reduction in property values.

Every Department has found the more successful interventions are built on a pattern of consistent engagement to build trust. Multiple visits may be required to achieve the acceptance of assistance, which is the first step to a lasting solution to homelessness.

Council Consideration of Potential Strategies to Support our Unhoused Residents

The Police Department contacted neighboring municipalities to inquire about programs and services being offered, or considered, to serve as a catalyst for our City Council to consider.

It should be noted that the demand for services is much higher than what is available to support unhoused residents. Municipalities who offer programs and services, note a significant increase in demand for such services in their city. We have had a similar experience in Santa Clara when services were made available in certain areas (e.g., food distribution, etc.). As the City works to provide responsive services, communication to manage expectations will need to follow.

Safe Parking Programs have recently been a popular topic of discussion and City staff have investigated how these programs are conducted locally and in other California cities. It is evident that such programs require a significant amount of oversight, typically both by City staff and community volunteers, and are able to serve a small proportion of the demand.

Short-term strategies could include:

- Approve establishing a Housing Commission / Task Force
- Through the Housing Commission, study and advance the needs of Santa Clara's unhoused population
- Leverage existing County and State funding, programs and resources
- Coordinate delivery of fresh water to homeless encampments
- Provide trash pick-up in existing areas with RV parking
- Offer more frequent street sweeping in areas where RV's are parked
- Submit a Project HomeKey application for upcoming State funding opportunity to establish transitional housing site for homeless people

Potential mid-term solutions could include a number of contracted services identified by the Housing Commission / Task Force, but may include:

- Mobile ADA compliant portable toilets and sinks
- Portable shower facilities and laundry facilities
- Waste management options (e.g. mobile septic tank pumping of black and gray tanks, free tank caps to prevent leaks, etc.)
- Enhance or establish local partnerships with County services, regional non-profits and faith-based communities

- Fund additional partnership services that could be targeted in Santa Clara, if feasible
- Fund additional Code Enforcement Division, Community Development Department and/or Police Department (Community Response Team) employees dedicated to homelessness
- Fund a mental health clinician to work from the Police Department's Crisis Intervention Specialists to serve as a mobile outreach worker (an expansion of existing services) among our chronic homeless population to serve as a link to County services
- Consider a ballot measure to restrict large vehicle parking, to potentially include RV's, boats, trailers, large trucks and/or commercial vehicles, on residential streets and/or streets with a certain width or less
- Contemplate an ordinance to limit RV, boat, trailer, large truck and/or commercial vehicle overnight parking in industrial areas
- Consider an ordinance to limit RV, boat, trailer, large truck and/or commercial parking on private property to be occupied as a long-term residence

Longer-term strategies may include:

- Work with County to establish a temporary cold/hot weather shelter (requires land and operator)
- Implement a Safe Parking Program (requires land and some services)
- Build more affordable housing (extremely low-income units)
- Increase affordable housing percent in developments (15%+)
- Expand City services to provide higher-touch services based on supplementing programs provided by the County and service providers

Additional innovative short and long-term solutions require a comprehensive approach to this complex issue and the identification of corresponding financial resources. As Council considers a higher level of service, additional staff and funding resources will be required to support this effort. For example, implementation of a Safe Parking Program would at a minimum require the following actions:

- Hire a program administrator for the start-up and on-going management of the program
- Adopt an overnight parking ban, except in the designated Safe Parking location(s)
- Identify a location(s) for the purpose of a Safe Parking Program
- Enter into an Agreement with the property owner(s) for use of the space
- If approved by City Council, coordinate implementation plans with the Housing Commission / Unhoused Task Force
- Contract with a qualified Safe Parking Operator to manage the program in compliance with all land use and City Code requirements (e.g. site plan with designated spaces, hours of operation, setback from property line/building(s), ingress and egress taking into consideration emergency vehicle access, clearance between recreation vehicles, lighting, generator use, noise restrictions, fire considerations (open flame, BBQ grill, warming device), vehicle limitations; structures/walls; portable restroom, handwashing station and/or shower facility; access to or delivery of fresh water; black/grey water disposal and stormwater pollution prevention; trash plan; access to or delivery of propane; electricity; security procedures including fire prevention measures; application permit, interview applicants, maintain wait list and conduct appeal/hearings; neighborhood relations, etc.)
- Enter into an Agreement for on-site security
- Partner with a social service agency and case management services to provide services (e.g.

food support, employment, family wellness, childcare and/or school success, financial education, credit repair, disability and/or veteran resources, mental and substance abuse disorders, trauma and violence assistance, justice-system involvement, etc.) and facilitate the transition to permanent housing

- Conduct neighborhood community outreach and provide contact information to address concerns throughout the pilot program
- Organize site inspection(s) prior to the opening of the Safe Parking Program

It will be important for any potential short or long-term strategy to be well thought out and managed by the City Department(s) with the most appropriate tools, subject matter experts, resources and mission to successfully bring lasting positive change in our community. In turn, the appropriate City Department(s) can return to the City Council with recommended actions (e.g. status quo, ordinance amendment, new programs and/or services, ballot measure, pilot program, etc.) based on the direction provided at this Study Session.

The City is in the process of forming a Housing Commission to advise the City in the development and implementation of policies to address housing supply, affordable housing, and neighborhood service. This Commission could also be used to provide input on homelessness issues and the needs of the unhoused.

While the Police Department has utilized this Study Session to educate the City Council on this national issue, regulations connected with unhoused individuals, intersecting issues among multiple City Departments, and the added complexity of the coronavirus pandemic to this situation, we ask the City Council to pause before making a staff recommendation.

ENVIRONMENTAL REVIEW

The purchase of supplies does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational policy making or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

While there are no costs to present the information in this report other than staff and administrative time, costs would be incurred depending on the recommendations or direction provided by Council in this Study Session to bring back proposals for funding consideration.

COORDINATION

This report was coordinated with the Community Development Department (Housing and Community Services Division), Planning Department (Code Enforcement Division), Parks and Recreation Department, Fire Department, City Attorney’s Office and City Manager’s Office

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> .

RECOMMENDATION

The purpose of this report is to support a Study Session on this topic and to receive input from the City Council on further policy development.

Reviewed by: Pat Nikolai, Chief of Police

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Councilmember Jain's Council Policy 030 submission