



Santa Clara Valley Water District

File No.: 19-0481

Agenda Date: 5/14/2019

Item No.: 7.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Recommended Positions on State Legislation: AB 143 (Quirk-Silva) Shelter Crisis: Homeless Shelters; AB 1745 (Kalra) Shelter Crisis: Emergency Bridge Housing Community: City of San Jose; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

RECOMMENDATION:

- A. Adopt a position of "Support" on: AB 143 (Quirk-Silva) Shelter Crisis: Homeless Shelters; and
- B. Adopt a position of "Support" on: AB 1745 (Kalra) Shelter Crisis: Emergency Bridge Housing Community: City of San Jose.

SUMMARY:

AB 143 (Quirk-Silva) Shelter Crisis: Homeless Shelters (A-04/10/19)

Position Recommendation: Support

Priority Recommendation: 3

In 2017, AB 932 (Ting) provided the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco, the authority to declare a shelter crisis and suspend any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws for homeless shelters, provided that the locality has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety, and that the locality has complied with those standards.

AB 143 would extend the authority to declare a shelter crisis to all the cities in the County of Orange, the City of San Jose, and the Counties of Orange and Alameda. The bill also would extend the date on which the authority sunsets from January 1, 2021, to January 1, 2023.

It would also require the above-named jurisdictions to develop a publicly available plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services by July 1, 2020.

Importance to Valley Water

Currently Valley Water engages in the cleanup of homeless encampments in creeks and streams throughout Santa Clara County in partnership with the county, cities, social services

agencies, and homeless advocate organizations. Homeless encampments create multiple issues in flood plains, primarily the life safety concern for the people living in these encampments, but also the potential for disease outbreaks due to bacterial contamination, nutrient loading of creeks and streams, and the interference with flood protection infrastructure by debris accumulation that may block culverts and other conveyances of water.

The San Francisco Bay Regional Water Quality Control Board's (Regional Water Board) San Francisco Bay Water Quality Control Plan prohibits the discharge of rubbish, refuse, or other solid wastes into surface waters or any place where they will eventually be transported to surface waters. This requirement makes Valley Water one of the entities responsible for the cleanup of rubbish and for preventing other solid wastes from homeless encampments from entering Valley Water-controlled waterways.

Valley Water's costs for homeless encampment cleanup have been rising rapidly. Since 2013, the annual cleanup costs have risen from about \$500,000 per year to about \$1.4 million in 2017. Funding allocated for this purpose by the 2012 Measure B, the Safe, Clean Water and Natural Flood Protection Program, has been fully expended. Valley Water is seeking funding from other sources for encampment cleanup. These efforts are ongoing and are intended to protect both life safety and water quality, which are key concerns not just for Valley Water, but for numerous regulatory agencies.

AB 143 and AB 1745 by Assembly Member Kalra detailed below work together to provide the City of San Jose the authority and increased time to implement a program intended to provide temporary housing to homeless people, assisting in the transition to more permanent housing, thereby reducing the problems caused by homeless encampments along waterways.

Staff recommends that the Board adopt a position of "Support" on AB 143.

Pros

- Provides increased authority to the City of San Jose in addressing the local shelter crisis that has increased homelessness which has led to encampments, often in riparian corridors and along waterways.
- Provides temporary waiver of state and local building codes while requiring adoption of a local ordinance that meets minimum health and safety standards, which allows for the expedient development of emergency bridge housing.
- May reduce homeless encampment cleanup costs by reducing the number of encampments, as homeless are transitioned into housing.
- Reduces the potential for litter, trash, and pollution in the region's waterways.

Cons

- Housing, health, habitability, planning and zoning, or safety standards, procedures, or laws may be suspended; however, the City must comply with other locally adopted standards and procedures for homeless shelters consistent with ensuring public health

and safety.

AB 1745 (Kalra) Shelter Crisis: Emergency Bridge Housing Community: City of San Jose (A-04/10/19)**Position Recommendation: Support****Priority Recommendation: 3**

Current law, approved by AB 2176 (Campos) in 2016, authorized a pilot program for the City of San Jose (City) to operate an emergency bridge housing community for homeless persons during a declared shelter crisis. The law allows the City, to adopt a local ordinance that establishes reasonable local standards for the design, site development, and operation of emergency bridge communities, structures, and facilities, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws. The local ordinance is required to be reviewed by the Department of Housing and Community Development to ensure is addressed minimum health and safety standards. The City can locate the emergency bridge housing community on any city-owned or city-leased land, including land acquired with low- and moderate-income housing funds. The Valley Water board adopted a position of "Support" on AB 2176 (Campos) in 2016.

AB 1745 simply extends the current authorization approved through AB 2176 (Campos), for the City to operate an emergency bridge housing community upon a declaration of a shelter crisis, from January 1, 2022 to January 1, 2025.

Under current law, the City must provide a short-term solution for homeless residents who are awaiting permanent housing. AB 1745 would require the City to match each resident of the community to an affordable housing unit on or before January 1, 2025, and would continue to require the City to develop a plan for these communities to include on-site supportive services.

The City has been exploring the possibility of establishing an emergency bridge housing community to make use of the Housing First model. Under the Housing First approach, anyone experiencing homelessness may be connected to a permanent home by removing barriers to accessing the housing, such as a requirement for sobriety. However, the City's Housing Department found that certain state codes and regulations prevented them from realizing this goal. While the City has been working diligently on establishing an emergency bridge housing community, it is not operative yet. As the sunset date is only a couple of years away, extending the authority to January 1, 2025, ensures that once established, the emergency bridge housing community can provide the services intended for an extended period.

Importance to Valley Water

The modernization of the State's Shelter Crisis Code is an important and necessary step to more rapidly provide services and assistance to homeless individuals and families in a manner that is consistent with Housing First principles. If signed into law, AB 1745 would help the City address homelessness in a more proactive and efficient manner, as it provides more time to remove barriers that prevent or delay the use of public facilities, or other models of housing not originally intended to house individuals and families. This would allow the City to utilize

other dedicated resources not meant for long-term habitation, such as campgrounds, emergency sleeping cabins, and portable “tiny” homes. AB 1745 also would require the City to have a plan by January 1, 2022 to match each resident of the community to an affordable housing unit.

Extending the City’s authority to operate an emergency bridge housing community, along with the implementation of a broad range of homelessness measures, furthers Valley Water’s goal to reduce the number of individuals living in encampments in and along creeks and waterways. AB 1745 may result in savings on homeless encampment cleanup costs, improve water quality, and increase public safety along Valley Water managed waterways.

Staff recommends that the Board adopt a position of “Support” on AB 1745.

Pros

- Provides the City of San Jose more time to address the local shelter crisis that has increased homelessness and outdoor encampments, including along waterways.
- Provides temporary waiver of state and local building codes while requiring adoption of a local ordinance that meets minimum health and safety standards, which allows for the expedient development of emergency bridge housing.
- May reduce homeless encampment cleanup costs by reducing the number of encampments, as homeless are transitioned into housing.
- Reduces the potential for litter, trash, and pollution in the region’s waterways.

Cons

- Housing, health, habitability, planning and zoning, or safety standards, procedures, or laws may be suspended; however, the City must comply with other locally adopted standards and procedures for homeless shelters consistent with ensuring public health and safety.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

None.

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