



STAFF REPORT – CITY COUNCIL MEETING

November 01, 2023

TO: Honorable Mayor and City Council Members

FROM: Doug White,

PREPARER: Karen T. Diemer, City Manager

DATE: October 25, 2023

TITLE: **Adopt Resolution No. 234-18 Declaring a Shelter Crisis in the City of Arcata.**

RECOMMENDATION:

It is recommended that the Council adopt Resolution No. 234-18, a Resolution of the City Council of the City of Arcata Declaring a Shelter Crisis in the City of Arcata.

INTRODUCTION:

Like many other places in California, and the United States generally, the City of Arcata (“City”) is facing a housing crisis, and a resultant increase in the unhoused population of the City. Since 2022, one step the City has taken to combat this crisis is funding Arcata House Partnership through American Rescue Plan Act Funds to run a “safe parking program” for Arcata residents currently living out of their cars. The program is open to the “literally homeless” with operational vehicles that are registered and insured. The residents can safely park their cars at the site and receive services at an onsite building. The program provides charging stations, bathrooms, and meals, as well as access to case management services and other community resources.

The City and Humboldt County (“County”) believe that the safe parking program has been a success as evident by over a 50% success rate at finding more permanent housing solutions for those who have initiated services through the program, but the expense is unsustainable for the City’s budget. The County has identified a funding source to continue to operate the safe parking program for an additional year, but would require the City to first pass a “declaration of shelter crisis” subject to Gov. Code § 8698 et seq.

BACKGROUND/DISCUSSION:

Under California Government Code section 8698 et seq., a city council may make a “declaration of shelter crisis,” which entails finding the “existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and

safety.”¹

A declaration of shelter crisis allows for a streamlining of regulations in order to more efficiently provide shelter to an unhoused population. Under a declaration of shelter crisis, cities are immune from liability for ordinary negligence resulting directly from the provision of emergency housing;² state and local statutes, regulations, and ordinances concerning housing, health, and safety are suspended “to the extent that strict compliance would in any way prevent, hinder, or delay” the opening of new public facilities to combat the crisis;³ and unhoused people are permitted to occupy designated public facilities.⁴

The shelter crisis provisions of the Government Code also provide several avenues for cities and counties to pass ordinances enabling relaxed regulation for the building and maintenance of homeless shelters.⁵ In addition, laws and regulations providing causes of action for habitability can be suspended for public homeless shelters “provided that the city has adopted health and safety standards for homeless shelters and those standards are complied with,”⁶ and requirements for new public shelters to comply with local land use plans are suspended.⁷ A declaration of shelter crisis also entirely exempts new public homeless shelters from multiple state health and safety laws and regulations.⁸

As well as removing regulatory barriers to publicly funded homeless shelter construction and maintenance, a declaration of shelter crisis also opens doors for possible state funding. While there is no current funding predicated on the implementation of a shelter crisis declaration, there has been in the past, under the HEAP block grant program.⁹ This suggests there is at least a possibility that the legislature would require a crisis declaration for funding in the future. Additionally, the most recent round of block grant funding for the housing crisis, the fourth round of the HHAP program, required counties to show evidence of regional coordination in combatting homelessness.¹⁰ If the State were to create another block grant program, the City having already both declared a shelter crisis and worked with the County to fund the safe parking program can only help with any application for funding.

Under the Government Code, cities that declare a shelter crisis are required to make certain reports to the State. According to Gov. Code § 8698.4, any city that has declared a shelter crisis must report a series of statistics on the unhoused population and the city’s plans for shelters and supportive housing to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development.¹¹ These reporting requirements are not particularly onerous but require annual record keeping work.

Resolution No. 234-18, as drafted by Staff, states that the declaration of shelter crisis will expire one year after implementation, on November 1, 2024. However, if the City chooses to adopt the Resolution, the declaration of shelter crisis may be extended to any date and repealed at any time. The Government Code section that loosens the applicability of State laws to public

¹ Gov. Code § 8698.

² Gov. Code § 8698.1(a).

³ Gov. Code § 8698.1(b).

⁴ Gov. Code § 8698.2(b).

⁵ Gov. Code § 8698.4(a)(2).

⁶ Ibid.

⁷ Ibid.

⁸ Gov. Code § 8698.4(a)(3), (a)(4).

⁹ HSC § 50210 et seq.

¹⁰ HSC § 50216 et seq.

¹¹ Gov. Code § 8698.4(a)(6).

homeless shelters and enables ordinances to relax cities' regulation of shelters, Gov. Code § 8698.4, expires by its own provisions on January 1, 2026, so it may be advisable to reconsider any shelter crisis declaration that is still in place at that time.

BUDGET/FISCAL IMPACT:

None from the declaration itself. Resultant impacts include the County funding the Arcata House safe parking program, and the possibility of funding for other projects to address the housing crisis from either the County or the State.

ATTACHMENTS:

Resolution No. 234-18 Declaring a Shelter Crisis (CW133652-3xDCB25) (DOCX)