

## Private Housing Ordinance -DRAFT

### SECTION 1: PURPOSE OF ADDITION TO ZONING REGULATIONS

Humboldt County, like every other part of the state of California, is experiencing a housing shortage which is causing a substantial and increasing number of residents of the county to be homeless. The last estimate is (1500???) homeless people in the county. Existing programs to build our way out of the crisis are long-term, inadequate, and often misguided. People need homes or legal shelter now. This ordinance addresses that need by allowing private landowners to allow persons they choose to move onto their land and live in structures not up to code, in tiny homes, in tents, in RV's, in vehicles and any other form of permanent or impermanent or transient shelter, and to form a community on that property which may exclude applicants or evict people deemed unsuitable for that community. Thus the "homeless" may gain some control over their living situations, safety, and security.

### ARTICLE 2. SAFE PARKING/SAFE SHELTER ORDINANCE AMENDED

Section 314-63<sup>1</sup> creating a Safe Parking/Safe Shelter on Private Lands Program in Title III, Division I, Chapter 4 of the Humboldt County Code is hereby amended and added to as follows: (additions are shown in underlined text).

ARTICLE 3. This ordinance shall remain in effect until 90 days after there is housing shelter available on a long-term basis to any homeless person who is offered it on terms that preserve the dignity and rights of that person and his or her family and pets. So long as that condition remains true after 90 days, the ordinance may be suspended, but will immediately become effective upon such shelter again becoming unavailable for one night or more, as if never suspended.

If suspended those persons who have taken shelter on private land shall have adequate time to move to the shelter, and lockable storage for their possessions shall be provided by the county or the shelter provider / management if it is an entity organized to provide shelter.

Section 314-63.05 PRIVATE LAND INTENTIONAL COMMUNITY SHELTER PROGRAM (PLICS)

#### 61.05.1 Purpose and Duration

The purpose of these regulations is to facilitate development of a permanent program to provide safe shelter sites on private land that accommodate vehicles, tents, tiny homes, or other structures for people who are experiencing homelessness when they seek entry into the community on a particular parcel of land. Participation in the community is conditioned only on

---

<sup>1</sup> This section has been reserved for future use in the present co

permission of the landowner and the existing community, and conditioned on that permission continuing while the regulations of both landowner and community are met.

This ordinance and all Zoning Clearance Certificates issued pursuant to this ordinance shall not expire unless the Board of Supervisors finds that the homeless crisis has ended, and all community members voluntarily dissolve the community by leaving for other shelter.

The ordinance places no limit on the number of such private land communities which may be formed.

#### 63..05.2 Applicability

The Private land Community program may be operated by any land-owning person or entity which meets all the following requirements, and are permitted in C-1,C-2,C-3, ML, MU1, MU2 and all other zoning districts in which residences are allowed or exist at the time of this ordinance's enactment.

#### 63.05.3 Site Requirements

(a) Private Land Communities may accommodate 1 shelter per 100 ft<sup>2</sup> until the entire space allocated for the PLIC by the landowner is filled. Shelter units are exempt from all county codes which conflict with the purposes of this ordinance.

(b) The shelters must be located where there is access to the community for emergency vehicles, trash pickup, and portable shower and restroom servicing.

(c) Must have drainage so there is no standing water in areas used for sleeping.

(d) Must be located at least 20<sup>3</sup> feet. from the property boundaries. Adjacent parcels may have PLICs on them, in which case shelters may come to or cross common property boundaries of the adjacent parcels.

(e) reserved

(f) Zoning clearance certificates may be issued before or after any number of community members have occupied the PLIC site. Properties in the abatement process are eligible, but not exempt from reasonable nuisance abatements in progress, however there shall be no nuisance allegations connected to the shelters or their use.. Zoning clearance certificates shall be issued without cost to any owner or any property meeting the requirements of subsections (a) thru (d) of this section.

---

<sup>2</sup> At this moment in drafting no spacial I limits recommend themselves. I suggest YeeHaw density might make a good guide

<sup>3</sup> Another number to be considered. Setbacks should enhance security.

(g) PLIC zoning clearance certificates or special permits will be subject to an annual inspection by the County on the anniversary date of issuance to verify compliance with the requirements of this section.

Exceptions to parts (a)-(d) above may be allowed subject to a special permit in accordance with Humboldt County Code section 312-5<sup>4</sup> et seq with a finding that the exemption poses no additional risk to the health and safety of the occupants.

#### 63.05.4 Vehicle and Shelter Types

##### (a) Vehicles

- i. Any type of vehicle which is or was mobile upon arrival at the property may be used as shelter, including without limitation, cars, vans, RV, trailers, or any similar vehicle or a combination of these,
- ii. All vehicles must be capable of being moved off site,
- iii. A minimum of six feet must be maintained between vehicles

##### (b) Non-vehicle shelters

- i. Tents, sleeping cabins, tiny homes, lean tos, hoop houses, improvised shelters and other similar structures are allowed as individual units.
- ii. A minimum of 6 feet must be allowed between units, except those occupied by families. There is no spacial I separation requirement for those.
- iii. Each unit, must have an exit that leads directly to the outdoors/evacuation route.
- iv. Enclosed structures must have light and ventilation.<sup>5</sup> Propane heaters or other heaters which can give off harmful or deadly fumes, must be near ventilation, and a CO2 alarm in use.

#### 63.05.5 Operating. Standards

- (1) All units must be 20' or more from the property boundary, and/or any internal roads.
- (2) Outdoor lighting must be shielded and focused away from adjoining properties
- (3) Within 14 days of initial occupancy the Owner must submit a Department Approval Letter from the Division of Environmental Health verifying that the PLIC is served by an acceptable means of sewage disposal system to accommodate the anticipated wastewater demand. Off-site servicing of on on-site sewage container such as porta potties or RV collection tanks shall be acceptable.
- (4) If the site allows recreational vehicles, no disposal of sewage from the recreational vehicles is permitted on site, unless the property owner documents that the North

---

<sup>4</sup> Have not yet read HCC 312-5 et sec (and following)

<sup>5</sup> I don't know what a sleeping cabin is. An obvious threat to safety is carbon monoxide from heating. I assume this is what the ventilation requirement is. People may be overcome and die from such fumes even in a large unventilated tent.

Coast Regional Water Quality Control Board has approved the on-site sewage system for that use

- (5) If the site allows recreational vehicles, gray water, but not black water, may be disposed on site,
- (6) Hours of operation are unlimited. As is duration of occupancy, subject only to on-going permission of the Property Owner, *and a majority of the community.*

#### 63.05.6 PLIC Provider

- (a) A PLIC provider must own the property upon which the PLIC is located or give permission to a tenant to establish or maintain a PLIC. It may be managed by another person, or the residents as a whole.
- (b) If practically and financially feasible the provider shall provide or provide access to any or all of the following:
  - i. Sanitary facilities, including toilet, handwashing. These facilities may be provided by private providers such as B&B toilets.
  - ii. Shower facilities, or access to shower facilities. These facilities may be provided by private providers such as B&B toilets.
  - iii. Facilities accessible to persons with disabilities.
  - iv. Garbage containers and trash disposal services.
  - v. Secure storage facilities for person items, provided such storage does not create a fire or life-threatening hazard.
- (c) The owner may manage the PLIC or allow community management, or community management subject to the owner's veto and override. Management by the community may be established at any time, or canceled at any time, by the owner.
- (d) The owner is required only to provide space for shelter, subject to restrictions in this ordinance. He may provide additional services if he wishes, or the community may,

#### 63.05.7 Grounds for Entrance into or Rejection from The PLIC:

- (a) The property owner may discontinue the PLIC with 30 days' notice to the persons being allowed to shelter on his land.
- (b) Persons sheltering on the Owner's land shall enter and remain only by permission of the Owner. If a community government is created by the owner, he will consider their request to withhold or terminate permission to be on the land for any person or persons they propose, 63.05.71 The Director of Planning or any other county government employee may not refuse to issue, or commence revocation of, the zoning clearance certificate for any PLIC, except for violations of this ordinance.

63.05.8 PLIC Costs. The costs of police, sewage, and water. shall be borne by the county. No fee shall be required for any required permit. Other costs, including reasonable management costs, shall be borne by those people sheltered in proportion to their ability to pay them.

63.05.91 Liability Insurance: Liability insurance shall be provided by the county, either by a policy or as part of the county's self-insurance program.

### **SECTION 3: DEFINITIONS**

Sections 314-140 and 314-154 are hereby amended and added to as follows:

## 314-140 DEFINITIONS (E)

Private Emergency Shelter means provision of space for persons without permanent housing to shelter, on private property, with or without supportive services, for the duration of the homeless crisis in Humboldt County with the permission of the landowner. The homeless crisis in Humboldt County shall end when no person then currently without long term shelter free from disruption by operation of county or state officials is offered long term continuous shelter on terms not detrimental to their dignity, family cohesion, and inclusion of pets in the family group.

## SECTION 4: RESIDENTIAL USE TYPES

Section 314-177, Residential Use Types, is hereby amended to read as follows

### 314-177.1 PRIVATE EMERGENCY SHELTER

The Private Emergency Shelter Use Type includes temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, individual shelters sleeping bags, tents, or other structures or safe parking or safe space for living. Private Emergency Shelter is provided by private property owners at no cost to persons without permanent housing except that required to manage and maintain the costs of management and services for the community of the homeless invited to set up on the land of such owners. Operations shall be of such duration as the Owner determines.

## SECTION 6: ZONING REGULATIONS

The following use shall be added to all zones in the Humboldt County Code, and shall also apply to all unzoned lands in the county: "Private Emergency Shelter"

## SECTION 7: EXISTING SHELTER

Anything in the Humboldt County Code notwithstanding, the county shall not require any shelter, RV, camper, trailer or similar objects now existing on private lands to be removed, or kept from occupancy.

Upon notice from the Owner that shelter is being provided, the county shall immediately provide whatsoever zoning certificate or special permit required, (commence water, and sanitary support), and county's liability insurance coverage of the inhabitants and owners of the parcel shall be in effect.