

Support Document for Human Rights Commission Open Letter to Board of Supervisors on the Shelter Crisis Declaration in Humboldt County - April 14, 2016

The Human Rights Commission is writing to express our grave concerns as those who have struggled to serve our county through this body. Commissioners are volunteers who have duties and responsibilities:

- to hold conferences and other public meetings in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between groups of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors;
- to issue any publications, recommendations and reports of investigation as in its judgment will tend to effectuate the purposes of its charge;
- to enlist the cooperation and participation of a variety of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity; and to encourage and stimulate agencies under the jurisdiction of the Board of Supervisors to take any action as will fulfill the purpose of Humboldt County Code Section 228-6 (Ordinances 1023 and 2294.).

In order to fulfill these obligations, commissioners serve on numerous ad hoc committees and as officers, hold public forums, conduct and recommend educational programs and engage in listening through a variety of means. Commissioners carry out these responsibilities with their personal resources, since the Board of Supervisors has denied our requests for funding. It is an honor to serve the residents of the county in bringing issues of their human rights to the forefront and putting them before the Board of Supervisors (BOS) as the governing body that can actually make decisions to effect them.

Commissioners have been disappointed and disturbed by the choices of the Board of Supervisors in nearly completely ignoring the recommendations of the Commission over the past two years regarding the rights of the county's most vulnerable population, our homeless. The Commission has studied the impacts of homelessness in Humboldt County, assessed its costs to the local community, and grappled with understanding the elements that, if implemented expeditiously, could immediately and significantly reduce the impacts of homelessness in Humboldt, especially the opportunities for those now experiencing homelessness to have secure places to be, free from harassment by or interactions with law enforcement, allowing them stability and the ability to access services.

In February of 2014, the HRC began advising the BOS to declare a shelter crisis using the 2010 California Government Code, Chapter 7.8. Shelter Crisis §8698- 8698.2 and the 2008 SB 2

Emergency Shelters legislation, since these zones are previously set and both could expedite “suspension of codes” and encourage a more vigorous community response to housing or sheltering alternatives for our homeless throughout the county. These codes address both emergency and long-term shelter and are explicit in defining what cities and counties and special districts can and must do in order to provide for the significant numbers whose health and safety are endangered in a shelter crisis. They reduce the barriers to getting people into safe and legal spaces. There is no doubt that our county suffers from a lack of affordable, available housing, as well as emergency and transitional housing options for our poorest residents. Initially, the Commission provided the BOS with an extensive packet of information demonstrating the impact of homelessness here and elsewhere, the number of homeless in Humboldt county and the lack of available beds cited by the Point In Time Count of 2013, the California laws the Commission asked to be invoked as well as a letter from the local chapter of the ACLU demanding that the BOS declare a shelter crisis.

On October 15, 2014, based on the research efforts of Commissioners, the HRC again sent a lengthy letter with a series of recommendations clearly advising the BOS to declare a Shelter Crisis utilizing the same California codes noted above: (from the letter referenced):

This commission recommends that the BOS act to declare a shelter crisis and also work with housing advocates and planners to move us in the direction of getting people safe, warm, and dry first through implementing strategies that allow for legal sleep and that will help the unsheltered get healthy and safe as soon as possible. This can only save costs to all entities mentioned above. Providing housing alternatives that are affordable, according to reports from the National Law Center on Homelessness & Poverty, will be three times less expensive.

This commission recommends that the Board of Supervisors encourage all county and city departments of law enforcement and medical agencies, as well the private hospitals, to make it a priority to gather service data related to unsheltered/homeless and include it in the HMIS (Homeless Management Information System) for the county. Lack of data impedes our ability to understand this population, its needs and impacts, and results in the use of inaccurate and spurious data, such as that found in the CHIP survey of 2014.

This commission recommends that the BOS initiate County participation in a reliable study of the homeless population and work with the Western Regional Advocacy Project or California Center for Rural Policy and /or Humboldt State University Social Work, Criminal Justice and/or Sociology Departments in undertaking such a study. The commission will also recommend appropriate contacts and resources for this recommendation.

This commission recommends that the BOS follow the recommendations of the Grand Jury with respect to their report on Homeless Veterans (Attachment B3):

R1. The Humboldt County Board of Supervisors should designate in the Housing Element of the General Plan Update that certain areas be identified where sanctuaries and or camp grounds can be established.

R2. The Board of Supervisors should encourage Department of Health and Human Services to obtain funding, jointly with other community agencies, through HUD and other sources to build "micro housing villages" and sanctuaries for homeless veterans.

R3. The Board of Supervisors should encourage the Humboldt County Health and Human Services Department to expand alcohol and substance abuse treatment to include more local detoxification services.

R4. The Board of Supervisors should explore ways to reduce barriers to accessing services.

The Commission received an email from Supervisor Lovelace on behalf of himself and Supervisor Bass indicating that they did not think the declaration of a shelter crisis was the way to go. They would

rather, he said, prefer to work with those who brought forward specific proposals to address homelessness. When Estelle Fennell, then Chair of the BOS, accepted the HRC invitation to come to our April 2015 meeting and discuss our concerns about the lack of respect shown to the Commission, and the lack of responsiveness from the BOS to our concerns and recommendations, she directed us to **"submit agenda item suggestions to Kathy Hayes with copies to all the Supervisors. She also suggested the HRC should state that we expect the courtesy of a response in a specific time frame. She also stressed our Annual Report was a good opportunity to convey ongoing issues."**

At the time of our 2014 Annual Report presentation at the regular supervisors meeting (in September 2015), the instructions from Supervisor Fennell, noted above, were reiterated and the Commission was encouraged to work with other groups in community to foster alternatives for the homeless and then make a proposal to the Board. We diligently set about doing so. An ad hoc Shelter Crisis Committee was formed, it met with representatives from AHHA to explore what options might be possible for addressing the immediate needs of the homeless population in Humboldt and making recommendations to the BOS. The ad hoc Committee on Shelter Crisis also met with the Senior Planner of the County Michael Richardson to explore some of the ideas suggested as immediate solution. The ad hoc committee wanted to determine the feasibility of using these ideas, such as community supported shelters, tiny house villages, farmworker housing, nomadic campgrounds and Special Occupancy Parks (for camping, RVs, mobilehomes), sanctuary camps, and rest stops or safe parking programs. The CA Government Codes noted previously would also facilitate a response to implementing some of these options immediately. The Commission determined that it would continue to support a recommendation to the BOS that the County declare a Shelter Crisis and immediately work with cities, community groups and non-profits, like AHHA, and individuals to develop safe and legal sanctuary camps and multi-site safe parking programs throughout the County. The Commission determined to support the Petition of AHHA-Affordable Homeless Housing Alternatives- demanding that the city of Eureka and the County of Humboldt Declare a Shelter Crisis using the aforementioned California codes to address the issues of homelessness immediately, including providing the county services needed to get people safe and stable. The HRC submitted our position statement and recommendations to the BOS when Commissioner Larry Hourany read our statement before the BOS on December 15th 2015.

The city of Eureka and the County of Humboldt resisted taking any kind of action on the Shelter Crisis declaration until January 19th when the City of Eureka passed a Resolution to Declare a Shelter Crisis due to the crisis of the pending expulsion of 200 people from the Palco Marsh encampment and the construction on the coastal trail development slated to begin mid-May.

On January 26th, 2016, the community finally received a presentation from Focus Strategies on the Homeless Strategy and Implementation Plan-Phase 1 for which Eureka and Humboldt County paid a great deal of money and invested a lot of time in waiting for the results, many of which were highlighted in the HRC Recommendations 16 months ago. The County and the City are now engaged in a joint resolution to move forward with the Homeless Strategy and Implementation Plan, "Housing First" approach, and this plan clearly focuses on moving the homeless into "permanent housing." It has already been established there is not sufficient affordable and available housing for those now living outdoors. The resolve is to work with landlords and to do what it takes to get everyone in community on board with the Housing First Model, which the Plan estimates will take at least another year or more in development to begin placing people in housing by February 2017. The remainder of the homeless will be found suitable places over the next three years. Unfortunately, the Focus Strategies staff responsible for the Homeless Strategy and Implementation Plan was never told that the people living in the Palco Marsh (hundreds of people) during the course of the Plan research,

preparation and presentation would be evicted this spring from the Marsh area.

The City did acknowledge in January 2016 that a significant number of houseless people in Eureka have an inability to obtain shelter and declared a Shelter Crisis. And in March 2016, Mayor Jaeger, with tremendous reluctance, expressed the problems the city was facing with 200 people needing to be removed from the Marsh and he directed staff to work with non-profits to establish a sanctuary camp where the city would provide portable toilets, dumpsters and a lease on city owned land to accommodate the move to a new location. However, this is not quite what has occurred since the March 2016 city council meeting where Mayor Jaeger took this bold step.

Since mid-2014, the city of Eureka has passed eight or 9 ordinances or policies/plans that further criminalize the homeless. They have ramped up law enforcement and social services to address the situation created by not enforcing the camping law within the city of Eureka and directing homeless individuals and families to go to the Marsh as the camping laws were not being enforced there, and if found elsewhere they would be arrested. The growth in the population of the residents at the Marsh increased substantially over the past two years. Residents were told by the Police Chief that they would not be made to leave until there was an alternate place for them to go, such as a sanctuary camp. Meanwhile, since last October the Police and the city have been implementing the Open Space Property Maintenance Plan passed by the City Council in October of 2015. The strategy of incremental enforcement is designed to continually fold the camp in on itself from the exterior until the living conditions become so untenable there it is not habitable, disbursing the population by design. Some residents have been assisted in finding housing options through the help of MIST staff and others. The City of Eureka, on March 25th, issued a Request for Proposals for an "Exit Strategy" for 200 people living in the Palco Marsh, prepared by staff, which could include tents or tiny houses, but the City has expressed it is not contributing any resources for the proposals. Clearly, the goal is to get the people to leave the Marsh even if they have no where to go. The eviction date for the Marsh residents is set for May 2; the date for awarding proposals for the "exit strategy" and relocation is set for May 3. The proposal also includes providing shelter for other homeless not just those from the Palco Marsh and is allowing for just a 6 month period in which to find all other housing alternatives. This seems a disingenuous effort.

The City of Eureka and the County have agreed that they must work together on the efforts towards developing permanent housing options for Humboldt's and Eureka's homeless. But this housing is not available now, nor will it be anytime soon, in sufficient quantity to meet the needs of those being forced out of the Marsh . . . the exodus has already begun into other parts of the county. Reports from Arcata and southern Humboldt reference the increasing numbers of individuals disembarking from the buses coming in from Eureka. There are many reports and sightings of folks heading back into the forests. The push for the expulsion of Palco Marsh residents by the City of Eureka is a mystery. As of this date, there is no construction timeline for the demolition of the concrete structures to be removed from the Devil's Playground and the implementation of the coastal trail project; in fact, the bids for the work have just gone out for the concrete structures removal, which is identified as the primary reason residents are being asked to leave the Marsh. They cannot be in a construction zone, which is actually quite far from the existing encampment. It seems they could remain there rather than be moved to the streets. Establishing alternate places or several places to live is the logical thing to do and to do it now, before they are all dispersed. Despite much good advice from Focus Strategies, the State of California Housing and Community Development, and many homeless advocacy groups encouraging the City not to disperse people from the encampment, the City is doing just that, and aggressively. The County claims it is working with the City on homelessness.

It is possible the City is moving itself in the direction of lawsuits if it continues on this path of people displacement as the environmental justice laws also have regard for the adverse effects or impacts of projects on the human environments. Displaced persons are moving into county areas as well and now there is no consistent or easy way to reach them for services or for helping them find housing and getting what they need to move into permanent housing. The population remaining at the Marsh is made up of individuals who have the least capability to get out of homelessness due to a variety of reasons, most of these are economic and/or disability related under the Americans With Disabilities Act. By definition, disability means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment as described in paragraph (1) of this section. This means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not both “transitory and minor.”

(1)*In general.* An individual has a record of a disability if the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Most of the Palco Marsh residents remaining in this location are chronically homeless and experience one of more of these disabilities. Representatives of the Marsh attended a BOS meeting in March and asked the Board to put the Shelter Crisis on the agenda. They wrote a letter, dated March 18, signed by approximately 30 residents and a representative delivered it to Supervisor Bass as their district representative, and to all other members of the BOS, at the first regularly scheduled meeting in April in order to have the Board address their impending displacement, asking that the Shelter Crisis be placed on their agenda as soon as possible. These constituents are your most vulnerable population and they have nowhere else to live. Humboldt County has many people, from north to south and east to west, that are experiencing homelessness and the inability to obtain shelter and their health and safety is threatened. The majority of them have disabilities; many have dual disabilities. The Human Rights Commission continues to urge the Board of Supervisors to take action **immediately** and to follow through with all items the Commission has recommended in the attached cover letter. It is time to take action and to stop ignoring the Commission's recommendations regarding declaring a Shelter Crisis and moving forward with community partners on affordable, safe alternatives for the large numbers of homeless in Humboldt, such as sanctuary camps and safe parking programs and more. The lack of leadership on issues of homelessness and housing has resulted in great harm to those most in need among your constituents.