



# CITY COUNCIL AGENDA STATEMENT



September 25, 2018

File ID: 18-0409

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) DECLARING A SHELTER CRISIS, WITHIN THE MEANING OF GOVERNMENT CODE SECTION 8698, ET SEQ; (2) AND AUTHORIZING THE CITY MANAGER TO SEEK HOMELESS EMERGENCY AID PROGRAM (HEAP) FUNDS TO ADDRESS SAID SHELTER CRISIS AS PROVIDED FOR IN SB 850 AND THE 2018-19 BUDGET ACT; AND (3) RELATED ACTIONS

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

The 2018 Regional Task Force on the Homeless Point-In-Time Count, conducted on January 26, 2018, identified a total of 367 homeless people within Chula Vista's city limits, equating to approximately 4% of the entire homeless population in the San Diego region. Of the 367 identified, 262 were unsheltered within the City, living on City streets, parks, in canyons, riverbeds, or in vehicles. Given the number of persons living without shelter and the need for additional housing accommodations, a declaration of a shelter crisis, within the meaning of Government Code section 8698.2, may allow the City of Chula Vista and those service providers operating within Chula Vista to access funding provided under the State of California Homeless Emergency Aid Program (HEAP) as part of SB 850 and the 2018-19 Budget Act.

## **ENVIRONMENTAL REVIEW**

This proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not Applicable.

## **DISCUSSION**

The State of California has recognized the urgent and immediate need for funding at the local level to combat homelessness and has provided funding to local governments under the Homeless Emergency Aid

Program (“HEAP”) as part of SB 850 and the 2018-19 Budget Act. Under this one-time flexible funding source, an estimated \$18.8 million will be made available to the San Diego Regional Continuum of Care Council (“CoC”), which includes the City of Chula Vista.

To provide immediate emergency assistance to persons experiencing homelessness, HEAP funds may be used for the following activities:

- Homelessness prevention activities,
- Criminal justice diversion programs for the homeless with mental health needs
- Establishing or expanding services that meet the needs of homeless youth or youth at risk of homelessness
- Emergency aid.

HEAP funds will be made available directly to the City of San Diego, as a large city with a population over 330,000, and the CoC, representing all other jurisdictions within San Diego County. The City of Chula Vista and those service providers operating within Chula Vista would then apply to the CoC for HEAP funds. The first round of funding is expected to be released by September 3, 2018 and a second round is planned for release on February 15, 2019.

For the City of Chula Vista or any other service provider operating within Chula Vista (e.g. South Bay Community Services) to apply for HEAP funding, a declaration of a shelter crisis (“Shelter Crisis”) pursuant to Government Code section 8698 et seq. must be adopted by the governing body of the jurisdiction within the CoC. Declaration of such Shelter Crisis under [Government Code section 8698 et seq.](#) means that a significant number of residents are without housing and that the situation represents a health and safety concern to the community.

While such declaration of a Shelter Crisis makes available potential funding sources such as HEAP, declaration of such a crisis under [California Government Code Section 8698](#) has impacts beyond funding. Upon declaration of a Shelter Crisis, the City may allow homeless persons to occupy "designated public facilities" during the state of emergency. In addition, [California Government Code Section 8698.1 \(b\)](#) requires the suspension of any state or local regulatory statute, regulation or ordinance prescribing standards of housing, health or safety (with regard to specified “public facilities”)to the extent that strict compliance with these standards would prevent, hinder or delay the mitigation of the effects of a shelter crisis. These provisions are applicable only to those additional public facilities open to the homeless. In place of such suspended standards, the City may adopt minimum health and safety standards to erect shelters and housing quickly yet ensuring basic levels of public health and safety conditions.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov’t Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The declaration of a shelter crisis and the City's application for funding under the State of California HEAP to facilitate meeting the immediate needs of those homeless or at risk of homelessness within Chula Vista supports the Connected Community goals as it provides a pathway to meet and address the needs and priorities of the most vulnerable residents of Chula Vista.

### **CURRENT-YEAR FISCAL IMPACT**

There will be no current fiscal year impact, since this Council action pertains to a declaration of a shelter crisis and does not require any allocation of funding by the City of Chula Vista to address such crisis. Declaration of such crisis is required to apply for other available funding sources (e.g. HEAP). If any HEAP funds are awarded, staff will return to City Council at such time with a recommendation to accept and appropriate the funds.

### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact for declaring a shelter crisis or the application to the State for funding under HEAP.

### **ATTACHMENTS**

1. Homeless Emergency Aid Program (HEAP) Grant Program Guidance
2. [California Government Code Section 8698 et seq.](#)

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