



Agenda Report

Fullerton City Council

MEETING DATE: MAY 1, 2018

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: TED WHITE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: EFFORTS TO ADDRESS HOMELESSNESS

SUMMARY

The general issue of homelessness is at the forefront of cities, counties and the state due to the increase of homeless individuals, the lack of housing options and deficiencies in our mental health services. The purpose of this item is to advise the Council of the City's efforts and receive direction on continued actions.

RECOMMENDATION

1. Adopt Resolution No. 2018-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING STAFF PARTICIPATION IN PLANNING EFFORTS TO ADDRESS COUNTY-WIDE PERMANENT SUPPORTIVE HOUSING

2. Adopt Resolution No. 2018-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, URGING THE COUNTY OF ORANGE AND STATE OF CALIFORNIA TO TAKE IMMEDIATE ACTION TO PROVIDE MENTAL HEALTH SERVICES TO THE HOMELESS

3. Approve letters of support for state legislation efforts to address homelessness and mental health: Assembly Bill 1971; Senate Bill 688; Senate Bill 912; and, Senate Bill 1045;
4. Authorize staff to review the Fullerton Municipal Code to identify outdated or unclear language regarding homelessness that may require revisions to improve the safety and delivery of services; and,

5. Provide direction, as appropriate, regarding proactive City responses to homelessness and mental health services.

PRIORITY POLICY STATEMENT

This item matches the following priority policy statements:

- Infrastructure and City Assets.
- Public Safety.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the resolutions, support of legislation, or review of the Municipal Code. Any directed items that may require funding will be brought to City Council for consideration.

DISCUSSION

Orange County is in the midst of a homelessness crisis, with the number of unsheltered homeless individuals increasing by 54 percent in the last five years, despite increasing expenditures to combat the issue.

Beginning in February 2018, more than 700 homeless individuals were removed from the Santa Ana Riverbed following a Federal court ordered stipulation that stemmed from a lawsuit against three cities. The County of Orange provided many of the individuals with 30 day motel vouchers during which County staff performed clinical assessments. One motel within the City agreed to take 25 individuals (ultimately agreeing to 22 based on certain factors) and reported very few issues during the time of hosting the individuals. During the 30 day motel period, the County performed the following:

- County Health Care Agency deployed teams to conduct clinical assessments
 - Assessments included physical and mental health, substance use disorders, housing and social services needs
 - Information related to health conditions is protected information under federal law
- Breakdown of motel beds by service planning area: North 66% (464), Central 24% (165), South 10% (71)
- Each individual was assessed so referrals could be made to link to appropriate programs and available housing alternatives
 - Cal-Optima for Medi-Cal beneficiaries with physical health and mild to moderate mental health concerns
 - County Social Services Agency for those who are eligible but are not receiving General Relief, and CalFresh and Medi-Cal
 - Orange County Community Resources/CityNet for individuals who need assistance in applying for Continuum of Care Housing, shelter services, women's services (including domestic violence programs)
 - County Health Care Agency/Public Health for individuals with physical health concerns who need assistance accessing services

- County Health Care Agency/Mental Health Services for individuals in psychiatric crisis and those with serious mental health conditions with access to services, including mental health housing assistance
- County Health Care Agency/Substance Use Disorder Services for individuals who have substance use or alcohol dependency, including referrals to services, detoxification and residential treatment services

As part of the post-30 day period, the County committed to the following:

- County will establish a Coordinated Homeless Assessment and Response Team (CHART) to assist cities
 - Staff from CityNet, Health Care Agency, Social Services Agency, OC Community Resources, Probation, and Sheriff
- CHART team is proposed to work directly with city staff and bring resources to the city, including staff to conduct screenings for benefits, assessments for physical and mental health needs, substance use disorders, and housing options
- Transportation to services will be offered as appropriate
- Scheduled resources days, by Service Planning Area (SPA) will be offered and may include onsite application for social services programs, veteran services, access to identification cards, and other services

One concern that arose from the rapid response to the Court order was the lack of communication between the County and cities regarding displaced individuals and what ongoing commitments were going to be made to enhance the partnership between the County, cities, and non-profit partners. During a subsequent meeting in March, the County committed to the following items:

- County will hold frequent meetings with city representatives and share information as legally permitted
- Commission to End Homelessness was restructured in February to designate a city manager or city elected official from each of the three Service Planning Areas, also includes a local police chief.
- CHART team will be in place by end of March
- County is moving forward and will build out the System of Care
 - County is expediting construction of shelter beds at Bridges – to be completed in May (200 beds)
 - County will establish 3 crisis stabilization units to provide mental health services. North SPA location is in Orange.

All through this effort, it is important to note that while the County has the funding resources provided through the State or federal government, cities have local land use control (siting of shelters or permanent supportive housing) and are the ground level of community and neighborhood relations. Accordingly, the collaboration to move this effort forward is very critical with each jurisdiction doing its part. The County has stressed that it needs cities' commitment to both provide sites for emergency sheltering as well as action to build Permanent Supportive Housing which is critical to long-term

success for the system of care. For cities, funding for acquisition and development is required from the County either through Mental Health Services Act funding or federal funds. The development of any affordable housing, permanent supportive housing, or emergency sheltering is a collaborative process with extensive public-private partnership requirements.

To further impact the already burdened emergency shelter system, in mid-March, approximately 100+ additional homeless individuals began the process of being removed from the Santa Ana Civic Center. These additional individuals are in addition to each city's current housing population which require permanent sheltering.

As a result of the pending federal lawsuit, cities have been tasked by the Judge with finding suitable locations for emergency housing. Without suitable locations identified, cities are at extreme risk of not being allowed to enforce anti-camping ordinances. Additionally, without suitable sites identified, cities may also potentially be included in the ongoing litigation involving the County and the cities of Orange, Anaheim, and Costa Mesa.

In response to the need to continue to provide shelter to homeless individuals, the City and County of Orange agreed to seek an extension of the Orange County Cold Weather Armory Emergency Shelter Program (Armory) for 90 days. On April 10, 2018, staff was advised that the County of Orange was successful in extending their contract with the California National Guard to continue operation of the shelter at the Armory. It was important for the Armory to stay open past its normal April closure date, as this helps alleviate immediate pressure to find an alternative site(s) and also keeps more individuals from setting up encampments. Mercy House Living Centers is the Orange County Cold Weather Armory Emergency Shelter Program service provider and funding will be provided by the County to pay costs associated with the continued oversight and extended operations for the Armory Emergency Shelter Program.

At times, the National Guard have to use the Armory and the shelter is unable to operate as normal. Unfortunately, in April a mentally ill homeless man left the alternate site for the Armory and illegally entered a home and confronted a young woman before being chased off by her mother. This was a very traumatic incident for the family, and fortunately the man was chased off quickly and later apprehended by the Fullerton Police Department. This issue was quickly reviewed by the City, County of Orange as the operator of the Armory Program, Mercy House as the service provider, and representatives of EV Free Church as the alternate site host. From this review, it was determined that while alternate sites have been used in Fullerton, to include the City's use of its gyms, for over ten years, the municipal code does not allow such use and procedures in place for the program could be strengthened. As a result, the County is initiating procedure changes to alternate site locations, transportation, and check-in procedures. While there are no other alternate site hosts in Fullerton for the remainder of 2018, these changes will help enhance security for host communities. A further review of the City's municipal code is a recommended action and, while the perpetrator was a homeless individual, it was his underlying mental illness that was the greatest

contributor to his actions and it is recommended that the City take several actions, as recommended, to support legislative efforts to address mental health as well as to support efforts to free up Mental Health Services Act funding to help cities address the growing problem.

Moving Beyond Sheltering: Permanent Supportive Housing

While emergency sheltering at the Armory is a temporary fix, Permanent Supportive Housing (PSH) is a nationally recognized model for responding to chronic homelessness. Studies show PSH decreases chronic homelessness by 30% more than traditional, transitional housing or emergency shelter housing. A study conducted by United Way, Jamboree Housing, and UCI found that in fiscal year 2014-2015 cities in Orange County spent approximately \$120 million to address homelessness, more than a third of the total \$300 million spent throughout the entire county. That same study found that if all of Orange County's chronically homeless individuals were placed in PSH units it would have a cost-savings of \$42 million per year.

As part of a larger effort involving the Association of California Cities - Orange County and the United Way, cities and private interests have expressed a desire to collaborate on planning efforts to increase the County-wide supply of PSH units, working together in order to build approximately 2,700 PSH units among the 34 cities in the County and the County unincorporated areas. Currently, cities are inventorying potential sites for PSH as a means to identify feasibility and determine ultimate funding needs. The amount of PSH that Fullerton could proportionally partner in providing for is approximately 120 units.

City Homeless Prevention Activities

The City of Fullerton is a member of the North Service Planning Area (SPA), a regional subsection of the County of Orange's Continuum of Care system to address homelessness and is comprised of the cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra, La Palma, Los Alamitos, Orange, Placentia, Stanton, Villa Park, and Yorba Linda. The concept of the SPA allows for greater regional coordination while reducing the span of control regarding working with the County of Orange and other stakeholders. Ten of the cities in the North SPA are also part of the North Orange County Public Safety Task Force which is a pilot project funded through a four year, \$20 million budget allocation as part of the Fiscal Year 2017-18 state budget. The cities are able to directly utilize 40% of the funding for efforts of gang prevention and homelessness outreach and intervention in North Orange County while the other 60% is allocated to non-profit partners assisting in these critical areas of need. Using a portion of these funds, the City has recently partnered with City Net, a non-profit organization dedicated to ending street level homelessness. City Net additionally works with the County of Orange and many North Orange County cities and recently completed a new point in time census of the areas homeless population.

Within the City organization itself, the Police Department dedicates two police officers as Homeless Liaison Officers and each Fullerton police officer is provided with extensive training to include:

- Regular Basic Course (Academy) – Learning Domain 37 – The California Peace Officers Standards and Training requires a minimum of 15 hours of instruction on communicating with persons with disabilities and mental illness. This course introduces laws that protect those persons, enhances recognition of behaviors that are indicative of disability or mental illness, provides de-escalation skills and also destigmatizes mental illness and disabilities. The course also requires successful completion of a live action scenario that, if failed, the recruit fails out of the academy
- All Field Training Officers are required to attend 8 hours of advanced officer training on Crisis Intervention and Behavioral Health Training
- Fullerton provides an additional 16 hours of Crisis Intervention Training to all new officers
- Fullerton provides an additional 4 hours of training to new officers on Mental Health and Homelessness Policing, with testing at the end. This training is provided by POST and, when training materials are updated, officers re-take the entire 4 hour course
- Every two years, all officers are required to attend 10 hours of instruction dealing with Arrest and Control Techniques and Tactical Communication (de-escalation is part)
- Fullerton HLO officers have also received additional training in:
 - Practical Responses to People with Cognitive and Personality Disorders (8 hours)
 - Practical Responses to Anxiety Disorders (8 hours)
 - Practical Responses to People with Mental Illness (8 hours)
 - Interacting Effectively with the Mentally Ill (4 hours)
 - OC Crisis Response Conference (6.5 hours)
 - Crisis Intervention Academy (40 hours)
 - Community First Conference (5 hours)
 - Policing the Mentally Ill (16 hours)

New for 2018 is the re-allocation of the current Housing & Neighborhood Services Manager to serve also as the Homeless Resources Manager. This position is working with affordable housing and permanent supportive housing providers, community-based organizations, and County partners on additional housing options, coordination of services, and identification of homelessness response services to broaden the City's ability to proactively address the rising need of our community. The Homeless Resources Manager has attended the federal court proceedings, County-wide homeless meetings, and is the City's designee to the Fullerton Collaborative and its Subcommittee on Homelessness.

The City of Fullerton also provides local funding for affordable housing and homeless prevention. A brief summary of current emergency, transitional, or permanent supportive housing beds includes:

Beds Provided by Non Profit Organizations (CDBG Funded)

- a. 237 Cold Weather Armory Beds - (seasonal)

Efforts to Address Homelessness

May 1, 2018 - Page 7

- b. 200 Emergency Wrap Around Shelter Beds- -Bridges @ Kraemer Place (City contribution of \$500,000)
- c. 56 Emergency Shelter Beds- Pathways of Hope
- d. 34 Transitional Housing Beds - Pathways of Hope
- e. 5 Permanent Supportive Housing Beds Jamboree - Fullerton House

Affordable Housing Units in Operation

- a. 200 Studios/SRO Units (30% -60% AMI)
- b. 712 One Bedroom Units (30% -60% AMI)
- c. 530 Two Bedroom Units (30%-50% AMI)
- d. 60 Three Bedroom Units (30%-80% AMI)
- e. 6 Four Bedroom Units (30%-60% AMI)

Affordable Housing Units (30% to 60% AMI) under Construction by Bedroom Count

- a. 5 Studios
- b. 57 One Bedrooms
- c. 44 Two Bedrooms
- d. 40 Three Bedrooms

Breakdown of Affordable Housing Units under Construction by Project:

- a. A Community of Friends-\$3,000,000 provided by City of Fullerton

	1-Bdrm	2-Bdrm	3-Bdrm	Total Units
30% AMI (MHSF Funds)	18	6	0	24
50% AMI	0	0	11	11
Manager Unit	0	1	0	1
Totals	18	7	11	36

- b. Jamboree Housing -\$9,762,000 provided by the City of Fullerton

	1-Bdrm	2-Bdrm	3-Bdrm	Total Units
30% AMI	4	5	5	14
35% AMI	5	2	0	7
40% AMI	5	0	0	5
60% AMI	0	12	7	19
Manager Unit	0	1	0	1
Totals	14	19	12	46

- c. Related Citrea Apt. - \$8,200,000 provided by the City of Fullerton

	Studio	1-Bdrm	2-Bdrm	3-Bdrm	Total Units
30% AMI	3	3	2	2	10
40% AMI	0	4	2	3	9
50% AMI	1	9	5	5	20
60%AMI	1	6	4	4	15
Manager Unit	0	0	1	0	1
Totals	5	22	14	14	55

The City is currently in discussions with affordable housing developers on additional permanent supportive housing opportunities within the City, all of which will be brought back to the City Council and through the City entitlement process.

Lastly, staff recognizes that the Fullerton Municipal Code contains outdated and unclear language regarding homelessness that requires revisions and or modifications that would provide more direction to improve the safety and delivery of services. For example, under the definitions of the City's Zoning Code, located in Section 15.04.040, the definition for Religious Institution allows an emergency shelter for 12 or less individuals but does not provide clarity in how those individuals shall be sheltered. The actual definition for emergency shelter does contain specifics but then exempts those ancillary emergency shelters for religious institutions thereby giving no definitive standards. This is one area in which the City may wish to review differing emergency sheltering options to include the use of modular sleeping quarter trailers which can house up to 12 individuals in addition to on-site support staff or overnight manager. Modular units contain segregated sleeping quarters and restroom facilities and would be a humane and economical way to provide dispersed sheltering.

Within Chapter 15.42 dealing with the Emergency Shelter Overlay Zone, clarifying language regarding the entry area and regarding the definition of "wall" have been recommended by the Planning Commission and will be brought forward for consideration to the City Council. Additional review and clean-up as discovered will be reviewed and all proposed changes would be required to be noticed for a Public Hearing before both the Planning Commission and City Council.

Support for Mental Health and Homeless Legislative Efforts

The City is at the mercy of the County and State with regard to many items related to mental health and homeless funding. However, at this time, there are several pieces of legislation pending in the Legislature regarding these subjects.

Assembly Bill 1971 as amended, Santiago. Mental health services: involuntary detention: gravely disabled. This bill would expand the definition of "gravely disabled" for these purposes to also include a condition in which a person, as a result of a mental health disorder or chronic alcoholism, as applicable, is unable to provide for his or her medical treatment, as specified.

Senate Bill 688, as amended, Moorlach. Mental Health Services Act: revenue and expenditure reports. This bill would additionally require counties to prepare Mental Health Services Act reports in accordance with generally accepted accounting principles, as specified, allowing better understand of funds available.

Senate Bill 912, as amended, Beall. Housing: homelessness programs and affordable housing. This bill, upon appropriation in the annual Budget Act, would require that the sum of \$2,000,000,000 be allocated from the General Fund to the Department of Housing and Community Development. The bill would require that \$1,000,000,000 of that money be transferred to the Housing Rehabilitation Loan Fund and expended to assist in the new construction, rehabilitation, and preservation of permanent and

transitional rental housing for persons with incomes of up to 60% of the area median income. The bill would require that the remaining \$1,000,000,000 be used to address homelessness, particularly homelessness among members of vulnerable populations, and provide for the allocation of that money for grants to cities and counties for specified related purposes, grants under the Housing for a Healthy California Program, grants under the California Emergency Solutions Grants Program for the purpose of addressing the specific needs of homeless youth, as provided, and assistance for housing and services for survivors of domestic violence, as provided.

Senate Bill 1045, as amended, Wiener. Conservatorship: chronic homelessness: mental illness and substance use disorders. The purpose of this bill is to authorize, until January 1, 2024, a pilot project operative in San Francisco and Los Angeles counties to establish a procedure for the appointment of a conservator for a person who is chronically homeless and incapable of caring for their own health and well-being due to serious mental illness and substance use disorder, as evidenced by high-frequency emergency department use, high-frequency jail detention, or frequent placement under a 72-hour involuntary hold, as provided.

Summary of Items

This report serves as an update on homeless issues and efforts in the City of Fullerton and seeks direction from the City Council on further actions, to include:

1. Adopting a Resolution authorizing staff participation in planning efforts to address county-wide permanent supportive housing;
2. Adopting a Resolution regarding support of enhanced mental health services at the County and State levels;
3. Approving letters of support for Assembly Bill 1971, Senate Bill 688, Senate Bill 912, and Senate Bill 1045 to address homelessness and mental health issues;
4. Authorizing staff to review the Fullerton Municipal Code to identify outdated or unclear language regarding homelessness that require revisions to improve the safety and delivery of services; and,
5. Provide any further direction as appropriate regarding proactive City response to homelessness and mental health services.

Attachments:

- Attachment 1 – Draft Resolution 2018 – XX
- Attachment 2 - Draft Resolution 2018 – XX
- Attachment 3 - Analysis of AB 1971, SB 688, SB 912, and SB 1045