



Agenda Report

Fullerton City Council

MEETING DATE: FEBRUARY 18, 2020

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: MATT FOULKES, COMMUNITY AND ECONOMIC
DEVELOPMENT DIRECTOR
BRIANA STICKNEY, HOMELESS RESOURCES
COORDINATOR

SUBJECT: HOMELESS PLAN COMMITTEE REPORT, UPDATE AND
ACTION ITEMS ON CITY'S EFFORTS REGARDING
HOMELESSNESS

SUMMARY

On July 2, 2019, City Council gave direction to the City Manager to establish an Ad Hoc Homelessness Task Force in order to develop a coordinated and collaborative response to homelessness in Fullerton. The Task Force, renamed the Fullerton Homeless Plan Committee (FHPC), was comprised of residents, service providers, faith leaders, the business community, hospitals and colleges. The culmination of the FHPC's work was the development of a Strategic Plan for Addressing Homelessness in Fullerton. This document is presented for City Council review in conjunction with consideration of specific measures identified in the report for immediate action. The City has also concurrently taken other steps to address homelessness which are summarized below.

RECOMMENDATION

1. Receive and file the Fullerton Homeless Plan Committee's Strategic Plan for Addressing Homelessness.
2. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS AND REVIEW PROCEDURES TO ALLOW PROPERTIES CONTAINING RELIGIOUS INSTITUTIONS TO ALSO BE DEVELOPED WITH PERMANENT SUPPORTIVE HOUSING AND/OR DEED RESTRICTED AFFORDABLE HOUSING TO IMPLEMENT THE CITY'S GOAL TO

PROVIDE AFFORDABLE HOUSING OPPORTUNITIES AND REDUCE THE INCIDENCES OF HOMELESSNESS IN FULLERTON

3. Direct the City Manager to commence implementation of the following recommendations from the Strategic Plan for Addressing Homelessness:
 - a. Prioritize use of available City-owned land for the development of Permanent Supportive Housing and/or Affordable Housing, and fast track the planning and approval process and bring back for consideration by April 7, 2020.
 - b. Prepare Resolution of Intention for the development of an affordable housing overlay zone by June 2020 to facilitate “by-right” development of Permanent Supporting Housing and/or Affordable Housing to meet the City’s Regional Housing Needs Assessment (RHNA) goals.
 - c. Authorize the City Manager to negotiate an Operational Agreement with the Illumination Foundation for the recuperative care/navigation center at 3535 W. Commonwealth Avenue for City Council consideration.
 - d. Approve a Lease Guaranty with Dyer 18, LLC, for 3535 W. Commonwealth Avenue, in a form approved by the City Attorney, with final authority to the City Manager on terms, not to exceed \$450,000 under specific circumstances.
 - e. Provide other direction as appropriate.

FISCAL IMPACT

Not applicable.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Infrastructure and City Assets.

DISCUSSION

Background and Homeless Efforts Update

The North Orange County Service Planning Area (North SPA) is comprised of 13 cities: Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra, La Palma, Los Alamitos, Orange, Placentia, Stanton, Villa Park and Yorba Linda. According to the 2019 Point-in-Time Count, 1,596 unsheltered people are experiencing homelessness in the North SPA. Of the 1,596 unsheltered people, 308 of them reside in Fullerton. Fullerton has the third largest unsheltered homeless population in Orange County.

Over the past two years, the City has taken a number of actions to address homelessness and its effects on the community beginning with the creation of the Homeless Resources Coordinator position within the Community and Economic Development Department. The Homeless Resources Coordinator is responsible for ensuring collaboration between City Staff, community partners and the community-at-large around addressing homelessness. In addition, the Coordinator fills the gap in communication, outreach and program development of homeless programs and services in Fullerton.

In 2018, the City entered into an agreement with City Net to provide homeless outreach and case management services. City Net works closely with the City of Fullerton's Homeless Liaison Officers (HLOs). On Tuesdays and Thursdays the HLOs take the City Net outreach team on a ride along to hot spots where homeless individuals are staying and link them to services. When a homeless individual connects with City Net they have an opportunity to receive shelter referrals, case management and other resource referrals needed to assist them into some type of housing.

The City has also dedicated significant time and resources to regional collaboration efforts, including partnering with the 13 cities of the North SPA on a Memorandum of Understanding that will soon result in the development of two homeless navigation centers providing a total of 250 beds serving the North Orange County homeless population. Construction and/or renovation of those facilities is underway with expected completion dates in March / April for the Placentia facility and June / July for the Buena Park facility. The North SPA was also able to reach a settlement agreement in the Federal Court case involving homeless individuals which specifies the percentage of shelter beds that must be available in order to reinstate enforcement of the City's anti-camping regulations on public property.

On July 2, 2019, City Council adopted Resolution No. 2019-32, declaring a shelter crisis, and provided direction to seek State and Federal funding to lessen the incidence of homelessness. On August 20, 2019, the City Council expressed its intent to partner with the Illumination Foundation to establish a facility in Fullerton that would not only provide navigation center beds with wrap-around services but also provide recuperative care beds, which would provide care for homeless patients after a hospital stay or emergency room visit, thereby enabling them to recuperate off of the streets.

Additionally, on August 20, 2019, City Council allocated \$350,000 in Federal HOME Funds to reinstitute the City's Tenant-Based Rental Assistance Program (TBRA) focusing on rental assistance for seniors in mobile home parks at Rancho La Paz and Rancho Fullerton mobile home parks. While the TBRA program does not directly benefit people experiencing homelessness, the program is essentially a homelessness prevention program as seniors in these facilities are often on a fixed income and are some of the most vulnerable to becoming homeless should rents increase or they experience an unanticipated expense. As of January 20, 2020, the TBRA program had 18 approved participants and another 13 pending additional information or improvements to their mobile home to meet minimum federal life / safety standards before being eligible for rental assistance from the City.

On October 1, 2019, the City Council approved a temporary Safe Parking Program in partnership with the Illumination Foundation. The Safe Parking Program provides families and / or individuals who dwell in their vehicles with a safe and legal place to park, sleep at night and ensure participant linkage and access to supportive services such as the Coordinated Entry System (CES). The program commenced its six-month pilot on November 12, 2019. Since commencement of the program, 13 people have participated, ten of which remain in the program and are working with the Illumination Foundation to be connected to permanent housing. Feedback from businesses adjacent to the safe parking lot has been nearly universally positive as the presence of security at night and operating restrictions have substantially improved the parking lot and surrounding areas

during the course of the program. The six-month program is funded until May, 2020 with a goal of transitioning the program from City-sponsored to a privately run program.

As a direct result of these actions, the Federal Judge authorized the City to begin a limited focused enforcement to clear the encampment at Gilbert Street and Valencia Drive. Prior to this authorization, a weekly sidewalk cleaning took place for approximately three months to help manage the health and safety of the encampment and surrounding neighborhood. Focused enforcement began on December 4, 2019 and through the joint efforts by City Staff, faith-based community representatives and other support organizations, they were able to successfully clear the encampment and received support from the Federal Judge to continue to take actions to keep this area from becoming another encampment in the future. Without the actions by the City and Illumination Foundation's willingness to provide alternative options for people experiencing homelessness, the City would not have been able to take action to clear out the encampment.

On January 21, 2020, the City Council voted to deny an appeal of the approval of a Human Service Agency including 60-beds of recuperative care and a 90-bed navigation center with wrap-around services at 3535 West Commonwealth Avenue. Building plans are currently being prepared to renovate the existing industrial building for this new use which is projected to be operational on or before the completion of the Buena Park facility in June / July 2020. As part of this action, and as detailed further below, it is requested that City Council authorize the City Manager to begin to negotiate an Operational Agreement with the Illumination Foundation as the lessee of the facility, as well as a Lease Guarantee Agreement with the proposed owner of the property.

Lastly, the City of Fullerton has submitted detailed responses to the County's Continuum of Care Board's Request for Information for Homeless Housing, Assistance and Prevention (HHAP) funds to support the Illumination Foundation's Recuperative Care and Navigation Center. HHAP funds are one-time funding commitments through the state with a five-year time frame to expend all funds. The County is expected to collate all of the submitted information and release a Request for Proposal in March with funding to be awarded to successful respondents in June / July 2020. The funding through this opportunity is planned to be between three to five years in duration based upon the number of solicitation responses and at the discretion of the Continuum of Care Board.

Homeless Plan Committee

The Committee met every other week between August 20, 2019 and November 26, 2019. Below is a summary of each of the meeting sessions:

Meeting Date	Speaker	Meeting Topic
August 20	Housing and Homeless Resources Manager, Rebecca Leifkes	Presented an overview on the context of homelessness in Fullerton, current funding available, potential funding, the North Service Planning Area, housing progress and the anticipated Navigations Centers.
September 17	Police Chief, Robert Dunn	Presented information on the no-camping ordinance, best practices the police department have implemented and the

		impact of legislation regarding minor drug and loitering misdemeanors.
October 1	City Manager, Ken Domer	Presented information on the Settlement Agreement the City of Fullerton entered into with the Federal Court, regional efforts, Navigation Centers, police enforcement, Federal Judge Carter and upcoming resources.
October 15	Kennedy Commission, Cesar Covarrubias	Presented on affordable housing in Orange County and focused on Fullerton's Regional Housing Needs Assessment. Also shared solutions to address the affordable housing need that other communities are coming up with.
October 29	OC Director of Care Coordination, Susan Price	Presented on the current status of homelessness in Orange County and their role in the countywide System of Care to help address homelessness with a holistic approach. Also shared the County Point-in-Time Count, Service Planning Areas and setting the goal of ending Veterans Homelessness.
November 12 & 26	No Speaker	Brainstorming strategies based on the information presented by the speakers. Members of the public were invited to brainstorm with the committee members on recommendations. After brainstorming the committee voted on which recommendations were to be prioritized. The Chair was authorized to edit the final draft of the Strategic Plan for Addressing Homelessness in Fullerton to reflect the committee's agreements and submit to the City.

Recommendations for Immediate Action

Below are the recommendations the committee prioritized for immediate action out of the comprehensive recommendations presented in the report.

- a. Resolution of Intention to amend the Fullerton Municipal Code and, where applicable, General Plan Land Use Designation to allow properties containing religious institutions to develop permanent supportive housing and / or affordable housing on those properties "by right".
- b. Approve use of available City-owned land for the development of Permanent Supportive Housing and / or Affordable Housing and fast track the planning and approval process.
- c. Resolution of Intention for the development an affordable housing overlay zone by June 2020 to facilitate "by-right" development of Permanent Supporting Housing and / or Affordable Housing to meet the City's RHNA goals.
- d. Support of emergency shelter / navigation beds for Fullerton homeless individuals at proposed recuperative care/navigation center at 3535 West Commonwealth. To further this recommendation, it is requested that the City Manager be authorized to negotiate and bring back for City Council consideration of an operational agreement with the Illumination Foundation for the operations of the facility, to include, but not be limited to, management, client care, community outreach and security practices for the facility.

- e. Guaranty of Lease for 3535 West Commonwealth. As part of the private / public partnership to acquire, improve and operate the proposed recuperative care / navigation center, the proposed property owner has requested that the City enter into a Guaranty of Lease to ensure that in the case that the operations as a recuperative center / navigation center cease, that lease payments and applicable property taxes will continue to be paid up to a maximum of \$450,000. While typical commercial Guaranty of Lease documents require the guarantor to guarantee the full performance of the obligations of a lessee, the City, as the guarantor in this case, will only guarantee lease payments (and if applicable the annual installment of property taxes) up to a maximum of \$450,000 in the case that the service provider, in this case the Illumination Foundation, is unable to continue or is removed as the provider. The City retains the ability to replace the provider if there is to be a necessary change in service provider so that there is continued provision of services and payment of lease to the property owner by the subsequent service provider. Accordingly, the City is acknowledging that in such circumstances, the lease and property taxes for the property must continue to be paid. Additionally, the City is reserving the right to provide reasonable notice to the property owner that, if conditions or law regarding shelter capacity change and further continued operations of the property as a recuperative care / navigation center are not warranted, that the property owner has the option to sell the property. In a private / public approach to addressing homelessness, it is understood that private property owners have a need for protection related to the risk they are taking to work with a city. The Guaranty of Lease is that protection to the property owner and based on the conditions and need to address homelessness as they now stand, the Guaranty of Lease as proposed is deemed to be a very low risk to the City in this partnership.

Comprehensive Recommendations

The comprehensive recommendations were broken down into the five following topics:

- a. Emergency Housing / Navigation Centers
- b. Permanent Housing
- c. Prevention / Diversion
- d. Public Safety / Outreach
- e. Regional Collaboration

A complete description of the comprehensive recommendations is provided in Attachment 2. The City will use the remaining comprehensive recommendations to continue to guide and inform the continued efforts to address homelessness.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Fullerton Homeless Plan Committee's Strategic Plan for Addressing Homelessness in Fullerton and Appendices
- Attachment 3 – Draft Resolution No. 2020-XX
- Attachment 4 – Guaranty of Lease