

**Regular Meeting of the
Housing Trust Fund and Homelessness Solutions Committee
(HTFHSC) Thursday, July 14, 2022, 1:30 p.m.
Teleconference**

AGENDA

In accordance with Executive Order N-29-20 the HTFHSC meetings will be held virtually until further notice. You may access the meeting by phone by calling (669) 254-5252. Meeting ID: 160 7175 3800, or online:

<https://www.zoomgov.com/j/16071753800>

The Chair will give the public opportunities to comment on each agenda item over the phone.

If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least three full business days before the start of the meeting.

I. Call to Order
II. Roll Call
III. Agenda Modifications
IV. Public Comment on Non-Agenda Items
V. Proposed Letter Regarding the Effects of Short-Term Rentals on the Housing Market and in Support of Applying the Transient Occupancy Tax to These Properties
VI. Consider a Recommendation for an Hhap-3 Application Re a Coordinated Countywide Emergency Housing Program Using Campgrounds with Tenant Screening and Selection Practices That Promote Accepting Applicants Regardless of Their Sobriety or Use of Substances, Completion of Treatment, or Participation in Services. It Would Operate Under the County's Shelter Crisis Declaration and Housing First Policy.- Janelle Egger
VIII. Announcements
IX. Agenda Items for Next Meeting
X. Adjourn

Attachments:

- [Excerpts from California Health and Safety Code](#)
- [HHAP Funding and County's Proposed Safe Parking Safe Shelter Pilot Program](#)
- [June 20, 2022 Thoughts Regarding the Local Homeless Action Plan](#)

Excerpts from California Health and Safety Code

CHAPTER 6. Homeless Housing, Assistance, and Prevention Program [50216 - 50223]

HSC 50217. (a) The Homeless Housing, Assistance, and Prevention program is hereby established for the purpose of providing jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges informed by a best-practices framework focused on moving homeless individuals and families into permanent housing and supporting the efforts of those individuals and families to maintain their permanent housing.

50218.5. (a) (1) With respect to the moneys made available pursuant to this section, it is the intent of the Legislature that:

(A) These moneys build on regional coordination developed through previous rounds of funding of the Homeless Emergency Aid Program (Chapter 5 (commencing with Section 50210)), the program established under this chapter, and COVID-19 funding to reduce homelessness.

(B) These moneys continue to build regional collaboration between continuums of care, counties, and cities in a given region, regardless of population, and ultimately be used to develop a unified regional response to homelessness.

(C) These moneys be paired strategically with other local, state, and federal funds provided to address homelessness in order to achieve maximum impact.

(D) These moneys be deployed with the goal of reducing the number of homeless individuals in a given region through investing in long-term solutions, such as permanent housing, and that the state be an integral partner through the provision of technical assistance, sharing of best practices, and implementing an accountability framework to guide the structure of current and future state investments.

[Note, there is no (D)(1)]

(2) It is the intent of the Legislature that additional state funds for homelessness, if provided in future budget years, increase permanent housing exits, further evidence-based solutions for individuals and families experiencing homelessness, consider outcomes from prior funding awards in making future allocations, and include strong accountability measures.

50218.6. (a)...round 3 of the program...

(b) An applicant applying for round 3 program funds pursuant to this section shall comply with the requirements set forth in Section 50220.6. (b).

50220.6. (a) Notwithstanding any law, a recipient that enters into an agreement as set forth in paragraph (10) of subdivision (a) of Section 50219, paragraph (7) of subdivision (b) of Section 50225.5, clause (iii) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 50220.7, and subparagraph (C) of paragraph (3) of subdivision (b) of Section 50220.8 shall provide data elements, including, but not limited to, health information, in a manner consistent with federal law, to the statewide Homeless Management Information System when the system becomes available.

May 26, 2022

To Whom it may Concern,

Hello, my name is Janelle Egger and I was recently appointed as the At Large Member of the Humboldt Housing Trust Fund and Homelessness Solutions Committee (HTFHSC). I write regarding California's Homeless Housing, Assistance and Prevention (HHAP) Grant Program funding and the County's proposed Safe Parking/Safe Shelter pilot program. The HTFHSC has only had time to briefly discuss what I am proposing.

I am requesting your support for a homelessness system providing emergency housing in the form of campgrounds throughout the county operated under Shelter Crisis declarations and the Housing First principal of separation of housing and services. This is a recommitment and expansion of the Eureka/County Joint Resolution that adopted the Housing First approach and made a commitment to work together and with the community to address homelessness.

A system of Shelter Crisis/Housing First campgrounds operated as emergency housing would serve many purposes. It would create a low barrier pathway from streets and open spaces to emergency housing camp to conventional housing. It would provide stability through tenancy, facilitate the work of case managers/navigators, and improve the quality of the HMIS and Point-in-time count data. It would reserve space in the more costly supportive/transitional housing for those who need it. The Housing First approach of separation of housing and services has been successful where housing was available in the community. While sanctioned camps have been used to address homelessness, using camps as emergency housing with tenancy has not.

Health care, social services, mental health, emergency services, law enforcement, businesses and the community at large would all benefit by a system of camps where people had a legal residence with access to basic hygiene facilities. A system of emergency housing camps with tenancy could also clarify roles and strengthen partnerships with non-profit providers and private businesses and individuals. This would improve the outcomes of governmental and non-governmental programs and services, the quality of data collected, and build on the current coordination between public health, emergency services, direct services, and charitable actions. Most importantly, this would improve the quality of life for those now living without a place to call home.

Providing emergency housing in the form of Shelter Crisis/Housing First campgrounds is needed while the production of housing continues and is aligned with the *Homeless Housing, Assistance and Prevention Program* funding requirements. Please see the attached proposal.

Sincerely,

janelle

Janelle Egger

California Homeless Coordinating and Financing Council's
Action Plan for Preventing and Ending Homelessness
Action Areas & Proposal for Shelter Crisis/Housing First Campgrounds

Action Area 1. Strengthening Our Systems to Better Prevent and End Homelessness in California

Activities focused on...; supporting interjurisdictional and regional planning; partnerships to strengthen outcomes related to education, employment, income, and assets; ...

Proposal: Regional planning, action and oversight is required as countywide there are people experiencing unsheltered homelessness, including people who also need services.

Action Area 2. Equitably Addressing the Health, Safety, and Services Needs of Californians Experiencing Unsheltered Homelessness

Activities focused on addressing health and safety needs and increasing access to State-supported services and programs for people who are experiencing unsheltered homelessness.

Proposal: Employ the County adopted Housing First approach to provide places to live as the housing crisis is addressed. Housing First has been shown to reduce health, safety, and services needs/costs, including among people suffering with mental health and addiction issues.

Action Area 3. Expanding Communities' Capacity to Provide Safe and Effective Sheltering and Interim Housing

Activities focused on expanding the supply of safe, housing-placement focused sheltering and interim housing models and addressing health and services needs of people staying within such programs.

Proposal: Use the County's Shelter Crisis Declaration and Housing First Resolution to establish Shelter Crisis/Housing First camps as emergency interim housing. (See Government Code Chapter 7.8. Shelter Crisis, Sections 8698.1 and 8698.2.) A campground can be emergency housing under California Residential Code Appendix X, and California Building Code Appendix O. Re Housing First and tenancy, see California Welfare and Institutions Code section 8255.

Action Area 4. Expanding and Ensuring Equitable Access to Permanent Housing in Our Communities

Activities focused on strengthening Housing First approaches and expanding permanent housing opportunities through development strategies, short- and long-term rental assistance, and other rehousing activities.

Proposal: As the housing crisis is addressed, use Shelter Crisis/Housing First camps as one of the community's "other rehousing activities."

Action Area 5. Preventing Californians from Experiencing the Crisis of Homelessness

Activities focused on reducing entries into homelessness as people exit and/or receive services through State funded programs and systems and enhancing communities' capacity to provide targeted homelessness prevention and diversion services and assistance.

Proposal: Shelter Crisis/Housing First campgrounds as emergency housing can provide a last resort form of homelessness prevention for those who lose housing and can facilitate diversion services and assistance.

Some thoughts regarding the *Local Homeless Action Plan.pdf*

Re the funding and Housing First Requirement

“HHAP Round 3 requires grantees to expend funds on evidence-based solutions that prevent, reduce and end homelessness. Grantees may not use HHAP grant funding to supplant existing local funds for homeless housing, assistance, or prevention, and funds must be expended in compliance with Housing First requirements per Health and Safety Code Section 50220.7(g).”

Notice of Funding Availability HHAP Round 3; https://bcsh.ca.gov/calich/documents/hhap_nofa_rd3.pdf &: https://bcsh.ca.gov/calich/documents/action_plan.pdf , https://bcsh.ca.gov/calich/documents/action_plan.pdf

Historical background:

I noticed that there are some references to important documents that are not readily available and some overlooked important past actions.

The *Action Plan* begins with reference to “Humboldt’s 2019 Plan to End Homelessness”. Is this the “Ten-Year Plan to End Homelessness” referenced in the County’s 2019 Housing Element? I have found neither the 2019 Plan nor the Ten-Year Plan on the County’s webpage.

The *Action Plan* states: “In 2016, the County of Humboldt and the City of Eureka adopted a joint resolution to collaborate on reducing homelessness and support the Housing First Model.” (*Action Plan* page 2) The “support” wording is from Humboldt’s *Housing Element*, at Policy H-P46:

The County shall continue to support the Housing First approach for reducing homelessness as adopted by Board of Supervisors Resolution 16-30 on March 3, 2016.

Resolution 16-30, with underline added:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eureka and the Board of Supervisors of Humboldt County, adopt the Homeless Strategy and Implementation Plan-phase 1 and the model of Housing First as the policy for reducing homelessness throughout Humboldt County and the City of Eureka.

BE IT FURTHER RESOLVED that the County, Department of Health and Human Services and the City shall work collaboratively with the community to create a sustainable strategy and human infrastructure to implement the Housing First Approach.

Note: I have not been able to find the Housing Element on the County website; it is available at the CA Dept of Housing and Community Development website at <https://www.hcd.ca.gov/housing-elements/docs/humboldt-cou-6th-draft052019.pdf>

What actions have been taken “to support the Housing First Model”? What actions have been taken “to create a sustainable strategy and human infrastructure to implement the Housing First Approach”?

Some important events I did not find in the *Action Plan*:

--2016 *Housing First Summit* with Dr. Sam Tsemberis, whose work is with persons suffering from mental illness and/or substance addiction. His work demonstrates that they can succeed in regular housing and, while some will need to change or temporarily leave housing, very few will need housing with onsite services.

--County’s 2018 declaration of a shelter crisis (Resolution 18-15)

--A presentation to the Board of Supervisor that included a positive video about camps. If I remember correctly, this was prior to the release of the *2014 City of Eureka Homelessness Policy Paper* mentioned on page 1 of the *Action Plan*.

The Continuum of Care

Regarding the “robust network of coalitions and working groups that ensure and seek to further county-wide collaborative efforts”: There is also a lack of transparency. Most disconcerting is that the members of the CoC Board mentioned on page 3 are unknown, other than the Co-Chairs.

A few years back there was a separate CoC website which contained ongoing information and links to current and historical information. At some point that webpage became unavailable, and a page appeared on the DHHS section of the County website where there is a list of “Partner Agencies”; perhaps they appoint or are the members of the CoC Board? At some point I was provided a copy of the Charter/ governing document that says how and when the board is to be elected.

As for public meetings of the board, I have been told that the Federal legislation only created the program so the Brown Act doesn’t apply. I think that is a reference to Government Code section 54952:

As used in this chapter, “legislative body” means:

(a) The governing body of a local agency or any other local body created by state or federal statute.”

However, The State Constitution Article I, Section 3 (b)(1) says we have a right of access to information and “therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” And Section (3)(b)(2) provides that the law “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.”

Congress created the program and left the details to the administrative agency to define it in the Code of Federal Regulations. The Federal Regulations contain details regarding the creation and operation of the CoC Board.

What has been done?

I am glad that the County is making progress and utilizing different funding and partnerships to improve and increase the housing stock. To plan and build housing takes time, so I am very concerned about those without housing. The County has been using rental assistance funding to provide housing in the private rental market. Many still need a place to live.

I acknowledge the amount of work that went into the recently passed Safe Shelter/Safe Parking ordinances. However, the facilities are limited to 20 participants under the program. The program is overnight only unless there are only 15 participants, or the facility includes services as found in transitional housing or navigation centers. The overall time limit on the program is 18 months, the time a participant may stay is shorter (6 months?). I believe the zoning may be more limited than a regular shelter.

Although said to be a Housing First program, the forms provided are not a tenancy application and not a rental agreement. The *Shelter Crisis Ordinance* for the program was passed pursuant to Government Code Section 8698.4. and the program includes an *Ordinance Incorporating By Reference Appendix O... and Appendix X ... Relating to Emergency Housing Standards* (Attachments 4 and 8 of June 14, 2022 Board Packet).

Government Code Section 8698.4 is a recent addition to California Government Code *Chapter 7.8. Shelter Crisis* that provides that “Emergency housing may include homeless shelters”. It is rather long and complex and has a sunset.

What to do as housing is developed?

Since 1987 California Government Code *Chapter 7.8. Shelter Crisis* code sections 8698.1 and 8698.2 have provided some protection and allowed a governing body, “upon a declaration”, to “take such action as is necessary” to provide “emergency housing”. In 2019 *Appendices O* and *X* relating to emergency housing were added to the California Building and Residential Codes setting standards for “emergency housing”. Referenced in Section 8698.4, I believe they could also be used with section 8698.1 and 8698.2 to protect against claims of uninhabitability under CA landlord/tenant laws.

To provide a stopgap measure as housing is developed, an alternative to the Safe Parking/Safe Shelter program is to have Shelter Crisis Campgrounds operated under Housing First principals based on *Welfare and Institutions Code* section 8255. Here is the code, abridged, with ~~line-out~~ deletions, underlined additions and *[bracket]* comments:

8255. For purposes of this chapter:

- (a) “Council” means the California Interagency Council on Homelessness, formerly known as the Homeless Coordinating and Financing Council established pursuant to Section 8257.
- (b) “Core components of Housing First” means all of the following:
- (1) Tenant screening and selection practices that promote accepting applicants regardless of ...
 - (2) Applicants are not rejected on the basis of ... a lack of “housing readiness.”
 - (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
 - (4) ~~Supportive services...~~ Management that emphasizes engagement and problem solving related to rental issues.
 - (5) Participation in services or program compliance is not a condition of ~~permanent housing~~ tenancy.
 - (6) Tenants have a lease and all the rights and responsibilities of tenancy as outlined in Appendices X and O, ...codes.
 - (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.
 - (8) to (10) *[These relate to supportive housing. Shelter Crisis campgrounds would not be required to provide services nor allowed to restrict occupancy based on participation or non-participation in services]*
 - (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.
- (c) “Homeless” has the same definition as that term is defined in Section 91.5 of Title 24 of the Code of Federal Regulations.
- (d) (1) “Housing First” means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.
- (2) (A) “Housing First” includes time-limited rental or services assistance, so long as ~~the housing and~~ service provider assists the recipient in accessing permanent housing and in securing longer term rental assistance, income assistance, or employment.

For many people “permanent housing” is rental housing. Under a shelter crisis declaration using *Appendices X* and *O* a campground is “emergency housing.”