

MOTION BY SUPERVISOR JANICE HAHN

October 29, 2019

Los Angeles County Shelter Crisis Declaration Extension

Los Angeles County (County) is home to the highest number of unsheltered homeless persons in the United States. Lack of shelter poses an acute and clear and imminent threat to the health and safety of all persons experiencing homelessness, including those residing in the County. Unsheltered homeless persons experience disproportionately high rates of poor overall health; they often do not get treatment for their physical and mental health symptoms; they are more likely to become victims of crime and exploitation; and they face an increased risk of premature death. However, when people experiencing homelessness gain access to temporary shelter, their health conditions generally improve, as do their prospects of securing permanent housing which, in turn, often leads to substantial improvements in health, life expectancy, and personal safety.

On May 31, 2019, the Los Angeles Homeless Services Authority (LAHSA) released the results of the 2019 Point-In-Time Count (PIT Count). It found that, on a given night, there are 58,936 people experiencing homelessness in the County, with 56,257 people experiencing homelessness in the Los Angeles County Continuum of

MOTION

SOLIS	_____
RIDLEY-THOMAS	_____
KUEHL	_____
BARGER	_____
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Care (CoC). The CoC encompasses all of the County, except for Glendale, Pasadena, and Long Beach. Seventy-five percent of the people experiencing homelessness in the County and the CoC do not have shelter.

A substantial portion of the County's homeless population resides in County unincorporated areas. According to the 2019 PIT Count, there were 5,646 people experiencing homelessness in the unincorporated areas of the County, 86% of whom were unsheltered.

On February 9, 2016, the Board of Supervisors (Board), in response to the County's homelessness crisis, approved the Los Angeles County Homeless Initiative (HI) recommendations, including 47 strategies to combat and prevent homelessness. On December 6, 2016, the Board approved four additional strategies.

In March 2017, County voters approved Measure H, a quarter cent sales tax that generates an estimated \$355 million annually, which is being used to implement 21 of the approved HI strategies.

In June 2018, in recognition of the urgent and immediate need for funding at the local level to combat homelessness, the California Legislature and the Governor approved the allocation of funding to localities under the Homeless Emergency Aid Program (HEAP) as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018). Under HEAP, jurisdictions that have enacted shelter-crisis declarations are eligible to receive HEAP funds to provide immediate emergency assistance to people experiencing homelessness; funds received through HEAP must be expended by June 20, 2021. One-time state funding of \$650 million is also available under the Homeless Housing, Assistance, and Prevention Program (HHAPP), through Assembly Bill 101, as

part of the 2019-2020 State Budget package. HHAPP applications are due on or before February 15, 2020, and funding for each jurisdiction will be determined by April 1, 2020.

The County is also working closely with a broad range of partners, including from the non-profit, faith-based, and business communities, to implement the interconnected strategies approved by the Board, and ultimately to connect people experiencing homelessness to permanent housing. Given the complexity and magnitude of the homelessness crisis and the limited supply of affordable permanent housing in the County, there is a significant and immediate need for interim housing in the County, including emergency shelter, to protect the life, health, and safety of people experiencing homelessness in the County.

Under Government Code Section 8698 et seq., the Board may find that a significant number of persons in the County are without the ability to obtain shelter, which results in a threat to their health and safety. In making such a finding, the Board may then declare that a shelter crisis exists. Upon the declaration of a shelter crisis, the County is empowered to take steps to mitigate the crisis. In particular, the County may designate certain of its public facilities to be used as homeless shelters during the crisis which would mitigate the emergency. By operation of law, when the Board declares a shelter crisis, any state or local regulatory statute, regulation or ordinance prescribing standards of housing, health or safety (pertaining to the additional public facilities to be used as homeless shelters) is suspended to the extent that strict compliance therewith would prevent, hinder or delay the County's efforts to mitigate the effects of the shelter crisis. In place of such housing, health or safety standards, the County may enact alternative municipal health and safety standards, to be operative during the housing

emergency, consistent with ensuring minimal public health and safety.

On October 30, 2018, the Board declared the existence of a shelter crisis within the County for a one-year period from October 30, 2018 through October 29, 2019.

This motion will declare that a shelter crisis continues to be in effect in the County. The declaration provides that the shelter crisis is extended for an additional year, from October 30, 2019 through October 31, 2020. This extension is appropriate and necessary to address and mitigate the continuing shelter crisis in the County. This motion also delegates to the CEO, or her designee, authority to designate additional County public facilities to be open for persons unable to otherwise obtain housing during the duration of the declared shelter crisis.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Find the proposed actions, which would extend a previous Shelter Crisis Declaration, are not subject to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Section 21065 of the California Public Resources Code and Sections 15061(b)(3) and 15378(b)(5) of the State CEQA Guidelines (Guidelines) because they are organizational or administrative activities of government that will not result in direct or indirect physical changes to the environment. In the alternative, the proposed actions are specific actions necessary to prevent or mitigate an emergency and therefore are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines. Upon your Board's approval of the recommended actions, the Chief Executive Officer (CEO) will file a

Notice of Exemption with the County Clerk in accordance with Section 21152 of the California Public Resources Code. Prior to approving any activities that would be considered projects under CEQA, the County will ensure that necessary environmental findings are made;

2. Find that pursuant to Government Code Section 8698 et seq., a significant number of persons within the County are without the ability to obtain shelter, which has resulted in a threat to those persons' health and safety;
3. In accordance with Government Code Section 8698 et seq., adopt the attached Resolution declaring that a shelter crisis exists (and continues to exist) in the County, during the period from October 30, 2019 through October 31, 2020;
4. Delegate authority to the CEO, or her designee, to designate additional County public facilities to be occupied by homeless persons for emergency housing during the period of the declared shelter crisis. In connection with, and as a result of the Board's shelter-crisis declaration, pursuant to Government Code Section 8698 et seq., the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to any County public facilities that are owned, operated, leased, or maintained by the County and are designated for use as emergency housing pursuant to the Board's shelter crisis declaration, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis;
5. In place of such suspended housing, health or safety standards, the County's

additional public facilities that are made available for temporary housing for homeless persons during the declared shelter crisis will be subject to health and safety standards set forth in the emergency housing provisions of the Los Angeles County Building Code (LACBC), as approved by the Board, to be operative during the housing emergency consistent with ensuring minimal public health and safety. Notwithstanding the foregoing, the Director of Public Works, or his designee, in consultation with the CEO, and the Departments of Public Health, Fire and other pertinent county departments, as applicable, is delegated authority to opt out, in whole or in part, of the emergency housing provisions of the LACBC with respect to a County facility designated for use as an emergency shelter, and to determine alternative minimum site-specific standards for any such facility, consistent with ensuring minimal public health and safety; and

6. Authorize the CEO, or her designee, to take any other actions consistent with and/or necessary for the implementation of the shelter crisis declaration and foregoing actions.

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RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DECLARING AN EXTENSION OF THE SHELTER CRISIS

The Board of Supervisors of the County of Los Angeles finds:

WHEREAS, Los Angeles County ("County") is home to the highest number of unsheltered homeless persons in the United States. Lack of shelter poses an acute and clear and imminent threat to the health and safety of all persons experiencing homelessness, including those residing in the County. Unsheltered homeless persons experience disproportionately high rates of poor overall health; they often do not get treatment for their physical and mental health symptoms; they are more likely to become victims of crime and exploitation; and they face an increased risk of premature death.

WHEREAS, on May 31, 2019, the Los Angeles Homeless Services Authority ("LAHSA") released the results of the 2019 Point-In-Time Count ("PIT Count"). It found that, on a given night, there are 58,936 people experiencing homelessness in the County, with 56,257 people experiencing homelessness in the Los Angeles County Continuum of Care ("CoC"). The CoC encompasses all of the County, except for Glendale, Pasadena, and Long Beach. Seventy-five percent of the people experiencing homelessness in the County and the CoC do not have shelter.

WHEREAS, a substantial portion of the County's homeless population resides in County unincorporated areas. According to the 2019 PIT Count, there were 5,646 people experiencing homelessness in the unincorporated areas of the County, 86 percent of whom were unsheltered.

WHEREAS, on February 9, 2016, the Board of Supervisors ("Board"), in response to the County's homelessness crisis, approved the Los Angeles County Homeless Initiative ("HI") recommendations, including 47 strategies to combat and prevent homelessness. On December 6, 2016, the Board approved four additional strategies.

WHEREAS, in March 2017, County voters approved Measure H, a quarter cent sales tax that generates an estimated \$355 million annually, which is being used to implement 21 of the approved HI strategies.

WHEREAS, in June 2018, in recognition of the urgent and immediate need for funding at the local level to combat homelessness, the California Legislature and the Governor approved the allocation of funding to localities under the Homeless Emergency Aid Program ("HEAP") as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018). Under HEAP, jurisdictions that have enacted shelter-crisis declarations are eligible to receive HEAP funds to provide immediate emergency assistance to people experiencing homelessness; funds received through HEAP must be expended by June 20, 2021.

WHEREAS, one-time state funding of \$650 million is also available under the Homeless Housing, Assistance, and Prevention Program ("HHAPP"), through Assembly Bill 101, as part of the 2019-2020 State Budget package. HHAPP applications are due on or before February 15, 2020, and funding for each jurisdiction will be determined by April 1, 2020.

WHEREAS, the County is also working closely with a broad range of partners, including from the non-profit, faith-based, and business communities to implement the interconnected strategies approved by the Board, and ultimately to connect people experiencing homelessness to permanent housing. Given the complexity and magnitude of the homelessness crisis and the limited supply of affordable permanent housing in the County, there is a significant and immediate need for interim housing in the County, including emergency shelter, to protect the life, health, and safety of people experiencing homelessness in the County.

WHEREAS, under Government Code section 8698 et seq., the Board may find that a significant number of persons in the County are without the ability to obtain shelter, which results in a threat to their health and safety. In making such a finding, the Board may then declare that a shelter crisis exists.

WHEREAS, on October 30, 2018, the Board declared the existence of a shelter crisis within the County for a one-year period from October 30, 2018 through October 29, 2019. The continuation and extension of the shelter crisis for an additional year, from October 30, 2019 through October 31, 2020, is appropriate and necessary to address and mitigate the continuing shelter crisis in the County.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that:

Section 1. The Board adopts the recitals above as findings and determinations.

Section 2. Find the proposed actions, which would extend a previous Shelter Crisis Declaration, are not subject to the California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by section 21065 of the California Public Resources Code and sections 15061(b)(3) and 15378(b)(5) of the State CEQA Guidelines ("Guidelines") because they are organizational or administrative activities of government that will not result in direct or indirect physical changes to the environment. In the alternative, the proposed actions are specific actions necessary to prevent or mitigate an emergency and therefore are statutorily exempt from CEQA pursuant to section 21080(b)(4) of the Public Resources Code and section 15269(c) of the Guidelines. Upon your Board's approval of the recommended actions, the Chief Executive Officer ("CEO") will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the California Public Resources Code. Prior to approving any activities that would be considered projects under CEQA, the County will ensure that necessary environmental findings are made.

Section 3. Find that pursuant to Government Code section 8698 et seq., a significant number of persons within the County are without the ability to obtain shelter, which has resulted in a threat to those persons' health and safety.

Section 4. In accordance with Government Code section 8698 et seq., the County declares that a shelter crisis exists (and continues to exist) in the County, during the period from October 30, 2019 through October 31, 2020.

Section 5. Delegate authority to the CEO, or her designee, to designate additional County public facilities to be occupied by homeless persons for emergency housing during the period of the declared shelter crisis. In connection with, and as a result of this shelter-crisis declaration, pursuant to Government Code section 8698 et seq., the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to any County public facilities that are owned, operated, leased, or maintained by the County and are designated for use as emergency housing pursuant to this shelter crisis declaration, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Section 6. In place of such suspended housing, health or safety standards, the County's additional public facilities that are made available for temporary housing for homeless persons during the declared shelter crisis will be subject to health and safety standards set forth in the emergency housing provisions of the Los Angeles County Building Code ("LACBC"), as approved by the Board, to be operative during the housing emergency consistent with ensuring minimal public health and safety. Notwithstanding the foregoing, the Director of Public Works, or his designee, in consultation with the CEO, and the Departments of Public Health, Fire and other pertinent County departments, as applicable, is delegated authority to opt out, in whole or in part, of the emergency housing provisions of the LACBC with respect to a County facility designated for use as an emergency shelter, and to determine alternative minimum site-specific standards for any such facility, consistent with ensuring minimal public health and safety.

Section 7. Authorize the CEO, or her designee, to take any other actions consistent with and/or necessary for the implementation of this shelter crisis declaration and foregoing action.

The foregoing resolution was on the 29th day of October 2019, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.




Celia Zavala
Executive Officer
Board of Supervisors

By 
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By 
LILLIAN D. SALINGER
Senior Deputy County Counsel