

## **RESOLUTION NO. 2018-0436**

Adopted by the Sacramento City Council

November 8, 2018

### **Declaring a Shelter Crisis in the City Of Sacramento**

#### **BACKGROUND**

- A. According to the 2017 Point-in-Time Count for the County of Sacramento, 3,665 persons within the County of Sacramento, including approximately 1,779 who are within the City of Sacramento ("City"), are homeless. This population includes veterans, women, children, persons with disabilities, seniors, and other vulnerable groups. The number of people experiencing homelessness is significant, and these persons are without the ability to obtain shelter. The health and safety of unsheltered persons in the City is threatened by a lack of shelter during the upcoming winter months of December, January and February.
- B. Although the City, the County of Sacramento and local non-profit service providers aid many of these individuals, a significant number of them are unable to obtain shelter.
- C. Many of those unable to obtain shelter reside on the streets, in alleys and doorways, along the river, and in unauthorized encampments throughout the City.
- D. These individuals often lack adequate sanitary facilities and are at risk from theft, crime, and extreme weather conditions. These conditions threaten the physical and mental health and safety of those experiencing homelessness. These conditions also result in a threat to the environment and the public health and well-being of the community.
- E. The City Council has heard extensive testimony on the impacts of homelessness on persons without shelter as well as on the community at large.
- F. The City has developed a homelessness plan and undertaken multiple efforts at the local level to combat homelessness. Recognizing the impacts of homelessness throughout the City, in 2014, the City established the Police Department's IMPACT team to provide outreach and services to those unsheltered throughout the City and, in 2015, established the Homeless Services Division in the Office of the City Manager to oversee policy, funding and programs to help prevent and end homelessness.
- G. The Homeless Services Division currently oversees an annual budget of approximately \$10 million in City and external funds, which supports a variety of programs providing

outreach, shelter, services and housing to people experiencing homelessness in the City. Some of the key initiatives currently underway by the City include:

- a. Development and implementation of the Pathways to Health + Home program, the Whole Person Care pilot. Over four and a half years, the Pathways program will leverage up to \$32 million in federal dollars to match \$32 million in local funding to provide assertive outreach, coordination of wraparound care and housing-supportive services to medically fragile homeless and at-risk populations.
  - b. Operation of a 200-bed emergency triage shelter, a low-barrier shelter program with on-site supportive services aiming to provide a “whatever it takes” approach to re-housing chronically homeless adults.
  - c. Funding and operational support for five other sheltering programs, serving transition-age youth, the LGBT community, chronic inebriates, families with children, and the single adult population.
- H. California’s Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to combat homelessness.
- I. The Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018).
- J. The Governor and Legislature require jurisdictions seeking an allocation through the Homeless Emergency Aid Program to declare a Shelter Crisis pursuant to Government Code section 8698.2 and based upon the countywide 2017 Point-in-Time Count.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds that the statements in the Background are true.
- Section 2. The City Council hereby declares a Shelter Crisis in the City of Sacramento pursuant to and in accordance with California Government Code section 8698 et seq. The effective period of the Shelter Crisis shall begin on December 1, 2018 and shall end on March 1, 2019.
- Section 3. The City Council fully adopts the City Manager’s Administrative Order Implementing the City Council’s Declaration of Shelter Crisis, which is attached hereto as Exhibit A, for the duration of the Shelter Crisis. During the effective

period of the Shelter Crisis, City personnel shall enforce Sacramento City Code sections 12.52.030 and 12.52.040 only when done in full compliance with the enforcement protocols stated in Exhibit A.

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Exhibit A - Administrative Order

Adopted by the City of Sacramento City Council on November 8, 2018, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy  
Date: 2018.11.14 17:04:26  
-08'00'  
\_\_\_\_\_  
Mindy Cuppy, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.*

**MEMORANDUM****DATE:****TO:** City of Sacramento and all its Departments and Personnel**FROM:** Howard Chan, City Manager**SUBJECT:** Administrative Order Implementing the City Council's Declaration of Shelter Crisis

This Administrative Order implements the City Council's Declaration of Shelter Crisis adopted on \_\_\_\_\_, which establishes a shelter crisis in the City of Sacramento.

This Administrative Order, in coordination with the Declaration of Shelter Crisis, implements new policies designed to reduce insufficient shelter capacity, facilitate the development of new shelter facilities, and enforce the Sacramento City Code. It constitutes guidance to all City Departments, and supersedes all existing conflicting policies, directives, orders, memoranda, and other guidance regarding this subject matter.

**A. Orders Regarding the Administrative and Criminal Citation of Persons Violating Specified Sacramento City Code Sections.**

The Council has determined that there exists a shelter crisis in the City of Sacramento because of insufficient shelter to house City residents. Accordingly, as the City Manager, I am tasked with implementing the Council's Declaration. Effective immediately and until such time as the Declaration of Shelter Crisis terminates, all City Personnel shall enforce the City Code as set forth below:

1. Persons may only be cited, administratively or criminally, for unlawful camping, pursuant to section 12.52.030, when the citing officer:
  - a. Contemporaneously confirms that a shelter bed is available;
  - b. Confirms that there are no limitations to the person's initial and continued use of the bed;
  - c. Offers to transport the person to the location of the available shelter bed and the person rejects the offer; and
  - d. Finds that there is probable cause for the citation.
2. Persons may only be cited, administratively or criminally, for unlawful storage, pursuant to section 12.52.040, when the citing officer:
  - a. Determines that the material being stored is not camping paraphernalia being used for the purposes of camping because of insufficient shelter capacity; and
  - b. Finds there is probable cause for the citation.

3. If an officer finds a person in violation of section 12.52.030 or 12.52.040, the citing officer must follow the steps in subdivision A above before issuing a citation under the section.

**B. Internal Order.** This Administrative Order provides internal City of Sacramento enforcement orders, which may be modified, rescinded, or superseded at any time without notice.

**C. No Prohibition.** Nothing in this Order shall be construed to apply to enforcement matters other than those relating to public or urban camping and none of its terms shall be interpreted to prevent or prohibit City personnel from enforcing administrative, civil or criminal laws, including but not limited to, investigating criminal suspects that are participating or engaging in, illegal dumping, drinking in public, disorderly conduct, trespassing, the sale, distribution, and manufacturing of illegal narcotics, and other social nuisances.