

**MOTION BY SUPERVISOR KATHRYN BARGER
AND MARK RIDLEY-THOMAS**

March 27, 2018

Temporary Emergency Shelter Facilities in the Antelope Valley

On October 10, 2017, the Board of Supervisors declared a shelter crisis for the Antelope Valley for the period of November 10, 2017 through March 10, 2018 pursuant to Government Code Sections 8698 et seq. (Shelter Crisis Declaration) to allow the Glenchur and Muntsie buildings at High Desert Multi Ambulatory Care Center (High Desert MACC) to open as a temporary shelter in conjunction with the County’s Winter Shelter Program. Due to the extreme temperatures in the Antelope Valley during the winter months, unsheltered individuals would have been at high risk of life-threatening exposure to the elements. Because there are no operating year-round facilities in the Antelope Valley, it was critical that immediate action be taken to provide short-term shelter to our most vulnerable residents in the region. On November 21, 2017, the Board extended the period of the Shelter Crisis Declaration through March 31, 2018.

During the period of the Shelter Crisis, High Desert MACC has provided a safe and secure location for 93 individuals to seek shelter and supportive services. The Salvation Army, as the service provider for the High Desert MACC, has operated effective bridge programming at the facility, linking individuals to long-term housing solutions and gainful employment opportunities. The Salvation Army is currently providing homeless services at High Desert MACC pursuant to a gratis license agreement with the County. Pursuant to Government Code Section 26227, the Board has authority to make available real property not needed for County purposes to non-profit entities for operation of programs which serve public purposes and are necessary to meet the social needs of the population of the County. Not only is this facility providing immediate respite from extreme weather 24-hours a day, 7-days a week, but it is also providing critical bridge housing resources to assist individuals in permanently exiting cycles of homelessness.

In the Antelope Valley, the weather conditions are severe not only during the winter months, but also during the spring and summer. The variability, because of the desert climate, reaches extremely hot temperatures during the day and dangerously cold temperatures at night. Historical data shows that temperatures in the Antelope Valley in April can dip to 32 degrees Fahrenheit but can also soar to above 90 degrees.

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These extremes become even more serious during the summer months, when high temperatures have reached above 110 degrees Fahrenheit. Unsheltered individuals are particularly vulnerable and are at high risk of injury and harm due to exposure to the extreme elements and due to other health, safety and welfare-related circumstances and consequences of being homeless.

In the Antelope Valley, there continues to be a significant number of individuals who are without the ability to obtain shelter, resulting in a threat to their health and safety. The Homeless Count in the Antelope Valley climbed 50% from 2016 to 2017; there are an estimated 4,559 individuals experiencing homelessness in the region and a persistent shortage of resources to meet their needs. While partners at the County, local cities and community-based organizations across the Antelope Valley are working together to develop sustainable housing solutions in the region, the immediate need for short-term shelter is ongoing.

Government Code Sections 8698 et seq. permit the Board to declare a shelter crisis to address the need for emergency temporary shelters when a significant number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety. Due to the expected extreme temperatures during the spring and summer months in the Antelope Valley, the increasing number of homeless individuals, and the lack of shelters in the region, it is critical to declare a shelter crisis for the Antelope Valley to allow the continued operation of High Desert MACC for the period of April 1, 2018 through October 31, 2018. During this period, the Salvation Army can continue to provide food, shelter and bridge housing services at High Desert MACC, and approval of the recommended actions will allow the gratis license to be extended through October 31, 2018. Furthermore, the continued operation of the temporary emergency shelter will require maintenance and repairs to the High Desert MACC, and the recommended actions will authorize Public Works to complete the maintenance and repairs using a Board-approved Job Order Contract.

During the declared shelter crisis, the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety may be suspended with respect to the County facility being used as a temporary shelter to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. In place of any such housing, health, or safety standards, the County may enact and implement any applicable health and safety standards or regulations as applied to the temporary emergency shelter and to be operative during the shelter crisis consistent with ensuring public health and safety.

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We, THEREFORE, MOVE that the Board of Supervisors:

1. Find the proposed actions related to the declaration of a shelter crisis and the continued readiness for and operation of a temporary emergency shelter are not a project as defined by Section 15378 of the State California Environmental Quality Act ("CEQA") Guidelines, and therefore these actions are not subject to CEQA. Alternatively, the proposed actions are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines. In the alternative, the proposed actions are exempt from the provisions of CEQA in accordance with the State CEQA Guidelines Sections 15061(b), 15301, 15303, and 15304, and none of the exceptions to the application of the exemptions apply;
2. Find that pursuant to Government Code Sections 8698 et seq., from April 1, 2018 through October 31, 2018, a significant number of persons within the Antelope Valley are without the ability to obtain shelter, resulting in a threat to their health and safety;
3. Adopt the attached Resolution declaring a shelter crisis for the Antelope Valley during the period of April 1, 2018 through October 31, 2018, in accordance with Government Code Sections 8698 et seq., as a result of which declaration the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended pursuant to this action, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis;
4. Direct the CEO Homeless Initiative to work with Los Angeles Homeless Services Authority (LAHSA), Fire Department, Department of Public Works, County Counsel, and other pertinent county departments to ensure readiness for continued operation of a 24-hour emergency shelter at the High Desert MACC, pursuant to Government Code Sections 8698 et seq. during the shelter crisis period of April 1, 2018 through October 31, 2018;
5. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant to Government Code Section 8698.1(b), to identify, with respect to the High Desert MACC, which provisions of any applicable state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis to the extent there was strict compliance with same. This delegation of authority in no way limits the broad suspension of the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety that occurs by operation of law pursuant to Government Code Section 8698.1 upon the Board's declaration of a shelter crisis for the Antelope Valley.

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6. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant to Government Code Section 8698.1(b), to enact and implement any applicable health and safety standards or regulations as applied to the use of High Desert MACC as a temporary emergency shelter and to be operative during the shelter crisis consistent with ensuring public health and safety;
7. Authorize the Director of Public Works or his designee to complete maintenance and repairs to the High Desert MACC using a Board-approved Job Order Contract to allow for continued operation of the temporary emergency shelter;
8. Direct the CEO and LAHSA to use Measure H funding to fund the operation of 93 beds at the High Desert MACC shelter from April 1, 2018 through October 31, 2018; and
9. Authorize the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

We, FURTHER, MOVE that the Board of Supervisors:

1. Find that the proposed Amendment to Non-Exclusive License Agreement (Amendment) is categorically exempt from CEQA pursuant to Section 15301 of the State CEQA Guidelines (Class 1 – Existing Facilities) and Class 1 of the County's Environmental Document Reporting Procedures and Guidelines, and none of the exceptions to the application of the exemption apply;
2. Pursuant to Government Code Section 26227, find that the continued services to be provided by The Salvation Army, a nonprofit corporation, are necessary to meet the social needs of the County and serve public purposes which benefit the County;
3. Find that the former High Desert MACC is not currently needed for County purposes;
4. Authorize the CEO or her designee to negotiate the Amendment, extending the term of the existing Non-Exclusive License Agreement (Existing License) with The Salvation Army through October 31, 2018;
5. Authorize the CEO or her designee to execute the Amendment, which except as stated herein, shall substantially recite the terms of the Existing License; and
6. Authorize the CEO or her designee to negotiate and execute other ancillary documentation approved as to form by County Counsel necessary to effectuate the Amendment, and to take any other actions necessary and appropriate to implement and effectuate the Amendment.

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES DECLARING A SHELTER CRISIS FOR THE
ANTELOPE VALLEY TO PROVIDE
EMERGENCY TEMPORARY SHELTER**

WHEREAS, homelessness in the Antelope Valley climbed 50% from 2016 to 2017 to an estimated 4,559 individuals; and

WHEREAS, on August 7, 2017, the Lancaster Community Shelter, the only drop-in homeless shelter in the Antelope Valley, closed its doors, and there continues to be a persistent shortage of resources to meet the needs of the homeless in the region; and

WHEREAS, in the Antelope Valley, the weather conditions are severe during the spring and summer; and

WHEREAS, because of the desert climate, the temperatures in the Antelope Valley are variable and reach extremely hot temperatures during the day and dangerously cold temperatures at night. Historical data shows that temperatures in the Antelope Valley in April can dip to 32 degrees Fahrenheit but can also soar to above 90 degrees. These extremes become even more serious during the summer months, when high temperatures have reached above 110 degrees Fahrenheit; and

WHEREAS, unsheltered individuals in the Antelope Valley are at high risk of injury and harm due to exposure to the elements and due to other health, safety and welfare-related circumstances and consequences of being homeless; and

WHEREAS, in anticipation of the severe weather conditions in the Antelope Valley between April 1, 2018 and October 31, 2018, the increasing number of homeless individuals, and the lack of shelters in the region, the County wishes to declare a shelter crisis for the Antelope Valley in accordance with Government Code Sections 8698 et seq. in an effort to facilitate the availability of temporary shelters for persons unable to obtain shelter during this time period; and

WHEREAS, Government Code Sections 8698 through 8698.2 permit the governing body of a political subdivision of the state to declare a shelter crisis; and

WHEREAS, Government Code Sections 8698 et seq. provide authority for the County to address the need for emergency temporary shelters when a significant

number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, under the conditions set forth in Government Code Sections 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 to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, in place of any such housing, health and safety standards, the County may enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety; and

WHEREAS, the County owns the former High Desert Multi-Service Ambulatory Care Center (High Desert MACC) facility, located in the Antelope Valley; and

WHEREAS, portions of High Desert MACC are being used as a temporary emergency shelter pursuant to a shelter crisis declaration for the Antelope Valley for the period of November 10, 2017 through March 31, 2018; and

WHEREAS, there may be other suitable facilities which are owned, operated or leased by the County in the Antelope Valley that have not yet been identified but could later be determined as suitable to use as supportive emergency homeless housing during the shelter crisis; and

WHEREAS, the Chief Executive Office (CEO), in consultation with County Counsel and the Departments of Public Works Public Health, Fire, and other pertinent county departments intend to evaluate which, if any, applicable state or local laws prescribing standards of housing, health or safety, if strictly complied with, would in any way prevent, hinder, or delay the continued operation of an emergency temporary shelter at High Desert MACC; and

WHEREAS, these same County Departments may choose to adopt health and safety standards or regulations, in place of the suspended standards, to be applied to the use of High Desert MACC as an emergency temporary shelter and to be operative during the shelter crisis consistent with ensuring public health and safety.

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 related to the declaration of a shelter crisis and the continued readiness for and operation of a temporary emergency shelter are not a project as defined by Section 15378 of the State California Environmental Quality Act ("CEQA") Guidelines, and therefore these actions are not subject to CEQA. Alternatively, the proposed actions are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines. In the alternative, the proposed actions are exempt from the provisions of CEQA in accordance with the State CEQA Guidelines Sections 15061(b), 15301, 15303, and 15304, and none of the exceptions to the application of the exemptions apply.

Section 3. Find that pursuant to Government Code Sections 8698 et seq., from April 1, 2018 through October 31, 2018, a significant number of persons within the Antelope Valley are without the ability to obtain shelter, resulting in a threat to their health and safety.

Section 4. The County declares a shelter crisis for the Antelope Valley during the period of April 1, 2018 through October 31, 2018, in accordance with Government Code Sections 8698 et seq., as a result of which declaration the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended pursuant to this action, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Section 5: Direct the CEO Homeless Initiative to work with Los Angeles Homeless Services Authority (LAHSA), Fire Department, Department of Public Works, County Counsel, and other pertinent county departments to ensure readiness for the continued operation of a 24-hour emergency shelter at the High Desert MACC, pursuant to Government Code Sections 8698 et seq. during the shelter crisis period of April 1, 2018 through October 31, 2018.

Section 6: Delegate authority to the CEO or her designee, in consultation with

County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant Government Code Section 8698.1(b), to identify, with respect to the High Desert MACC, which provisions of any applicable state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis to the extent there was strict compliance with same. This delegation of authority in no way limits the broad suspension of the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety that occurs by operation of law pursuant to Government Code Section 8698.1 upon the Board's declaration of a shelter crisis in the Antelope Valley.

Section 7: Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant to Government Code Section 8698.1(b), to enact and implement any applicable health and safety standards or regulations as applied to the use of High Desert MACC as a temporary emergency shelter and to be operative during the shelter crisis consistent with ensuring public health and safety.

Section 8: Authorize the Director of Public Works or his designee to complete maintenance and repairs to the High Desert MACC using a Board-approved Job Order Contract to allow for continued operation of the temporary emergency shelter.

Section 9: Direct the CEO and LAHSA to use Measure H funding to fund the operation of 93 beds at the High Desert MACC shelter from April 1, 2018 through October 31, 2018.

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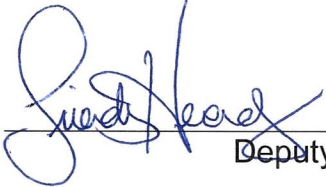
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Section 10: Authorize the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

The foregoing resolution was on the *27th* day of *March* 2018, 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
Acting Executive Officer
Board of Supervisors

By  Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By 
LILLIAN D. SALINGER

Senior Deputy County Counsel
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