

MOTION BY SUPERVISOR SHEILA KUEHL

October 30, 2018

Los Angeles County Shelter Crisis Declaration

Los Angeles County (County) is home to the highest number of unsheltered homeless individuals in the country. Lack of shelter poses a considerable threat to the health and safety of unsheltered individuals in LA County. On May 31, 2018, the Los Angeles Homeless Services Authority (LAHSA) released the results of the 2018 Point-In-Time Count (PIT Count) which found that there are 52,765 people experiencing homelessness on a given night in LA County and 49,955 people experiencing homelessness on a given night in the Los Angeles County Continuum of Care (CoC), which includes all of LA County except Glendale, Pasadena, and Long Beach. Three-quarters (75%) of those experiencing homelessness in LA County and in the LA CoC are unsheltered. The 2017 PIT Count found that there were 55,048 people experiencing homelessness in LA County and 52,442 experiencing homelessness in the LA CoC; 73% of these persons were unsheltered.

A significant number of unsheltered people experiencing homelessness live in the unincorporated areas of the County. According to the PIT Count, in 2018, in the

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unincorporated area of the County, there were 5,349 people experiencing homelessness, 86% of whom were unsheltered. In 2017, in the unincorporated area of the County, there were 6,294 people experiencing homelessness, 88% of whom were unsheltered.

In response to the County's homelessness crisis, on February 9, 2016, the Board of Supervisors (Board) 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, LA County voters approved Measure H, a quarter cent sales tax that is generating an estimated \$355 million annually, which is being used to implement 21 of the approved HI strategies. Further, recognizing the urgent and immediate need for funding at the local level to combat homelessness, in June 2018, California's Governor and Legislature 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). 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.

The County is working closely with a broad range of partners from the non-profit, faith, business, and other communities to implement the interconnected strategies approved by the Board, and ultimately 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 life and health. Yet, according to LAHSA's 2018 Report on Homeless Housing Gaps in the County of Los Angeles, there is a gap of 3,250 emergency shelter beds for individuals and families.

Government Code Section 8698 et seq. permits 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. Under 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 to the extent that strict compliance would in any way prevent, hinder or delay the mitigation of the effects of the shelter crisis, including the establishment of emergency temporary shelters. In place of such housing, health or 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.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Find the proposed actions 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 which will not result in direct or indirect physical changes to the environment. In the alternative, the

proposed actions are short term 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 unincorporated area of Los Angeles County 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, in accordance with Government Code Section 8698 et seq., during the period from October 30, 2018 to October 29, 2019 for the unincorporated areas of Los Angeles County and public facilities located within cities which have declared a shelter crisis, as a result of which declaration the provisions of any state or local statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to public facilities being used as temporary shelters 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. 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, when applicable, which provisions of any 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;
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 to develop and adopt applicable site-specific health and safety standards consistent with ensuring minimal public health and safety pursuant to Government Code Section 8698.1(b) at public facilities identified by the CEO, or her designee, to be used as an emergency shelter during the declared shelter crisis period;
6. Authorize the County's participation in HEAP and request that LAHSA work with CEO Homeless Initiative, County Counsel, and other pertinent

county departments to coordinate expenditure of HEAP funding to address the shelter crisis in alignment with existing Board-approved Homeless Initiative strategies; and

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

S: MR/Los Angeles County Shelter Crisis Declaration

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DECLARING A SHELTER CRISIS

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, declaring a shelter crisis pursuant to SB-850 (Chapter 48, Statutes of 2018 and Government Code section 8698.2).

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

WHEREAS, 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;

WHEREAS, 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);

WHEREAS, Los Angeles County has developed a homelessness plan and undertaken multiple efforts at the local level to combat homelessness;

WHEREAS, Los Angeles County finds that the number of people experiencing homelessness is significant, and that many of these persons are without the ability to obtain shelter;

WHEREAS, the 2018 Greater Los Angeles Point-in-Time Homeless Count (PIT Count) found that there are 52,765 people experiencing homelessness on a given night in LA County and 49,955 people experiencing homelessness on a given night in the Los Angeles County Continuum of Care, which includes all of LA County except Glendale, Pasadena, and Long Beach; and

WHEREAS, according to the 2018 PIT Count, 75% of those experiencing homelessness in LA County and in the LA County Continuum of Care are unsheltered; and

WHEREAS, the 2017 Greater Los Angeles Point-in-Time (PIT) Homeless Count found that there were 55,048 people experiencing homelessness on a given night in Los Angeles County and 52,442 people experiencing homelessness on a given night in the Los Angeles County Continuum of Care, which includes all of LA County except Glendale, Pasadena, and Long Beach; and

WHEREAS, according to the 2017 PIT Count, 73% of those experiencing homelessness in LA County and in the LA County Continuum of Care are unsheltered; and

WHEREAS, according to the 2017 PIT Count, there were 6,294 people experiencing homeless in the unincorporated area of the County, 88% of whom were unsheltered; and

WHEREAS, according to the 2018 PIT Count, there were 5,349 people experiencing homeless in the unincorporated area of the County, 86% of whom were unsheltered; and

WHEREAS, according to the 2018 Report on Homeless Housing Gaps in the County of Los Angeles, released by the Los Angeles Homeless Services Authority (LAHSA), there is a gap of 3,250 emergency shelter beds for individuals and families experiencing homelessness; and

WHEREAS, lack of shelter threatens the health and safety of unsheltered persons in Los Angeles County;

WHEREAS, according to the 2018 PIT Count, in the Los Angeles Continuum of Care (which includes all of LA County except for Glendale, Pasadena, and Long Beach), there was a 22% increase from the 2017 PIT Count in people aged 62 and older experiencing homelessness, with 4,126 of people aged 62 and older experiencing unsheltered homelessness; and

WHEREAS, these older adults are a particularly vulnerable group of individuals experiencing homelessness in LA County and require shelter for their health and safety; and

WHEREAS, in 2017, Los Angeles County voters approved Measure H, which will generate an estimated \$355 Million annually for ten years to combat and prevent homelessness; and

WHEREAS, these funds have the potential to considerably amplify the County's ongoing efforts to combat and prevent homelessness in the region; and

WHEREAS, Los Angeles County affirms the County's commitment to combatting homelessness and augmenting the continuum of shelter and service options for those living without shelter in our communities.

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 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 which will not result in direct or indirect physical changes to the environment. In the alternative, the proposed actions are short term 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 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 Sections 8698 et seq., a significant number of persons within the unincorporated area of Los Angeles County are without the ability to obtain shelter, resulting in a threat to their health and safety.

Section 4. In accordance with Government Code Section 8698 et seq., the County declares a shelter crisis during the period from October 30, 2018 to October 29, 2019, for the unincorporated areas of Los Angeles County and public facilities located within cities which have declared a shelter crisis, as a result of which declaration the provisions of any state or local statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to public facilities being used as temporary shelters 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. 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, when applicable, which provisions of any 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.

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 to develop and adopt applicable site-specific health and safety standards consistent with ensuring minimal public health and safety pursuant to Government Code Section 8698.1(b) at public facilities identified by the CEO or her designee to be used as an emergency shelter during the declared shelter crisis period.

Section 7. Authorize the County's participation in the State Homeless Emergency Aid Program (HEAP) and request that LAHSA work with CEO Homeless Initiative, County Counsel, and other pertinent county departments to coordinate expenditure of HEAP

funding to address the shelter crisis in alignment with existing Board-approved Homeless Initiative strategies.

Section 8. 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 30th day of October 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
Executive Officer
Board of Supervisors

By

Lachelle Smitheman
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APPROVED AS TO FORM:

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