

MOTION BY SUPERVISOR HILDA L. SOLIS

October 19, 2021

Los Angeles County Shelter Crisis Declaration

Los Angeles County (County) is home to the highest number of unsheltered homeless persons in the United States. Lack of shelter poses an acute, clear and imminent threat to the health and safety of all people experiencing homelessness (PEH), including those residing in the County. Unsheltered PEH experience disproportionately high rates of poor overall health; they often do not receive 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 PEH gain access to 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).

In the context of the global COVID-19 pandemic, access to shelter has become even more critical to the health and safety of PEH. In addition to the risks COVID-19 poses to all County residents, PEH face a wide range of additional threats related to their limited ability to self-isolate and lack of access to hygiene facilities.

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In fact, PEH are often in worse health than the general population and suffer from numerous health conditions that make them more likely to suffer complications should they become infected with COVID-19. To meet the public health guidelines for appropriate physical distancing, existing homeless shelters have had to rearrange and reduce the number of beds in their facilities, resulting in a significant loss of capacity. While the County, in partnership with the State, has temporarily housed more than 4,000 PEH through Project Roomkey, an initiative to enter into agreements with hotels to provide non-congregate shelter to COVID-vulnerable PEH, there remains a significant gap between the need for shelter and the availability of shelter beds.

In June 2020, the Los Angeles Homeless Services Authority (LAHSA) released the results of the 2020 Point-In-Time Count (PIT Count). It found that, on a given night, there are 66,436 people experiencing homelessness in the County, with 63,706 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-two percent of the PEH in the County and the CoC do not have shelter. LAHSA did not conduct the 2021 PIT Count.

In response to the homelessness crisis that has affected the County for many years, and in response to the COVID-19 pandemic, the County and its governmental and non-governmental partners have taken many critical steps toward combatting and preventing homelessness. Building on the success of Project Roomkey, a temporary, emergency shelter initiative that brought seniors and other medically vulnerable people experiencing homelessness indoors to prevent the spread of COVID-19 through leasing hotel rooms, the County used the 2020 State Homekey funds to acquire 10 properties

(847 units). Nine of these properties are currently being used as interim housing for PEH and will be converted to permanent supportive housing (PSH) by 2023. One of the acquired properties is already operating as PSH. The County intends to apply for the State's Fiscal Year 2021-2022 Homekey funding. If awarded, the County will use this second round of Homekey funding, along with the federal American Rescue Plan Act funding, to further expand the County's permanent and interim housing capacity for PEH.

Given the complexity and magnitude of the homelessness crisis and the limited supply of affordable permanent housing in the County, there continues to be a significant and immediate need for interim housing in the County, including emergency shelter, to protect the life, health, and safety of PEH 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.

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. On October 29, 2019 and October 13, 2020, the Board extended the shelter crisis declaration for the County for additional one-year periods from October 30, 2019 through October 31, 2020 and November 1, 2020 through November 1, 2021.

The instant 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 November 2, 2021 through November 1, 2022. This extension is appropriate and necessary to address and mitigate the continuing shelter crisis in the County.

I THEREFORE MOVE that the Board of Supervisors:

1. Find that the proposed actions, which, among other things, declare that the shelter crisis previously declared to exist within the County remains in effect for an additional year, 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; or, alternatively, that the proposed actions are statutorily exempt as specific actions necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines and Government Code section 8698.4(a)(4), which applies to actions taken by the County to lease, convey, or encumber land owned by the County, or to facilitate the lease, conveyance, or encumbrance of land owned by the County for, or to provide financial assistance to, a homeless shelter. Upon the 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 Public Resources Code section 21152. 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 the shelter crisis previously declared to exist within the County remains in effect for an additional year, during the period from November 2, 2021 through November 1, 2022;
4. Delegate authority to the CEO, or her designee, to designate County public facilities for use as homeless shelters during the period of the declared shelter crisis;
5. Find that as a result of the Board's shelter-crisis declaration, pursuant to Government Code Section 8698.1, any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety are hereby suspended for qualifying County public facilities serving as homeless shelters to the extent that strict compliance therewith would prevent, hinder or delay the County's efforts to mitigate the effects of the shelter crisis. As previously authorized by the Board, the CEO has enacted alternative minimal health and safety standards pursuant to Government Code section 8698.1(b) for qualifying facilities to be operative during the housing emergency;
6. Find that, pursuant to Government Code Section 8698.4, provisions of any housing, health, habitability, planning and zoning, or safety standards,

procedures, or laws are hereby suspended for County homeless shelters insofar as the County has adopted the emergency housing provisions of the Los Angeles County Building Code (LACBC), consistent with ensuring minimal public health and safety and the requirements of Government Code Section 8698.4;

7. Direct the CEO, or her designee, to take all appropriate steps to ensure compliance with the provisions of Government Code Section 8698.4, including but not limited to: (a) ensuring compliance with minimal public health and safety standards; (b) filing a copy of the County's emergency housing provisions of the LACBC with the Department of Housing and Community Development (HCD) upon adoption of an ordinance subject to Government Code section 8698.4; (c) developing a plan (as described in Government Code Section 8698.4) to address the shelter crisis on or before July 1, 2022; and (d) filing an annual report by January 1 of each year to the Senate Committee on Housing and the Assembly Committee on HCD; and
8. 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, clear and imminent threat to the health and safety of all people experiencing homelessness (PEH), including those residing in the County.

WHEREAS, unsheltered PEH experience disproportionately high rates of poor overall health; they often do not receive 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. In the context of the global COVID-19 pandemic, access to shelter has become even more critical to the health and safety of PEH.

WHEREAS, in June 2020, the Los Angeles Homeless Services Authority (LAHSA) released the results of the 2020 Point-In-Time Count (PIT Count). It found that, on a given night, there are 66,436 people experiencing homelessness in the County, with 63,706 PEH in the Los Angeles County Continuum of Care (CoC). The CoC encompasses all of the County, except for Glendale, Pasadena, and Long Beach. Seventy-two percent of the PEH in the County and the CoC do not have shelter. LAHSA did not conduct the 2021 PIT Count.

WHEREAS, in response to the homelessness crisis that has affected the County for many years, and in response to the COVID-19 pandemic, the County and its governmental and non-governmental partners have taken many critical steps toward combatting and preventing homelessness.

WHEREAS, building on the success of Project Roomkey, a temporary, emergency shelter initiative that brought seniors and other medically vulnerable people experiencing homelessness indoors to prevent the spread of COVID-19 through leasing hotel rooms, the County used the 2020 State Homekey funds to acquire 10 properties (847 units). Nine of these properties are currently being used as interim housing for PEH and will be converted to permanent supportive housing (PSH) by 2023. One of the acquired properties is already operating as PSH. The County intends to apply for the State's Fiscal Year 2021-2022 Homekey funding. If awarded, the County will use this second round of Homekey funding, along with the federal American Rescue Plan Act funding, to further expand the County's permanent and interim housing capacity for PEH.

WHEREAS, given the complexity and magnitude of the homelessness crisis and the limited supply of affordable permanent housing in the County, there continues to be a

significant and immediate need for interim housing in the County, including emergency shelter, to protect the life, health, and safety of PEH 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. 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.

WHEREAS, on October 30, 2018, the Board declared the existence of a shelter crisis within the County for one-year period from October 30, 2018 through October 29, 2019. On October 29, 2019 and October 13, 2020, the Board extended the shelter crisis declaration for the County for additional one-year periods from October 30, 2019 through October 31, 2020 and November 1, 2020 through November 1, 2021. The continuation and extension of the shelter crisis for an additional year, from November 2, 2021 through November 1, 2022, 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 that the proposed actions, which, among other things, declare that the shelter crisis previously declared to exist within the County remains in effect for an additional year, 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; or, alternatively, that the proposed actions are statutorily exempt as specific actions necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines and Government Code section 8698.4(a)(4), which applies to actions taken by the County to lease, convey, or encumber land owned by the County, or to facilitate the lease, conveyance, or encumbrance of land owned by the County for, or to provide financial assistance to, a homeless shelter. Upon the 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 Public Resources Code section 21152. 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 the shelter crisis previously declared to exist within the County remains in effect for an additional year, during the period from November 2, 2021 through November 1, 2022.

Section 5. Delegate authority to the CEO, or her designee, to designate County public facilities for use as homeless shelters during the period of the declared shelter crisis.

Section 6. Find that as a result of the Board's shelter-crisis declaration, pursuant to Government Code Section 8698.1, any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety are hereby suspended for qualifying County public facilities serving as homeless shelters to the extent that strict compliance therewith would prevent, hinder or delay the County's efforts to mitigate the effects of the shelter crisis. As previously authorized by the Board, the CEO has enacted alternative minimal health and safety standards pursuant to Government Code section 8698.1(b) for qualifying facilities to be operative during the housing emergency.

Section 7. Find that, pursuant to Government Code Section 8698.4, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws are hereby suspended for County homeless shelters insofar as the County has adopted the emergency housing provisions of the Los Angeles County Building Code (LACBC), consistent with ensuring minimal public health and safety and the requirements of Government Code Section 8698.4.


Section 8. Direct the CEO, or her designee, to take all appropriate steps to ensure compliance with the provisions of Government Code Section 8698.4, including but not limited to: (a) ensuring compliance with minimal public health and safety standards; (b) filing a copy of the County's emergency housing provisions of the LACBC with the Department of Housing and Community Development (HCD) upon adoption of an ordinance subject to Government Code section 8698.4; (c) developing a plan (as described in Government Code Section 8698.4) to address the shelter crisis on or before July 1, 2022; and (d) filing an annual report by January 1 of each year to the Senate Committee on Housing and the Assembly Committee on HCD.

Section 9. 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 actions.

The foregoing resolution was on the 19th day of October 2021, 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-Clerk of the Board of
Supervisors of the County of Los Angeles

By 
Deputy

APPROVED AS TO FORM:

RODRIGO CASTRO-SILVA
County Counsel

By 
ANA LAI
Senior Deputy County Counsel